

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
December 14, 2016
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

- MELISSA HARTMAN - SUPERVISOR
- RICHARD S. VENTRY - COUNCILPERSON
- MARY LOU PEW - COUNCILPERSON
- SUSAN WILHELM - COUNCILPERSON
- MICHAEL BYRNES - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

- Michael J. Felschow - Chief of Police
- Matthew Colvin - Eden Fire Chief
- Ray Zabron - Dog Control Officer

OTHERS PRESENT:

- William Trask - Town Attorney
- Mary Jo Hultquist - Town Clerk
- Debbie Gregoire - Administrative Assistant

Call to Order:

Supervisor Hartman called the Regular Meeting 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. A moment of silence was observed for the deceased members of the community for the month of November, 2016.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of November 9, 2016; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of November 9, 2016 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

A petition was presented to the Town Board from Phil Muck.

Budget Transfers/Amendments:

Supervisor Hartman read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A2705 Gift & Donations	A8090.4 Environmental Control Contractual	Community Foundation Grant Funds used for Blue Bird Workshop	\$440.61
A2115	A8020.4	Offset fee charged	

Permit Fees	Planning – Contractual	for Minor Subdivision Review	\$750.00
A1990.4 Contingent Fund	A1420.4 Legal – Contractual	Legal Fees over budget for Group Home Appeal	\$300.00
A1220.1 Supervisor – Personal	A3620.1 Safety Inspection – Personal	Reallocation of Secretary Time	\$4,000.00
A1990.4 Contingent Fund	A3620.1 Safety Inspection – Personal	Additional Budget for Safety Inspection	\$3,500.00
A3989.1 Other Public Safety- Personal	A3989.4 Other Public Safety – Contractual	Budget Adjustment	\$150.00
A2192 Cemetery Services	A8810.4 Cemeteries – Contractual	Fees for Cemetery Services to offset Cemetery Cost	\$385.00
D5120.4 Bridges – Contractual	D5130.4 Machinery – Contractual	Budget Adjustment	\$6,000.00
SF915.2 Assigned Bldg. Maintenance	SF3410.4 Fire – Contractual	Brick repair to East Eden Fire Hall	\$1,600.00
SF3410.4 Fire Contractual	SF3410.2 Fire Equipment	Fire Hall Roof repair expenses moved to . 2 account from .4 account (\$13,425.59) and December Fire Roof expenses (\$7,090.00)	\$20,515.59
SR2130 Refuse Charges	SR8160.4 Refuse – Contractual	Extra fees collected to offset Garbage cost	\$1,000.00

MOTION was made by Supervisor Hartman to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Audit Bills:

Supervisor Hartman asked if there were any changes or additions to the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	732-817	\$387,275.80
Highway Dept. Fund	302-341	\$125,049.58
Fire Dept. Fund	262-284	\$12,322.81
Recreation Dept. Fund	142-156	\$7,549.81
Refuse and Garbage Fund	22-24	\$92,008.10
Street Lights Fund	32-35	\$4,869.94
Water Fund	34-36	\$11,244.52
Trust & Agency Fund	--	--
Capital Fund		
H8320.404	3	\$1,630.38
H8320.405	13-15	\$9,638.38
Community Development	--	--

MOTION was made by Councilperson Pew; to approve the Audit of Bills as presented; seconded by Supervisor Hartman; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of November 2016 were presented by Supervisor Hartman for Scott Hultquist, Director Eden EMS; Matthew Colvin, Eden Fire Chief; Supervisor Hartman for Scott Hunter, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Hartman for Mark Clark, Zoning Code Enforcement Officer; Supervisor Hartman for Susan Brass, Recreation Director; and Supervisor Hartman for Joe Ghosen, GIS Consultant. All reports are on file in the Town Clerk’s office.

Scott Hultquist, Director of Operations for Eden Emergency Squad requested that the Town allocate \$5,000.00 for the increase in Workers Compensation to keep Eden 805 on the road for 2017. This will be the cost per year, to keep the third ambulance in-service. This cost should be evaluated on a yearly basis.

After much discussion, the request was tabled to be reviewed and discussed at a future Town Board meeting.

Scott Hultquist, Director of Operations for Eden Emergency Squad requested to place Eden EMS 5, the ALS fly car in the bay where the Senior Citizen car resides. Currently, the vehicle is kept outside, keeping it warm with an electric heater. The vehicle sitting outside is not the concern, it's the amount of equipment and supplies in the vehicle, which is approximately \$42,000.00.

After much discussion, it was decided that the Senior Citizen car would be placed outside with the electric heater and Eden EMS 5, the ALS fly car would be placed in the bay.

Matthew Colvin, Eden Fire Chief requested removing Greg Hart from the active roster of the Eden Fire Department.

MOTION was made by Councilperson Pew to remove Greg Hart from the active roster of the Eden Fire Department; seconded by Supervisor Hartman; All “Ayes”? Opposed? - None; Abstain? - None; Motion carried.

On the occasion of Matthew Colvin's last town board meeting as Fire Chief, the entire Town Board thanked Matt for his 3 years serving as Fire Chief.

New and Unfinished Business:

1. Update from Stefan Mychajliw, Erie County Comptroller

Supervisor Hartman stated that Mr. Mychajliw would not be present tonight due to another commitment.

2. Approve Highway Contract

MOTION was made by Supervisor Hartman to approve the 3-year contract with the Eden Highway Association Collective Bargaining Agreement effective January 1, 2017; seconded by Councilperson Ventry; All “Ayes”? Opposed? - None; Abstain? - None; Motion carried.

3. Ratification of Snow Plow Contract

Supervisor Hartman read the following to be added to the original contract:

September 1, 2016 through August 31, 2017	\$3,818.99 per lane mile
September 1, 2017 through August 31, 2018	\$3,933.56 per lane mile
September 1, 2018 through August 31, 2019	\$4,051.57 per lane mile

MOTION was made by Supervisor Hartman to ratify and amend the original resolution; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilperson Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilperson Pew; All “Aye”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing of the Eden Town Board at 8:00 pm.

**8:00 pm
Public Hearing
Renewal of Special Use Permits**

- 1. Norman Brenner Gravel Pit 2. Cazenovia Recovery Resources 3. St. John’s Church/Eden KinderCare 4. Crown Castle – Telecommunications Tower – Mammoser Property 5. SBA Towers II – Telecommunications Tower, North Main Street 6. Gorecki – Dog Grooming/Boarding 7. Schreiber – Mini Self-Storage Facility 8. Minekime (Ricey/Bugenhagen) – Caretaker/Watchman Dwelling Unit 9. Upstate Cellular Network, d/b/a Verizon Wireless 10. Rainer and Pamela Sticht – Dog Kennel 11. Meagan Coggins – Cat Kennel**

Supervisor Hartman read each individual Special Use Permits and asked for comments. The only comment was for number 8. Minekime which was purchased by Ricey/Bugenhagen and William Trask, Town Attorney stated that the Special Use Permit is transferred with the property, not the owner.

The following persons spoke and asked questions regarding the renewal of Special Use Permits:

William Trask, Town Attorney asked if all the Special Use Permits, specifically the towers were up-to-date with the Code Enforcement Officer, which are subject to compliance. Debbie Gregorie stated that Mark Clark, CEO had received all the necessary information.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:10 pm.

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

4. Approval of change in renewal period for Worker's Compensation

MOTION was made by Councilperson Ventry to change the renewal period for Worker's Compensation from July to January 1, 2017; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

5. Acknowledge the resignation of Recreation Director, Susan Brass

Supervisor Hartman read the following:

December 14, 2016

“This letter shall serve as notice that effective 31 December 2016 I will resign my position as Recreation Director. It has been my pleasure to serve my fellow citizens and to help provide great programs for our residents. I hope that the great programs and services that have been created and maintained will continue, Sincerely, Susan M. Brass”.

MOTION was made by Councilperson Ventry to acknowledge the resignation of Susan M. Brass, Recreation Director, with thanks and appreciation of her 19 years of service; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilperson Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilperson Pew; All “Aye”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing of the Eden Town Board at 8:15 pm.

**8:15 PM
Public Hearing
Upstate Cellular Network d/b/a Verizon Wireless**

Supervisor Hartman stated that the proposed location of the tower is on Webster Road, SBL # 209.00-1-19.

The following persons made comments:

Robert Stickney, asked if there would be a navigation light and a spot for radio communication. It was stated that would be included.

William Trask, Town Attorney stated that the Attorney for Upstate Cellular had called and was in-transit from Rochester and did not make it due to the snow storm.

Councilperson Ventry for Dr. O’Gorman asked if the SBA tower located at 8174 N. Main Street could be used. Greg Kaiser, GHD stated that location was checked and it is outside of the area, with a gap in network.

William Trask, Town Attorney, stated that they would need to show they considered to demonstrate to co-locate.

Councilperson Ventry, asked for a picture or view of the tower, coming into town, it was not provided.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:20 pm.

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

6. Resolution acknowledging support for the NY & Lake Erie Railroad grant application

John Walgus and Bob Dingman from the New York & Lake Erie Railroad (NY & LE) and Heather McKeever, Gowanda Mayor were present at the meeting and asking for the support of the Eden Town Board to endorse the NY & LE's plans to resume tourist rail excursions between Gowanda and Conewango Valley as a vehicle to keep the larger Buffalo to Jamestown rail corridor viable for the future and to support their Passenger & Freight Assistance Program (PFRAP) grant application. They have the support of several elected officials in the area and NYS.

Supervisor Hartman stated that two Eden residents, Burt Feasley and Paul Laing had expressed some concerns. They supported the restoration of the tracks. They were invited to attend the meeting tonight, but declined.

After much discussion, the following resolution was read:

WHEREAS, the Eden Town Board expresses our support for the New York & Lake Erie Railroad's (NY & LE's) grant application through the Passenger & Freight Assistance Program (PFRAP) for the rehabilitation of 5.46 miles of track between Cherry Creek and Conewango Valley. This portion of Track is part of the Buffalo to Jamestown rail corridor, which we believe is important to be saved intact as it could serve to facilitate and enhance tourist activity throughout the length of the corridor; and

WHEREAS, a grant would allow the track to be upgraded from Excepted status to Class 2, and allow the NY & LE to resume tourist passenger rail excursions to Conewango Valley. These excursions will bring in tourist dollars to our local businesses as well as lay the groundwork for future passenger trains to operate between Buffalo and Jamestown; and

WHEREAS, the economic stimulus which would be created by tourist trains operating between Gowanda and Conewango Valley in the short term, and the larger plan of operating passenger trains between Buffalo and Jamestown, the investment in this corridor will ensure its long-term viability and existence for use by future freight rail shippers along the corridor; and

THEREFORE, be it resolved that the Eden Town Board endorses the NY & LE's plan to resume tourist rail excursions between Gowanda and Conewango Valley as a vehicle to keep the larger Buffalo to Jamestown rail corridor viable for the future, and we support their PFRAP grant application.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Byrnes; "Ayes"; Hartman, Pew, Byrnes; Opposed – Ventry; Abstain? - Wilhelm; Motion carried.

7. Eden Memorial Post #8265 VFW, Inc., renewal of liquor license (informational)

Supervisor Hartman received and filed the renewal of the liquor license for the Eden Memorial Post #8265, VFW.

8. Negative Declaration – Water Main Replacement and Water Storage Tank Painting Project

Supervisor Hartman read the following resolution:

**State Environmental quality Review (SEQRA)
Resolution – Negative Declaration**

Name of Action: Water Main Replacement and Water Storage Tank Painting.

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 #3 water storage tanks; and

WHEREAS, a map and plan dated August 2016 describing the area affected, the proposed improvements and anticipated project costs has been prepared by GHD Consulting Services Inc.; and

WHEREAS, the Town of Eden Town Board (the "Board") has declared lead agency status with respect to the Project; and

WHEREAS, the Board has reviewed the Project, the Environmental Assessment Form, the Map, Plan and Report and all other materials submitted in connection with the proposed action; and

WHEREAS, the Board has solicited input and comment from the Erie County Water Authority, Erie County Health Department, the Erie County Department of Public Works, New York State Department of Environmental Conservation, New York State Department of Transportation, New York State Office of Parks, Recreation and Historic Preservation and New York State Department of Agriculture and Markets as involved agencies; and

WHEREAS, the review of the project has not identified any adverse environmental impacts.

NOW, THEREFORE, be it resolved by the Board that:

Based upon the board's thorough and careful review of the Project and Project application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.

Aesthetics, Agriculture, Archaeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archaeological, historical, natural, or cultural resources.

Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species: No plant or animal life will be adversely permanently affected by the Project.

Community Plans, Use of Land or Natural Resources: The Project is in keeping with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

Growth, Subsequent Development, etc.: The Project is not expected to induce any significant or adverse growth or subsequent development.

Long Term, Short Term, Cumulative, or Other Effects: The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

Critical Environmental Area: The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

Public Health and Safety: The Board finds no adverse impact on the public health. In fact, the Board recognizes that the Project will ensure the continued delivery of high quality drinking water to residents within the Consolidated Water District.

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

9. Bond Resolution for Water Improvement Project

Supervisor Hartman read the following resolution:

December 14, 2016

RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE CONSOLIDATED WATER DISTRICT

WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of the installation of approximately 19,740 linear feet of new watermain along various roads in the Town and improvements to water storage tanks in the Town, such work to generally include, but not be limited to, the repainting of Eden #3 Tank and East Church Tank, reconstruction of such tank foundations, repairs to valve vaults, replacement of valves, replacement of tank ladders and electrical outlets, installation of roof vents and handrails, watermain interconnection-related work, hydrant-related work, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$4,678,130; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$4,678,130, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its October 12, 2016 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on November 9, 2016 at 8:00 o’clock P.M. or shortly thereafter (prevailing time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, such notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices;

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF EDEN, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$4,678,130; and it is hereby

December 14, 2016

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$4,678,130, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

AYES: Melissa Hartman, Supervisors
 Richard Ventry, Councilperson
 Mary Lou Pew, Councilperson
 Susan Wilhelm, Councilperson
 Michael Byrnes, Councilperson

NOES: There were none

ABSENT: There were none.

The Resolution approving the increase and improvement of facilities of the Consolidated Water District was declared adopted.

10. Resolution authorizing advertising for bids on Pump Station and Water Storage Tank Improvement

Supervisor Hartman read the following resolution:

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD
DECEMBER 14, 2016
AUTHORIZING ADVERTISING FOR BIDS
ON
PUMP STATION AND WATER STORAGE TANK
IMPROVEMENTS
AND**

WATERLINE IMPROVEMENTS

WHEREAS, proceedings have been initiated to consider the increase and improvement of facilities of the Town of Eden Consolidated Water District and Extensions consisting of the construction of various improvements Town of Eden Water Distribution System as more fully identified in two map, plan and reports dated March, 2016 (Pump Station and Water Storage Tank Improvements) and August 10, 2016 (Waterline Improvements), and

WHEREAS, the Eden Town Board has been advised by project engineers, GHD Consulting Services, Inc., (GHD) that it has prepared such plans and specifications as are necessary to competitively bid the project work under each separate project, and

WHEREAS, GHD has recommended that subject to final approval by the Erie County Water Authority and the New York State and Erie County Departments of Health, the Town Board proceed to advertise the project construction for both projects separately and receive bids for such work at this time.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Supervisor is authorized to place such advertisements and legal notices as may be required to be published and posted for purposes of soliciting bids for the said projects as soon as GHD verifies that they are in a position to prepare bid specifications. Such bid specifications will state that the final bid award will be contingent upon the town confirming financing and final approval.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Ventry; All "Ayes"; Opposed? -None; Abstain? -None; Motion carried.

Note: William Trask, Town Attorney stated that the bid opening has not been set, there will be some delay.

11. Negative Declaration – Upstate Cellular d/b/a Verizon Wireless

Supervisor Hartman tabled this item to be moved to "Old Business" to be reviewed and discussed at a future Town Board Meeting.

12. Proposed Resolution approving the Special Use Permit for Upstate Cellular d/b/a Verizon Wireless Telecommunications Tower

Supervisor Hartman tabled this item to be moved to "Old Business" to be reviewed and discussed at a future Town Board Meeting.

13. Action of Special Use Permits

Supervisor Hartman read all Special Use Permits scheduled for renewal and subject to compliance.

The following motion was offered:

MOTION was made by Supervisor Hartman to approve the renewal of the Special Use Permits, excluding the renewal for #8, Minekime – Caretaker/Watchman Dwelling Unit, now owned by Rachel Ricey and John Bugenhagen, for further review and compliance; seconded by Councilperson Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

14. Approve Eden Veterinary Contract

DOG SHELTER LEASE AGREEMENT

This lease agreement made and entered this 1st day of January 2017, by and between the following named herein referred to as:

The Eden Veterinary Clinic, 8217 N. Main Street, Eden, New York 14057 (“EVC” or “lessor”); and

The Town of Eden, 2795 E. Church Street, Eden, New York 14057 (“Town of Eden” or “lessee”).

Whereas, the lessor owns and operates the Eden Veterinary Clinic and the lessee desires to lease the shelter and pound facilities of EVC pursuant to Section 114 of the Agriculture and Markets Law of the State of New York.

THE PARTIES AGREE AS FOLLOWS:

1. Lessor hereby leases to lessee, through the Town Dog Control Officer (DCO) or his assistant, non-exclusive use of the dog kennel facility at the Eden Veterinary Clinic for a current annual fee of \$3,750.00, for the 2017 calendar year for purposes of sheltering and caring for dogs taken into custody by the Town DCO.
2. All dogs placed in the shelter by the town will be provided food, water and basic care by lessor for the redemption period as hereinafter provided. Furthermore, lessor agrees to provide all maintenance and repair to the shelter facilities as may be necessary.
3. When required, the DCO may authorize special additional services for dogs that require emergency surgery and/or medical treatment prior to owner notification. It is understood that the cost of such services will be paid by the owner or licensee of the dog.
4. A dog with expired rabies must be updated by the Eden Veterinary Clinic doctors before that dog can leave the kennel. The fee for the rabies inoculation will be incurred by the owner.
5. Humane euthanasia will be provided to dogs deemed not adoptable, or which have severe injuries or health conditions that would cause undue suffering or pain. Such euthanasia and group burial shall be arranged by the DCO and Town shall be responsible for the cost incurred for the same.
6. The lessor agrees to hold harmless and indemnify the Town of Eden and any other facility owner, and their respective agents, officers and employees, from any loss, claims, suits claiming damage to persons or property, defense and other legal costs and expenses of any kind, arising out of, resulting from, caused by, or in any way related to the conditions at or operations aspects of the shelter space leased to the Town. Lessor shall maintain, at all times during the lease term and for a period of at least three (3) years following termination of this lease agreement one or more policies of liability insurance containing such coverage’s as may be required by the Town, naming Town as an additional insured.
7. This agreement shall commence on the 1st day January, 2017 and shall continue through the 31st day of December, 2017 and be renewed in one-year extensions at per diem rate.
8. This agreement may be terminated by either party upon thirty (30) days written notice, or sooner by the Town, for good cause shown. In the event of such termination, the annual fee payable hereunder shall be prorated and appropriate adjustments in payment shall be promptly made.

MOTION was made by Councilperson Ventry to authorize Supervisor Hartman to sign the agreement; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

15. Resolution to extend solar moratorium an additional three months

Supervisor Hartman read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD
DECLARING LEAD AGENCY STATUS AND
CALLING FOR PUBLIC HEARING ON
PROPOSED LOCAL LAW #1-2017**

WHEREAS, the Town of Eden Town Board is considering the adoption of Proposed Local Law #1-2017, which would impose a 12-month moratorium on the issuance of applications and permits for the Siting of Commercial solar Power Projects in the Town of Eden in order to allow for the adoption of appropriate regulations pertaining to such land uses, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board declares itself Lead Agency for review of this action, and

BE IT FURTHER RESOLVED, that a public hearing on the adoption of Proposed Local Law #1-2017 be held on January 11, 2017 at 7:15 pm.

MOTION was made by Supervisor Hartman to approve the resolution as presented and set the Public Hearing for Proposed Local Law #1-2017 to be held on January 11, 2017 at 7:15 pm; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

16. Set Public Hearing for JLV Properties Change of Use at 8159 N. Main Street for January 11, 2017 at 7:30 pm

MOTION was made by Supervisor Hartman to set a Public Hearing for JLV Properties Change of Use at 8159 N. Main street for January 11, 2017 at 7:30 pm; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

17. Approve Project 2016-06; Misc. Mowing and Hand Clearing

MOTION was made by Councilperson Pew to approve Project 2016-06: Misc. Mowing and Hand Clearing in an amount not to exceed \$1,633.50; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

18. Approval of GHD Contract for 2017

Supervisor Hartman stated that there is an increase in the contract for 2017, the total amount \$7,200.00. Supervisor Hartman stated that the increase is justified as GHD honored the contract in 2016 with an increase in services and thanked GHD publicly.

After much discussion, it was determined that this item would be tabled to be reviewed and discussed at a future town board meeting.

Supervisor’s Report:

- Thanks to Matthew Colvin, Eden Fire Chief for his 3-years serving as Fire Chief.
- Thanks to Ron Maggs and Scot Christiansen for installing the snowflakes through the Town of Eden.
- Merry Christmas to all and thank you for making the first year as Supervisor as easy as possible.
- Congratulations to the Eden Girls Varsity Volleyball and to Coach Pierce on his retirement.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 9:15 pm.

December 14, 2016

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:50 pm.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk