

July 18, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
July 18, 2019
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

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

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 opened the Public Hearing at 7:02 P.M.

**LEGAL NOTICE OF SPECIAL MEETING AND PUBLIC HEARING
TOWN OF EDEN, NEW YORK**

NOTICE IS HEREBY GIVEN of a Special Meeting of the Eden Town Board, as Town Board and as Commissioners of the Town of Eden Water Districts described herein, to be held at the Eden Town Hall, 2795 East Church Street, Eden, New York at 7:00 PM on the 18th Day of July, 2019. The purpose of said meeting is to hold a Public Hearing to consider the consolidation of the Consolidated Water District (“CWD”), the Master Water Improvement Area (“MWIA”) and Water Districts Nos. 4 and 5 of the Town of Eden to be designated as Consolidated Water District No. 2 (the “CWD2”) pursuant to Article 17-A of the General Municipal Law of the State of New York (GML Article 17-A).

A Descriptive Summary of the Joint Consolidation Agreement/Plan and other information required by General Municipal Law Section 754 (3) follows:

Descriptive Summary of Consolidation Agreement/Plan

This plan is for the consolidation of the Consolidated Water District (“CWD”), the Master Water Improvement Area (“MWIA”) and Water Districts Nos. 4 and 5 of the Town of Eden to be designated as Consolidated Water District No. 2 (the “CWD2”) pursuant to Article 17-a of the General Municipal Law of the State of New York (GML Article 17-A).

The CWD2 will be under consideration for adoption of the Resolution following a Public Hearing to be held on July 18, 2019 at 7:00 p.m. The Consolidation Plan will incorporate the existing Water Districts, Water Extensions and Water Improvement Areas within the Town of Eden into one (1) Consolidated Water District to be designated as “Consolidated Water District No. 2.”

The proposed Consolidation Plan will be governed by the Town of Eden (“Town”).

The estimated costs for the consolidation include associated legal fees and publication costs for legal notices and are estimated not to exceed \$2,500.00.

The plan would consolidate all of the districts, extensions and water improvement areas into the CWD2. The existing liabilities and indebtedness of any of the districts, extensions and improvement areas shall continue to be assessed against the real property within the prior districts. Residents of the CWD2 will continue to receive water service following the consolidation, in accordance with agreements with the Erie County Water Authority (“ECWA”) prior to being transferred to a direct service arrangement with the ECWA.

Upon the formation by the Town Board of the CWD2, the Board will consider institution of proceedings under Town Law Section 198 (12) to sell and transfer all CWD2

property and facilities to ECWA in consideration for provision of Direct Service by ECWA, followed by dissolution proceedings for CWD2 as required by Town Law Section 198 (12).

The CWD2 does not have any local laws, rules or regulations independent of the Town. At the present time, the Town of Eden and the ECWA have a Lease-Management Agreement for most of the water districts, extensions and improvement area within the Town. The Agreement provides for the ECWA to manage these districts, extensions and improvement areas. The Agreement is in place of management requirements by the Town. The Lease-Management Agreement also provides for the ECWA to maintain the water system with regard to regular maintenance and minor repairs. Major repairs and/or replacement of the infrastructure are the responsibility of existing Town Water Districts under Lease-Management but not under Direct Service.

The proposed consolidation of water districts, extensions and improvement areas is a preliminary requirement, that when adopted, would allow commencement of proceedings for a mandatory referendum pursuant to Town Law Section 198 (12) to approve the sale and transfer of the CWD2 water system assets to the ECWA in consideration of a transfer to Direct Service followed by the dissolution of the CWD2.

The CWD2 does not have a separate Board of Commissioners, and the CWD2 does not have any local laws, rules or regulations independent of the Town. Under operation of law, no agreement with the Town is necessary to carry out the consolidation. Residents within CWD will continue to receive water service with the understanding that the Lease-Managed districts and improvement areas and improvement areas may be transitioned to a Direct Service arrangement with the ECWA and then subject to dissolution.

This Descriptive Summary incorporates by reference all the items set forth in the Consolidated Resolution referenced herein.

The Consolidation Agreement/Plan and Descriptive Summary are available for public inspection at the following locations:

For Consolidated Water District, Water Districts #4 & #5: Eden Town Hall, Office of the Town Clerk, 2795 East Church St. Eden, New York 14057.

For Water District #5: Eden VFW Post 8265, 2551 March Rd., Eden, New York 14057

Following the public hearing, the Eden Town Board, as Town Board and/or as Commissioners of the Town of Eden Water Districts described herein, will undertake such business as may be before it.

Supervisor Hartman asked if anyone was present to be heard: There were none.

MOTION was made by Supervisor Hartman to leave the Public Hearing and enter the Special Meeting of the Eden Town Board; seconded by Councilperson Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

The meeting was opened at 7:06 P.M.

Public Comment on Agenda Items Only: There were none

New and Unfinished Business:

1. Eden School Tax Collection Agreement:

MOTION was made by Supervisor Hartman to approve the Tax Collection Agreement with Eden Central School; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Memo of Understanding for Erie County Clerk's Zombie Initiative:

Supervisor Hartman stated that Western NY Law Center is helping small municipalities with administrative assistance for zombie properties within the Town. The Memorandum of Understanding allows the Town of Eden to work with the Law Center.

MOTION was made by Councilperson Ventry to allow Supervisor Hartman to sign the Memorandum of Understanding with the Western New York Law Center; seconded by Councilperson Sam; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Schedule of Budget Hearings (Informational):

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Supervisor Hartman stated the schedule for the 2020 budget hearings will be posted outside of the Town Clerk's Office.

4. Appoint Carl Lograsso as Part-Time Police Officer:

MOTION was made by Supervisor Hartman appoint Carl Lograsso as part-time police officer at a rate of pay of \$22.00 per hour; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Appoint Samuel Blaszczyk as part-Time Police Officer:

MOTION was made by Supervisor Hartman appoint Samuel Blaszczyk as part-time police officer at a rate of pay of \$22.00 per hour; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Approve Joint Consolidation Agreement Creating Town of Eden Consolidated Water District No. 2:

State Environmental Quality Review (SEQR)

Resolution Classifying Proposed Action

Type II SEQR Action

Name of Action: Consolidation of Town of Eden Consolidated Water District, Eden Water Districts 4 & 5 and the Master Water Improvement Area (MWIA)

WHEREAS, the Town of Eden Town Board, as Commissioners of the Town of Eden Consolidated Water District (CWD), , Eden Water Districts 4 & 5 and the Master Water Improvement Area (MWIA) (hereinafter "Eden Water Districts), is considering the consolidation of the Eden Water Districts so that water district assets, except the Wepax Road Service Area, are available for sale and transfer, subject to mandatory referendum, to the Erie County Water Authority (ECWA) as part of the transition of the town water system from "Lease-Manage" to "Direct Service" by ECWA, and

WHEREAS, this project is a Type II Action for purposes of SEQRA pursuant to 6 NYCRR 617.5 as it involves no substantial change to the existing Eden Water Districts' assets and is, therefore, not subject to review pursuant to SEQRA; and

NOW THEREFORE BE IT RESOLVED, that this project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

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

RESOLUTION APPROVING JOINT CONSOLIDATION AGREEMENT FOR THE PROPOSED CONSOLIDATION OF WATER DISTRICTS NO. 4 and 5, THE CONSOLIDATED WATER DISTRICT ("CWD") AND THE MASTER WATER IMPROVEMENT AREA ("MWIA") OF THE TOWN OF EDEN INTO ONE CONSOLIDATED WATER DISTRICT TO BE DESIGNATED AS TOWN OF EDEN 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

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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, except for the Wepax Road Service Area, 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 consolidate the existing water districts is a Type II action, and therefore, no further action under the SEQRA is necessary; and

WHEREAS, pursuant to General Municipal Law Article 17-A, at a meeting duly convened on June 12, 2019, the proposed Joint Consolidation Agreement was endorsed by the Eden Town Board acting as commissioners of the said water districts, and

WHEREAS, the endorsed proposed Joint Consolidation Agreement all required notices have been duly published and posted and a public hearing was duly held pursuant to notice duly given as required by law.

NOW, THEREFORE, IT IS

RESOLVED, that the Joint Consolidation Agreement for Water Districts Nos. 4 and 5, the CWD and the MWIA creating Town of Eden Consolidated Water District No. 2 is hereby approved as required by General Municipal Law Section 754 (3) effective immediately, and it is further

RESOLVED, that within ten (10) 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.

DULY ADOPTED, this 18th day of July, 2019.

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

7. Commence Proceedings for Sale of Consolidated Water District No. 2 Assets (except Wepax Road Service Area) to Erie County Water Authority:

ORDER CALLING PUBLIC HEARING REGARDING THE PROPOSED SALE OF ASSETS OF THE TOWN OF EDEN CONSOLIDATED WATER DISTRICT NO. 2, EXCEPT OF THE WEPAX ROAD WATER SERVICE AREA, TO THE ERIE COUNTY WATER AUTHORITY IN CONSIDERATION FOR THE PROVISION OF DIRECT SERVICE, SUBJECT TO MANDATORY REFERENDUM PURSUANT TO SECTION 198 (12)(b) OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, the Town Board of the Town of Eden, as commissioners of the town water districts, recently completed proceedings pursuant to General Municipal Law Article 17-A to consolidate the existing water districts into a single water district designated “Town of Eden Consolidated Water District No. 2” (hereafter “CWD2”), and

WHEREAS, there is presently in effect one or more Lease Management Agreements between the prior Town of Eden water districts and the Erie County Water Authority whereby existing water districts and extensions are managed by the Erie County Water Authority (ECWA), and

WHEREAS, pursuant to an existing Memorandum of Understanding between Eden and the ECWA, the Town water districts undertook certain improvements to the town water system

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facilities in order to transition to “Direct Service” with the ECWA, which is expected to result in substantial long-terms savings for Eden water customers and taxpayers, and

WHEREAS, in order to move to Direct Service with the ECWA, the assets of the existing town water system (including, but not limited to, waterlines, pump stations, tanks, easements and appurtenances), except for the Wepax Road Water Service Area (which is not eligible for Direct Service under the current ECWA Tariff), must be sold and transferred to the ECWA and such sale is subject to mandatory referendum pursuant to Town Law Section 198 (12)(b) and requires a public hearing pursuant to Town Law Section 198 (12)(a).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Town Board of the Town of Eden, as follows:

SECTION 1. The Town Board, as commissioners of CWD2, has determined it is in the best interest of the Town to proceed with the move to Direct Service with the ECWA and to commence proceedings required for the sale of the said assets of CWD2 to the ECWA, except for the Wepax Road Water Service Area, in consideration for the ECWA providing Direct Service.

SECTION 2. That a Public Hearing on the proposed sale of CWD2 assets to the ECWA, in consideration for ECWA providing Direct Service, will be held on August 14, 2019 at 7:30 P.M. (prevailing time) or shortly thereafter, at the Eden Town Hall, 2795 E. Church Street, Eden, New York 14057, at which all interested parties will have an opportunity to be heard.

SECTION 3. That the Town Clerk is hereby directed provide for legal notice of such public hearing to be published and posted in compliance with the requirements of Town Law Section 198 (12)(a).

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BY ORDER OF THE TOWN BOARD OF THE TOWN
OF EDEN, ERIE COUNTY, NEW YORK

MOTION was made by Supervisor Hartman to approve the Resolution as presented and set the Public Hearing for August 14, 2019 at 7:30 P.M.; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors: There were none.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Special 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 7:14 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk