

April 10, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
April 10, 2019
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

DEPARTMENT HEADS PRESENT:

Ronald Maggs	-	Superintendent of Highways
Michael Felschow	-	Chief of Police
Joe Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Emily Hawkins	-	Town Clerk
Marlene Grunder	-	Administrative Assistant
Lisa Winter	-	Bookkeeper
Shannon Sam	-	Deputy Clerk

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:03 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 March 2019; Sam Mardino, Thomas Rich Sr., Arthur Jaworski, Hedwig Narlesky, Michael Andolina, David Symkowiak, James Schwanz, and Robert Stinnett.

Approval of Minutes:

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of March 13, 2019 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 March 13, 2019; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of March 27, 2019 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 March 27, 2019; there were none.

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	A1680.4 Central Data Processing	Assigned for IT Funds used for phone upgrade equipment	\$4,376.00

MOTION was made by Supervisor Hartman to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Wilhelm; 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 was the addition of Municipal Solutions Invoice# 12337 in the amount of \$9,908.45.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	176-244	\$71,165.21
Highway Dept. Fund	74-104	\$39,520.59
Fire Dept. Fund	58-83	\$22,576.93
Recreation Dept. Fund	25-27	\$4,524.28
Refuse and Garbage Fund	8-10	\$44,119.88
Street Lights Fund	5-7	\$5,167.67
Water Fund	12-13	\$3,164.19
Trust & Agency Fund		
Capital Fund		
H320.405	3	\$5,116.93
H8320.406	3	\$936.98
H8302.407	4-5	\$1,380.00

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

Departmental Reports:

Department reports for the month of March 2019 were presented by Joe Hart, Eden Fire Chief; Rick Kirst, East Eden Fire Chief; Michael Felshow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Emily Hawkins, Town Clerk; Supervisor Hartman for Robert Peitrocarlo, Chairman of Board of Assessors; Supervisor Hartman for Jesse Baker, Zoning Code Enforcement Officer; Councilperson Wilhelm for Amy Porter, Recreation Director. All reports are on file in the Town Clerk’s office.

Rick Kirst stated Engine 4 is back in service after getting rear brakes fixed it was also checked over for any mechanical issues none were found. Rick stated report includes Agenda Items 4 and 5.

Ron Maggs requested permission to attend Highway School in Ithaca, NY on June 3-5 2019. Ron stated since he has completed over 20 years that Highway School is of no cost.

MOTION was made by Supervisor Hartman to grant permission to Ron Maggs Highway

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Superintendent to attend Highway School in Ithaca, NY on June 3-5 2019; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Public Comment on Agenda Items Only:

There were None

New and Unfinished Business:

1. Presentation by Drescher & Malecki – Annual Audit Report.

Luke R. Malecki, CPA, Partner Drescher & Malecki gave a presentation describing the process of the Town of Eden audit ending December 31, 2018. Drescher & Malecki stated that they found the Town to be in good standing with a clean audit and had no concerns at this time. Copies of financial statements are available in the Town Clerk’s office during normal business hours.

MOTION was made by Supervisor Hartman to leave Regular Meeting and open Public Hearing for Proposed Local Law No. 2-2019; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman opened the Public Hearing at 7:35 P.M.

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

Pursuant to resolution of the Town Board of the Town of Eden, New York, notice is hereby given that a public hearing will be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 10th day of April, 2019 at 7:30 P.M. Local Time, for the purpose of considering Proposed Local Law No. 2-2019 which, if approved, would repeal and replace Chapter 113 of the Town of Eden (Flood Damage Prevention).

Copies of the proposed local law are available for review in the office of the Town Clerk. All interested parties will be given an opportunity to be heard

The following residents made comments regarding Proposed Local Law. No. 2-2019:

There were none.

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

MOTION was made by Supervisor Hartman to return to Regular Session; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

2. Presentation by Tricia Dragoo from Southtowns Rural Preservation Company.

Tricia Dragoo from Southtowns Rural Preservation Company gave a presentation. SRPC is a local non-profit community development corporation that provides home repair grants to income qualified homeowners in the Town of Eden. SRPC is now accepting grant applications. Any persons interested can find more information at southtownsrpc.com

3. Set bid opening date for Fire Equipment for Eden and East Eden Fire Dept.

MOTION was made by Supervisor Hartman that Bid Opening for Fire Equipment for both Eden and East Eden Fire Department be set for May 10, 2019 at 3:30 P.M. in the Town Clerks Office; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

4. Purchase of 10 Scott 4.5 bottles from Dival Safety for East Eden Fire Department.

MOTION was made by Supervisor Hartman to approve Purchase of 10 Scott 4.5 bottles from Dival Safety for East Eden Fire Department for cost no greater than \$8,250; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

5. Declare 5 Scott packs and 35 bottles surplus for East Eden Fire Department.

MOTION was made by Supervisor Hartman declaring 5 Scott packs and 35 bottles surplus for East Eden Fire Department; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

6. Appoint Jennifer Crowe to Part Time Clerk Typist to the Assessor’s Office.

MOTION was made by Supervisor Hartman to appoint Jennifer Crow to Part time Assessor Clerk at the rate of \$14.00 per hour for 18 hours per week starting on April 22, 2019; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

7. Appoint Jennifer Crowe to Part Time Seasonal Clerk Typist for total 36 hours.

MOTION was made by Supervisor Hartman to appoint Jennifer Crow to Part time Seasonal Clerk Typist for a total of 36 hours per week; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

8. Approve ambulance #805 for auction.

MOTION was made by Supervisor Hartman to approve Ambulance #805 to be auctioned by Ambulance Trader with a minimum amount of \$9,500; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

9. County Road Study on East Eden and Eckhardt

Supervisor Hartman read the following Resolution:

Resolution to Erie County for Road Study

WHEREAS The Town of Eden has seen an increased amount of accidents at the intersections of Eckhardt and East Eden Roads, and
WHEREAS there has recently been a fatality at said intersections, and
WHEREAS the Town of Eden Highway Department and Police Department feel that this intersection needs to be evaluated to see the cause of the increased accidents, and
WHEREAS there is only a 2-way stop sign at said intersection, and
WHEREAS both East Eden and Eckhardt Road are Erie County Roads
NOW, THEREFORE, BE IT RESOLVED: The Town of Eden is requesting Erie County to conduct an All-way Stop Study for the intersection of East Eden Road and Eckhardt Road in the Town of Eden

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Commissioner William Geary, Erie County Traffic Safety Engineer, Gina Wilkolaski, Legislature John Mills and Erie County Executive Mark Poloncarz.

Resolution Dated:

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

10. Additional Lifeguard for Recreation Staff.

MOTION was made by Supervisor Hartman to approve Austin Feasley for lifeguarding position as needed at the rate of \$11.35 per hour; seconded by Councilperson Byrnes; All

“Ayes”? Opposed? – None; Abstain? – None; Motion carried

11. Bid for temporary Portable Sanitation Facilities for Recreation.

All Bid Prices: Ross W. Gloss - \$3,220; Modern Portable Toilets Inc - \$3,674.30; Nationwide Waste Service - \$8,159.

MOTION was made by Supervisor Hartman to approve Temporary Portable Sanitation Facilities from Rodger W. Gloss in the amount of \$3,220.00 for the Recreation Department; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

12. Update Annual Tire & Scrap Metal drop-off fees.

Supervisor Hartman stated Annual Tire & Scrap Metal drop-off fees have not been adjusted in 20 years.

Annual Tire & Scrap Metal Drop-Off		
Tires	2018	2019
First Two Tires -Additional or larger tires(each)	Free	\$1.00
Passenger Car Tires	\$1.00	\$3.00
Light Truck Tires	\$1.00	\$3.00
Heavy Truck Tires	\$8.00	\$10.00
Tractor Tires	\$8.00	\$10.00
Large Tractor Tires	\$10.00	\$12.00

MOTION was made by Supervisor Hartman to approve Annual Tire & Scrap Metal drop off fees as presented, to being May 18, 2019; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried

13. Proposed Local Law No. 2-2019; Flood Damage Prevention

Town Attorney Bill Trask read the following:

**TOWN BOARD OF THE TOWN OF EDEN
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
Negative Declaration (April 10, 2019)**

WHEREAS, the Eden Town Board is considering action relative to the adoption of Proposed Local Law No. 2- 2019, which would repeal and replace existing Chapter 114 of the Town of Eden Code with a new Chapter 114 entitled “Flood Damage Prevention” to comply with current federal and state requirements for floodplain management (hereinafter “Project” or “Action”); and

WHEREAS, the Eden Town Board previously determined that the proposed Action declared itself Lead Agency by resolution dated March 13, 2019 and a public hearing thereon was held on April 10, 2019; and

WHEREAS, the Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQRA.

NOW, THEREFORE, be it resolved by the Board that:

Based upon the Board’s thorough and careful review of the Action, including all materials submitted in connection therewith, the Board hereby determines that the Action will not result in any significant environmental impacts and hereby issues a negative declaration for the Action pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Action will not create any permanent adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Characteristics: The Action will not adversely affect agricultural, archeological, historical, natural, or cultural resources.

3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species: No plant or animal life will be adversely affected by the Action.

4. Community Plans, Use of Land or Natural Resources: The Action is not inconsistent with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc.: The Action will not induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects: The Action will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area: The Action will not have significant impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety: The Action will have no immediate impact upon these concerns.

6 NYCRR § 617.1 states that it is the intention of the SEQR regulation “that a suitable balance of social, economic and environmental factors be incorporated in the planning and decision making of State, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision making.”

This Board has considered all of the evidence submitted and has determined that the Action will not have a significant adverse environmental impact on the community.

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

MOTION was made by Supervisor Hartman to approve the adoption of Local Law 2-2019 Flood Damage Prevention; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- 2nd Graders wrote letters to Supervisor Hartman
- Closing Deadline for Main Street Grant Applications is April 16, 2019
- Hometown Hero Banners- 23 banners will be going up May 23, 2019. Applications for 2020 Hometown Hero’s will be going out in May

Councilperson Report:

- “Councilperson Ventry” Post office driveway complaints from Town resident.
- “Councilperson Wilhelm” Easter Wow at the Library Monday April 15, 2019 in the afternoon with live small animals.

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Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:17 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:50 P.M.

Respectfully submitted by,

Shannon Sam
Deputy Clerk