

November 8, 2017

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 8, 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 |
| Mike Hart | - | Eden Fire |
| Matt Blaszczyk | - | 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 October, 2017, Lisa Rakiiecki, Kathleen MacFarland and Delores Richter.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of October 11, 2017; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of October 11, 2017 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 October 17, 2017; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of October 17, 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 October 25, 2017; there were none.

MOTION was made by Councilperson Ventry to approve the Town Board Minutes of October 25, 2017 as presented; seconded by Councilperson Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

There were none.

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 | 656-723 | \$61,611.83 |
| Highway Dept. Fund | 242-262 | \$22,116.49 |
| Fire Dept. Fund | 205-226 | \$35,619.38 |
| Recreation Dept. Fund | 158-167 | \$890.28 |
| Refuse and Garbage Fund | 19 | \$30,795.00 |
| Street Lights Fund | 24-27 | \$5,062.05 |
| Water Fund | 24-26 | \$2,191.35 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | | |
| H3410.405 | 21-22 | \$292,603.85 |
| H8320.406 | 13-14 | \$61,540.05 |
| Community Development | -- | -- |

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

Departmental Reports:

Department reports for the month of October 2017 were presented by Mike Hart for Joe Hart, Eden Fire Chief; Matt Blaszczyk 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 Jesse Baker, Zoning Code Enforcement Officer; Amy Porter, Recreation Director; and Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Robert Pietrocarlo gave an explanation of the Cold War Exemption that was enacted by a Local Law January 14, 2009. This exemption was only a 10-year exemption and is supposed to sunset in 2018, however, Governor Cuomo signed Senate Bill SO56598A (Assembly Bill same as A06510-A). This legislation removes the 10-year limitation for real property tax exemptions for cold war veterans and makes it permanent. In order to continue to grant this exemption, a local law must be adopted.

Attorney Trask stated that a simple local law amending the current local law would be the solution and a public hearing would need to be scheduled in the near future.

Ron Maggs, Highway Superintendent gave the results of the recent bids from the auction and his recommendation:

- 1. Lasermark LMH Laser \$ 100.00

- | | |
|------------------------------------|-------------|
| 2. 2000 Brush Bandit Chipper | \$ 3,500.00 |
| 3. 2011 Kubota GR2110 Lawn Tractor | \$ 1,425.00 |

(The bids listed were the high bids).

MOTION was made by Supervisor Hartman to approve the bid results from the auction, as recommended by Ron Maggs, Highway Superintendent; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Health Insurance Renewal

Supervisor Hartman reviewed the Health Insurance renewal stating that it was a 9/5% increase from 2017.

MOTION was made by Supervisor Hartman to approve the renewal of the Health Insurance, iDirect Silver Copay HSAQ with Independent Health effective December 1, 2017 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

2. Negative Declaration/SEQR-Violet Parkway Storage Tank – Dome Replacement

Supervisor Hartman read the following resolution:

State Environmental Quality Review (SEQR)
Resolution Classifying Proposed Action
Type 2 SEQR Action

Name of Action: Violet Tank Dome Replacement

WHEREAS, the Town of Eden Town Board is considering the replacement of the Violet Parkway water storage tank dome; and

WHEREAS, contract bidding documents describing the proposed improvements are being prepared and will be submitted by GHD for the Town Board's consideration; and

WHEREAS, this project is a Type 2 Action for purposes of SEQRA pursuant to 6 NYCRR 617.5(c)(1) as it involves the maintenance and repair involving no substantial change to the existing Violet Parkway water storage tank, and is, therefore, not subject to review pursuant to SEQRA; and

NOW, THEREFORE, BE IT RESOLVED, that this project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

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

NOTE: Supervisor Hartman stated the dome replacement is due to the damage done during the power washing of the dome.

3. Receive & File New Map & Plan – Waterline Improvement Project

Supervisor Hartman tabled this item due to legal clarification and will be scheduled and discussed at a future Town Board Meeting.

4. Schedule Public Hearing – Creation of Master Improvement Area and Bond Resolution for Waterline Improvement Project

Supervisor Hartman tabled this item due to legal clarification and will be scheduled and discussed at a future Town Board Meeting.

5. Approval of list of owed water bills to be forwarded to Erie County

MOTION was made by Supervisor Hartman to include \$1,024.86 in unpaid water bills and Evans backflow prevention system in the amount of \$13,306.14 to the tax warrant and authorize the Town Supervisor to sign a Letter of Authorization and any other paperwork required; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Set Public Hearing for December 13, 2017 at 7:30 pm for Special Permit Renewals

MOTION was made by Councilperson Ventry to set the Public Hearing for December 13, 2017 at 7:30 pm. for approval of Special Use Permits for Cazenovia Recovery Systems, Inc., Crown Castle/Donald Mammoser, Eden Kindercare/St. John’s Church, Norman and Jean Brenner, SBA Towers II, Schreiber & Winkelman, Inc., James Gorecki, Bell Atlantic Mobil Systems, d/b/a/ Verizon Wireless, Rainer and Pamela Sticht, Meagan Coggins, and Bell Atlantic Mobil Systems, d/b/a/ Verizon Wireless; 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 Town Board and open the Public Hearing for the purpose of the 2018 Budget Presentation; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? -None; Motion carried.

**7:30 P. M.
Public Hearing
Preliminary 2018 Budget Presentation**

**Legal Notice
Town of Eden, New York
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Eden, Erie County, New York, for the fiscal year beginning January 1, 2018 has been completed and filed in the Office of the Town Clerk of the said Town Hall, 2795 East Church Street in said town, where it is available for inspection by any interested persons at all reasonable hours. FURTHER NOTICE IS HEREBY GIVEN that the Town Board of said Town of Eden will meet and review said preliminary budget and hold a public hearing thereon at the Town Hall at 7:30 pm on the 8th day of November, 2017 and that at such hearing any persons may be heard in favor of or against the preliminary budget as compiled, or for or against any item for items herein contained. AND FURTHER NOTICE IS HEREBY GIVEN pursuant to section 108 of the Town Law that the following are proposed yearly salaries of the Town Officers of this Town, to wit:

| | |
|---------------------|-----------|
| Supervisor | \$40,994. |
| Councilmen (4 each) | \$11,142. |
| Highway Supt. | \$75,538. |
| Town Clerk | \$39,483. |

Dated: September 13, 2017

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2018.

Supervisor Hartman made the following observations in the 2018 Budget, that was available in the Town Clerk's office for review:

| | <u>2017 Tax Rates</u> | <u>2018 Tax Rates</u> | |
|--------------|-----------------------|-----------------------|--|
| General | \$2.14 | \$2.21 | Increase of 8 cents per thousand 3.78% |
| Highway | \$3.91 | \$3.94 | Increase of 3 cents per thousand 0.66% |
| Street Light | \$.19 | \$.19 | No change in rate |
| Fire | <u>\$1.29</u> | <u>\$1.30</u> | Increase of 1 cent per thousand 1.20% |
| Total | \$7.53 | \$7.64 | |

The Garbage Rate for 2018 is \$192.00 per unit from \$177.00 in 2017. Increase of \$15.00, 8.47%.

Supervisor Hartman stated that the Town Board would be over-riding the 2% tax cap, which is actually 1.84% and the main reason is the water projects. Supervisor Hartman stated that the reserves are very depleted and this town board is being pro-active to build those accounts. Supervisor Hartman also stated that the budget meetings are open to the public and the schedule is posted in advance of the meetings.

The following residents made comments regarding the proposed budget:

There were none.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:40 pm.

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

10. East Eden Fire Truck

Supervisor Hartman stated that after much discussion and having ample time to decide between the 2 tankers, the traditional and the vacuum, it was time to make a decision. Many comments were made by all town board members and all were in agreement as to the time and effort spent by the fire department, with thanks to those present.

MOTION was made by Councilperson Pew to approve the purchase of the vacuum tanker fire truck and to move forward with the bid specifications; seconded by Councilperson Byrnes.

The adoption of the purchase of the fire truck, vacuum tanker, was duly put to a vote on roll call, which resulted as follows:

AYES: Councilperson Pew
Councilperson Wilhelm
Councilperson Byrnes

NOES: Supervisor Hartman
Councilperson Ventry

ABSENT: None

The motion carried.

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

November 8, 2017

7:45 pm
Public Hearing
Possible Override of Tax Levy

Supervisor Hartman stated that several towns are opting to over-ride the tax cap. This is mostly due to water projects and in order to maintain reserves and fund balances, it is necessary.

The following persons made comments:

There were none.

All person desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:50 pm.

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

7. Adoption of tax cap override

Supervisor Hartman read the following:

TOWN OF EDEN
LOCAL LAW NO. 3-2017

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, 2018 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, 2018 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 approve the Proposed Local Law No. 3-2017 as presented; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

November 8, 2017

8. Approval of Town Budget

MOTION was made by Supervisor Hartman to approve the 2018 Budget as presented; seconded by Councilperson Ventry; “Ayes”; Hartman, Ventry, Wilhelm, Byrnes; Opposed? - Pew; Abstain? - None; Motion carried.

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

**8:00 P.M.
Public Hearing
Indoor Storage Facility
8800 S. Main Street**

Legal Notice, Town of Eden, Notice of Public Hearing

Pursuant to resolution of the Town Board of the Town of Eden, New York NOTICE IS HEREBY GIVEN of a PUBLIC HEARING to be held by the Eden Town Board in the Town Hall, 2795 East Church Street, Eden, New York on the 8th day of November, 2017 at 8:00 pm. Local time, to consider this application of Mr. Robert Hornberger for a Special Use Permit for an Indoor Storage Facility at 8800 South Main Street, Eden, NY.

All interested parties will be given an opportunity to be heard.

Dated: September 28, 2017

Supervisor Hartman read the legal notice and asked if there were any comments:

There were none.

All person desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:01 pm.

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

9. Approval of Special Use Permit – 8800 S. Main Street

Supervisor Hartman read the following resolution:

**TOWN BOARD OF THE TOWN OF EDEN
RESOLUTIONS ISSUING NEGATIVE DECLARATION AND
APPROVING SPECIAL USE PERMIT FOR
8800 SOUTH MAIN STREET
EDEN, NEW YORK**

Resolution No. 1: Negative Declaration Under SEQRA

WHEREAS, the Eden Town Board received an application for a Special Use Permit for an indoor storage facility at the property commonly known as 8800 South Main Street in the Town of Eden; and

WHEREAS, this application was previously referred to the Eden Planning Board and the county Department of Environment and Planning for review and recommendation; and

WHEREAS, an Environmental Assessment Form (EAF) was filed and the Eden Town Board previously determined that the proposed project is an unlisted action and declared itself Lead Agency and has conducted a single agency review of the Project; and

WHEREAS, the Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQR.

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

Based upon the Board's thorough and careful review of the Project, 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 SEQR.

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

Supervisor Hartman read the following resolution:

Resolution No. 2: Resolution Approving Special Use Permit

WHEREAS, the Town of Eden has received a request from Robert Hornberger (hereinafter “Applicant” or “Permittee”) for a special use permit to operate an indoor storage facility at 8800 South Main Street in the Town of Eden, NY; and

WHEREAS, the Town Board has received recommendations from the Eden Planning Board and has completed its required referral to Erie County Department of Environment and Planning and has held a public hearing; and

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

NOW, THEREFORE, be it resolved by the Board that a Special Use Permit for the indoor storage facility at 8800 South Main Street in the Town of Eden is hereby approve with the following conditions:

1. No outdoor storage shall be permitted.
2. The applicant and/or owner of the property must meet the requirements of the Code Enforcement Office for the entire building to be reclassified as storage.
3. Site plan review is waived in accordance with Planning Board recommendation as there is no change to the exterior of the building or the site.
4. Applicant to install a dial out alarm approved by the Town Fire Inspector.
5. Applicant shall allow the Town Code Enforcement Office and Fire Inspector access (upon prior reasonable request) to conduct such inspections as may be required to verify compliance with applicable code and conditions of this permit.
6. The Special Use Permit shall be renewable annually.

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

11. Out of District Water Approvals

Supervisor Hartman explained that under certain circumstances, the Town of Eden may, in it's sole discretion, grant permission to an individual owning property within the Town of Eden, outside the boundaries of an established water district, to access the water main as a so-called “Out-of-District User.

12 homes in the Town of Eden on Route 62 were eligible and 4 of those eligible took advantage of opportunity, being, Kathleen U. Roberts of 9034 S. State Road, Marcia C. Walker, 8919 Gowanda State Road, Marcia C. Walker, 8933 Gowanda State Road and Frank J. Sturm, 9012 Gowanda State Road.

MOTION was made by Supervisor Hartman to approve the 4 property owners listed above, to grant permission to become “Out-of-District Users; seconded by Councilperson Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

12. Recreation Appointments

Supervisor Hartman read the following Recreation appointments as recommended by Jack Cuddihy, Recreation Board President:

Jamie Miller and Mitch Mason as Adult Swimming Lifeguard substitutes on Monday & Wednesday nights. November through April at a pay rate of \$10/hour respectively.

Jamie Miller and Mitch Mason as lifeguards for Friday Night Family Swim and Youth Activity Nights at \$10.50/hour.

MOTION was made by Supervisor Hartman to approve the Recreation Appointments as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor’s Report:

Supervisor Hartman thanked the Eden Fire Department for the assistance they provided to a homeowner in need.

Supervisor Hartman congratulated Rich Ventry on his re-election and Gary Sam on being elected to the Town Board and thanked Mary Lou Pew for her service on the town board.

Councilperson Pew stated that several residents have voiced their concerns to her regarding the meeting agenda being posted in the Eden Pennysaver. Supervisor Hartman stated that it is a substantial cost savings to post the notice on the town of Eden web-site and that agendas are always available at the Town Clerk's office.

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 8:20 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk