

January 24, 2018

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
JANUARY 24, 2018
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN	-	SUPERVISOR
RICHARD VENTRY	-	COUNCILPERSON
MICHAEL BYRNES	-	COUNCILPERSON (<i>Absent</i>)
SUSAN WILHELM	-	COUNCILPERSON
GARY SAM	-	COUNCILPERSON

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Janet Cunfer	-	Deputy Town Clerk
Debbie Gregoire	-	Administrative Assistant
Lisa Winter	-	Bookkeeper

Call To Order:

Supervisor Hartman called the Work Session 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.

New and Unfinished Business:

1. Ratify Approval of Training

MOTION was made by Supervisor Hartman to approve the following; Teresa Baskerville, Court Clerk and Michael Cooper, Town Justice to attend the Association of Towns Training and Conference in NYC, February 19-21, 2018; seconded by Councilperson Wilhelm; "Ayes"; Hartman, Wilhelm, Sam; Opposed? - Ventry; Abstain? - None; Motion carried.

2. Encumbrance

MOTION was made by Supervisor Hartman to encumber \$1,000 from the 2017 Court Budget (Appropriation Number A1110.4) to the 2018 Court Budget to be used for the expenses of the Association of Towns Training and Conference in NYC, February 19-21, 2018; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

3. Approve Local Law #2-2018 – Cold War Veterans Exemption

Supervisor Hartman read the following:

**TOWN OF EDEN
LOCAL LAW NO. 2-2018**

**A Local Law Extending the Eligibility Period for the
Cold War Veterans Exemption under Chapter 192, Article V
of the Code of the Town of Eden**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EDEN AS
FOLLOWS:**

1. Pursuant to recent amendments to Real Property Tax Law Section 458-b, Town of Eden Code Chapter 192, Article V, Section 192-17 (C), is hereby amended by adding to the end of such existing provision the following:

Notwithstanding the foregoing, the exemption authorized by this Article shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

2. This law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

MOTION was made by Supervisor Hartman to adopt Local Law No. 2-2018 as presented; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

4. Ratification: Permission for Supervisor to sign NDA for Spectrum

Supervisor Hartman requested permission to sign the Non-Disclosure Agreement for Spectrum to expand services to rural towns and the municipality will treat the Confidential Buildout Information as non-public data.

After much discussion the following motion was offered:

MOTION was made by Supervisor Hartman to sign the Non-Disclosure Agreement for Spectrum; seconded by Councilperson Sam; “Ayes”; Hartman, Wilhelm, Sam; Opposed? - Ventry; Abstain? - None; Motion carried.

5. St. John's Eden Community Care Request

Supervisor Hartman received correspondence from Tammy Winter, Director of St. John's Community Care Center (formally Eden KinderCare) requesting permission to leave a key to the Eden Library at the Eden Police Station in the event of a State of Emergency, using the Eden Library as an evacuation site.

After much discussion, this item was tabled and moved to “Old Business” to be reviewed and discussed at a future town board meeting.

6. Verizon Automatic Credit Card Payment Approval

MOTION was made by Councilperson Wilhelm as per the Town of Eden Credit Card Policy, to set up Verizon Town Accounts for Automatic Credit Card payments, as requested by Lisa Winter, Bookkeeper; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? -None; Motion carried.

7. Setting of Public Hearing – Refuse Borrowing

Supervisor Hartman read the following resolution:

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
FEBRUARY 14, 2018**

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, created the Town of Eden Garbage and Refuse District (the “District”); and

WHEREAS, the Town Board has a report outlining the cost associated with an acquisition project for the District; and

WHEREAS, such project will generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such improvements as more fully identified in (or contemplated by) such report referred to above, all of the forgoing to include all equipment, apparatus and other

improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, such report for such increase and improvement of facilities of the District has been filed at the Town and the Town Board has estimated the total cost thereof to be at an estimated maximum amount of \$315,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$315,000, offset by any available funds and by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York, on February 14, 2018 at 7:30 p.m. o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$315,000, said amount to be offset by any available funds and by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, 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; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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, a copy of this Order, certified by said Town Clerk, 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.

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

8. **Bond Resolution for Emergency Squad Roof**

Supervisor Hartman read the following resolution:

A BOND RESOLUTION, DATED JANUARY 24, 2018, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN’S EMERGENCY SERVICE BUILDING, AT AN ESTIMATED MAXIMUM COST OF \$225,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000 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, in the County of Erie, New York (the "Town") has determined to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the Town's Emergency Service Building.

NOW THEREFORE,

BE IT RESOLVED, by the Town (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 capital improvements project generally consisting of the reconstruction of and construction of improvements to the Town's Emergency Service Building including, but not limited to, construction of a new roof, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by Clark Patterson Lee, including all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$225,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$225,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the 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 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(1) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 25 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 such bonds.

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

SECTION 6. The faith and credit of the 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 will 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, there will annually be levied on all the 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 hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

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 such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

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

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

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

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, 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 the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

8A. Approve Engineering Firm for Emergency Squad Roof

Supervisor Hartman stated that the following (2) two quotes had been received:

Clark Patterson Lee	\$ 14,883.00	30-year
GHD Engineering	\$ 30,000.00	20-year

The following resolution was read by Supervisor Hartman:

**Eden Emergency Squad
Awarding of Professional Services**

WHEREAS, it has been determined that the Eden Emergency Squad Roof needs replacement; and

WHEREAS, the Town has reached out for estimates to complete said project;

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Eden, hereby retains Clark Patterson Lee for professional engineering services for said project, engineering design and supervision costs not to exceed \$15,000.00.

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

Hearing of Visitors:

Pamela Yohn, asked if a Recreation Center could be built in the Town of Eden. Councilperson Wilhelm stated that a committee has been working for 2 years on a design for a facility that will be a part of the Master Plan. The committee's first concern was a facility for the senior citizens in the Town of Eden. Supervisor Hartman stated that there have been several discussions and the current plan of thought would include everyone, the youth and senior citizens.

Robert Stickney, stated that 10 years ago a \$5,000 grant was received from the Eden Community Foundation for a study for a recreation center behind the American Legion in Eden, a sports complex and it was determined that it was not feasible.

Scott Green, asked if the old hardware store in Eden applied for a liquor license. Supervisor Hartman stated that they did apply for a liquor license under the name of Route 62 Saloon. No further information was provided to the town.

Supervisor Hartman stated that she had received several concerns regarding the Eden Recreation Fees for the summer program, the 6-week, entire program will cost \$65.00 this year. The increase is due to several factors, namely the increase in the minimum wage. The Town of Eden recreation program is the lowest in Erie County, possibly the State of New York. Comparably, the Town of Boston charges \$385.00 for the exact program.

MOTION was made by Supervisor Hartman to adjourn the Regular Town Board and move to the Fire Commissioners Meeting; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Fire Commissioners Meeting:

Present: Joe Hart, Eden Fire Chief and others
Matt Blaszczyk and Rick Kirst, Office of the East Eden Fire Chief and others

1. Fire Truck Update

Matt Blaszczyk, Office of the East Eden Fire Chief stated that he was getting figures and would have information for the Town Board on or before the February 14, 2018 Town Board meeting.

2. Update on ISO Requests

Supervisor Hartman stated that the ISO (Insurance Service Office) had made some requirements to be met by both fire departments and the members present stated that they are making progress with those requirements.

3. Fire Department Lawyer

Joe Hart, Eden Fire Chief suggested that instead of renewing the software in April, it may be to the advantage of both departments that a Fire Department Lawyer be hired. Joe had the name of the Fire Department Lawyer in Amherst, Mark Butler and he will contact him.

4. Training

Joe Hart requested \$400 for training in Orchard Park, New York in April, 2018 for himself and Mike Hart.

MOTION was made by Supervisor Hartman to approve \$400 for training in Orchard Park, New York in April 2018 for Joe Hart and Mike Hart; seconded by Councilperson Wilhelm; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilperson Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Work Session Meeting of the Eden Town Board at 8:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk

