

January 10, 2018

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 10, 2018
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN	-	SUPERVISOR
RICHARD S. VENTRY	-	COUNCILPERSON
MICHAEL BYRNES	-	COUNCILPERSON
SUSAN WILHELM	-	COUNCILPERSON
GARY SAM	-	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
Rick Kirst	-	East Eden Fire Chief
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
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 2017, Mary Braun, Patricia Smith, Thomas Wurstner, Betty Mae Burdick, Richard Folts and Florence Hall.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of December 13, 2017; there were none.

MOTION was made by Councilperson Wilhelm to approve the Town Board Minutes of December 13, 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 December 27, 2017; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of December 27, 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 January 3, 2018; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of January 3, 2018 as presented; seconded by Councilperson Ventry; 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
A1620.4 Town Hall Contractual	A1620.1 Town Hall Personal	Rounding Error on Last Payroll 2017	\$1.00
A1990.4 Contingent Fund	A1930.4 Judgments & Claims	Additional Cost with Insurance	\$6.50
A1990.4 Contingent Fund	A3510.1 Control of Dogs- Personal	Court Appearances	\$160.00
A3120.4 Police Contractual	A3120.1 Police Personal	Budget Adjustment	\$6,500.00
A899.1 Revenue Recovery – EMS	A4540.4 Ambulance Contractual	Budget Adjustment	\$1,000.00

MOTION was made by Councilperson Ventry 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.

2017 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	860-882	\$14,309.80
Highway Dept. Fund	327-334	\$16,114.55
Fire Dept. Fund	268-273	\$365.05
Recreation Dept. Fund	192-194	\$102.51
Refuse and Garbage Fund	22	\$86.25
Street Lights Fund	--	--
Water Fund	29	\$518.43
Trust & Agency Fund	--	--
Capital Fund		
H3410.2		
H8320.402	--	--
H8302.403		
Community Development	--	--

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	1-12	\$30,756.66
Highway Dept. Fund	1-5	\$20,213.29
Fire Dept. Fund	1	\$11,906.00
Recreation Dept. Fund	1	\$40.00
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund H8230.405 H8320.406 H8302.407	1	\$196.00
Community Development	--	--

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

Departmental Reports:

Department reports for the month of December 2017 were presented by Joe Hart, Eden Fire Chief; Rick Kirst, East Eden Fire; 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; Robert Pietrocarlo, Chairman Board of Assessors and Joe Ghosen, GIS Consultant. All reports are on file in the Town Clerk’s office.

Joe Hart, Eden Fire Chief requested the approval of the following officers for 2018:

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
Dean Nelipowitz	2 nd Lieutenant	Paul Laing	Director
Ronald Salzman	Safety Officer	Matt Colvin	Director
David Cole	Safety Officer	Vicky Sickau	Director
		Jonathan Agle	Director
		Ron Salzman	Director

MOTION was made by Supervisor Hartman to approve the officers for 2018 as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Joe Hart, Eden Fire Chief and Rick Kirst, East Eden Fire 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 Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Joe Hart, Eden Fire Chief requested adding Susan Wilhelm to the active roster of the Eden Fire Department, pending physical and background check.

MOTION was made by Supervisor Hartman to add Susan Wilhelm to the active roster of the Eden Fire Department, pending physical and background check; seconded by Councilperson Byrnes; “Ayes”; Hartman, Ventry, Byrnes, Sam; Abstain? - Wilhelm; Opposed? - None; Motion carried.

Rick Kirst, East Eden Fire stated that nominations for Scott Hunter's position of Chief were held on January 8, 2018 and elections of those nominees will take place on February 5, 2018. Until then, Rick Kirst (EE 9-2) and Matt Blaszczyk (EE 9-1) will be acting as “office of the Chief”.

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$572,775.63 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. (\$473,500 from 2018 budget and \$99,275.63 Assigned from 2017).

The improvements on any and all town roads, a distance of 48.98 miles not over the sum of \$572,775.63.

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 Wilhelm; All “Ayes”; Opposed; None; Abstain? - None; Motion carried.

Amy Porter, Recreation Director requested permission, on behalf of the Recreation Advisory Board, Approval of Lifeguard Hourly Rate Change due to the increase in minimum wage for Adult Lap Swim Lifeguards to \$10.40 per hour as of January 1, 2018.

MOTION was made by Supervisor Hartman to approve the hourly rate change to \$10.40 per hour for the Adult Lap Swim Lifeguards, effective January 1, 2018 due to the increase in minimum wage; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Amy Porter, Recreation Director requested the following Appointments to the Recreation Advisory Board; Donald L. Johnson, Jr. and Michael Alvarez for a 5-year term.

MOTION was made by Supervisor Hartman to appoint Donald L. Johnson, Jr. and Michael Alvarez for a 5-year term to the Recreation Advisory Board; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Amy Porter, Recreation Director requested a \$2,500 annual stipend for Recreation Department Administrator to assist the Executive Director, on behalf of the Recreation Advisory Board, with the following:

- Weekly Recreation Department Website Updates and Support
- Essential Social Media Communications and Updates
- Identify and Apply for Relevant Grant Opportunities
- Assist with General Clerical Duties Related to over 20 Seasonal Recreation Department Programs
- All other duties as assigned

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

New and Unfinished Business:

1. Resignations

Supervisor Hartman read correspondence from December 28, 2017 from Adam Cornell, Part-time Police Office regarding his resignation due to family matters, and Mark Bostaph, Assessment Board of Review, term expired.

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The Town Board acknowledged the above-mentioned resignations with thanks and appreciation to both.

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

7:30 pm.
Public Hearing
Creation of Master Improvement Area and
Bond Resolution for
Waterline Improvement Area

The proposed Master Water Improvement Area will encompass the benefited properties in the following water districts (including out-of-district customers to such districts): the Consolidated Water District; Water District No. 4; and Water District No. 5.

Supervisor Hartman asked if there were any comments:

There were none.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:31 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 Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

2. Bond Resolution for the Master Water Improvement Area

Supervisor Hartman read the following resolution:

**RESOLUTION ESTABLISHING THE MASTER
WATER IMPROVEMENT AREA IN THE TOWN,
APPROVING THE UNDERTAKING OF WATER
IMPROVEMENTS FOR SUCH BENEFITTED AREA
AND MAKING OTHER DETERMINATIONS IN
CONNECTION THEREWITH.**

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 Article 12-C, caused GHD (the “Engineer”), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the Master Water Improvement Area (the “Master Water Improvement Area”) and the construction of water improvements therein; and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, it is the intention of the Town Board that the proposed establishment of the Master Water Improvement Area will include improvements necessary to facilitate the transfer of water service to the Erie County Water Authority at a future date; and

WHEREAS, such water system improvements project will generally consist of various improvements at the Violet Parkway storage tank including, but not limited to, the replacement of the tank dome, as well as other such improvements as more

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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 “Improvement”); and

WHEREAS, the proposed Improvement will benefit the entire proposed Master Water Improvement Area, which area is outside of any incorporated villages and is described as follows:

The proposed Master Water Improvement Area will encompass the benefited properties in the following water districts (including out-of-district customers to such districts): the Consolidated Water District; Water District No. 4; and Water District No. 5.

WHEREAS, the Engineer has estimated the total cost of the Improvement to be \$275,000; said cost to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$275,000 offset by any federal, state, county and/or local funds received; and

WHEREAS, that the Town Board may establish water rents/rates as provided in subdivision 12-a of Town Law Section 209-q and paragraph (d) of subdivision three of Town Law Section 198; and

WHEREAS, the estimated maximum amount proposed to be expended for the construction of the Master Water Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$275,000 said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges (including, but not limited to, water rents/rates), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Master Water Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; 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 SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its December 13, 2017 meeting calling for a public hearing to be held at the Town Hall, 2795 East Church Street, Eden, New York, on January 10, 2018 at 7:30 o’clock pm. (Prevailing Time) or shortly thereafter, to consider the establishment of the Master Water Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, 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, 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, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

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NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF EDEN, as follows:

DETERMINED, that it is in the public interest to establish the Master Water Improvement Area as hereinabove described; and it is hereby

DETERMINED, that the estimated maximum cost of the project that the Master Water Improvement Area is undertaking is \$275,000; and it is hereby

DETERMINED, that the parcels and lots of the Master Water Improvement Area shall be benefited by the establishment of the Master Water Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of the project will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the Master Water Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Master Water Improvement Area, 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 the establishment of the Master Water Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$275,000 said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, water rents/rates), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Erie County within ten days after the adoption of this Resolution.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Ventry.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Hartman
 Councilperson Ventry
 Councilperson Wilhelm
 Councilperson Byrnes
 Councilperson Sam

NOES: None

ABSENT: None

The resolution was declared adopted.

Supervisor Hartman read the following resolution:

A BOND RESOLUTION, DATED JANUARY 10, 2018, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE MASTER WATER IMPROVEMENT AREA IN THE TOWN OF EDEN, AT AN ESTIMATED MAXIMUM COST OF \$275,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$275,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Eden, Erie County, New York (the "Town"), has determined to proceed with a certain water system capital improvements project for the Master Water Improvement Area (the "Water Improvement Area"); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a water system improvements project, such work to generally consist of various improvements at the Violet Parkway storage tank including, but not limited to, the replacement of the tank dome, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, 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 "Project"). The estimated maximum cost of the Project is \$275,000.

SECTION 2. The Town plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$275,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, water rents/rates), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, water rents/rates), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Water Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in

anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b) (3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. 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 SEQRA is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Ventry.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Supervisor Hartman
Councilperson Ventry
Councilperson Wilhelm
Councilperson Byrnes
Councilperson Sam

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

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MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and open the Public Hearing at 7:45 pm.

7:45 pm.
Public Hearing
Proposed Local Law No. 1-2018
Mandatory Recycling Law

Supervisor Hartman stated that the proposed Local Law is amending certain provision of the Mandatory Recycling Law of the Town of Eden to add the definition of “Bin”.

The following persons spoke:

Resident – Is recycling mandatory? Yes.

Ed Krycia – There has been a law on the books for 25 years, just adding the totes (bins) for recycling. Yes.

All persons 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 Eden Town Board; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

3. Resolution for Advertisement of the Violet Tank Improvement Project

Supervisor Hartman read the following resolution:

RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD
JANUARY 10, 2018
AUTHORIZING ADVERTISING FOR BIDS ON
VIOLET PARKWAY WATER STORAGE TANK
ROOF DOME REPLACEMENT

WHEREAS, proceedings have been initiated to consider the increase and improvement of facilities of the Town of Eden Water Improvement Area and the replacement of the Violet Parkway Water Storage Tank roof dome as more fully identified in a map, plan and report dated December 11, 2017 (hereinafter “Project”),

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, and

WHEREAS, GHD has recommended that subject to final approval by the Erie County Water Authority, the Town Board proceed to advertise the project construction 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 project as soon as GHD verifies that they are in a position to prepare bid specifications. Such bid specifications will state that the final bid will be contingent upon the town confirming financing and final approval.

MOTION was made by Councilperson Ventry to approve the resolution and authorize Supervisor Hartman place advertisements and legal notices as may be required; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

4. Approval of Training

Supervisor Hartman requested the following approval:

Gary Sam, Councilperson, Newly-Elected Officials Training School, January 17, 2018 through January 19, 2018 in Rochester, New York.

MOTION was made by Supervisor Hartman to approve training for Gary Sam, Councilperson in Rochester, New York, January 17, 2018 through January 19, 2018 for Newly-Elected Officials Training School; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Missy Hartman, Supervisor, requested permission to attend the NY Association of Towns Conference & Training in NYC from February 18, 2018 through February 21, 2018.

MOTION was made by Councilperson Byrnes to approve Missy Hartman, Supervisor to attend the NY Association of Towns Conference & Training in NYC from February 18, 2018 through February 21, 2018; seconded by Councilperson Sam; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Missy Hartman, Supervisor, requested approval of Voting Delegate at the NY Association of Towns Conference & Training and Alternate Voting Delegate, Teresa Baskerville.

MOTION was made by Councilperson Ventry to approve Missy Hartman, Supervisor as Voting Delegate and Teresa Baskerville as Alternate Voting Delegate at the NY Association of Towns Conference & Training; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Teresa Baskerville, Court Clerk and Michael Cooper, Town Justice requested permission to attend the NY Association of Towns Conference & Training in NYC from February 18, 2018 through February 21, 2018.

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

5. Police Appointments

Supervisor Hartman read the following appointments from Michael Felschow, Chief of Police:

Appoint John Geary as a part-time Police Officer in the position vacated by Adam Cornell.

MOTION was made by Supervisor Hartman to appoint Jean Geary as a part-time Police Office at a rate of \$19.78 per hour; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Appoint Kimberly Geniti as a part-time dispatcher.

MOTION was made by Councilperson Wilhelm to appoint Kimberly Geniti as a part-time dispatcher at a rate of \$13.21 per hour; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Action on Special Use Permits

The following Special Use Permits have met all conditions as required:

Crown Castle – Donald Mammoser – 8635 E. Eden Road – Telecommunications Tower.

Upstate Cellular d/b/a Verizon Wireless – adjacent to Swartz field on West Church Street.

MOTION was made by Councilperson Ventry to approve the Special Use Permits for Crown Castle and Upstate Cellular as all conditions required have been met; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

7. Approve Proposed Local Law No. 2-2018

Supervisor Hartman read the following:

**TOWN OF EDEN
Town of Eden
Local Law #1-2018**

A local law amending certain provisions of the Mandatory Recycling Law of the Town of Eden.

Be it enacted by the Town Board of the Town of Eden, Erie County, New York as follows:

Town of Eden Code Chapter 175, Article II, known as the “Mandatory Recycling Law of the Town of Eden” is hereby amended to as follows:

SECTION I. The definition of “Bin” in Section 175-7 “Definitions” is hereby amended to read as follows:

BIN or TOTE– A container used exclusively for the storage and handling of recyclable materials. For purposes of this law, the terms “bin” and “tote” shall both refer solely to the 96 or 64 Gallon Totes to be provided by the Town of Eden for the handling of recycling materials.

SECTION II. Section 175-10.C shall be amended to read as follows:

Recycling Totes.

- (1) Each waste-generating unit covered by the Town of Eden Garbage District shall receive one Recycling Tote from the Town of Eden. Such Totes are the property of the Town of Eden.
- (2) No other container may be used for curbside pickup of recyclable materials in the Town of Eden Garbage District.
- (3) Recycling Totes may not be transferred from one waste-generating unit to another and must remain with the property upon sale of the property.
- (4) Stolen, lost or damaged Recycling Totes must be replaced by the property owner at their sole cost.

SECTION III. This local law shall take effect upon filing in the office of the Secretary of State.

MOTION was made by Supervisor Hartman to approve Local Law No. 1-2018 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor’s Report:

- Correspondence from Robin Mols with thanks to Ron Maggs and the Highway Department for work done on Yochum Road.
- All garbage/recycle totes have been delivered .
- Walk-through Eden Central School Capital Project – 50% complete.
- January 18, 2018 at 7:00 pm. Eden High School – Comprehensive Plan – Community Input Meeting – all encouraged to attend.

January 10, 2018

- Received 2 grants for the UB Planning Feasibility Study and Shovel-ready for Industrial – to attract new businesses.

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:25 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