

October 10, 2018

MINUTES

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

The meeting was video-taped by a private citizen and shared on Facebook.

TOWN BOARD MEMBERS PRESENT:

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

DEPARTMENT HEADS PRESENT:

Ronald Maggs	-	Superintendent of Highways
Rick Kirst	-	East Eden Fire Chief
Michael Felschow	-	Chief of Police

OTHERS PRESENT:

William Trask	-	Town Attorney
Emily Hawkins	-	Town Clerk
Marlene Grunder	-	Administrative Assistant
Lisa Winter	-	Bookkeeper
Mike Hart	-	Eden Fire Department

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 those that effected by the hurricane.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of September 12, 2018; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of September 12, 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 September 26, 2018; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of September 26, 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 and the additional transfer for the completion of the pickleball courts.

From Account	To Account	Reason for Amendment	Amount
SF915.3 Assigned Fire Gear	SF3410.2 Fire - Equipment	Use of Assigned for Gear to Purchase Air Bottles	\$9,500.70
A917 Fund Balance	A3120.100 Police - Personal	Unexpected Early Retirement	\$20,000.00
A8020.1 Planning - Personal	A8010.1 Zoning - Personal	Higher Volume of Zoning Board Hearings in 2018	\$300.00
A2192 Charges for Cemetery Services	A8810.1 Cemeteries - Personal	Burial Expenses - North Evans Cemetery	\$300.00
A2192 Charges for Cemetery Services	A8810.4 Cemeteries - Contractual	Burial Expenses - North Evans Cemetery	\$270.00
A3021 Court Facilities	A1110.4 Municipal Court - Contractual	JCAP Grant - Court Room TV	\$799.99
A3021 Court Facilities	A1620.4 Town Hall - Contractual	JCAP Grant - Court Room Doors & TV Mounting Hardware	\$5,058.83
A1990.4 Contingent Fund	A1220.1 Supervisor - Personal	New Hire, OT & Health Ins Stipend Adjustment	\$9,000.00
A5010.4 Highway Supt - Contractual	A5010.1 Hwy Supt - Personnel	Adjustment for Health Ins Stipend	\$500.00
A899.1 Ambulance Insurance Recovery Funds	A4540.4 Ambulance - EMS	Use of Ins Recovery Funds for EMS	\$7,500.00
A9060.8 Hospital & Medical Ins	A9040.8 Worker's Compensation	Difference in Assessment Estimate	\$450.00
SW917 Fund Balance - Water	SW9950.9 Transfer Out to Capital	Consolidate Portion \$164,650, WD#4 \$9,250 WD#5 Portion \$11,100	\$185,000.00
D915.3 Highway -Assigned Road	D5110.4 Roads - Contractual	Use of Assigned Road funds for Summer Paving	\$99,000.00

Additional

A915.5 Assigned Recreation	A7410.4 Playgrounds & Rec Centers - Contractual	Use of assigned funds for Pickleball Court	\$7,136.00
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MOTION was made by Supervisor Hartman to approve the Budget Transfers as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Hartman noted additional Recreation Voucher #151 payable to Signature Sports Surfaces in the amount of \$9,580 as per the contract for completion of the pickleball courts.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	624-691	\$81,071.13
Highway Dept. Fund	231-257	\$171,229.17
Fire Dept. Fund	219-237	\$7,853.13
Recreation Dept. Fund	141-151	\$12,106.56
Refuse & Garbage Fund	24-25	\$21,446.00
Street Lights Fund	22-24	\$4,719.28
Water Fund	19	\$161.00

Capital Fund H8320.405	11	\$27,587.56
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MOTION was made by Councilperson Ventry to approve the Audit of Bills with the additional voucher for Signature Sports; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

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

Chief Kirst noted the dedication memorial for the statue was well attended.

Supervisor Hartman read the monthly report for Robert Pietrocarlo which included the following information:

All Enhanced and Disability Renewal forms have been printed and mailed. Maximum income for the Enhanced STAR exemption is \$86,300. Senior STAR additional exemptions are printed and mailed. The income for Senior Star additional went up to \$34,999.00. The mandatory IVP Form was also sent to both Enhanced and Senior STAR eligible residents which resulted in many questions.

Emily Hawkins, Town Clerk noted that Eden Central School taxes are due on October 15th and the Clerk’s Office has extended hours until that date. The Wednesday evening hours have had a continued positive response and online dog renewals have continued to increase.

Supervisor Hartman read the monthly report for Amy Porter and noted that the pickleball courts at Minekime Field have been completed and are ready for use. Online registration for Karate is in the works and the Recreation Department is working with Eden Central Schools with community service opportunities for students.

Public Comment on Agenda Items Only:

Glenn McLaughlin asked that when the Town Board review the budget that they keep the budget under the tax cap and keep the taxes at the lowest possible number to help our residents.

New and Unfinished Business:

- 1. Recognizing Justice Michael Cooper for 30 Years of Service to the Town of Eden:**

Supervisor Hartman recognized Justice Cooper for his service to the Town of Eden for the past 30 years.

RESOLUTION

HONORING JUSTICE MICHAEL G. COOPER

WHEREAS, the honorable Michael G. Cooper started his service to the Town of Eden on July 13, 1988, and

WHEREAS, he has dedicated his time and service to the residents of Eden for 30 years, and

WHEREAS, he is a member of the New York State Magistrate Association, and

*WHEREAS, he is a member of the New York State and Erie County Bar Associations,
and*

*WHEREAS, Justice Cooper's contributions have assisted with the safety of our Town,
and*

*WHEREAS, Justice Cooper has sacrificed many evenings with his family, left personal
commitments to attend arraignments or other court business at a moment's notice,
and*

WHEREAS, he has also served surrounding towns as Town Justice, and

*WHEREAS, his many contributions to the success of the Town of Eden are deeply
appreciative, join us in saying "thank you" to Justice Michael G. Cooper for his
service and for his personal values that have contributed to making him an
outstanding public servant,*

NOW, BE IT RESOLVED, that, by act of this Town Board meeting on October 10,
2018, we honor Justice Michael G. Cooper and thank him for his 30 years of
commitment to the Town of Eden.

Justice Melissa Zittel recognized her colleagues service to the Town of Eden.

Justice Cooper thanked the Town Board and the Town of Eden and stated it was an
honor and privilege to work for the town for the last 30 years.

2. Approval of Tentative 2019 Town Budget:

Supervisor Hartman noted that the Town Budget will not be going over the tax cap which
is set at .05%. There were slight increases in the budget which include a 2% increase per
our contract for refuse and a 3.6% increase in general which is due to an unfunded state
mandated increase in minimum wage.

Supervisor Hartman stated the budget process includes all of the Town Board members
and the Bookkeeper Lisa Winter and a great amount of time and attention has been spent
on the line by line budget process. Lisa Winter was thanked for all of her hard work in
the process.

MOTION was made by Supervisor Hartman to adopt the tentative 2019 budget as the
preliminary budget; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? –
None; Abstain? – None; Motion carried.

3. Approval of Hiring Clark Patterson Lee for Additional Planning Services:

Supervisor Hartman stated that the next step in the Master Plan is the implementation and
that the proposal from Clark Patterson Lee will help with that process. There are
currently three groups of volunteers that are helping with this stage of the Master Plan
including two groups working on zoning and coding and another group working on
conservation and agriculture. There will be multiple opportunities for public input and
will most likely include some public hearings throughout the year as there will be zoning
and coding up-dates.

MOTION was made by Supervisor Hartman to hire Clark Patterson Lee for additional
planning services not to exceed \$19,000; seconded by Councilperson Byrnes; All
"Ayes"? Opposed? – None; Abstain? – None; Motion carried.

4. Resignation of Police Officer John Arns IV:

Supervisor Hartman acknowledged the resignation of John Arns IV as of September 25,
2018. Officer Arns received a fulltime position in Dunkirk.

5. Approval of Sexual Harassment Policy:

Supervisor Hartman stated that the Sexual Harassment Policy is a State mandated policy that has recently been up-dated. It was noted that Eden has been previously following this policy which includes yearly training for staff and volunteers.

MOTION was made by Supervisor Hartman to approve the sexual harassment policy; Seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – Councilperson Sam; Motion Carried

6. Announce Halloween Trick or Treat hours 6-8pm:

Supervisor Hartman stated that the Halloween Trick or Treat hours would be 6:00 pm – 8:00 pm on Wednesday, October 31, 2018.

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

**7:30 P.M.
Public Hearing
Community Development Block Grant**

Supervisor Hartman stated that the Community Development Block Grant is a grant that is available yearly and is an income-based grant. The town is eligible to apply for Rural Transit services for senior citizens with transportation needs through the grant.

Supervisor Hartman asked if there was anyone present to speak regarding the Community Development Block Grant.

Ron Maggs asked if there were any other projects the town would consider. Supervisor Hartman stated that the grant is only available for “shovel ready” projects and there are a few other items Eden will apply for in the future (Senior Center and Fire Hall bathroom up-dates). Ron asked the Town Board to consider applying for sidewalk repair in Welch Village, he will take a look at the sidewalks this week and give the board his input. Supervisor Hartman said the board would consider it.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:39 pm.

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

7. Request for Special Use Permit for Rusty Whistle at 2679 Hemlock Road:

Supervisor Hartman stated the Special Use Permit application for 2679 Hemlock Road has been received and it was referred to the Planning Board for review and recommendation.

8. Resolution for Community Development Block Grant:

Supervisor Hartman tabled the Resolution to the next board meeting to consider information gathered at the public hearing.

Supervisor’s Report:

- The Eden Garden Club in conjunction with the Town of Eden has planted a Rose of Sharon shrub behind the Town Hall in honor of Sharon Brockman who was an active member. A commemorative plaque in her honor will be placed near the tree on October 20, 2018 at 3:00PM with a short ceremony which will be following the Eden Chamber of Commerce Halloween Parade.
- Main Street grant application has been submitted and Regional Empire State Development progress report has listed Eden with a perfect point value and as a

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priority project. The grant is a 50/50 match and could bring as much as \$600,000 to Main Street. The Town should be notified by the end of November if they will receive the grant.

- November 11, 2018 at 12:00PM is the Veteran's Day Ceremony at the Eden Legion which will also include the un-vailing of the Hometown Hero's Project.

Councilperson Wilhelm made the following announcements:

- Library book sale is next week Wednesday-Saturday
- Eden Fire Department chicken BBQ is November 11, 2018
- Pickleball courts are completed and ready for play

Hearing of Visitors:

Glenn McLaughlin asked for information on the supposed group home being built on the corner of East Church and Jennings Road. The board and Attorney Trask have previously challenged the building of the group home with the Appellate Division which confirmed they have the right to build. The Town Board has no control over the building of the home and they are not supportive.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Regular Meeting of the Eden Town Board and go into Executive Session for personnel; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:52 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:55 P.M.

Respectfully submitted by,

Emily Hawkins
Town Clerk