

October 26, 2016

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 26, 2016  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

MELISSA HARTMAN	-	SUPERVISOR
RICHARD VENTRY	-	COUNCILPERSON
MARY LOU PEW	-	COUNCILPERSON ( <i>Absent</i> )
SUSAN WILHELM	-	COUNCILPERSON
MICHAEL BYRNES	-	COUNCILPERSON

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Debbie Gregoire	-	Administrative Assistant

**Call To Order:**

Supervisor Hartman called the Work Session of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag.

**New and Unfinished Business:**

**1. Approval of Fire District Budget as part of final Town Budget**

Supervisor Hartman stated that a Public Hearing was held on Tuesday, October 18, 2016 at 7:00 pm at the Eden Town Hall to consider the 2017 preliminary Fire Budget. The fire budget will increase from \$1.28 to \$1.29 per thousand.

**MOTION** was made by Supervisor Hartman to adopt the 2017 Fire Budget as presented; seconded by Councilperson Byrnes All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Re-appoint William Henry to the Eden Assessment Board**

**MOTION** was made by Councilperson Wilhelm to re-appoint William Henry to the Eden Assessment Board of Review for a 5-year term, on the recommendation of Robert Pietrocarlo, Head Assessor and Millie Blaszczyk, Chairman, at \$85.00/session and Mr. Henry will need to complete the required training; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Setting of Public Hearing for possible override of tax levy for November 9, 2016 at 7:30 pm**

Supervisor Hartman read the following:

**TOWN OF EDEN  
PROPOSED LOCAL LAW NO 3-2016**

**A local law to override the tax levy limit established in General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Eden to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Eden, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**MOTION** was made by Supervisor Hartman to set the Public Hearing for November 9, 2016 at 7:30 pm for the purpose of proposed Local Law No. 3-2016; seconded by Councilperson Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**4. Declare tires surplus**

**MOTION** was made by Councilperson Ventry to declare surplus for auction from the Dog Control Inventory (4) – 265/70R17 M/C Courser AT2 Tires; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**5. Amendment to GHD for Archaeological Study for the water line project**

Supervisor Hartman read the following resolution:

**RESOLUTION  
Watermain Replacement Project  
Archaeological Survey Services**

**WHEREAS**, the Town of Eden Town Board is considering the replacement of approximately 20,000 feet of waterlines throughout the Consolidated Water District as well as painting of the East Church and Eden 33 water storage tanks, and

**WHEREAS**, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action and initiated a coordinated review under SEQR, and

**WHEREAS**, the Environmental Assessment Form dated August 22, 2016 has been developed by GHD for the Review; and

**WHEREAS**, after examining the environmental assessment form, the New York State Office of Parks, Recreation and Historic Preservation has identified areas that require a Phase 1A/1B Archaeological Survey and observation services during construction, and

**WHEREAS,** on behalf of the Town, GHD has solicited quotations for the archaeological survey and recommends that Panamerican Consultants Inc. be retained to complete the work.

**NOW, THEREFORE, BE IT RESOLVED** that the current contract with GHD be amended in an amount not to exceed \$9,700 to include the required archaeological survey and construction observation as well as coordination by GHD.

**MOTION** was made by Councilperson Ventry to approve the resolution as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Note:** Supervisor Hartman stated that the funding for this survey does not go out of contingency and will be covered.

**6. Approval of Police Chief contract**

**MOTION** was made by Councilperson Wilhelm to authorize Supervisor Hartman to sign the Police Chief contract as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman closed the Regular Meeting of the Eden Town Board at 8:00 pm.

**8:00 P.M.  
Public Hearing  
Preliminary 2017 Budget Presentation**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2017.

Supervisor Hartman made the following observations in the 2017 Budget:

	<u>2016 Tax Rates</u>	<u>2017 Tax Rates</u>
General	\$2.09	\$2.14
Highway	\$3.87	\$3.91
St. Light	\$ .19	\$ .19
Fire	<u>\$1.28</u>	<u>\$1.29</u>
Total	\$7.43	\$7.53

The Garbage Rate for 2017 is \$177.00 per unit from \$155.00 in 2016. The town will be purchasing totes in 2017, which is part of the increase, that will allow recycling to be done every other week, a savings to the town.

Supervisor Hartman stated that copies of the Proposed 2017 Budget have been made available in the Town Clerk’s office.

The following residents made comments regarding the proposed budget:

Phil Muck, Oakland Drive, asked if the town would be under the 2% tax cap and if not, would there be ramifications. Supervisor Hartman stated that the the tax freeze ended and there would be no ramifications.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:07 pm.

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**MOTION** was made by Supervisor Hartman to close the Public Hearing and return to the Regular Meeting; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Hearing of Visitors:**

Phil Muck, regarding the vacancy on the Zoning Board for an alternate, has anyone applied? Supervisor Hartman stated they have received 2 applicants. Mr. Muck asked if it is required for the alternate to attend training? Supervisor Hartman responded that the alternate would be required to attend the necessary training. Supervisor Hartman stated that the alternate would hold a 1-year term, and would need to re-apply each year. Mr. Muck stated that at previous Zoning Board hearings only 4 members were present and the alternate was not called, it is a 5-member board and the alternate should always be present.

**Adjournment:**

**MOTION** was made by Councilperson to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilperson All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Work Session Meeting of the Eden Town Board at 8:10 pm.

**Executive Session:**

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:15 pm.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk