

June 12, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
June 12, 2019
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 Maggs	-	Superintendent of Highways
Michael Felschow	-	Chief of Police
Scott Crowe	-	East Eden Deputy Fire Chief
Joe Hart	-	Eden Fire Chief
Amy Porter	-	Recreation Director
Jesse Baker	-	Code Enforcement Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Emily Hawkins	-	Town Clerk
Lisa Winter	-	Bookkeeper
Brian Kulpa	-	Town Engineer

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:04 P.M.

Pledge of Allegiance

MOTION was made by Supervisor Hartman to move to Executive Session at 7:06 P.M.; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Hartman to return to the Regular Meeting of the Eden Town Board at 7:25 P.M.; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Approval of Minutes:

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of May 8, 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 May 8, 2019; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of May 22, 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 May 22, 2019; there were none.

Petitions: There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A2665 Sale of Equipment	A878.1 Reserve Ambulance Equipment	Proceeds from Sale of Ambulance to Reserve	\$9,500
A1990.4 Contingent Fund	A1940.4 Purchase Land/Right of Way	Title Search & insurance and purchase cost of 9723 New Oregon Rd.	\$929.00
A1990.4 Contingent Fund	A8540.401 Drainage-Stormwater Mgmt.	Increase in Stormwater Coalition Dues Town given increased rate after budget completed	\$650.00
A2192 Cemetery Services	A8810.1 Cemetery Personal	Services for North Evans Cemetery	\$145.00

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

Audit Bills:

June 2019

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	316-408	\$69,008.39
Highway Dept. Fund	130-172	\$60,034.32
Fire Dept. Fund	113-140	\$19,836.28
Recreation Dept. Fund	49-71	\$8,829.22
Refuse and Garbage Fund	14-17	\$45,878.85
Street Lights Fund	11-13	\$4,631.38
Water Fund	21-23	\$7,202.00
Capital Fund H8230.405 H8320.406 H8302.407	No Activity No Activity 9-9	\$6,900.00

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:

Department reports for the month of June 2019 were presented by Joe Hart, Eden Fire Chief; Scott Crowe, East Eden Deputy Fire Chief; Michael Felschow, Eden Police Chief; Melissa Hartman for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Emily Hawkins, Town Clerk; Jesse Baker, Code Enforcement Officer; Amy Porter, Recreation Director; Brian Kulpa, Town Engineer/Planner; and Councilperson Ventry for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

MOTION was made by Supervisor Hartman to add Kevin Foltyniak to the active roster of the East Eden Fire Department pending a background check; Seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Robert Pietrocarlo, Assessor’s Office: Grievance Day was held on May 28, 2019. The low attendance shows that Eden residents are happy with their assessment and feel that they are fair and equitable.

Amy Porter, Recreation:

Upcoming Events:

- Pedal Party Eden, June 28, 2019
- Music on Main Street starts Tuesday July 2nd with Erie County Wind Ensemble Band and food trucks
- Summer Recreation Day Camp – registration is open – Camp runs July 1st – July 30th
- Town Pool opens June 14th, lap swim begins June 24th, swim lessons begin July 1st

Public Comment on Mixed Use Design Standards:

Supervisor Hartman stated that three teams from the Master Plan Implementation Committee have been working on zoning up-dates for the Town. Group A specifically has been drafting a mixed-use form-based zoning for the Main Street District.

Brian Kulpa from Clark Patterson Lee briefly discussed the hybrid form-based zoning, which describes a pedestrian accessible pattern with buildings pulled to the street. This zoning will promote future development using the traditional values that can currently be seen in the existing buildings.

Supervisor Hartman asked if there was any public present wishing to comment on the zoning:

Bill Mahoney, Implementation Committee Team A, stated that the draft Mixed Use Design Standards are in line with the visions of his committee.

Public Comment on Agenda Items Only: There were none

New and Unfinished Business:

1. Erie County District Attorney's Office Presentation:

Karen Korkuc, DA's Office Liaison, lead a presentation on the DA's Office programs and services. Inquiries: 716-858-2400 or www.erie.gov/da/

2. Create Civil Service Position, Lieutenant:

MOTION was made by Supervisor Hartman to approve the creation of the position Police Lieutenant, Competitive; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Fire Bids for East Eden and Eden Fire Departments:

MOTION was made by Supervisor Hartman to approve the Eden and East Eden Fire bid results as presented and allow Eden Fire choice of TURK Stokes Carrier pending results of demo; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Discuss Light Rescue Truck for Eden Fire Department:

The Town Board and Joe Hart discussed adding a light rescue truck to the Eden Fire inventory instead of replacing the tanker which is still in good condition and does not need replacement at this time. The Board asked for an outline/analysis of the replacement schedule with two options, showing the increase in cost for the larger tank of Engine 5 vs. replacement of the tanker and addition of the Light Rescue Truck. Joe will work on a couple different scenarios and present them to the board.

Joe Hart explained the benefits of purchasing the light rescue truck:

- Current tanker is in excellent condition, body and engine in great shape and carries enough water for the needs of the Department. Eden continues to get larger tankers in surrounding districts, including the new tanker purchased by East Eden.
- Fire Police and increasing visibility
- Utilize a less expensive piece of equipment to respond to accidents, down power lines etc.
- Winter weather: 4-wheel drive vehicle that can withstand harsher weather
- Less man power and equipment usage
- Grow RIT (Rapid Intervention Team) and enable quicker response times
- Cost is significantly less

5. Update on Eckhardt Road County Study:

Supervisor Hartman read the following results of the request for all-way stop control at the intersection of East Eden Road and Eckhardt Road, provided by Erie County Traffic Safety Engineer, Gina Wilkolaski:

“While reviewing the accident reports, it was determined that a common accident type involved drivers on Eckhardt Road failing to stop at the STOP signs before entering the intersection. This

driver error was observed by this Department during the traffic count for this study despite the presence of dual STOP signs in each direction. To further increase driver awareness of the stop control at this intersection, oversized STOP signs and dual advanced warning signs will be installed. These treatments have been used in other Erie County locations to successfully reduce accident rates. This work will be done by Erie County forces as weather and workload permits.”

It was noted that this work has already been completed and the Town will request a Federal Study in the future. Supervisor Hartman thanked the Eden and East Eden Fire Department and Highway for their assistance with the removal of trees.

6. Stop DWI:

Supervisor Hartman read the following Resolution:

Whereas, the Town of Eden participated in the Stop DWI program through Erie County Department of Central Police and

Whereas, the contract date was for year 2018

Now therefore be it resolved, that the Town Board of the Town of Eden hereby gives permission for Supervisor Hartman to execute said contract to convey 2018 DWI fine revenue to the Town of Eden

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

7. Amend Recreation Staff:

Supervisor Hartman read the following additions to Summer Recreation:

- Sarah Swiecicki to be added as a recreation counselor at \$11.20 per hour
- Austin Timblin to be added as a lifeguard at a rate of \$11.20 per hour
- Carson Profic to be appointed as Head Grounds and Maintenance from Grounds and Maintenance with a rate change of \$11.20 per hour to \$11.70 per hour retroactive to May 27, 2019.

MOTION was made by Supervisor Hartman to amend recreation staff as read; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Summer Recreation Day Pass:

MOTION was made by Supervisor Hartman to approve the increase from \$5.00 to \$10.00 per day for the One-Day Summer Recreation Pass; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. Set Public Hearing, Special Use Permit, for Eden Solar LLC:

MOTION was made by Supervisor Hartman to set the public hearing for Eden Solar LLC to July 10, 2019 at 7:30 PM; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10. Accept Bid for Clean, Seal, and Stripe Parking Lots:

The following bids were received:

2019 Estimates to Clean, Seal, & Stripe Parking Lots

	Swartz Field	Municipal Lot	East Eden Fire Hall
Palmieri Paving	No Bid	No Bid	No Bid
Land-On	\$1,050	\$1,100	\$500
Ballou Paving & Sealing	\$1,500	\$1,500	\$900

MOTION was made by Supervisor Hartman to approve Land-On to clean, seal, and stripe the parking lots in an amount not to exceed \$1,050.00 for Swartz Field, \$1,100 for the Municipal Lot and \$500 for the East Eden Fire Hall; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11. Library Roof Replacement:

The following bids were received:

2019 Estimates for Library Roof

Felschow Construction	\$33,500
Sahlems Roofing	\$32,950
Kaz Home Improvements	No Bid
John Bauer	No Bid
M&M Siding by Bruce Mosher	No Bid

Supervisor Hartman read the following Resolution:

**RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN
TO EXPEND FUNDS FROM THE GENERAL FUND RESTRICTED RESERVE FOR
BUILDING MAINTENANCE
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 \$32,950.00 from the Restricted Reserve for General Building Maintenance A882.0 of the Town of Eden for the purpose of replacing the Library roof.

MOTION was made by Supervisor Hartman to approve the resolution as read; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

12. Off-Road Drainage Committee:

The following recommendation was received from Ron Maggs, Chairman, Off-Road Drainage Committee:

- a. **2019-01:** Knoll Road (Top of Hill) to clean ditch from road heading east for approximately 1000’ at a cost not to exceed \$1,000
- b. **2019-02:** Miscellaneous town wide hand clearing and mowing in an amount not to exceed \$3,000

MOTION was made by Supervisor Hartman to approve project 2019-01 at a cost not to exceed \$1,000.00 and approve project 2019-02 at a cost not to exceed \$3,000.00; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

13. Set Bid Opening Date for Consultant for Bley Road Mill Study:

MOTION was made by Supervisor Hartman to set the bid opening date for the consultant for the Bley Road Mill Study to June 28, 2019 at 2:00 PM; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman stated she met with the Buffalo River Keepers Organization regarding additional funding for this project. She is hopeful that the study can be increased to include the embankment, to provide access to fisherman and kayaks. Buffalo River Keepers offered to help write the grant which could decrease costs by \$17,000 if awarded.

14. Digital Towpath Code Program for Building Department:

MOTION was made by Supervisor Hartman to approve Digital Towpath programing for the Building Department in the amount of \$600.00; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

15. Water Consolidation Agreement and Set Public Hearing:

Supervisor Hartman read the following Resolution:

**RESOLUTION ENDORSING PROPOSED JOINT CONSOLIDATION AGREEMENT AND
CALLING FOR PUBLIC HEARING REGARDING THE PROPOSED CONSOLIDATION OF
WATER DISTRICTS NO. 4 and 5, THE CONSOLIDATED WATER DISTRICT (“CWD”)**

June 12, 2019

AND THE MASTER WATER IMPROVEMENT AREA (“MWIA”) OF THE TOWN OF EDEN INTO ONE CONSOLIDATED WATER DISTRICT TO BE DESIGNATED AS CONSOLIDATED WATER DISTRICT NO. 2 IN THE TOWN OF EDEN PURSUANT TO ARTICLE 17-A TITLE TWO OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK

WHEREAS, there are presently three (3) water districts and one (1) water improvement area of said water districts existing in the Town of Eden, and

WHEREAS, all present indebtedness of said districts and extensions will be paid by an assessment upon the real property parcels located within the existing districts and water improvement areas, and

WHEREAS, there is presently in effect a Lease Management Agreement between the Town of Eden and the Erie County Water Authority (“ECWA”) whereby the existing districts are lease-managed by the ECWA, and

WHEREAS, under the Lease Management Agreement, the Town water districts are responsible for the infrastructure and major repairs of the water districts, and

WHEREAS, the Town of Eden and the ECWA have entered into a Memorandum of Understanding whereby the ECWA would provide direct service to all Town water districts, which would include ECWA responsibility for all infrastructure and major repairs, and

WHEREAS, in order to implement the Direct Service Agreement it is necessary to consolidate the water districts and water improvement areas within the Town of Eden and then undertake proceedings under Town Law Section 198 (12) required to sell and transfer all property and facilities of the CWD2 to ECWA, followed by dissolution proceedings for the CWD2, and

WHEREAS, such consolidation with proposed dissolution would provide certain benefits by consolidation, namely:

- a. The costs of future repairs and maintenance of the infrastructure of the districts by a Direct Service Agreement will be borne by the ECWA.
- b. The cost of future extensions of water service will be spread over the entire consolidated district and not just any specific area involved.
- c. All future expenses of maintenance, operation and improvements of the consolidated district would be the responsibility of the ECWA in accordance with a Direct Service Agreement.

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Eden in its capacity as commissioners of the existing water districts and the MWIA, in regular session duly convened as follows:

RESOLVED, that the Eden Town Board, as commissioners, hereby declares itself Lead Agency for purposes of compliance with SEQRA, and it is further

RESOLVED, that the Proposed Joint Consolidation Agreement for Water Districts Nos. 4 and 5, the CWD and the MWIA is hereby endorsed as required by General Municipal Law Section 752 (1) to commence consolidation proceedings, and it is further

RESOLVED, that a public hearing be and the same hereby is called on July 18, 2019, at 7:00 p.m. at the Eden Town Hall, located at 2795 E. Church Street, Eden, New York to consider the proposed consolidation of Water Districts Nos. 4 and 5, the CWD and the MWIA of the Town of Eden pursuant to Article 17-A Title 2 of the General Municipal Law of the State of New York, and it is further

RESOLVED, that, no later than five (5) business days after commencement of consolidation proceedings by adoption of this Resolution, the Town Clerk shall cause a copy of the proposed Consolidation Agreement along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in public places within the Town of Eden; cause the proposed Consolidation Agreement, along with a descriptive summary thereof and reference to the public place or places within the Town where a copy may be examined, to be displayed on the

June 12, 2019

website maintained by the Town; and arrange to be published a descriptive summary of the proposed Consolidation Agreement along with reference to the place or places within the Town of Eden where a copy thereof may be examined, at least once each week for four successive weeks, in the official newspaper of the Town of Eden.

DULY ADOPTED, this 12th day of June, 2019.

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

Supervisor’s Report:

- Main Street Grant, all projects fully funded at their request
- Congratulations to Boys and Girl Lacrosse, Section 6 Champions
- Congratulations to Girls Softball, Section 6 Champions and advanced to semi-finals

Councilperson Wilhelm:

- Congratulations to George Mecca who went to States for track
- The Community Building surveys have been sent to all of the Board Members and the hopefully by the next meeting the Board will be able to give an up-date of the results. Residents and committee members would like the Board’s direction on the project.

Hearing of Visitors: There were none.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Regular Meeting of the Eden Town Board and enter executive session for personal at the request of Ronald Maggs; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:43 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 9:00 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk