

May 9, 2018

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MAY 9, 2018  
7:00 P.M.**

**The meeting was video-taped by a private citizen.**

**TOWN BOARD MEMBERS PRESENT:**

MELISSA HARTMAN	-	SUPERVISOR
RICHARD S. VENTRY	-	COUNCILPERSON
MICHAEL BYRNES	-	COUNCILPERSON
SUSAN WILHELM	-	COUNCILPERSON
GARY SAM	-	COUNCILPERSON

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Joe Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Jesse Baker	-	Code Enforcement Office
Amy Porter	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Janet Cunfer	-	Deputy 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 7:05 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag. A moment of silence was observed for the deceased members of the community for the month of April 2018: Lynn Varney; Ruth Henry; Joseph Carlacci; Mark Lorenz; Alice Blajszczak; and Hernan Fuenzalida.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of April 11, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of April 11, 2018 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 April 25, 2018. Deputy Town Clerk Cunfer responded that the word “purchase” was replaced with the word “rent” in the heading for item #3 under New and Unfinished Business. The corrected heading now reads:

**3. Eden Recreation – Request to rent portable Sanitation facilities.**

There were no other additions or corrections to the Town Board Minutes of April 25, 2018.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of April 25, 2018 as corrected; seconded by Councilperson Sam; 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	242-318	\$54,152.79
Highway Dept. Fund	78-115	\$30,137.99
Fire Dept. Fund	69-104	\$12,587.94
Recreation Dept. Fund	38-62	\$6,798.23
Refuse and Garbage Fund	12-14	\$43,193.89
Street Lights Fund	7-9	\$9,146.24
Water Fund	11-13	\$2,869.59
Trust & Agency Fund	--	--
Capital Fund		
H3410.405	6-8	\$136,817.54
H8320.406	2	\$634.16
H8302.407	4-6	\$2,964.85
Community Development	--	--

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

Supervisor Hartman suggested delaying the Departmental Reports until after item #1 from **New and Unfinished Business** was addressed: **Police Dept. Recognition – Town of Eden Receives State and National Recognition as a Safe Town.**

Supervisor Hartman welcomed everyone to the meeting and thanked all for coming. She invited Chief Felschow and all members of the Police Department to come to the front of the auditorium. Supervisor Hartman stated that the Eden Police Department does a great job for the Eden community and deserves recognition for their hard work. This recognition has come from both the state and national level. The Town of Eden has been ranked the 5<sup>th</sup> Safest Town in New York State and the 23<sup>rd</sup> safest town in the nation. These rankings are supported by a 0.0% violent crime rate. The entire Eden Town Board congratulated the Eden Police Department for their continued efforts to keep Eden a great place to live.

Bridget Corcoran from Congressman Collins’ office presented Chief Felschow with an award honoring the department. Mitch Martin from Senator Gallivan’s office presented a proclamation from the Senator recognizing the achievements of all members of the Eden Police Department.

**Departmental Reports:**

Department reports for the month of April 2018 were presented by Rick Kirst, East Eden Fire Chief; Supervisor Hartman read the report for Joe Hart, the Eden Fire Chief; Supervisor Hartman read the report for Robert Pietrocarlo, the Chairman of the

May 9, 2018

Board of Assessors: Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Janet Cunfer, Deputy Town Clerk; Jesse Baker, Zoning Code Enforcement Officer; Amy Porter, Recreation Director; All reports are on file in the Town Clerk's office.

Rick Kirst thanked Eden and the neighboring companies for their assistance in the greenhouse/barn fire at Weiss Farms. He personally thanked the members who stepped up and put in 30-man hours after the fire to help Tony cleanup and get his operation going again.

Councilperson Byrnes reminded Rick that the Town Board would like the monthly report to include a breakdown of where each incident occurs.

After Supervisor Hartman read the report from Robert Pietrocarlo, Chairman of the Board of Assessors, she stressed that Grievance Day will be held Tuesday, May 22, 2018 in the 2<sup>nd</sup> floor conference room from 6:00 p.m. until 10:00 p.m. Supervisor Hartman stated that Debbie Gregoire will run reports and research questions on discrepancies between the last census and the current roll.

Chief Felschow reported the Police Department activity for the month of April. Supervisor Hartman then thanked him for having the entire department attend the Board Meeting to be honored.

Ron Maggs reported that the Highway Department has been very busy with brush pickup. There is a very large volume of brush due to the heavy snows and wind damage that occurred in late winter and early spring this year. The Highway Department is planning to do a paving project next week.

William Trask, Town Attorney, had no new items to report to the Board.

Janet Cunfer, Deputy Town Clerk, had no additional items to add to the Clerk's Monthly Report.

Amy Porter, Recreation Director, reported that summer recreation registration is tentatively slated to be on-line beginning May 15, 2018. The early-bird registration would then run May 15, 2018 until June 15, 2018. She also mentioned that a handicap accessible sanitation unit would be placed at Swartz Field to begin the season. Another unit could be added later if needed. Amy outlined a list of exciting summer events that the Recreation Department is working on, including the Music Series and Slow Roll Eden. Community members with questions are encouraged to reach out to the Eden Athletic Association.

Supervisor Hartman read the report from Ray Zabron, Eden Dog Control Officer. Councilperson Ventry thanked Ray for the great job he did when he responded to a call made by the Councilperson.

Jesse Baker, Code Enforcement Officer, reported that he would be adding a focus on property maintenance issues to his list of responsibilities. Councilperson Wilhelm thanked him for making that issue a priority.

#### **New and Unfinished Business:**

1. **Police Dept. Recognition – Town of Eden Receives State and National Recognition as a Safe Town.**

See above.

2. **Review and vote on bids received for East Eden Fire Dept. Tanker Truck**

Supervisor Hartman stated that only one bid was received for the East Eden Tanker Truck from Firovac Power Systems in the amount of \$378,151.00.

May 9, 2018

**MOTION** was made by Supervisor Hartman that the Eden Town Board not accept the bid from Firovac Power Systems for the East Eden Tanker Truck in the amount of \$378,151.00; seconded by Councilperson Ventry; All “Ayes”; Opposed? – None; Abstained? – None; Motion carried.

Councilperson Byrnes stated that he supports the purchase of a Tanker Truck but could not support this bid price. Councilperson Sam also stated that he could not support the bid price.

**3. Proclamation recognizing Municipal Clerk’s Week.**

Supervisor Hartman read the following proclamation recognizing Municipal Clerk’s Week:

**PROCLAMATION**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants, and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between citizens, the local governing and bodies agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk serves as the information center of functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the Erie County Town Clerk and Tax Collectors Association, hereby recognize the week of May 6 through May 12, 2018 as Municipal Clerk’s Week and further extends appreciation to the Eden Town Clerk, Mary Jo Hultquist and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 9<sup>th</sup> day of May, 2018.

**MOTION** was made by Supervisor Hartman to recognize the week of May 6 through May 12, 2018 as Municipal Clerk’s Week; seconded by Councilperson Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Proclamation recognizing Poppy Days May 17 & 18.**

Supervisor Hartman read the following proclamation recognizing Poppy Days as May 17 & 18:

**PROCLAMATION  
POPPY DAYS**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Eden Town Board does hereby proclaim the 17<sup>th</sup> and 18<sup>th</sup> of May, 2018 as Poppy Days and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy this day.

**MOTION** was made by Supervisor Hartman to proclaim the 17<sup>th</sup> & 18<sup>th</sup> of May, 2018 as Poppy Days; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman added that poppies will be available at the Eden Shurfine on May 17 & 18, 2018.

**5. Approve Code Enforcement Officer position to full time status.**

**MOTION** was made by Supervisor Hartman to approve the Code Enforcement position to full time status; seconded by Councilperson Sam; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Appoint Jesse L. Baker, full time Code Enforcement Officer.**

**MOTION** was made by Supervisor Hartman to appoint Jesse Baker to the position of Code Enforcement Officer, Full Time, Provisional effective May 14, 2018 at a pay rate of \$20.50 per hour for a 37.5-hour work week; seconded by Councilperson Sam; All “Ayes”; Opposed? – None; Abstained? – None; Motion carried.

**7. School Resource Officer (SRO) update and discussion.**

Supervisor Hartman provided a brief background about the need for a School Resource Officer in light of the prevalence of school shootings and other violence around the nation. If such an act occurred in Eden, it would clearly have a negative impact on the health and welfare of the students and staff at Eden’s three schools. Eden is one of the few school districts in the area without an SRO and the safety issue can’t be ignored.

Funding for the position of SRO could come from the state if the Safety Bill is passed. This Bill has been passed by the State Senate. It now needs approval of the State Assembly and then requires the Governor’s signature. The Bill includes many items and the two priority items for the Supervisor are: funding of \$50,000.00 for SROs and increasing the allowable retirement income for police officers from \$30,000.00 to \$50,000.00. Supervisor Hartman will be in Albany with other supervisors next week. They will be pushing to get this Bill passed.

Councilperson Byrnes asked what the Town needed to do to help. Supervisor Hartman responded that she and Councilperson Ventry are working on ideas. Approval of the Bill is needed by the end of June.

Councilperson Byrnes then asked Mitch Martin, the representative from Senator Gallivan’s office, if there was concern in Albany that the Bill wouldn’t pass. Mr. Martin’s response was that it is impossible to tell whether the Bill will pass.

Supervisor Hartman concluded the discussion by stated that she will have a better idea of how to proceed on this issue upon her return from Albany.

**8. Accept grant proposal – Alma Brown**

Supervisor Hartman described the purpose of the grant for which Alma Brown will provide application services. It is called the NY Main Street Grant and would be matched 50/50 with the state funds. This could potentially provide up to \$600,000.00 in funds to improve the appearance of Main Street. Some of those funds would be available to business owners.

**MOTION** was made by Supervisor Hartman to accept the grant application services provided by Alma Brown of Clinton Brown Company Architecture, pc for the NY Main Street Grant 2018 for a fixed fee of \$3,000.00; seconded by Councilperson Byrnes; Ayes Councilperson Wilhelm and Councilperson Sam; Opposed? – None; Abstain? Councilperson Ventry; Motion carried.

Councilperson Sam asked Councilperson Ventry to explain why he abstained on this vote. Councilperson Ventry responded that he is a business owner on Main Street and he may apply for funding from this grant. Councilperson Ventry did not want to create a possible conflict of interest.

**9. MS4 Annual Report**

Highway Superintendent Ron Maggs provided the annual MS4 report. He first explained that MS4 stands for: Municipal Separate Storm Sewer Systems. Superintendent Maggs is required to submit this report to the Department of Environmental Conservation annually. A copy of the report will be available in the Town Clerk’s office. Any comments should be directed to the Town Clerk’s office. Superintendent Maggs stated that the report must be announced at an open meeting. The Eden Town Board’s meeting satisfies that requirement. Attorney Trask added that Superintendent Maggs can be authorized to sign the report.

**MOTION** was made by Supervisor Hartman to authorize Highway Superintendent Maggs to sign the MS4 Annual Report; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. North Evans Cemetery – Rate proposal**

Supervisor Hartman stated that the prices set for North Evans Cemetery when the Town of Eden took it over are very low in comparison to other area cemeteries. Attorney Trask explained that the Town became responsible for operation of the cemetery after the original operating entity goes out of business. This is an unfunded state mandate.

Supervisor Hartman listed the following:

<b>Item</b>	<b>Current Price</b>	<b>Proposed Price</b>
Grave	\$ 650.00	\$ 800.00
Grave Opening	\$ 650.00	\$ 800.00
Cremation Burial	\$ 300.00	\$ 400.00
Saturday Burial	\$ 75.00	\$ 75.00

**MOTION** was made by Supervisor Hartman to approve the proposed rates for the North Evans Cemetery; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Suburban Adult Services Inc., 8703 South Main Street – Refer Special Use Permit Application to the Planning Board for review and comment**

**MOTION** was made by Supervisor Hartman to refer the Special Use Permit Application to the Planning Board for review and comment; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

There were no questions or comments regarding this item.

**12. Permission for Supervisor to travel to Albany for meeting with Elected Officials**

Supervisor Hartman requested permission to travel to Albany for a meeting with elected officials. The Supervisor did not have exact expenses but stated that it would be a one-night stay in shared accommodations.

**MOTION** was made by Councilperson Sam to give permission to the Supervisor to travel to Albany for a meeting with elected officials; seconded by Councilperson Wilhelm; Ayes Councilperson Ventry and Councilperson Byrnes; Opposed? – None; Abstain? Supervisor Hartman; Motion carried.

**13. Recreation Department Appointments**

A request was submitted to the Town Board by Joe Winiecki, Recreation Board Chairman, to change Mitch Mason’s hourly pay rate from \$10.50 to \$10.65 based on years of service. The request also included adding Kelsey Pressing, Brittney Gawel, Connor Blake, and Sarah Swiecki as Summer Recreation Substitutes at an hourly rate of \$10.40.

**MOTION** was made by Supervisor Hartman to change Mitch Mason’s pay rate to \$10.65 per hour and add Kelsey Pressing, Brittney Gawel, Connor Blake and Sarah Swiecki as Summer Recreation Substitutes at an hourly rate of \$10.40; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**14. Recreation Dept. Presentation**

Amy Porter, Recreation Director, and Heather Mardino gave a Recreation Department presentation providing an overview of the activities that are being planned for the summer recreation season. This year will feature Leadership, New Adventures, Science Fridays, Pickleball, T-shirt design contests, participation in the Corn Fest Parade, and much more. There will be Theme weeks with associated field trips. These activities were very popular last year. There is an end of season summary for the parents to complete. Items on last year’s summaries included providing an early arrival time and extending the length of the season. These summaries provide useful input to the Recreation Department. They are looking forward to an eventful and exciting summer program.

**15. Resolution Requesting BENLIC (Buffalo Erie Niagara Land Improvement Corporation) to acquire the property at 9723 New Oregon Rd. for the purpose of demolition.**

Supervisor Hartman stated that the property at 9723 New Oregon Rd. has been the object of numerous complaints by neighbors. The garage has collapsed and created a safety hazard. The Supervisor read the following resolution:

**RESOLUTION**

**Request Buffalo Erie Niagara Land Improvement Corporation (BENLIC) to Acquire Properties**

**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 and 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 intermunicipal agreement among the county’s four FGUs Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; 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 Rd., Eden, New York 14057 – SBL# 255.00-2-12

And it be further

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

**RESOLVED**, that the Town of Eden agrees to maintain the 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**, that the town of Eden agrees to accept a transfer of title to the above property by quit claim deed for the limited purposes of:

9723 New Oregon Rd. – demolition of structure to remove blight; demolition funded by Community Development Block Grant funds administered by Erie County;

**RESOLVED**, this resolution supersedes and replaces prior resolution addressing the above properties and BENLIC.

**MOTION** was made by Councilperson Wilhelm to approve the Resolution Requesting BENLIC to acquire property at 9723 New Oregon Rd. for the purpose of demolition; seconded by Councilperson Byrnes: All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**16. Acknowledge liquor license request – Eden Pub, Inc.**

Supervisor Hartman acknowledged the request for the liquor license from Eden Pub, Inc.

**MOTION** was made by Supervisor Hartman to accept the letter to the Town of Eden requesting a waiver of the 30-day municipality notification; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**17. Authorization to retain services of Stuart Shapiro, Esq. for protection of intellectual property rights**

Supervisor Hartman stated that it had been brought to the attention of the Eden Town Board that there is a social media page that appears to be mimicking the Town’s Official Facebook page thereby causing confusion within the community.

**MOTION** was made by Supervisor Hartman for authorization to retain the services of Stuart Shapiro, Esq. to pursue protection of intellectual property right of the town of Eden at a cost not to exceed \$500.00; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.



May 9, 2018

**Supervisor's Report:**

Supervisor Hartman was pleased to announce that 20 people had gathered on May 8, 2018 to form teams discussing the action items from the Master Plan. This was an excellent turnout and the Supervisor encourages all residents to become involved. Information regarding meetings will be in the Eden-North Collins Pennysaver and the Town website.

Supervisor Hartman reminded the community that there has been tremendous brush accumulation and to be patient.

Restoration of property following the water projection requires good weather. It should be starting on May 10, 2018 and is expected to be completed by the end of the month. Hammond Drive is the exception because it is being paved.

Supervisor Hartman concluded her report by encouraging all interested parties to avoid misinformation from social media by contacting the Eden Town Board members directly.

Ron Maggs, Highway Superintendent, added that an Electronics drop-off day is scheduled for July 28, 2018 from 9 a.m. – 12:30 p.m. at E.C.C. South. There is a hazardous material drop-off on June 2, 2018 from 9 a.m. – 2:00 p.m. at New Era Field.

**Hearing of Visitors:**

Ray Klein of Maple Ave. had a question regarding the safety of telephone poles. Supervisor Hartman responded that trucks were in the area working on that issue.

Glen McLaughlin of Hammond Dr. requested that acronyms be defined on agendas and meeting minutes. Supervisor Hartman responded that this would be done.

Robert Stickney of Lourdes stated that he didn't feel the taxpayers should have to pay for a lawyer to protect the intellectual property rights of the Town.

Peter Coleman of Hillbrook Dr. stated that his company in dire need of people in the skilled trades. He will be sending information to the Town and the school district on this matter.

**Adjournment:**

**MOTION** was made by Supervisor Hartman 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 10:20 P.M.

Respectfully submitted by,

Janet Cunfer  
Deputy Town Clerk