

July 11, 2018

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 11, 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:

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
Jesse Baker	-	Code Enforcement Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Emily Hawkins	-	Deputy Town Clerk
Marlene Grunder	-	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 June 2018; Geraldine Kirst, Rita Vetter, Roger Durett, Harold Brown, Judy Kemp, Michele Hathaway, Harry Ramsomair, Ben Bucierka and a special moment of silence was held for previous Eden resident Sydney Sidote.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of June 13, 2018; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of June 13, 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 June 27, 2018; Supervisor Hartman noted a change in pay correction for Jason Porter from \$10.50 to \$11.00 per hour.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of June 27, 2018 with the change; 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
A915.6 - Assigned Non-Rec	A8540.4 Drainage - Contractual	Use of Assigned fund from 2017 for project completed in 2018	\$1,200
A915.6 - Assigned Non-Rec	A3120.2 Police Contractual	Use of Assigned funds for purchase of Police Care	\$25,368.00

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

Audit Bills:

Supervisor Hartman read the following additions to the General Abstract:

Voucher	Amount	Account	Reason
Voucher #465 Delacy Ford	\$22,968.00	A3120.2	New Police Car Less Trade
Voucher #466 Darryls' Car & Audio	\$2,400.00	A3120.2	Installation of Equipment on New Police Car

Supervisor Hartman asked if there were any additional 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	411-466	\$60,806.97
Highway Dept. Fund	151-163	\$15,723.21
Fire Dept. Fund	136-158	\$16,177.24
Recreation Dept. Fund	80-99	\$8,591.93
Refuse and Garbage Fund	19	\$46.00
Street Lights Fund	13-15	\$4,340.70
Water Fund	15	\$11.00
Capital Fund	-	-
H8320.405	-	-
H8320.406	4	\$5,195.00
H8320.407	8	\$1,687.40

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

Departmental Reports:

Department reports for the month of June 2018 were presented by Rick Kirst, East Eden Fire Chief; Joe Hart, Eden Fire Chief; Robert Pietrocarlo, Chairman Board of Assessors; Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Councilperson Wilhelm for Amy Porter, Recreation Director; Jesse Baker, Zoning Code Enforcement Officer; Supervisor Hartman for Ray Zabron, Dog Control Officer. All reports are on file in the Town Clerk’s office.

Rick Kirst, East Eden Fire Chief; requested the removed of Don Fries from the active roster of the East Eden Fire Company, Chief Kirst thanked Fries for his dedication and over five years of service to the residents of the East Eden Fire District.

MOTION was made by Supervisor Hartman to approve the removal of Don Fries from the active roster of the East Eden Fire Company; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Joe Hart, Eden Fire Chief, stated that there were two items submitted for approval to PESH (Public Employee Safety & Health); the Respiratory Protection Policy and the Hazard Communication Policy. Supervisor Hartman asked if Chief Hart was seeking approval on these two items now or if they should wait to approve with all policy changes. Chief Hart responded that they could wait.

William Trask, Town Attorney; stated that the Erie County Health Department changed their policies regarding private septic systems with direct discharge into ditches or leach fields and will not inspect properties that have not been retrofitted. This is affecting homeowners wishing to sell their homes by costing them money for up-dates to their current system. Attorney Trask has a FOIL request pending with ECHD for more information.

Councilperson Wilhelm read the Recreation Monthly Report for Amy Porter, Recreation Director and gave the following up-dates:

- Summer Recreation – 279 campers, 2 field trips taken, weekly walks to the Eden Library, DQ, Razors, Tim Hortons, and Eden Seafood
- Tuesday Night Music Series – 240 at first concert, 130 at second, food trucks coming
- Eden Pedal Party – around 600 bicyclists and 200 spectators
- AM Supervision for Recreation – well attended with minimum of 6 campers daily
- Pickleball courts, working on proposal
- Working on DEC grant information
- Boy Scouts would like to do a community project in Eden

New and Unfinished Business:

1. NYS Assemblyman David DiPietro Proclamation recognizing Eden Police Department:

Supervisor Hartman welcomed Assemblyman David DiPietro to present the State Proclamation recognizing the Eden Police Department to Chief Felschow. Assemblyman DiPietro stated that the Proclamation is the highest award given in the State for the safest towns. Supervisor Hartman read the following Proclamation:

**The Assembly
State of New York
Proclamation**

whereas, the State of New York takes great pride in recognizing and applauding towns that promote a strong sense of community, maintain peace, and provide a safe, healthy environment for their residents and visitors; and

whereas, one such town is the Town of Eden, New York, Eden is considered a small, rural, suburban town located in southern Erie County, 18 miles south of Buffalo, it has a population of 7,670; and

whereas, on April 16, 2018 the safewise report released the “100 safest Cities in America” and declared Eden, New York the twenty-third safest town in America; the safewise Report uses recent FBI crime data to calculate the rate of crimes per 1,000 people; and

whereas, along with national recognition, the Town of Eden was also named the fifth safest town in New York State by Elite Personal Finance; Elite Personal Finance also analyzes FBI crime data to determine crime rates and found that the Town of Eden reported zero violent crimes in 2016 and had a crime score of 0.00 for 2017 and 2018; and

whereas, the Town of Eden was formed on March 20, 1812; it became attractive to settlers because of its fertile land and proximity to the Eighteen Mile Creek; the Town of Eden is also known as “The Garden Spot of New York State”; vegetables from Eden Valley are shipped all over western New York and neighboring states; initially the majority of Eden’s residents were involved in agriculture, but since then the town has grown and diversified; and

whereas, Eden’s residents are actively involved in many community organizations and projects, including the Eden Corn Festival, an annual festival hosted by the town; Eden’s success is largely due to its residents; now, therefore, be it

Proclaimed, that Assemblyman David DiPietro, in conjunction with the citizens of the 147th Assembly District, offers congratulations to

**the Town of Eden
In celebration of its recognition as a Safe Town**

Assemblyman DiPietro recognized Mary Jo Hultquist for her service to the Town of Eden and stated that the Eden Library will be receiving a grant for \$13,000 and more information will be available soon.

2. Approve Highway assistance with Eden Corn Festival:

MOTION was made by Supervisor Hartman to grant permission for the Highway Superintendent to assist with the Eden Corn Festival, at his discretion; seconded by Councilperson Byrnes; All “Ayes”?; Opposed?- None; Abstain?- None; Motion carried.

3. Amended resolution setting public hearing for the Master Water Improvement Area

Supervisor Hartman read the following Order Calling Supplemental Public Hearing:

A meeting of the Town Board of the Town of Eden, in the County of Erie, New York, was held at the Town Hall, in said Town, on July 11, 2018.

PRESENT:

Melissa Hartman	Town Supervisor
Richard Ventry	Councilperson
Michael Byrnes	Councilperson
Susan Wilhelm	Councilperson
Gary Sam	Councilperson

-----X

In the Matter
of the

Increase in Cost of the Master Water Improvement Area, in the Town of Eden, County of Erie, New York, pursuant to Article 12-C of the Town Law.

-----X

ORDER CALLING SUPPLEMENTAL PUBLIC HEARING TO BE HELD ON

July 11, 2018

JULY 25, 2018
REGARDING THE INCREASE IN THE VIOLET DOME PROJECT
COSTS OF THE MASTER WATER IMPROVEMENT AREA

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, created the Master Water Improvement Area (the “Water Improvement Area”); and

WHEREAS, in connection with the establishment of the Water Improvement Area, the Town Board directed 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 “Water Improvement Area”) and the construction of water improvements therein (collectively, the “Project”); and

WHEREAS, the Town Board took the following specific actions with respect to the Project: (a) adopted on December 13, 2017 a certain order calling for a public hearing, (b) on January 10, 2018 held such public hearing, (c) on January 10, 2018 adopted a certain resolution establishing the Water Improvement Area, and (d) on January 10, 2018 adopted a bond resolution; and

WHEREAS, the plan of financing for the Project identified an estimated maximum cost of \$275,000, with the issuance of bonds in an aggregate amount not to exceed \$275,000; and

WHEREAS, due to construction bids coming in higher than anticipated, the estimated maximum cost of the Project has increased from \$275,000 to \$460,000; and

WHEREAS, in June 2018, the Town Board directed GHD to prepare a revised map, plan and report; and

WHEREAS, such revised map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, the scope of the Project is substantially the same as originally presented and identified in such original map, plan and report; and

WHEREAS, it is the intention of the Town Board that the 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 fully identified in (or contemplated by) such revised map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs preliminary/incidental thereto and in connection with the financing thereof (collectively, the “Improvement”); and

WHEREAS, the Engineer has estimated the total cost of the Improvement to be \$460,000; said cost to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$460,000 offset by any federal, state, county and/or local funds; and

WHEREAS, the estimated maximum cost of the Project includes soft costs (engineering, legal and administrative); and

WHEREAS, the Town Board adopted An Order Calling Supplemental Public Hearing on June 27, 2018; and

WHEREAS, the Town Board has concluded that it is best to readopt the Order Calling Supplemental Public Hearing considered at the June 27, 2018 Town Board meeting to correct a technical requirement related to publication; 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

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negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 2795 East Church Street, Eden, New York, on July 25, 2018, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase in the cost of the Master Water Improvement Area and the construction of the improvement therein, 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 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 it is hereby

FURTHER ORDERED, 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 \$460,000 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 Improvement shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the 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 be it

FURTHER ORDERED, that the Town Clerk publish at least once in the 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.

DATED: July 11, 2018

TOWN BOARD OF THE
TOWN OF EDEN

MOTION was made by Supervisor Hartman to amend the resolution setting public hearing for the Master Water Improvement Area to July 25, 2018 at 7PM; seconded by Councilperson Ventry; All "Ayes"?; Opposed?- None; Abstain?- None; Motion carried

4. Resignation of Deputy Town Clerk Cynthia Ciesielski effective 7/6/2018

Supervisor Hartman acknowledged the resignation of Deputy Town Clerk Cindy Ciesielski effective July 7, 2018.

5. Appoint Deputy Town Clerk:

MOTION was made by Councilperson Ventry to appoint Shannon Sam as Deputy Town Clerk effective July 16, 2018 at a rate of \$12.50 per hour and up to 8 hours per week; Seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – Councilperson Sam; Motion Carried

6. Proclamation recognizing Mary Jo Hultquist for her service to the Town of Eden:

Supervisor Hartman read the following Resolution recognizing Mary Jo Hultquist for 27 years of service to the Town of Eden:

RESOLUTION
HONORING MARY JO HULTQUIST

***WHEREAS**, Mary Jo Hultquist has honorably served the Town of Eden residents for 27 years, 7 years as Deputy Town Clerk and 20 years as Town Clerk, and*

***WHEREAS**, she was the 2006 Erie County Town Clerk of the Year, and*

***WHEREAS**, she has achieved her Registered Municipal Clerk certification, and*

***WHEREAS**, she has served as President, Vice President and member for the Erie County Town Clerks/Tax Receiver and Collectors Association, and*

***WHEREAS**, she has served as a member for the New York State Town Clerks Association, and*

***WHEREAS**, she has served as a board member for the Eden Chamber of Commerce for 3 years holding positions as Secretary and Treasurer, and*

***WHEREAS**, she has been the welcoming face of the Town of Eden to so many residents each and every year during tax time, and*

***WHEREAS**, her many contributions to the success of the Town of Eden including the office of Town Supervisor, Town Board and individual departments are deeply appreciative, join us in saying “thank you” to Mary Jo Hultquist for her service and for her personal values that have contributed to making her an outstanding public servant,*

***NOW, BE IT RESOLVED**, that, by act of this Town Board meeting on July 13th, we honor Mary Jo Hultquist by presenting her with Eden’s “**Key to the Town**” as a thank you for her many years of commitment to the Town of Eden.*

Supervisor Hartman and the Town Board presented Mary Jo Hultquist with flowers, the “Key to the Town” and a framed copy of the Resolution.

Supervisor’s Report:

- Master Plan Implementation Committee meeting on July 12, 2018 at the Town Hall Auditorium at 6:30 PM. The meeting will be regarding form-based zoning and a consultant from CPL (Clark Patterson Lee) will be present.
- The study and site analysis for the Community Center is underway
- The Town is preparing for their part in the Census
- The Town is working with the Eden American Legion and the Ladies Auxiliary to bring the Home Town Hero’s Project to Eden
- Recognized Amy Porter, Emily Hawkins and the Town of Eden Recreation Board for their efforts in making the Eden Pedal Party a well-attended and successful event.
- Recognized the help from the community and support of the GoFundMe page for the family of Sydney Sidote
- The Town Board again thanked Mary Jo Hultquist for her service to the Town and wished her well in her retirement.

Hearing of Visitors:

Ken Bartz stated that his property on Hammond Drive has not been returned to its original state from the up-dates of the Master Water Improvement Project and had concerns regarding the communication with him from the Town and GHD. Councilperson Byrnes stated that he had toured the property with Mr. Bartz and had taken pictures and he planned on sharing that information with the Board. Ronald Maggs, Highway Superintendent, stated that he had completed a tour of the Master Water Improvement area but was unaware of Mr. Bartz complaints at that time. Mr. Bartz ask for further direction on how to get help with this matter and Supervisor Hartman advised that he should contact GHD.

July 11, 2018

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 7:55 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 8:50 P.M.

Public Hearing:

7:30 P.M. Master Water Improvement Area (rescheduled to July 25, 2018)

Respectfully submitted by,

Emily Hawkins
Town Clerk