

September 26, 2018

**MINUTES**

**TOWN BOARD MEETING– EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 26, 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

**OTHERS PRESENT:**

Joe Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Emily Hawkins	-	Town Clerk
Marlene Grunder	-	Administrative Assistant

**Call to Order:**

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:02 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag.

**Public Comments on Agenda Items Only:**

There were none.

**New and Unfinished Business:**

**1. Approval of Washing Machine for East Eden Fire Department:**

Supervisor Hartman stated that due to the new Cancer Law a washing machine is needed for the East Eden Fire Hall to be compliant.

**MOTION** was made by Councilperson Wilhelm to approve the purchase of the washing machine from Empire Laundry Machinery in the amount not to exceed \$4,010.00; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**2. Resolution Adopting Proposal for the Dissolution Plan for the Consolidated Water District.**

- A. State Environmental Quality Review (SEQR)**
- B. Resolution Adopting Proposal**

**A. Supervisor Hartman read the following Resolution:**

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

**Dissolution of Town of Eden Consolidated Water District**

**WHEREAS**, the Town of Eden Town Board, as commissioners of the Town of Eden consolidated Water District (CWD), is considering the dissolution of the CWD so that the CWD assets are available for sale and transfer by the Town of Eden to the Erie County Water Authority (ECWA) as part of the transition of the town water system from “Lease-Manage” to “Direct Service” by ECWA, and

**WHEREAS**, this project is a Type II Action for purposes of SEQRA pursuant to 6 NYCRR 671.5 as it involves no substantial change to the existing CWD assets and is, therefore, not subject to review pursuant to SEQRA; and

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

**MOTION** was made by Supervisor Hartman to approve the Resolution Classifying Proposed Action Type II SEQR Action; seconded by Councilperson Sam; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**B.** Supervisor Hartman read the following Resolution:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EDEN, NEW YORK, ADOPTED SEPTEMBER 26, 2018, ENDORSING A DISSOLUTION PLAN FOR THE DISSOLUTION OF THE EDEN CONSOLIDATED WATER DISTRICT AND PRESCRIBING OTHER ACTIONS IN RELATION 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, created the Eden Consolidated Water District (“CWD”); and

WHEREAS, the Town Supervisor, acting on behalf of the Town Board, has caused to be prepared a Dissolution Plan as required for dissolution proceedings pursuant to New York General Municipal Law Article 17-A;

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

SECTION 1. That the Town Board has reviewed the Dissolution Plan and has found it to be sufficient.

SECTION 2. That it is in the public interest to dissolve the CWD based on the Town Board’s review of the record before it, the consideration of the needs of the property owners for a public water supply, and the anticipated benefits associated with a move to a direct service agreement with the Erie County Water Authority.

SECTION 3. That the Town Board hereby endorses the Dissolution Plan, thereby commencing dissolution proceedings pursuant to the New York General Municipal Law Article 17-A.

SECTION 4. That a public hearing on the Dissolution Plan will be held on November 14, 2018 at 7:30 P.M. (prevailing time) or shortly thereafter, at the Town Hall, Town of Eden, 2795 East Church Street, Eden, New York 14057.

SECTION 5. That within five days after adoption of this Resolution, the Town Clerk is hereby authorized and directed to have the Dissolution Plan and a summary thereof placed in the office of the Town Clerk at the Town Hall and on the Town’s website.

SECTION 6. That within five business days after adoption of this Resolution, the Town Clerk is hereby authorized and directed to arrange to have a notice of (A) the proposed dissolution and (B) a public hearing to be held in connection

therewith published in a newspaper having general circulation in the CWD. Such notice shall be published at least one time a week for four consecutive weeks, with at least one publication to take place between 10 and 20 days before the public hearing. Such notice shall also be placed on the Town's website and posted on the sign-board of the Town, and it shall be in substantially the following form, to-wit:

**MOTION** was made by Supervisor Hartman to approve the Resolution; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**3. Increase Rate of Pay for Janet Cunfer to \$13.00 Per Hour:**

**MOTION** was made by Councilperson Wilhelm to increase the rate of pay for Janet Cunfer, Deputy Town Clerk to \$13.00 per hour; seconded by Supervisor Hartman; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman noted that Janet has been essential in helping through the transition of Town Clerk and she is an asset to the Town of Eden.

**4. Set Public Hearing for Possible Tax Override:**

Supervisor Hartman stated that it doesn't seem we will have a tax override but it is possible and the setting of the public hearing will be done as a preliminary measure should that happen.

**MOTION** was made by Supervisor Hartman to set the Public Hearing for the Tax Override to October 24<sup>th</sup>, at 7:30 PM; seconded by Councilperson Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**5. Resolution Notifying the county of Erie on Conditions of Certain Highways:**

Supervisor Hartman read the following Resolution:

**Resolution of Eden Town Board Notifying the County of Erie of Defects, Out of Repair, Unsafe, Dangerous or Obstructed Conditions on Certain County Highways Located in the Town of Eden**

WHEREAS, the Town of Eden contains a number of County highways which are regularly traveled by the public, including residents of the Town of Eden, and

WHEREAS, the Town of Eden has entered into an intermunicipal agreement with the County of Erie to provide snow and ice removal services on some County highways located within the Town of Eden, and

WHEREAS, conditions of some County highways in the Town of Eden requiring maintenance, repair or redesign have been previously reported by the Town of Eden Highway Department to the County of Erie Department of Public Works, which is responsible for design, maintenance and repair of County highways, and

WHEREAS, some of these reported conditions have resulted in defective or unsafe conditions which are dangerous to users of said highways and potentially damaging to vehicles using these highways, including town highway vehicles attempting to remove ice and snow, and

WHEREAS, the Eden Town Board wishes to memorialize the conditions that have previously been reported and further wishes to formally notify the County of Erie of these defective, out of repair, unsafe, dangerous or obstructed conditions.

NOW, THEREFORE, BE IT

RESOLVED, that the Eden Town Board hereby notifies the County of Erie of the defective and unsafe conditions contained in the September 20, 2018 Report of Town of Eden Highway Superintendent Ron Maggs which is attached to the Resolution and incorporated by reference as part of this Resolution, and it is further

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RESOLVED, that the Eden Town Board requests that this Resolution be treated as a Notice of defective, out of repair, unsafe, dangerous or obstructed conditions of these County highways under applicable law, and it is further

RESOLVED, that the County of Erie is requested to take steps to rectify these defective, out of repair, unsafe, dangerous or obstructed conditions, and it is further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to send certified copies of this resolution to Erie County Legislator John Mills, Erie County Commissioner of Public Works William Geary and Erie County Executive Mark Poloncarz.

**TOWN OF EDEN HIGHWAY DEPARTMENT**  
**SUPERINTENDENT OF HIGHWAYS, RON MAGGS**

8197 North Main Street  
Eden, NY 14057  
Voice 716-992-3823

e-mail: [highway@edenny.org](mailto:highway@edenny.org)  
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ERIE COUNTY HIGHWAYS THAT ARE A SAFETY CONCERN

Please note that ALL Erie County roads are in desperate need of mowing, ditching, shoulders, tree trimming and/or removal. Visibility is lacking extremely on ALL roads. The following list is of roads with more detailed problems.

- 1) Bauer
  - a) Dead trees with widow makers @ 2697
- 2) Bley
  - a) Visibility at Mill Road (many complaints at this intersection)
- 3) Derby
  - a) Numerous Pot Holes
- 4) East Church
  - a) Approach at bridge at 18 Mile Creek
  - b) Pot Holes between bridge and Rt 75
  - c) Holes in shoulder at Rt 62
  - d) Sink hole in winter @ 3196
  - e) Pot holes @ 2941-2996
- 5) New Oregon
  - a) Pot holes
  - b) Holes along shoulders
  - c) Visibility @ Clarksburg
- 6) North Boston
  - a) Dip at crossing near 3360
  - b) Pot holes near 3360
  - c) Pot holes near Rt 75 intersection
  - d) Water and Icing problem at Eden Valley Road
  - e) Brush at guard rail at curve between Eden Valley and Rt 75
- 7) Schintzius
  - a) Pot Holes
- 8) Shadagee
  - a) Holes along shoulders @ 2141
  - b) Holes in Ferrier Road area
  - c) Holes in Railroad area

**MOTION** was made by Supervisor Hartman to approve the Resolution as presented; seconded by Councilperson Sam; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**6. Resolution Amending Cost to Water Project Engineering:**

The following Resolution was read by Supervisor Hartman:

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**RESOLUTION  
TOWN OF EDEN, EDEN TOWN BOARD  
SEPTEMBER 26, 2018  
AMENDMENT FOR ENGINEERING SERVICES  
WATERLINE IMPROVEMENTS PROJECT**

**WHEREAS**, as a requirement of the consolidation of the Town of Eden (Town) Water System with the Erie County Water Authority, the Town was required to complete a number of improvements to the water system infrastructure including waterline replacement, and

**WHEREAS**, the Eden Town Board has contracted the services of GHD Consulting Services, Inc. (GHD) to prepare plans and specifications and administer the construction phase of the project including providing resident engineering services, and

**WHEREAS**, the project construction duration has exceeded that which was anticipated and a winter shutdown period did not occur, thus requiring additional engineering services to be incurred in the amount of \$70,000.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Town Board approve an amendment in the amount of \$70,000 to the current contract for construction administration and resident engineering services with GHD consulting Services Inc.

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

**7. Proposal for Engineering for Violet Tank Construction:**

Supervisor Hartman read the following Resolution:

**RESOLUTION  
TOWN OF EDEN, EDEN TOWN BOARD SEPTEMBER 26, 2018  
ENGINEERING SERVICES AMENDMENT  
VIOLET PARKWAY WATER STORAGE TANK IMPROVEMENTS**

**WHEREAS**, on July 25, 2018 the Town of Eden (Town) awarded a construction project for the replacement of the Violet Parkway Water Storage Tank roof dome, and

**WHEREAS**, the contractor, Amstar of Western New York, Inc. is preparing to begin construction; and

**WHEREAS**, the Town is requesting that the project's design engineer GHD Consulting Services, Inc. (GHD) provide construction administration and part time resident engineering services for the project; and

**WHEREAS**, GHD has estimated a not to exceed fee of \$20,000.00 for these services.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Town Board amend the current contract for design services for the Violet Parkway Water Storage Tank roof dome replacement with GHD in not to exceed amount of \$20,000.00.

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

**8. Resolution authorizing Request for Proposal (RFP) for Engineering Services**

Supervisor Hartman read the following Resolution;

**RESOLUTION  
TOWN OF EDEN, TOWN BOARD SEPTEMBER 26, 2018  
ENGINEERING REQUEST FOR PROPOSALS**

**WHEREAS**, the Town of Eden is ready to accept proposals for engineering and planning services, and

**WHEREAS**, the Town's current engineering contract with GHD, Inc. expires December 31, 2018.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Eden Town Board authorizes issuance of the Request for Proposals

And let it be further

**RESOLVED**, that the Eden Town Clerk of the Town of Eden will accept sealed proposals until 10:00am on October 29, 2018 at the Eden Town Hall, 2795 E. Church Street, Eden NY 14057

**MOTION** was made by Councilperson Ventry to set the Request for Proposal by October 29, 2018 at 10:00 am; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

The complete Request for Proposals is available at the Town of Eden Town Hall, 2795 E. Church Street, Eden, NY 14057, between the hours of 8am-4pm, Monday, Tuesday, Thursday, and Friday, and 9am-12pm on Wednesday, and online at [www.edenny.gov](http://www.edenny.gov)

**9. Appoint Part Time Administrative Assistant:**

**MOTION** was made by Councilperson Ventry to appoint Jennifer Crowe as part time administrative assistant effective October 1, 2018 and at a rate of pay of \$12.50 per hour; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**Hearing of Visitors:**

A representative of GHD spoke regarding the Violet Dome Project and that it is estimated to be completed by the end of October, 2018. He also spoke regarding Mr. Bartz property located on Hammond Drive and that additional work has been done. Supervisor Hartman stated that the Highway Department is working with Mr. Bartz on maintenance in the right of ways located on his property.

**Fire Commissioners Meeting:**

**MOTION** was made by Supervisor Hartman to close the Work Session Meeting of the Eden Town Board and enter into the Fire Commissioners Meeting; seconded by Councilperson Sam; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**1. Review Standard Operating Procedures (SOP):**

Joe Hart, Eden Fire Chief and Rick Kirst, East Eden Fire Chief, spoke regarding the SOP's that the Eden and East Eden Fire Departments are currently completing and implementing.

- Fire Department is currently following these standards but did not have a written policy.
- Implemented things such as Fire Evacuation Plan, HIPAA Waiver, etc.

PESH (Public Employee Safety and Health) Inspection

- Written policy for PESH with training, records keeping, handling inspections etc
- Representatives from PESH were very helpful
- PESH has a consultation program which helped the fire departments in writing new policies
- Up-dated training requirements and trainings

Councilperson Sam stated that Eden and East Eden Fire Departments have completed the policy book and it was presented to the Board of Fire Commissioners who will now review it and decide to approve it or not. They have done an excellent job and have devoted a lot of time to this project.

Supervisor Hartman noted that there is a new Cancer Law in effect for January 2019 and the Town is currently working with the insurance company for the budget process, and making necessary adjustments for the new washing machines and showers and a few other items.

**Adjournment:**

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

Supervisor Hartman adjourned the Work Session Meeting of the Eden Town Board at 7:38 P.M.

Respectfully submitted by,

Emily Hawkins  
Town Clerk