

October 9, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
October 9, 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:**

Michael Felschow - Eden Police Chief  
Rick Kirst - East Eden Fire Chief  
Robert Pietrocarlo - Chairman Board of Assessors  
Ray Zabron - Dog Control Officer

**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**

**Approval of Minutes:**

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of September 11, 2019 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 September 11, 2019; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of September 30, 2019 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 September 30, 2019; there were none.

**Petitions:** There were none.

**Budget Transfers/Amendments:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
D2770 Unclassified Revenue	D5110.4 Roads - Contractual	Pipe Permit Fees used for Purchase of Materials	\$14,940.36
D5120.2 Bridge Construction	D5110.4 Roads - Contractual	Use of Bridge funds for Roads	\$6,000.00
D9055.8 Disability	D9040.8 Worker's Compensation	Estimate for Worker's Compensation Rate Low	\$212.61
A1990.4 Contingent Fund	A1940.4 Purchase of Land/Right of Way	School Taxes on New Oregon Property Acquired from Land Bank after Taxable Status Day	\$293.14

A2170 Community Development Income	A6989.400 Other Economic Assistance	Use of Commitment Fees for Hazardous Materials Letters to Grant Participants	\$1,925.00
A2170 Community Development Income	A6989.400 Other Economic Assistance	Anticipated Draw from NY Main Street Grant for Grant Administration	\$1,000.00
A1990.4 Contingent Fund	A6772.4 Programs for Aging	Repairs to Senior Car	\$800.00
A2115 Planning Board Permit Fees	A8020.4 Planning Contractual	Planning Fees to offset Engineering Fees	\$3,000.00
A2110 Zoning Fee	A8010.4 Zoning - Contractual	Zoning fees to offset Engineering Fees	\$2,000.00
A915.6 Reserved Non Rec	A7510.4 Historian Contractual	Use of Assigned funds for Historian Supplies	\$226.00
A7410.4 Library Contractual	A7410.2 Library Equipment	Correction of Roof Budget Transfer	\$1.00

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

**Audit Bills:**

**September 2019**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	632-703	\$106,036.03
Highway Dept. Fund	259-286	\$179,956.41
Fire Dept. Fund	213-231	\$19,082.02
Recreation Dept. Fund	131-147	\$3,984.65
Refuse and Garbage Fund	22-24	\$44,519.45
Street Lights Fund	23-26	\$6,174.61
Water Fund	40-41	\$476.00
Capital Fund H8230.405 H8320.406 H8302.407	No Activity No Activity 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:**

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

**Public Comment on Agenda Items Only:** There were none

**New and Unfinished Business:**

**1. Adopt Proposed Fire Budget:**

**MOTION** was made by Councilperson Wilhelm to adopt the 2020 preliminary fire budget as presented; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The preliminary fire budget is on file at the Town Clerk’s Office.

**2. East Eden Tanker 5 Change Order:**

**MOTION** was made by Supervisor Hartman to approve the change order with 4 Guys Fire Trucks to delete the Bridgestone M799 tire and provide Goodyear Armor Pro Grade MSD in 12R22.5 with a credit of \$288.00; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Approval of Off-Road Drainage Projects:**

- A. Project 2018-01:** Schoolview to Rt 62 Drainage Upgrades – to assign \$3,000 for Grant Project with the Erie county Soil and Water. (\$3,000 was also assigned from 2018 budget)
- B. Project 2019-03: Misc. Town Wide Hand Clearing:** Misc town wide hand clearing (to be done spring of 2020) in an amount not to exceed \$1,0000.

**MOTION** was made by Supervisor Hartman to approve drainage projects 2018-01 and 2019-03 as presented; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Acknowledge Diane Herzog’s last day:**

Supervisor Hartman acknowledged Diane Herzog’s last day working for the Town of Eden as August 27, 2019.

**5. Accept Resignation of Jesse Baker, Code Enforcement Officer:**

**MOTION** was made by Supervisor Hartman accept the resignation of Jesse Baker, Code Enforcement Officer, effective October 11, 2019; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Generator Maintenance Agreement:**

**MOTION** was made by Supervisor Hartman to approve the yearly generator maintenance agreement with Cummins Inc. in an amount not to exceed \$2,010; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Polling Lease Agreement with Erie County:**

**MOTION** was made by Supervisor Hartman to approve the Polling Lease Agreement with Erie County for early voting date of October 26, 2019 through November 3, 2019 in the amount of \$900; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Information on Early Voting and Polling Places:**

Early voting locations will be open:  
Saturday, October 26<sup>th</sup> & Sunday October 27: Noon to 6:00 PM  
October 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, 31<sup>st</sup>, & November 1<sup>st</sup>: Noon to 9:00 PM  
Saturday, November 2<sup>nd</sup> & Sunday November 3<sup>rd</sup>: Noon to 6:00 PM

Eden’s early voting polling is located at the Eden Town Hall.

**9. Proposed Local Law for Small Wireless Facilities – Refer to Planning Board:**

Attorney Trask stated that this local law is in reference to 5G wireless and its limited regulations. The Town Board is referring the proposed local law to the planning board for their review.

**10. Authorization to Sign Grant Distribution Agreement for Community Center Study:**

**MOTION** was made by Supervisor Hartman to approve the agreement with New York State Urban Development Corporation for the planning and feasibility study of a community center; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Town of Eden Halloween Trick or Treat Hours – October 31, 2019 6:00 to 8:00 PM**

**12. Approval to Add Unpaid Water Bills to Tax Warrant:**

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**MOTION** was made by Councilperson Wilhelm to include \$3,567.68 in unpaid water bills to the 2019 tax warrant and authorize the Town Supervisor to sign the Letter of Authorization and any other paperwork required; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**13. Approval of Tentative 2020 Town Budget as the Preliminary Budget:**

**MOTION** was made by Supervisor Hartman to approve the 2020 Tentative Budget as the Preliminary Budget; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The Preliminary 2020 Budget is on available for public inspection at the Town Clerk’s Office. A Public Hearing on the proposed budget is scheduled for October 23, 2019 at 7:15 PM.

**MOTION** was made by Supervisor Hartman to close the Regular Meeting of the Town Board and open the Public Hearing; seconded by Councilperson Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**NOTICE OF PUBLIC HEARING**

Notice to the Citizens of the Town of Eden:

A Public Hearing will be held on October 9, 2019 at 7:30 pm at the Town Hall regarding the use of Federal Community Development funds on the Town of Eden.

The Town of Eden is eligible for a Federal Community Development Grant under Title 1 of the House and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate-income persons in the Town of Eden.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Eden's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities.

Supervisor Hartman stated that this grant can be used toward moderate to low income or handicap improvements within the Town. She stated that the Town is looking to use the grant toward funding for a new senior car which is used to drive senior residents to and from appointments.

Supervisor Hartman asked if there was anyone present to be heard regarding use of the grant funding:

Emily Hawkins suggested the grant could be used toward handicap accessible playground equipment.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:35 pm.

**MOTION** was made by Supervisor Hartman to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilperson Sam; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**14. Approval of Quote for New Oregon Road Demolition:**

**MOTION** was made by Supervisor Hartman to approve Geiter Done Demolition and Disposal for the controlled demolition of 9723 New Oregon Road in an amount not to exceed \$25,900; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**15. Resolution Closing Outstanding Water Project:**

Supervisor Hartman read the following:

**RESOLUTION  
TOWN OF EDEN, EDEN TOWN BOARD OCTOBER 9, 2019  
CLOSING CONSOLIDATED PUMP & TANK PROJECT**

WHEREAS, beginning in March 2016, proceedings have been held to consider the joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water Districts No. 1, 2, 3, 3A (hereinafter “Pump & Tank Project), in said Town, and

WHEREAS, the Eden Town Board has received satisfactory documentation confirming that all work on Pump & Tank Project is completed and has been accepted upon recommendation of project engineers and the Town of Eden seeks to formally close this project.

NOW, THEREFORE, it is hereby

RESOLVED, that the Eden Town Board does hereby declare the Pump & Tank Project as “closed”, and it is further

RESOLVED, that the Eden Town Board does hereby report the sum of \$72,926.44 as the balance remaining on the Pump & Tank Project to be used for debt.

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

**16. Set Public Hearing for Signage Code:**

Supervisor Hartman stated that the Signage Code was reviewed by the Planning Board and is currently on the Town of Eden Website for public inspection.

**MOTION** was made by Supervisor Hartman to set the Public Hearing for the Signage Code to November 13, 2019 at 7:30 PM; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**17. Special Use Permit – Hemlock Road:**

**MOTION** was made by Supervisor Hartman to refer the Special Use Permit for 2289 Hemlock Road to the Planning Board; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**18. Equivalent Dwelling Units Assigned Values for Master Water Improvement Project:**

**Equivalent Dwelling Unit Assignments**

<u>Assessment Property Class Description</u>	<u>Class Number</u>	<u>Value</u>
Agricultural Vacant Land (Productive)	105	0
Poultry & Poultry Products	111	2
Dairy Products	112	3
Cattle, Calves & Hogs	113	2
Sheep & Wool	114	2
Horse Farm	117	2
Field Crops	120	2
Truck Crops	140	3
Vineyard	152	2
One Family Year Round Residence	210	1
One Family Year-Round Residence with Accessory Apartment	215	Total # of Units
Two Family Year-Round Residence	220	2
Three Family Year-Round Residence	230	3
Rural Residence with 10 or more acres	240	1
Primary residential, also used in agricultural production	241	1
Estate	250	Total # of Units

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Seasonal Residences	260	1
Residential - Multi-Purpose/Multi-Structure	280	Total # of Units
Residence with Incidental Commercial Use	283	Total # of Units
Vacant Land	300	0.5
Residential	310	0.5
Residential Vacant Land	311	0.5
Residential Land Including a Small Improvement (not used for living accommodations)	312	0.5
Rural Vacant Lots of 10 Acres or Less	314	0.5
Rural Vacant	320	0.5
Residential Vacant Land Over 10 Acres	322	0.5
Other Rural Vacant Lands	323	0.5
Vacant Land Located in Commercial Areas	330	0.5
Vacant Land Located in Industrial Areas	340	1
Commercial	400	2
Apartments	411	One Per Apartment Unit
Mobile Home Parks (trailer parks, trailer courts)	416	One Per Mobile Unit
Camps, Cottages, Bungalows	417	1
Inns, Lodges, Boarding and Rooming Houses, Tourist Homes	418	2
Restaurants	421	5
Snack Bars, Drive-Ins, Ice Cream Bars	423	5
Night Clubs	425	5
Fast Food Franchises	426	5
Auto Dealers - Sales and Service	431	5
Service and Gas Stations	432	5
Auto Body, Tire Shops, Other Related Auto Sales	433	5
Parking Lot	438	0.5
Fuel Storage and Distribution Facilities	441	2
Mini Warehouse (Self Storage)	442	15
Grain and Feed Elevators, Mixers, Sales Outlets	443	5
Cold Storage Facilities	446	15
Other Storage, Warehouse and Distribution Facilities	449	3
Large Retail Outlets	453	5
Large Retail Food Stores	454	10
Banks and Office Buildings	460	5
Bank Complex with Office Building	463	5
Office Building	464	3
Professional Building	465	3
Dog Kennels, Veterinary Clinics	472	5
Multiple Use or Multi-purpose	480	5
Downtown Row Type (with common wall)	481	3
Downtown Row Type (detached)	482	5
Converted Residence	483	3
One Story Small Structure	484	5
One Story Small Structure - Multi occupant	485	5
Social Organizations	534	0
Bowling Centers	541	5
Other Outdoor Sports	557	1
Community Services	600	1
Schools	612	0
Religious	620	0
Homes for the Aged	633	One per room
All Other Health Facilities	642	One per room unless exempt
Cultural Facilities	681	2
Recreational Facilities	682	1
		unless whole
Miscellaneous - Commercial	690	3 exempt
Manufacturing and Processing	710	5

Gas (for production)	733	0
Water Supply	822	3
Communication	830	3
Telephone	831	3
Telephone Outside Plant	836	3
Electric and Gas	861	15
Telephone	866	5
Television	869	5
Electric Transmission Improvement	882	3
Gas Transmission Improvement	883	3

**MOTION** was made by Supervisor Hartman to approve the list of Equivalent Dwelling Units as presented; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Thank you to Joe Hart and Rick Kirst for their assistance in verifying the fire hydrant locations throughout the Town of Eden.

**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 Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:45 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