

August 9, 2017

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 9, 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 (<i>Absent</i>)

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Scott Hunter	-	East 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 7:00 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 July, 2017, Elizabeth Bernard, Helen Hunt, Frank Rettig, Donald Brockman, Richard Einstein, David Kaczmarek, Michael Waring, Rita Harms, Helen Krycia, Caroline Eppolito, Frances Henry, Anthony St. George, Jr., and D. Ann Welch.

Approval of Minutes:

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

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

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

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of July 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
A2192 Cemetery Services	A8810.4 Cemetery Contractual	Burial at North Evans	\$445.00
A8020.4 Planning – Contractual	A1440.401 Engineering Contract Personal	Adjust for 2017 contract with GHD signed after 2017 budget complete	\$1,800.00
A2170 Community Development Income	A6989.4 Other Economic Assistance	Grant Money for Comprehensive Plan	\$39,800.00

MOTION was made by Councilperson Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Ventry; 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	439-505	\$58,408.76
Highway Dept. Fund	168-189	\$133,391.68
Fire Dept. Fund	146-161	\$10,978.94
Recreation Dept. Fund	100-129	\$10,872.16
Refuse and Garbage Fund	12	\$39,311.73
Street Lights Fund	17-18	\$4,082.38
Water Fund	17-18	\$515.35
Trust & Agency Fund	--	--
Capital Fund		
H8320.405	13-14	\$439,969.51
H8320.406	7-8	\$235,642.72
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 July 2017 were presented by Supervisor Hartman for Scott Hultquist, Director Eden EMS, Supervisor Hartman for 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 Jesse Baker, Zoning Code Enforcement Officer; Councilperson Pew for 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.

New and Unfinished Business:

1. Set Refuse Bid Date

MOTION was made by Supervisor Hartman to set the Bid Opening Date for the Refuse and Recycling Contract for Monday, September 11, 2017 at 11:00 am in the Town

Clerk's Office, 2795 East Church Street, Eden, New York 14057; seconded by Councilperson Wilhelm; "Ayes"? Hartman, Pew, Wilhelm; Opposed? - Ventry; Abstain? - None; Motion carried.

2. Inter-Municipal Cooperation Agreement with Eden Central Schools

MOTION was made by Supervisor Hartman to approve the 2-year Inter-Municipal Cooperation Agreement with Eden Central Schools for school tax collection; seconded by Councilperson Wilhelm; "Ayes"; Hartman, Ventry, Wilhelm; Opposed? - Pew; Abstain? - None; Motion carried.

3. Resolution – 9723 New Oregon Road

Supervisor Hartman read the following resolution:

**A RESOLUTION SUBMITTED
BY
MELISSA M. HARTMAN
OF THE
TOWN OF EDEN**

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an inter-municipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the **Town of Eden**, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT RESOLVED, that the **Town of Eden**, hereby officially requests that BENLIC acquire the following property:

9723 New Oregon Road, Eden, New York 14057

; and be it further

RESOLVED, that the **Town of Eden** will complete the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this resolution; and be it further

RESOLVED, that the **Town of Eden** agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the **Town of Eden** agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal

of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein, BENLIC retains option to transfer to the **Town of Eden**, the **Town of Eden** agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed,

9723 New Oregon Road, Eden, New York 14057

; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation, the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

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

4. Eden Bowling Center – Renewal of Liquor License (informational)

Supervisor Hartman received and filed the renewal of Liquor License for the Eden Bowling Center.

5. Acknowledge Special Use Permit Renewal Request – 8800 S. Main Street

Supervisor Hartman stated this item has been referred to Jesse Baker, Building Inspector for his review and recommendation.

6. Bridge Lights

Supervisor Hartman stated that she called a meeting with the Bridge Light Committee, Bob Stickney and Ron Maggs. It was decided that the 6 lights on the bridge would be maintained by the Town of Eden and converted to LED. The first step is to authorize Supervisor Hartman to sign the Non-Disclosure Agreement between the Town of Eden and National Grid.

MOTION was made by Councilperson Ventry to authorize Supervisor Hartman to sign the Non-Disclosure Agreement between the Town of Eden and National Grid; seconded by Councilperson Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 7:40 pm; seconded by Councilperson Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman returned to the Regular Meeting of the Eden Town Board at 7:50 pm; 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 enter into Public Hearing; seconded by Councilperson Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

- **NOTE:** Michael Hoffman, owner of 8572 N. Main Street, Eden, NY and Mark Maruk, Licensed Professional Engineer, 33 Arrowood Lane, Orchard Park, NY

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were present for the public hearing, so the public hearing was started at 7:50 pm.
(scheduled for 8:00 pm)

**7:50 pm
Public Hearing
8572 N. Main Street, Eden, NY 14057**

**ORDER OF EDEN TOWN BOARD
Pursuant to Eden Code, Chapter 90
Regarding Property Commonly Known as
8572 N. Main Street
Eden, New York 14057**

**TO: MICHAEL HOFFMAN, designated agent for A.I.T.C.H. LLC (“Owner”)
5106 Parker Road
Hamburg, New York 14075**

WHEREAS, the Code Enforcement Officer of the Town of Eden, Erie County, State of New York, undertook several recent interior and exterior inspections of the subject property and has filed a written report dated June 30, 2017 with the Town Board of the Town of Eden, pursuant to the provisions of the Town of Eden Unsafe Buildings and Structures Law, Chapter 90 of the Town of Eden Code, regarding the structure and improvements situated on premises reputedly owned by A.I.T.C.H. LLC and located at 8572 N. Main Street, Town of Eden, designated by Tax Map Parcel No: 238.07-1-33, and

WHEREAS, said Report deems the property to be in violation of the provisions of Chapter 90 in that the said structure is in a state of dangerous disrepair and deterioration including, but not limited to, significant damage and deterioration to the foundation resulting in sections of the foundation walls being in a state of rapid failure, together with such other interior and exterior deficiencies as are described in the Code Enforcement's Report, which is incorporated herein by reference, resulting in the said structure being dangerous or unsafe to the general public and also resulting in such structure to be unfit for the purposes for which it may be lawfully used or occupied.

NOW, THEREFORE, the Town Board of the Town of Eden, after considering said report, and pursuant to the provisions of said Chapter 90, does hereby determine that the said structure and improvements located at 8572 N. Main Street, Eden, NY are unsafe and dangerous and makes the following Order:

1. ORDERED that the conditions described in the CEO's Report of the structure located at 8572 N. Main St., in the Town of Eden constitute an imminent danger to occupants and to the public requiring the immediate issuance and posting by the Code Enforcement Office of Notices prohibiting occupancy or entry except for purposes of securing the property against further deterioration and/or for purposes of evaluating measures to demolish, secure or repair the structure, and it is further Ordered

2. ORDERED that the owner of the structure located at 8572 N. Main St. in the Town of Eden, at its sole cost, take immediate steps to secure the property against unauthorized entry and to secure the property against further deterioration and, it is further

3. ORDERED that the owner promptly obtain all necessary authorizations for demolishing said structure pursuant to permit duly issued by the Town of Eden, in which case the debris and rubbish therefrom shall be properly disposed of and removed from the premises and owner shall take all steps required to secure the site and surrounding properties and public ways from damage or debris during such demolition, and it is further

4. ORDERED that such demolition must be commenced within twenty (20) days of the service on the owner of the notice required by Chapter 90 and shall be completed

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within sixty (60) days of the service of this notice, unless for good cause shown such time shall be extended by the Town Board, and it is further

5. ORDERED that the Town Board of the Town of Eden will conduct a public hearing on August 9, 2017 at 8:00 pm at the Eden Town Hall, 2795 East Church Street, Eden, New York 14057, at which time the owner will be given an opportunity to be heard by the Town Board on the issue of why the said Order for Demolition should not be executed, and it is further

6. ORDERED that due Notice be provided to the Owner of this Order and of the authority of the Town to proceed as authorized by Eden Code Chapter 90 in the event Owner shall fail to undertake its obligations pursuant to this Order and the legal and financial penalties that may be assessed against the Owner upon its failure to comply.

Mr. Hoffman and Mr. Maruk were given an opportunity to speak at this time. They submitted answers to the Structural Condition Report that was prepared by Jesse Baker, Code Enforcement Officer. Mr. Hoffman would like to repair this property.

William Trask, Town Attorney stated that the Town Engineering Firm, GHD is reviewing the report and the Order for Demolition will remain in effect until a decision has been reached. Repairs done before would be prohibited as well as entry to the building, only by the Engineer and the Building Department.

Supervisor's Report:

- Thanks to Eden Corn Festival Committee and all Emergency Services for a successful 2017 Eden Corn Festival. Also, thanks to Ron Maggs and the Highway Department.
- The Town of Eden will be forming a safety committee with the Town and Corn Fest Committee.
- Grant update: NYS Main St, applied for a \$300,000.00 grant; Croops Mill, doing a feasibility study; Comprehensive Master Plan, working with the University of Buffalo; looking for shovel-ready manufacturing for 8800 S. Main Street. All grants are being submitted by Clark Patterson & Lee, saving the town approximately \$34,000.00.

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 Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:05 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk