

January 11, 2017

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 11, 2017
7:00 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 Quinn	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Joe Hart	-	Eden Fire Chief
Scott Hunter	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

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

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:00 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 December 2016, Nancy Bianchi, Gary Jump, Mary Pfohl, Susan Carpenter, Kathleen Storch, Dorothy Laco, Viola Gesko, Donna Horvatis, Dorothy Kaufman, Anne Bruggeman, Robert Brzezicki and Raymond Bouley.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of December 14, 2016; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of December 14, 2016 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of December 28, 2016; there were none.

MOTION was made by Councilperson Pew to approve the Town Board Minutes of December 28, 2016 as presented; seconded by Councilperson Byrnes; “Ayes”; Hartman, Pew, Wilhelm, Byrnes; Opposed? – None; Abstain? – Ventry; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Hartman read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
D5130.2 Highway Equipment	D5130.4 Highway Machinery – Contractual	Budget Adjustment	\$2,000.00
A915.6 Assigned Non Recreation	A7510.400 Historian Contractual	Use of Community Foundation Assigned Grant Fees	\$1,463.65
A1990.4 Contingent Fund	A8090.4 Environmental Control Contractual	Overbudget	\$30.00

MOTION was made by Councilperson Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Byrnes; 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.

2016 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	871-889	\$13,237.48
Highway Dept. Fund	357-363	\$8,867.51
Fire Dept. Fund	299-303	\$548.79
Recreation Dept. Fund	162-164	\$447.15
Refuse and Garbage Fund	25-26	\$38,547.55
Street Lights Fund	38	\$4,840.54
Water Fund	38	\$680.35
Trust & Agency Fund	--	--
Capital Fund H8320.405	16-17	\$202.05
Community Development	--	--

2017

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	1-9	\$19,334.84
Highway Dept. Fund	1-6	\$5,414.54
Fire Dept. Fund	1	\$274.95
Recreation Dept. Fund	1	\$500.00
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	--	--
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 December 2016 were presented by Joe Hart, Eden Fire Chief; Scott Hunter, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Hartman for Mark Clark, Zoning Code Enforcement Officer; Supervisor Hartman for Recreation; and Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Joe Hart, Eden Fire Chief requested the approval of the following officers for 2017:

Joseph Hart	Chief	David Cole	President
Mike Hart	1 st Asst. Chief	Jim Salzler	Vice President
Dave Rice	2 nd Asst. Chief	Jack Gavin	Secretary
M. VanKoughnett	Captain	Tom Schreiner	Treasurer
Chris Greeley	1 st Lieutenant	Rich Greeley	Director
Chandler Kraska	2 nd Lieutenant	Paul Laing	Director
Ronald Salzman	Safety Officer	Matt Colvin	Director
William Henry	Safety Officer	Vicky Sickau	Director
David Cole	Safety Officer	Johathan Agle	Director
		Ron Salzman	Director

MOTION was made by Councilperson Pew to approve the officers for 2016 as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Joe Hart, Eden Fire Chief and Scott Hunter, East Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge for the Eden Fire Department and East Eden Fire Company, Inc.

MOTION was made by Supervisor Hartman to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge for the Eden Fire Department and East Eden Fire Company, Inc.; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Joe Hart, Eden Fire Chief requested the removal of Jack Rigley and Michael Schmitt from the active roster of the Eden Fire Department.

MOTION was made by Councilperson Ventry to remove Jack Rigley and Michael Schmitt from the active roster of the Eden Fire Department with thanks and appreciation; seconded by Councilperson Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Scott Hunter, East Eden Fire Chief requested the approval of the following officers for 2017:

- Chief-Scott Hunter
- First Assistant Chief-Aaron Brind'Amour
- Second Assistant Chief-Rick Kirst
- Captain-Eric Schreiber
- First Lieutenant-Matt Blaszczyk
- Second Lieutenant-Scott Crowe
- Safety Officers – Rick Kirst and Marie Armstrong
- Comm. Officer – David Schreiber
- Training Officer – Aaron Brind'Amour

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President John McCarthy
Vice President-Ed Blaszc
Secretary-Joy Wendel
Treasurer-Marie Armstrong
Trustees – John Skrzypek and Don Fries

MOTION was made by Supervisor Hartman to approve the officers for 2016 as presented; seconded by Councilperson Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Scott Hunter, East Eden Fire Chief requested the addition of Jessie Vondell and Ian Hunter to the active roster of the East Eden Fire Company, Inc., pending physical and background check.

MOTION was made by Councilperson Wilhelm to add Jessie Vondell and Ian Hunter to the active roster of the East Eden Fire Company, Inc., pending physical and background check; seconded by Councilperson Pew; 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 Wilhelm; All “Aye”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing of the Eden Town Board at 7:15 pm.

7:15 pm
Public Hearing
Proposed Local Law No. 1-2017
Moratorium on Solar

Supervisor Hartman read the following Legal Notice:

Pursuant to resolution of the Town Board of the Town of Eden, New York, notice is hereby given that the following public hearing will be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 11th day of January, 2017:

At 7:15 pm Local Time, for the purpose of considering Proposed Local Law No. 1-2017 which, if approved, 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.

The following persons spoke:

William Trask, Town Attorney, stated that, assuming the adoption of the moratorium, town officials, specifically the Supervisor, Assessor and Town Clerk, be mindful of any written notification within a 60-day period of a request for a commercial solar power project.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:20 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 Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman read the report of the Senior Transportation for 2016 and also acknowledged the following drivers for 2016:

David Sully	Gene Herzog	Robert Wood
Linda Meyer	Marty Doherty	Linda Nellis
Fran Campagna	Thomas Lewis	Clement J. Poehnelt, Jr.

New and Unfinished Business:

1. Proclamation – Department of State

Supervisor Hartman read the following Proclamation:

EXPRESSING our gratitude for the Local Government Efficiency Program Collaboration with the Department of State by local government officials on behalf of New York State taxpayers to ensure the provision of the best and most affordable services.

WHEREAS, the Department of State is a partner with New York State local governments and supports municipal efforts through technical assistance and funding to increase capacity and implement local projects that enhance the efficiency and effectiveness of the delivery of municipal services; and

WHEREAS, the ERIE COUNTY WATER AUTHORITY and local governments in Erie County have been partners on eight Local Government Efficiency Awards provided by the Department of State over the last eight years; and

WHEREAS, the focus of these grants has been on establishing a resilient and efficient, long-term regional water infrastructure system; and

WHEREAS, the Town of Eden was a partner with the ERIE COUNTY WATER AUTHORITY to identify the most economical means of providing high quality drinking water to the residents of the Town of Eden, and reduce the significant redundancies and duplication of governmental services in the region; and

WHEREAS, the Village of Hamburg was a partner with the ERIE COUNTY WATER AUTHORITY on a water system consolidation study to identify the most economical means of providing high quality drinking water to the residents of the Village; and

WHEREAS, the Town of Tonawanda, the Village of Kenmore and the Buffalo Water Board partnered with the ERIE COUNTY WATER AUTHORITY to assess the future needs and capacity of three water treatment plants and the opportunity to maximize existing capacity with declining need; and

WHEREAS, after completing a detailed analysis of system needs, the Village of Williamsville implemented a merger for the delivery of water services from the ERIE COUNTY WATER AUTHORITY that transferred the ownership of the Village's plant ownership to the ERIE COUNTY WATER AUTHORITY; and

WHEREAS, the Town of West Seneca received assistance from the Department of State for capital improvements to reorganize eight individual water districts to enable the transfer of the town's water system to the ECWA, reducing costs to residents of the town; and

WHEREAS, the Town of Hamburg, similar to the Town of West Seneca, received assistance from the Local Government Efficiency Program for district reorganization and transfer of ownership to the ERIE COUNTY WATER AUTHORITY; and

WHEREAS, the Town of Evans partnered with the ERIE COUNTY WATER AUTHORITY to receive a grant from the Department of State for funds to help offset transitional costs associated with the consolidation of the water systems, resulting in over \$600,000 in savings as well as significant upgrades to the Town's system; and

WHEREAS, the Village of Blasdell received funding from the Department of State to combine its aging water system through consolidation and transfer to the ERIE COUNTY WATER AUTHORITY, helping to reduce rates to the Village residents that in some cases exceeded two and one-half times the rates in other areas managed by the authority; and

WHEREAS, these projects are a great example of leadership from all involved local governments to continue to build this regional system and is an illustration of the opportunities that exist when New York's local government leaders overcome territorial concerns and focus on leveraging existing opportunities for the betterment of their communities; and

NOW, THEREFORE, I, ROSSANA ROSADO, SECRETARY OF STATE, do hereby present the TOWN OF EDEN with the PROCLAMATION.

2. Approval for Association of Towns training

MOTION was made by Supervisor Hartman to approve the attendees to the Association of Towns Meeting to be held in New York City, February 19-22, 2017 as Lisa Winter, Teresa Baskerville and Mike Cooper; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None, Abstain?- None, Motion carried.

3. Agreement to Spend Highway Funds

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$516,500.00 for 48.98 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements on any and all town roads, a distance of 48.98 miles not over the sum of \$516,500.00.

MOTION was made by Supervisor Hartman to approve the “Amendment to Spend” as presented with a signed copy to be filed in the Town Clerk’s office; seconded by Councilperson Ventry; 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 “Aye”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing of the Eden Town Board at 7:30 pm.

**7:30 pm
Public Hearing
JLV Properties – Special Use Permit**

Pursuant to resolution of the Town Board of the Town of Eden, New York, notice is hereby given that the following public hearing will be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 11th day of January, 2017:

At 7:30 pm Local Time, for the purpose of considering the application of JLV Properties for a Special Use Permit allowing residential use at the premises commonly known as 8159 North Main Street, Eden, New York.

The following persons spoke:

Ron Maggs, stated that the Highway Department is located near the property and has no problem with the request.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:34 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.

4. Approval of Local Law No. 1-2017 -Moratorium on Solar

Supervisor Hartman read the following:

TOWN OF EDEN
LOCAL LAW NO. 1 OF THE YEAR 2017

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals 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,

Be it enacted by the Town Board of the Town of Eden (“Town”) as follows:

WHEREAS, in recent weeks, Eden has received a number of inquiries about siting and locating commercial solar panel installations on lands within the Town of Eden; and

WHEREAS, current local laws, ordinances and regulations do not adequately address many of the issues and concerns which must be considered to fairly address the impacts of such uses upon the Town; and

WHEREAS, the Town Board has determined that it is necessary to protect the public interest and welfare by imposing a temporary moratorium on new siting, location and establishment of Commercial Solar Power Projects while the Town undertakes a comprehensive review of concerns and issues raised by these uses; and

WHEREAS, such moratorium is intended to allow the Town sufficient and necessary time to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

NOW, THEREFORE, the Town Board of the Town of Eden hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Eden with respect to the siting, location or establishment of Commercial Solar Power Projects within the Town of Eden for a period of twelve (12) months from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

As used in this law the term “Commercial Solar Power Project(s)” shall mean and include, but not be limited to, an array or collection of photovoltaic panels or collectors that convert sunlight to electrical energy and which, together with appurtenant facilities, covers an aggregate area of land greater than 100 square feet. Residential, business and industrial properties with rooftop solar panel installations which generate electricity solely servicing the property where the rooftop installations are located are exempt from this moratorium as are all municipal and school installations and properties.

This local law is intended to supersede all applicable provisions of the Town of Eden Code, to the extent required to give effect to the provisions hereof for the effective period hereof.

MOTION was made by Councilperson Ventry to approve Local Law No. 1-2017 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

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

Supervisor Hartman read the following:

Proposed Action: Upstate Cellular Network – Webster Road Cellular Tower

Location: 3274 Webster Road (Tax Parcel No. 209.00-1-19)

WHEREAS, the Town of Eden Town Board is in receipt of a special use permit application for the construction of a wireless telecommunication facility on property located at 3274 Webster Road; and

WHEREAS, the Town Board has reviewed the application including the environmental assessment form, site plan drawings, engineering reports and other information submitted in connection with the proposed action; and

WHEREAS, the Town Board has evaluated the impacts in accordance with SEQRA requirements.

NOW, THEREFORE, be it resolved by the Town Board that based on a thorough and careful review of the proposed action, the Town Board determines that the project will not result in any significant environmental impacts and issues a negative declaration for the proposed action. The reasons supporting this determination are documented on Part 3 of the Environmental Assessment Form.

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

6. Proposed Resolution approving Special Use Permit for Upstate Cellular d/b/a Verizon Wireless

Supervisor Hartman read the following:

**RESOLUTION APPROVING A SPECIAL USE PERMIT
FOR THE PROPOSED UPSTATECELLULAR NETWORK
CELLULAR TOWER
Webster Road and Route 62**

WHEREAS, the Town of Eden has received a request for a special use permit to construct a cellular tower at 3274 Webster Rd., in Eden NY; and

WHEREAS, the Town Board has adopted a negative declaration resolution pursuant to SEQRA;

NOW, THEREFORE, be it resolved by the Board that a Special Use Permit for the proposed cellular tower at Webster Rd. and Route 62 be approved with the following conditions:

1. Upstate Cellular shall allow unrestricted use of the tower by the Town by allowing co-location for one (1) antenna cluster used for municipal purposes, including, but not limited to, emergency services (fire, police, etc.).
2. Upstate Cellular shall, in good faith, use its best efforts to allow co-location on the tower of other telecommunications carriers' facilities.
3. The tower and all appurtenant facilities shall be maintained in good order and repair. Upstate Cellular shall maintain records of all maintenance; such records to be available to the Town upon request.
4. This Special Permit shall be renewable every two years.
5. Every two years, Upstate Cellular shall provide a certification of structural safety for the tower from a licensed NYS professional engineer based upon an on-site inspection of the tower by such engineer.
6. Every two years, Upstate Cellular shall provide a certification that the radio frequency emissions do not exceed allowable federal or state limits.
7. The tower shall be removed at Upstate Cellular's sole cost if the facility becomes obsolete or fails to be used for its intended purpose for 12 consecutive months. Upstate Cellular shall provide a bond running to the Town of Eden sufficient to cover the costs of demolition and removal and the sufficiency of the bond shall be confirmed at least every 5 years by an analysis and report to be provided by a NYS licensed professional engineer, at Upstate Cellular's sole cost.

8. Aside from normal maintenance, there is to be no modification to the tower or any of the appurtenant facilities without the prior approval of the Town through a validly issue amendment to the Special Permit.
9. The Special Use Permit shall be non-transferable and non-assignable without Town approval in the form of a validly issued amendment to the Special Permit, except for transfers to an entity which owns or is owned by Upstate Cellular. Prior to any transfer or assignment, the Town must be notified, in writing of Upstate Cellular's intended assignment or transfer and may, in the case of a transfer to a related entity, require proof that the new entity meets the above-stated qualifications. Prior to any transfer or assignment, the Town must be provided with such information as may reasonably be required the Town to identify principals and contact persons for the new entity and to otherwise satisfy the Town that the new entity will comply with all of the conditions and requirements of the Special Permit.
10. The Town shall be involved in any decision involving lighting requirements and may require Upstate Cellular to provide shields to minimize visibility of lighting on the ground, subject to any decisions which are under the exclusive control or jurisdiction of the Federal Aviation Administration.

After much discussion, this item has been tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

7. Approve Comprehensive Master Plan Consultant

MOTION was made by Councilperson Ventry to approve Clark Patterson Lee as the consultant for the Town of Eden's Comprehensive Plan update; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None;

Supervisor’s Report:

- Facade Program – 3 businesses are participating with work starting in the Spring.
- Recreation Department is accepting applications for summer work and interviews for the Recreation Board are continuing.
- Business District Committee meets monthly, anyone interested may attend.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Supervisor Hartman 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 8:06 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk