

May 10, 2017

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 10, 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:

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Joe Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire
Robert Pietrocarlo	-	Chairman Board of Assessors
Amy Porter	-	Recreation Director
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 7:00 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 April 2017, Mary Louise Kozak, Franz Walter, Carl Bianchi and Arkadij Petroff.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of April 12, 2017; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of April 12, 2017 as presented; seconded by Supervisor Hartman; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of April 26, 2017; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of April 26, 2017 as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; 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
D878.2 Highway Reserve Capital Improvement	D5130.2 Highway Equipment	Use of Reserves for Rubber Tracked Excavator per permissive referendum	\$88,265.00

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	233-292	\$56,225.38
Highway Dept. Fund	92-116	\$110,789.40
Fire Dept. Fund	76-101	\$6,131.31
Recreation Dept. Fund	34-44	\$2,123.18
Refuse and Garbage Fund	5-7	\$78,669.46
Street Lights Fund	8-10	\$4,752.17
Water Fund	10-11	\$913.19
Trust & Agency Fund	--	--
Capital Fund H3410.405	5-7	\$24,997.50
Community Development	--	--

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

Departmental Reports:

Department reports for the month of April 2017 were presented by Supervisor Hartman for Scott Hultquist, Director Eden EMS, Joe Hart, Eden Fire Chief; Rick Kirst for 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; Amy Porter, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors and Supervisor Hartman for Joe Ghosen, GIS Consultant. All reports are on file in the Town Clerk’s office.

Supervisor Hartman stated that the Eden Emergency Squad, Inc. has received EMS organization of the year. This accomplishment was unexpected as they were up against ninety three, most of which were much larger and much busier organizations. They were very grateful to have achieved this honor.

Joe Hart, Eden Fire Chief requested removing Gregory Proga from the active roster of the Eden Fire Department No. 1.

MOTION was made by Councilperson Pew to remove Gregory Proga from the active roster of the Eden Fire Department No. 1; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Joe Hart, Eden Fire Chief requested permission to rebid the Itemized Miscellaneous Equipment bids for 2017 for Eden Fire Department and East Eden Fire Department, as some of the bidders did not receive the bid packet.

MOTION was made by Supervisor Hartman to rebid the Itemized Miscellaneous Equipment bids for 2017 for Eden Fire Department and East Eden Fire Department; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Joe Hart, Eden Fire Chief requested permission to apply for NYS DEC grant as in years past. This grant is to buy equipment to fight grass and brush fires. The award is 50/50 with a maximum award of \$1500 for \$3000 of equipment purchased.

MOTION was made by Councilperson Wilhelm to grant permission for Eden Fire Chief Joe Hart to apply for a NYS DEC grant to purchase equipment to fight grass and brush fires, the award is 50/50 with a maximum award of \$1500 for \$3000 of equipment purchased; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Rick Kirst for Scott Hunter, East Eden Fire Chief, requested adding Zack Blaszczyk to the active roster of the East Eden Fire Company, Inc., pending physical and background check.

MOTION was made by Councilperson Pew to add Zack Blaszczyk to the active roster of the East Eden Fire Company, Inc., pending physical and background check; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Michael Felschow, Chief of Police publicly thanked Officer McCarthy and Dispatchers Kim Soda and Tom Jones for their assistance in the recent investigation in East Eden.

New and Unfinished Business:

1. Proclamation recognizing Municipal Clerk's Week

Supervisor Hartman acknowledged the proclamation recognizing Town Clerk, Mary Jo Hultquist for Municipal Clerk's Week, May 7-13, 2017.

2. Resolution regarding tax collection in Erie County

Supervisor Hartman read the following resolution:

RESOLUTION

TAX COLLECTION IN ERIE COUNTY

WHEREAS, the Erie County Town Clerks and Tax Collectors Association has been in existence for 50 years, marking that anniversary this year; and

WHEREAS, Erie County is comprised of 25 Towns, 13 being Towns of the First Class, which defined is a town with a population of more than 10,000 which are the Towns of Alden, Amherst, Aurora, Cheektowaga, Clarence, Evans, Elma, Grand Island, Hamburg, Lancaster, Orchard Park, Tonawanda and West Seneca and 12 being Towns of the Second Class, which defined is a town with a population of less than 10,000 which are the following Towns of Boston, Brant, Colden, Collins, Concord, Eden, Holland, Marilla, Newstead, North Collins, Sardinia and Wales; and

WHEREAS, Erie County Real Property Tax Services prepares and prints the bills to be distributed to all 25 Towns in Erie County for Town and County Taxes and School Taxes; and

WHEREAS, according to the Erie County Tax Act, being Chapter 812, Laws of 1942, Town and County Taxes in the Towns of the First Class are due and payable on February 15th of every year, with a penalty schedule as follows: if paid on February 16th and before March 1st, 1.5%, if paid on March 1st and before March 16th 3%, if paid March 16th and before April 1st, 4.5%, if paid April 1st and before April 16th, 6%, if paid on April 16th and before May 1st, 7.5%; and

WHEREAS, according to the Erie County Tax Act, being chapter 812, Laws of 1942, Town and County taxes in the Towns of the Second Class are due and payable on March 15th of every year, with a penalty schedule as follows: if paid on March 16th and before May 1st, 7.5% shall be added. The Towns of the Second Class are penalized 7.5% the day after the due date of taxes, March 15th, where the Towns of the First Class are not penalized 7.5% until 3 months after the due date; and

WHEREAS, the Town Clerks and Tax Collectors in Towns of the Second Class in Erie County are requesting that the Erie County Tax Act, Laws of 1942 be amended to give relief from the excessive penalty schedule to the taxpayers in those Towns and that the same penalty schedule and due dates for Town and County taxes of the Towns of the First Class be used for all towns in Erie County, namely for Town and County taxes to be due and payable on February 15th; and

WHEREAS, the schedule for the School Tax collections is uniformly due and payable on October 15th for all towns in Erie County and does not create an inconvenience for the County of Erie Real Property Tax Services to prepare.

NOW, THEREFORE, BE IT RESOLVED that the Erie County Town Clerks and Tax Collectors Association requests that Erie County Legislature, the Director of Real Property Tax Services Erie County, the County Executive and the County Attorney take appropriate action to correct the existing disparity which unfairly penalizes taxpayers in smaller communities in Erie County, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to John Mills, Chairman of the Erie County Legislature, Joseph Maciejewski, Director of Real Property Tax Services, Erie County, Mark Polocz, County Executive. Michael Siragusa, County Attorney, Association of Erie County Governments and Supervisors of Erie County Towns of the Second Class.

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

3. Conservation Board appointment

MOTION was made by Supervisor Hartman to appoint Allan Silver to a 2-year term to the Eden Conservation Board; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

4. MS4 Annual Report

Supervisor Hartman stated that the draft report of the MS4 Report for the Town of Eden has been prepared by the combined efforts of the Town Designated MS4 Coordinator, Ron Maggs, Highway Superintendent and the Town Engineering firm, GHD. The draft report will be available for public review and comment for a period of two weeks in the Town Clerk's office and the Town Supervisor's office. After that time the Town Board will authorize the Town Supervisor to accept this Annual Report and sign the report to be submitted to the NYS Department of Environmental Conservation as required by the NYS Department of Environmental Conservation.

MOTION was made by Councilperson Ventry to authorize Supervisor Hartman to accept and sign this Annual MS4 Report at the conclusion of the 2-week waiting period and submit the report to the NYS Department of Environment Conservation; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

5. Town Building Lighting Upgrade

Ron Maggs, Highway Superintendent stated that the Eden Library will be updated soon and he will discuss the other town buildings at a later date.

6. Request to purchase Brush Chipper, subject to Permissive Referendum

Supervisor Hartman read the following Resolution:

RESOLUTION

RESOLUTION AUTHORIZING SUPERVISOR MELISSA A. HARTMAN TO EXPEND FUNDS FROM THE HIGHWAY DEPARTMENT RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$35,000 from the Equipment Reserve, Account No. D878.2 of the Town of Eden for the purpose of purchasing a New and Unused 2017 or Newer 12” Brush Chipper.

This resolution shall be subject to Permissive Referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN, NY.

MOTION was made by Councilperson Ventry to authorize Supervisor Hartman to appropriate a sum not to exceed \$35,000 from the Equipment Reserve Account No. D878.2 of the Town of Eden for the purpose of purchasing a New and Unused Brush Chipper, subject to Permissive Referendum; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

7. Set bid opening date for Brush Chipper

MOTION was made by Councilperson Pew to set the bid opening day for June 8, 2017 at 10:00 am in the Town Clerk's Office for the purchase of the New and Unused Brush Chipper; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

8. Proclamation recognizing Poppy Days May 18 & 19

Supervisor Hartman read the following Proclamation:

**PROCLAMATION
Poppy Days**

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, Millions who have answered the call to arms have died on the field of battle; and

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and

WHEREAS, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower.

NOW, THEREFORE, BE IT RESOLVED, that the Eden Town Board does hereby proclaim the 18th and 19th day of May 2017 as Poppy Day and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy this day.

MOTION was made by Councilperson Ventry to accept this Proclamation as presented; seconded by Councilwoman Byrnes; All “Ayes”; Opposed? - None; Abstain?- None; Motion carried.

9. Final draft review for Solar Code

Supervisor Hartman received the final draft of the Solar Code, specifically Chapter 172. Solar Energy Systems. The next step in the process would require the Town Board to declare Lead Agency, file the appropriate forms to the County and set a public hearing for the Proposed Local Law.

10. Create Additional Position – Assistant Code Enforcement Officer – Part-time

MOTION was made by Supervisor Hartman to send a request to Erie County Civil Service to create an additional position of Assistant Code Enforcement Officer – Part-time; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? -None; Motion carried.

Supervisor’s Report:

- Correspondence from Bruce Green regarding a fire in Evans, NY, with thanks to Joe Hart and the Eden Fire Department for their assistance in the mutual aid.
- Meeting for the Master Comprehensive Plan on 5/11/17 at 7:00 pm at the Eden Jr./Sr. High School. This will be the first of three meetings to be held.
- Ribbon Cuttings at the Consignment Shop in the Smith Building and on May 13, 2017 at 2 pm at the Fields of Eden.

Hearing of Visitors:

Raymond Mingle, regarding a neighbor with an unlicensed vehicle.
Phil Muck, thanks to Ron Maggs for the lighting upgrade at the Eden Library.
Ray Klein, regarding the School Zone lights, old telephone poles.
Bob Stickney, regarding the number of old poles, several throughout the town.

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 8:07 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk