

November 14, 2018

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 14, 2018  
7:00 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Rick Kirst	-	East Eden Fire Chief
Amy Porter	-	Recreation Director
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Emily Hawkins	-	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 7:10 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 October 2018; Cynthia Wierzba, Kenneth Luther, Jeanne Jordan Wolf, and Howard Vail.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of October 10, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of October 10, 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 for the Fire Budget Public Hearing, of October 16, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes for the Fire Budget Public Hearing of October 16, 2018 as presented; seconded by Councilperson Sam; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of October 24, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of October 24, 2018 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Hartman read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A2705 Gifts & Donations	A7520.4 Historical Preservation - Contractual	Apply Grant to Cost of Historical Marker	\$1,100.00
SF2705 Gifts & Donation	SF2401.2 Fire - Assigned Fire Gear	Funds Received from East Eden Fire for siren and extended cab ordered on new truck to be held in assignment until truck delivery in 2019	\$3,476.00
A7150.4 Special Rec Facilities (Pool- Contractual)	A7140.4 Playgrounds & Recreation Centers - Contractual	Final Transfer for Pickleball Courts	\$2,000.00
A1410.1 Town Clerk - Personal	A1410.4 Town Clerk - Contractual	Budget Transfer for Exit Audit	\$1,000.00
A915.6 Assigned Non Rec	A1680.4 Central Data Processing	Use of IT Project funds for year projects	\$2,800.00
A899.1 Ambulance Insurance Recovery Funds	A4540.4 Ambulance - EMS	Use of Insurance Recovery Funds for EMS	\$7,000.00
SR917 Refuse - Fund Balance	SR8160.4 Refuse -Contractual	Planned Use of Fund Balance for Totes	\$62,000.00

**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 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	692-780	\$58,190.88
Highway Dept. Fund	258-289	\$57,716.80
Fire Dept. Fund	238-262	\$10,566.42
Recreation Dept. Fund	152-163	\$1,014.08
Refuse and Garbage Fund	26-28	\$85,795.00
Street Lights Fund	25-27	\$4,936.88
Water Fund	20-24	\$4,956.74
Capital Fund H3410.405 H8320.406 H8302.407	12	\$61,206.25

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

**Departmental Reports:**

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

Chief Kirst asked the Town Board to remove Aaron Lilga from the active roster.

**MOTION** was made by Supervisor Hartman to remove Aaron Lilga from the active roster of the East Eden Fire Department with gratitude of his service; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Joe Hart, Eden Fire Chief requested the approval for firefighter Chris Colvin to attend the Fire Instructor II training class at the Erie County Training Academy and to cover costs for the class of \$50. That cost will cover class supplies (\$25) and the national certification exam fee (\$25).

**MOTION** was made by Supervisor Hartman to approve the Fire Instructor II training class for Chris Colvin in the amount of \$50; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman for Robert Pietrocarlo, Chairman Board of Assessors, stated that on July 26, 2018 Erie County Legislators increased the maximum income limits for senior citizens receiving tax exemptions. Please contact the Assessor’s office for more information.

Ronald Maggs, Highway Superintendent, stated that the Town of Eden would be given \$50,000 in funds as a result of an audit conducted by FEMA. This was money spent by the Town in 2009 for replacement of culverts on Sandrock Road, for damage caused by a rain storm.

Amy Porter, Recreation Director, made the following announcements;

- Summer Recreation will run from July 1, 2019 through July 31, 2019
- Fall Programs Schedule is available on the Town website or copies are located outside of the Town Clerk’s Office
- Community Service opportunities are available to students through the Recreation Department; Youth Activity Night, Friday Night Family Swim

**MOTION** was made by Supervisor Hartman close the Regular Meeting of the Eden Town Board and open the Public Hearing for the Dissolution Plan of the Eden Consolidated Water District; Seconded by Councilperson Ventry All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**LEGAL NOTICE:**

- (A) Dissolution Plan for Dissolution of the Eden Consolidated Water District; and
- (B) Calling for a Public Hearing to be held on November 14, 2018 in Connection with such Proposed Dissolution.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Eden, a municipality of the State of New York (the “Town”) on September 26, 2018 duly authorized a resolution endorsing a proposed Dissolution Plan for the dissolution of the Eden Consolidated Water District, a descriptive summary of which follows.

Descriptive Summary of Dissolution Plan

The Town of Eden, a municipality of the State of New York (the “Town”) proposes to dissolve the Eden Consolidated Water District (the “CWD”).

The territorial boundaries of the CWD encompass a large portion of the Town, as more specifically described in Exhibit A to the full Dissolution Plan endorsed by the Town (the “Plan”). The CWD is a water improvement district that does not have a separate Board of Commissioners, and the CWD does not have any local laws, ordinances, rules or regulations independent of the Town. Under operation of law, no agreement with the Town is necessary to carry out the dissolution. Water service is currently provided through a Lease-Manage arrangement with the Erie County Water Authority (the “ECWA”). Residents of the CWD will continue to receive water service following the dissolution, with the note that such Lease-Management arrangement may be transitioned to a Direct Service arrangement with the ECWA.

The Plan does not call for the elimination or transfer of public employees, and the cost of the dissolution, including associated legal fees and publication costs for legal notices is estimated not to exceed \$7,500.

The CWD’s assets consist of the Eden 1 Pump Station, located at 7120 East Eden Road, and two easements, as more specifically described in Exhibit B to the Plan. The CWD has some debt, as detailed further in Exhibit C to the Plan.

Upon approval of the Plan (after a public hearing has taken place, which is scheduled for November 14, 2018), the CWD’s assets outlined in Exhibit B to the Plan shall become assets of the Town. Such assets could then be subject to sale and transfer to the ECWA pursuant to Town Law in consideration for the provision of Direct Service by the ECWA. Existing liabilities and indebtedness will continue to be a charge on the taxable real property within the CWD as provided by General Municipal Law Section 790.

Other than the transfer of the CWD’s assets to the Town, which will occur immediately upon adoption of the Plan, the dissolution shall become effective January 1, 2019.

NOTICE IS HERBY FURTHER GIVEN, that the Dissolution Plan, along with a descriptive summary thereof, may be read at the office of the Town Clerk located in the Town Hall, Town of Eden, 2795 East Church Street, Eden, New York 14057. The Dissolution Plan may also be accessed through the Town’s website: <http://edenny.org>.

NOTICE IS HEREBY FURTHER GIVEN that a public hearing on this Dissolution Plan will be held on November 14, 2018 at 7:30 PM (or shortly thereafter) at the Town Hall, Town of Eden, 2795 East Church Street, Eden, New York 14057.

The purpose of the Public Hearing is to review the Dissolution Plan of the Eden Consolidated Water District.

Supervisor Hartman stated that this Public Hearing is one of the steps that will allow the Town of Eden to legally turnover the water systems. The deeds for the water district must be in the Town’s name before transfer and that process is currently being worked on.

William Trask, Town Attorney, noted that part of the transfer of the water system from the Town of Eden to Erie County Water involves the transfer of title to all water system assets. During the search, one pumping station on East Eden Road and two easements were found to be deeded into former water districts and were not part of the Consolidated Water District. The purpose of Dissolution Plan is to effectuate the transfer of those assets into the name of the Town of Eden so that when the Resolution is presented to the Town Board for their consideration those assets can be transferred. This transfer will result in a significant savings for the Town as they will no longer be responsible for major repairs and up-dates to the water system.

The following residents made comments regarding the Dissolution Plan:

There were none.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:38 pm

**MOTION** was made by Supervisor Hartman to close the Public Hearing for the Dissolution Plan of the Eden Consolidated Water District Budget and open the Regular Meeting of the Town Board; seconded by Councilperson Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Public Comment on Agenda Items only:**

There were none.

**New and Unfinished Business:**

**1. Resolution Approving Snowplowing Agreement with Town of North Collins:**

Ron Maggs, Highway Superintendent read the following resolution:

**BE IT RESOLVED** that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

**MOTION** was made by Supervisor Hartman to approve the adoption of the resolution; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Health Insurance Renewal:**

Supervisor Hartman stated that the Town will be renewing their current health insurance plan for the month of December and then will switch to another plan beginning January 1, 2019.

**MOTION** was made by Supervisor Hartman to approve the health insurance renewal for the Month of December 2018; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Approval of Settlement Agreement with Niagara Mohawk Power Corp. (Ref: Street Light Audit Results):**

Supervisor Hartman stated that Niagara Mohawk d/b/a National Grid recently completed an audit of its street lighting facilities to ensure the accuracy of the Company’s billing records. As an outcome of the audit the Town will see a monthly facility charge bill reduction of \$21.58 and a settlement refund of \$3,138.14.

**MOTION** was made by Councilperson Ventry to authorize Supervisor Hartman to sign the settlement agreement and the general release; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Approval of Additional Lifeguard for Recreation Staff:**

**MOTION** was made by Councilperson Wilhelm to approve Brianna Johnson as lifeguard as needed at a minimum wage rate of \$10.40 per hour as of November 14, 2018; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. VFW Liquor License Application:**

Supervisor Hartman received a Notice Form for providing a 30-day advance notice to the New York State Liquor Authority for Eden Memorial Post 8265 VFW Inc., 2551 March Rd., Eden, NY. This is informational and will be received and filed.

**6. Ratification Approving 2119 Derby Road Order and Stipulation:**

William Trask, Town Attorney, stated that 2119 Derby Road was in an Article 7 Assessment Review Preceding that was brought in Supreme Court. A settlement for a modest reduction in taxable value was worked out and he asked the Board for authorization to sign the settlement.

**MOTION** was made by Supervisor Hartman to authorize William Trask to sign the Stipulation of Settlement Agreement for 2119 Derby Road; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Approval of Town Budget:**

Supervisor Hartman stated that due to the Master Water Improvement Project the Town was able to identify areas within the Town’s Assessment that needed to be adjusted. The approval of the 2019 budget would be tabled in order to complete those adjustments.

**MOTION** was made by Supervisor Hartman to set a Special Meeting of the Town Board for November 20, 2018 at 6:00 pm to approve the 2019 Budget; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Resolution recognizing Eleanor Wehner’s 100<sup>th</sup> Birthday:**

Supervisor Hartman noted that the Town Board had a special guest attending the meeting, Eleanor Wehner, an Eden resident that celebrated her 100<sup>th</sup> Birthday on October 27, 2018. The following Proclamation was read:

***ELEANOR H. WEHNER  
In the Town of Eden, New York  
OCTOBER 27, 2018***

***A PROCLMATION  
Is hereby established  
By the Town of Eden Supervisor***

***WHEREAS, Eleanor H. Wehner was born on October 27, 1918 and was honored by friends and relatives on her 100<sup>th</sup> birthday; and***

***WHEREAS, she married Paul Wehner who served in the Army and moved to Eden almost 70 years ago; and***

***WHEREAS, she was an EMT and dispatcher for the Town of Eden as well as taught first aid classes; and***

***WHEREAS, she was a 4H leader teaching crafts and cooking and gave piano, organ and guitar lessons; and***

***WHEREAS, she was a very active member at St. Mary’s Church in East Eden and was a member of the Senior Group at Immaculate Conception Church; and***

***WHEREAS, she is described as full of energy, as well as a fantastic and proud person.***

***NOW, THEREFORE, BE IT RESOLVED that the Eden Town Board congratulates Eleanor on her 100<sup>th</sup> Birthday and wishes her continuing good health and spirits and would also like to thank her for all she has done to make Eden a better community in which to live.***

*BE IT FURTHER RESOLVED, that October 27, 2018 be proclaimed Eleanor H. Wehner Day in the Town of Eden, New York.*

Mrs. Wehner thanked the Town Board and stated that she gained a lot of friends and was able to help others by being involved in the community.

**9. Set Public Hearing for December 12, 2018 at 7:30 pm for Renewal of Special Use Permits**

**MOTION** was made by Supervisor Hartman to set the Public Hearing to December 12, 2018 at 7:30 pm for the Renewal of Special Use Permits; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Approval of Additional Outlets for Holiday Lighting:**

Supervisor Hartman stated that the Eden Chamber of Commerce has requested additional outlets be put on the following light poles for the holiday lighting; 134, 132, 130, 129 ½, 128, 128-1, 131-1, 133-A, 134-1, 135-1, 137-1, 138-1

**MOTION** was made by Supervisor Hartman to approve the additional outlets on the poles as presented; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Resolution Approving the Dissolution of the Eden Consolidated Water District:**

Supervisor Hartman read the following Resolution:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EDEN, NEW YORK, ADOPTED NOVEMBER 14, 2018, APPROVING 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 Board has determined 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; and

WHEREAS, the Town Supervisor, acting on behalf of the Town Board, caused to be prepared a Dissolution Plan as required for dissolution proceedings pursuant to General Municipal Law Article 17-A (the “Dissolution Law”); and

WHEREAS, the Town Board, at a meeting on September 26, 2018, endorsed such Dissolution Plan, thereby commencing dissolution proceedings pursuant to the Dissolution Law; 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 made a determination that the proposal to dissolve the CWD is a Type II action, and therefore, no further action under the SEQRA is necessary; and

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WHEREAS, the Town Clerk has caused the Dissolution Plan and a summary thereof to be placed in the office of the Town Clerk at the Town Hall and on the Town's website; and

WHEREAS, the Town Clerk has caused notice of (A) the proposed dissolution and (B) the public hearing in connection therewith to be published in a newspaper having general circulation in the CWD; and

WHEREAS, the Town Board held a public hearing on the Dissolution Plan on November 14, 2018, after giving notice of such hearing, at which hearing all members of the public were given an opportunity to be heard;

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 hereby determines and finds that such Dissolution Plan meets the requirements of the Dissolution Law.

SECTION 2: That the Dissolution Plan and a summary thereof were duly placed somewhere public for inspection and on the Town's website, as required by the Dissolution Law.

SECTION 3: That the public hearing held on November 14, 2018 was conducted with due notice and within the timeframe required by the Dissolution Law, and is otherwise sufficient to meet the requirements of the Dissolution Law.

SECTION 4: That the Dissolution Plan is hereby approved, with the dissolution of the CWD to take effect on such date (January 1, 2019) and with such terms as are outlined in the Dissolution Plan.

SECTION 5: That within ten days after adoption of this Resolution, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York copies of this Resolution, certified by said Town Clerk.

SECTION 6: That this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Supervisor Hartman  
Councilperson Ventry  
Councilperson Wilhelm  
Councilperson Byrnes  
Councilperson Sam

NOES: There were none.

ABSENT: There were none.

The foregoing resolution was thereupon declared duly adopted.

**Supervisor's Report:**

Supervisor Hartman made the following announcements:

- Congratulations to Emily Hawkins on her election as Town Clerk and Susan Johnson on her election to Assessor.
- Congratulations to Laing Funeral Home, Business of the Year and David Cole, Person of the Year, through the Chamber of Commerce in the Town of Eden.
- Supervisor Hartman will be attending a Department of State Innovative Conference for Municipalities where she will be discussing the Master Plan



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Implementation specifically on rural communities looking at Form Based Zoning and the importance of having a master plan in a rural community. The Town of Eden will be recognized for their planning efforts.

- Recognized:
  - Eden Boys Volleyball team won the DII Regional Championship and will move on to States in Albany this weekend.
  - Diver Rachel Henning and Swimmer Makayla Sheu qualified for the NYSPHSAA Championships and will compete at Ithaca College this weekend.

**Hearing of Visitors:**

Rachel Ricey stated she was looking for the status of her Special Use Permit for the business she would like to open at 2679 Hemlock Road.

Bill Trask stated that the Code Enforcement Officer will need to give his opinion on the Special Use Permit for the apartment as there was a lapse in renewal over the last couple of years.

Councilperson Ventry stated that there were two Special Use Permits, one for the business and one for the apartment on the property.

Ms. Ricey asked the Board to expedite the Special Use Permit for the business as she is losing money each month that she cannot open.

Supervisor Hartman advised that they would have a conversation with the Planning Board and the Code Enforcement Officer in order to move the process forward.

**Adjournment:**

**MOTION** was made by Supervisor Hartman to adjourn the Work Session Meeting of the Eden Town Board and move to Executive Session; 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 7:34 P.M.

**Executive Session:**

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:00 PM

Respectfully submitted by,

Emily Hawkins  
Town Clerk