

December 12, 2018

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
DECEMBER 12, 2018  
7:00 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**DEPARTMENT HEADS PRESENT:**

Ronald Maggs	-	Superintendent of Highways
Michael Felschow	-	Chief of Police
Rick Kirst	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Amy Porter	-	Recreation Director
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Emily Hawkins	-	Town Clerk
Shannon Sam	-	Deputy 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 7:05 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 December 2018; Gerald Flynn, David Anthony Thompson, Joseph L. Kelly, Steven Piwowar, Elizabeth Robison, and Robert Garcia.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of November 14, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of November 14, 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 November 20, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of November 20, 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 November 28, 2018; there were none.

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**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of November 28, 2018 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of December 6, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of December 6, 2018 as presented; seconded by Councilperson Sam; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Public Comment on Agenda Items Only:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Hartman read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A1990.4 Contingent Fund	A1680.4 Central Data Processing - Contractual	Increase in Accounting/Payroll maintenance Fee and Spectrum Internet for Town Hall Bldg not included in 2018 budget	\$3,000.00
A1990.4 Contingent Fund	A1220.4 Supervisor Contractual	Increased Travel & Prepaid 2019 NYS Airfare	\$800.00
A1990.4 Contingent Fund	A1910.4 Unallocated Insurance	Cyber Insurance Policy	\$990.00
A899.1 Revenue Recovery	A4540.4 Ambulance - Contractual	Revenue Recovery for EMS Budget (Includes Hamburg Dispatch)	\$25,000.00
A2115 Planning Board Fees	A8020.4 Planning Contractual	Fees for Review of Minor Subdivisions	\$1,000.00
D9060.8 Hospital & Medical	D9010.8 State Retirement	Adjustment to ERS Estimate	\$1,600.00

**MOTION** was made by Councilperson Wilhelm 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.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	781-861	\$362,273.54
Highway Dept. Fund	290-326	\$151,929.02
Fire Dept. Fund	263-288	\$13,116.10
Recreation Dept. Fund	164-173	\$2,455.36
Refuse and Garbage Fund	29	\$42,874.50
Street Lights Fund	28-31	\$6,061.88
Water Fund	25-27	\$957.00

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<u>Capital Fund</u>		
H8320.405	13	\$160,942.54
H8320.406	6	\$5,000.00
H8320.407	No Activity	

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

**Departmental Reports:**

Departmental reports for the month of December 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/Dave Rice, Zoning Code Enforcement Officer; Amy Porter, Recreation Director; and Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Chief Kirst made a recommendation to the Town Board for the following list of line officers for 2019: Rick Kirst-Chief, Scott Crowe-1<sup>st</sup> Assistant Chief, Charles Wendel-Captain, Clayton Armbruster-1<sup>st</sup> Lieutenant, and Marie Brehm-2<sup>nd</sup> Lieutenant.

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

Councilperson Wilhelm made a **MOTION** to remove Chandler Kraska and Steve Kryszak from the active duty roster thanking them for their service; seconded by Supervisor Hartman.

Councilperson Wilhelm read the recommendations list of appointments for the Department Chiefs for 2019; Chief- Joe Hart, 1<sup>st</sup> Asst. Chief- Mike Hart, 2<sup>nd</sup> Asst. Chief- Dave Rice.

**MOTION** was made by Supervisor Hartman to approve the Department Chiefs for 2019 as presented; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Robert Pietrocarlo Chairman Board of Assessors stated exemptions are due on or before March 1<sup>st</sup>, 2019.

Amy Porter, Recreation Director, made the following announcements;

- Winter Kickball Tournament set for March 9<sup>th</sup>, 2019
- Winter Programs Schedule is available on the Town website or copies are located outside of the Town Clerk’s Office
- Youth Activity Night January 11<sup>th</sup>, 2019 at Eden HS from 6:30-9pm for grades 6-8 with activities to include handball, kickball, basketball, Kanjam, swimming, candy bar bingo, arts and crafts

**Public Comment on Agenda Items only:**

There were none.

**New and Unfinished Business:**

**1. Resolution Authorizing Supervisor Melissa M. Hartman to Expend Funds from the Equipment Reserve Account:**

Ron Maggs requested up to \$40,000 from the Equipment Reserve Account D878.2 for the purchase of a new and unused One-Ton Dump Truck, subject to Permissive Referendum.

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Supervisor Hartman read the following resolution:

**RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE HIGHWAY DEPARTMENT RESERVE FUND OF THE TOWN OF EDEN SUBJECT TO PERMISSIVE REFERENDUM.**

The Town Board of the Town of Eden, duly convened in a regular session, does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$40,000 from the Equipment Reserve Account No, D878.2 of the Town of Eden for the purpose of purchasing a new and unused One-Ton Dump Truck.

This resolution shall be subject to permissive referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN, YORK.

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

**2. Approve Intermunicipal Agreement with North Collins for Dog Control Services:**

Intermunicipal Agreement with North Collins for Dog Control Services in the sum of \$4,000.00 annually, with payment due by June 1, 2019 upon invoice from Eden addressed to the North Collins.

**MOTION** was made by Supervisor Hartman to approve intermunicipal agreement with North Collins for Dog Control Services; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**3. Approve Eden Vet Contract:**

Contract with Eden Vet Clinic includes use of the dog kennel facility at the Eden Veterinary Clinic for a current daily fee of \$25.00 per day per dog, for the 2019 calendar year for purposes of sheltering and caring for dogs taken into custody by the Town DCO.

**MOTION** was made by Supervisor Hartman to approve the Dog Shelter Agreement with the Eden Veterinary Clinic; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

**4. Ratify Approval of Cyber Insurance:**

**MOTION** was made by Supervisor Hartman to ratify approval of cyber insurance policy brokered by the Evans Agency LLC in the amount of \$1881.55; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**5. Announce Engineering/Planning Service for 2019:**

Supervisor Hartman announced that after a bid process the CPL Team was selected, by the Town Board and a Committee, to assist with engineering and planning services for 2019. CPL (Clark Patterson Lee) has worked on a number of projects within the Town already including the Master Plan and Emergency Squad roof replacement.

**6. Approve Adam Dibble as Lifeguard:**

**MOTION** was made by Councilperson Ventry to approve Adam Dibble as lifeguard as needed at a minimum wage rate of \$10.40 per hour as of December 6, 2018; seconded by

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Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Approval of 2019 Police Chief Contract:**

**MOTION** was made by Supervisor Hartman to approve 2019 Police Chief Contract; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Amend Niagara Mohawk Power Corporation Settlement Refund:**

**MOTION** was made by Supervisor Hartman to amend Niagara Mohawk Power Corporation Settlement refund from the amount of \$3,341.18 to \$874.30; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman noted that the Town received correspondence from Niagara Mohawk that there was a clerical error and the amount was amended.

**9. Approve Generator Exhaust Stack for Town Hall:**

Supervisor Hartman noted that the generator exhaust stack at the Eden Town Hall is in need of replacement due to safety concerns. The following quote from Fox Construction was received and recommended to the Town Board by Bob Stickney.

Fox Construction Inc: 1. Supply pipe, fittings and weather cap: Fabricate exhaust pipe, Fabricate and supply hardware to attach to building, Weld exhaust stack to existing exhaust pipe and attach to building - \$2,850  
2. Sandblast and paint exhaust- \$250

**MOTION** was made by Supervisor Hartman to approve the generator exhaust stack for the Eden Town Hall from Fox Construction in the amount not to exceed \$3,100; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Approve Pro-Flex for 2019 HRA Services:**

Supervisor Hartman stated that Pro-Flex for the Town’s HRA for 2019 includes savings and better service over the previous provider, Bene-Care.

**MOTION** was made by Supervisor Hartman to approve HRA services through Pro-Flex for 2019; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Supervisor Hartman close the Regular Meeting of the Eden Town Board and open the Public Hearing for the Renewal of Special Use Permits; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing at 7:31pm.

**LEGAL NOTICE  
TOWN OF EDEN, NEW YORK  
NOTICE OF PUBLIC HEARINGS**

Pursuant to resolutions of the Town Board of the Town of Eden, New York, **NOTICE IS HEREBY GIVEN** of the following **PUBLIC HEARINGS** to be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 12th day of December, 2018:

At 7:30 P.M. Local Time, for the purpose of considering the annual renewal of Special Use Permits for the following:

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1. Cazenovia Recovery Systems, Inc. – 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center
2. Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower
3. EdenKindercare/St. John’s Church – 2871 E. Church St, Eden, NY for the operation of a day care center.
4. Norman & Jean Brenner – 3036 E. Church St., Eden, NY to operate a gravel pit business
5. SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower
- Schreiber & Winkelman, Inc. – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor’s plaza
6. James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility
7. BAM, previously Upstate Cellular Network, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower
8. Rainer & Pamela Sticht – 9293 Sisson Hwy, Eden, NY for the operation of a dog kennel
9. Meagan Coggins – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel
- Upstate Cellular Network, d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower.
10. Dr. Robert Hornberger - 8800 S. Main Street, Eden NY for an indoor storage facility

All interested parties will be given an opportunity to be heard.

The following residents made comments regarding the proposed Special Use Permit Renewals;

Ray Zabron noted that he had received no complaints for any Special Use Permit Renewals pertaining to animal care.

All person desiring to be heard having been heard, Supervisor Harman closed the Public Hearing at 7:33pm.

**MOTION** was made by Supervisor Hartman closed the Public Hearing for the Renewal of Special Use Permits and opened the Regular Meeting of the Town Board; seconded by Councilperson Wihelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried

#### 11. Action on Special Use Permit:

Supervisor Hartman read all Special Use Permits scheduled for renewal and subject to compliance.

The following motion was offered:

**MOTION** was made by Supervisor Hartman to approve the renewal of the Special Use Permits with conditions met:

1. Cazenovia Recovery Systems, Inc. - 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center,
- ~~2. Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower~~ Correction 5/8/2019 - remove
3. EdenKindercare/St. John’s Church – 2871 E. Church St, Eden, NY for the operation of a day care center.
4. Norman & Jean Brenner – 3036 E. Church St., Eden, NY to operate a gravel pit business
5. SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower
- ~~6. Schreiber & Winkelman, Inc. – 8750 S. Main St., Eden, NY for a mini self storage facility and contractor’s plaza~~ Correction 5/8/2019 - remove

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7. James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility
  8. BAM, previously Upstate Cellular Network, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower
  9. Rainer & Pamela Sticht – 9293 Sisson Hwy, Eden, NY for the operation of a dog kennel
  10. Meagan Coggins – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel
  11. Upstate Cellular Network, d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower.
  12. Dr. Robert Hornberger - 8800 S. Main Street, Eden NY for an indoor storage facility;
- seconded by Councilperson ~~Byrnes~~ **Correction 5/8/2019 Ventry**; All “Ayes”;  
Opposed? - None; Abstain? - None; Motion carried.

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## **12. Resolution Amending Memo of Understanding with Erie County Water Authority:**

Supervisor Hartman read the following resolution;

### RESOLUTION OF EDEN TOWN BOARD

WHEREAS, the Town of Eden currently owns its municipal water system consisting of easements and rights of ways, pumping stations, standpipes and water towers, transmission lines and appurtenant facilities (hereafter “Water System”); and

WHEREAS, the Town of Eden currently provides water supply to properties serviced by the Water System through a Lease-Management Agreement with the Erie County Water Authority (hereafter “ECWA”) under which the Town of Eden remained responsible for the cost of major repairs and capital improvement costs; and

WHEREAS, in 2014, the Town of Eden was awarded a grant from the State of New York to study the feasibility of moving from Lease-Management to a “Direct Service” arrangement with the ECWA, under which the ECWA would assume full responsibility for the Water System; and

WHEREAS, following the completion of the feasibility study, which was undertaken with the participation of the ECWA, the Eden Town Board determined that moving to Direct Service would result in substantial long-term savings to property owners and taxpayers receiving public water service in the Town of Eden; and

WHEREAS, a Memorandum of Understanding (“MOU”) with an effective date of September 27, 2017 between the Town of Eden and the ECWA requires the Town of Eden to make certain improvements to the Water System in anticipation of moving from Lease-Management to Direct Service which the ECWA; and

WHEREAS, pursuant to the terms of the MOU, the Town of Eden has undertaken and completed improvements to the Water System required by the MOU at a cost of approximately \$4.2 Million Dollars and the Town of Eden’s adopted 2019 Budget anticipated a move to Direct Service effective January, 2019, with the resulting benefits of Direct Service being in effect as of that date; and

WHEREAS, under the terms of the MOU, the Water System facilities are to be transferred to the ECWA in consideration for the ECWA providing Direct Service and the Town of Eden has undertaken proceedings required for said transfer by January 1, 2019, in good faith and consistent with proceedings followed by other towns who are currently receiving Direct Service; and

WHEREAS, the ECWA has recently notified the Town of Eden that it is reviewing the proceedings undertaken by the Town for the transfer of the Water System

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to the ECWA and, as a result of such review, the move to Direct Service may take place later than January 1, 2019; and

WHEREAS, in recognition of the substantial expenditures undertaken by the Town of Eden pursuant to the MOU, and the mutual desire to complete the move to Direct Service as soon as possible, it is mutually beneficial for the Town and the ECWA to provide for certain amendments to the MOU and the existing Lease-Management Agreement, as amended, effective January 1, 2019 while the ECWA completes its review of the proceedings required for the transfer of the Water System to the ECWA.

NOW, THEREFORE, it is RESOLVED, that the Town of Eden does hereby request that, in anticipation of and on the condition of the successful completion of all proceedings required for the move to Direct Service being completed by October 5, 2020, the following amendments be incorporated into the MOU and the existing Lease-Management Agreement by ECWA and the Town of Eden:

1. The current Lease-Management Agreement shall be amended to provide that the billing and reimbursement provisions contained in Sections 5.1 and 5.2 thereof will no longer be applicable beginning January 1, 2019; and Effective January 1, 2019, Paragraphs 6 and 7 of the MOU are amended to provide that the ECWA acknowledges the completion by the Town of Eden of the improvements required by the MOU and accepts such improvements and the Town of Eden will not be required to undertake any further improvements or “waterline replacement work” prior to the transfer to Direct Service

**MOTION** was made by Supervisor Hartman to amend the Erie County Water Authority Memorandum of Understanding; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:** Supervisor Hartman thanked the Holiday Lights crew and Highway volunteers for putting up lights and announced the December 26<sup>th</sup>, 2018 Town Board Meeting will be at 4:00pm and will be the Reorganization meeting.

**Hearing of Visitors:**

There were none.

**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 7:42 P.M.

Respectfully submitted by,

Shannon Sam  
Deputy Clerk