

November 13, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
November 13, 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
Joe Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Ronald Maggs	-	Highway Superintendent
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
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 October 9, 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 October 9, 2019; there were none.

MOTION was made by Supervisor Hartman to approve the Fire Budget Minutes of October 15, 2019 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 Fire Budget Minutes of October 15, 2019; there were none.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of October 23, 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 October 23, 2019; there were none.

Petitions: There were none.

Budget Transfers/Amendments:

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From Account	To Account	Reason for Amendment	Amount
A899.3 Restricted Fund Balance USDA Revolving Loan	A6989.4 Other Economic Assistance- Contractual	Close out of Revolving Loan Fund	\$58,941.21
A1990.4 Contingent Fund	A1910.4 Unallocated Insurance	Insurance Premium Renewal	\$400.00
D915.4 Assigned Sidewalks	D5410.4 Sidewalks - Contractual	Use of Assigned Funds for Sidewalk Replacement	\$19,846.00
D5120.4 Bridges - Contractual	D5110.4 Roads - Contractual	Budget Adjustment	\$6,000.00
D5110.1 General Repairs - Personal	D5110.4 Roads - Contractual	Budget Adjustment	\$7,000.00
A915.6 Assigned - Non Rec	A1640.4 Central Garage - Contractual	Use of assigned funds from 2018 for Lean-To at Highway Department	\$7,700.00
A2170 Community Development Income	A6989.4 Other Economic Assistance	Payout of funds received from NY Main Street Grant to Carl's Place for upgrades	\$2,500.00
SF915.2 Assigned Fire Bldg Maint	SF3410.4 Fire - Contractual	Use of Assigned funds for Fire Building Maintenance for Water Heater	\$4,995.00
A4540.4 Ambulance - Contractual	A4540.2 Ambulance -Equipment	Deductible Portion of Repair to Tower on 707	\$4,186.00
A2192 Charges Cemetery Services	A8810.1 Cemeteries - Personal	North Evans Cemetery Burial Oversight	\$175.00
A915.6 Assigned - Non Rec	A3120.2 Police - Equipment	Purchase of Police F-150 Enforcer	\$32,480.00

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

Audit Bills:

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	704-797	\$172,672.91
Highway Dept. Fund	287-317	\$49,731.37
Fire Dept. Fund	232-252	\$13,250.83
Recreation Dept. Fund	148-160	\$1,454.95
Refuse and Garbage Fund	25-26	\$43,895.45
Street Lights Fund	27-29	\$5,072.19
Water Fund	42-45	\$886.12
Capital Fund H8230.405 H8320.406 H8302.407 Drainage District Fund	No Activity No Activity No Activity 1	\$687.50

MOTION was made by Councilperson Wilhelm 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 October 2019 were presented by Rick Kirst, East Eden Fire Chief; Joe Hart, Eden Fire Chief; Robert Pietrocarlo, Chairman Board of Assessors; Michael Felschow, Eden Police Chief; Ron Maggs, Highway Superintendent; William Trask, Town Attorney; Emily Hawkins, Town Clerk; Supervisor Hartman for Dave Rice; Acting Code Enforcement Officer; Amy Porter, Recreation Director; and Supervisor Hartman for Ray Zabron, Dog Control Officer. All reports are on file in the Town Clerk’s office.

MOTION was made by Supervisor Hartman to add Harold Haier Jr. to the active roster of the East Eden Fire Department pending a background check and physical; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Public Comment on Agenda Items Only: There were none

New and Unfinished Business:

1. BAS Renewal Contract with Additional Work Station (Building Department):

Supervisor Hartman stated the Building Department had previously switched to using Digital Tow Path Software but that after implementation the software did not have the capabilities that the department needed. The Town was able to be refunded for the program.

MOTION was made by Supervisor Hartman to approve the one-time fee of \$500 plus the maintenance agreement of \$890 with BAS for the Building Department; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

2. Renew Cyber Insurance:

MOTION was made by Supervisor Hartman to approve the underwriters at Lloyd’s for a 9-month renewal of cyber insurance in the amount of \$1,540.15; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

3. Ratify Additional Adjustments to Equivalent Dwelling Units:

Supervisor Hartman read the following amendments to the Equivalent Dwelling Units approved on October 23, 2019:

- Add Property Class Code 715 – 20 plus 10 per unit
- Change Code 830 (Communication), 831 (Telephone) & 836 (Telephone Outside Plant) from 3 to 15
- Change code 866 (Telephone), 869 (Television) from 5 to 15
- Change code 882 (Electric Transmission Improvement), 883 (Gas Transmission Improvement) from 3 to 15

Town of Eden

Revised 11/13/2019

Equivalent Dwelling Unit Assignments

<u>Assessment Property Class Description</u>	<u>Class</u>		
	<u>Number</u>	<u>Value</u>	
Agricultural Vacant Land (Productive)	105	0	
Poultry & Poultry Products	111	3	
Dairy Products	112	5	
Cattle, Calves & Hogs	113	3	
Sheep & Wool	114	3	
Horse Farm	117	3	
Field Crops	120	3	
Truck Crops	140	5	
Vineyard	152	3	
One Family Year-Round Residence	210	1	
One Family Year-Round Residence with Accessory Apartment	215	1 Per Unit	Wepax Rd not in MWIA
Two Family Year-Round Residence	220	2	
Three Family Year-Round Residence	230	3	
Rural Residence with 10 or more acres	240	1.5	

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Primary residential, also used in agricultural production	241	4 2 + 1 Per
Estate	250	Unit
Seasonal Residences	260	1
Residential - Multi-Purpose/Multi-Structure	280	1 Per Unit
Residence with Incidental Commercial Use	283	Commercial Use Class +1
Vacant Land	300	1
Residential	310	1
Residential Vacant Land	311	1
Residential Land Including a Small Improvement (not used for living accommodations)	312	1
Rural Vacant Lots of 10 Acres or Less	314	1
Rural Vacant	320	1
Residential Vacant Land Over 10 Acres	322	1
Other Rural Vacant Lands	323	1
Vacant Land Located in Commercial Areas	330	1
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 Per Unit
Inns, Lodges, Boarding and Rooming Houses, Tourist Homes	418	1 Per Mobile Unit
Restaurants	421	Two + 1 Per Additional Unit
Snack Bars, Drive-Ins, Ice Cream Bars	423	Two + 1 Per Additional Unit
Night Clubs	425	3
Fast Food Franchises	426	5
Auto Dealers - Sales and Service	431	10
Service and Gas Stations	432	4 + 2 for Gas Pumps
Auto Body, Tire Shops, Other Related Auto Sales	433	4
Parking Lot	438	1
Fuel Storage and Distribution Facilities	441	2
Mini Warehouse (Self Storage)	442	2 Per Building+1 Each Additional Unit
Grain and Feed Elevators, Mixers, Sales Outlets	443	6 + 2 Each Additional Building + 1 Per Unit
Cold Storage Facilities	446	15
Other Storage, Warehouse and Distribution Facilities	449	2 + 1 Each Additional Unit
Large Retail Outlets	453	5
Large Retail Food Stores	454	10+3 Each Additional Unit + 2 Gas Pumps
Banks and Office Buildings	460	5
Bank Complex with Office Building	463	5
Office Building	464	2
Professional Building	465	2+ 1 Each Additional Unit
Dog Kennels, Veterinary Clinics	472	5+ 1 Residence
Multiple Use or Multi-purpose	480	2+ 1 Each Additional Unit
Downtown Row Type (with common wall)	481	2+ 1 Each Additional Unit
Downtown Row Type (detached)	482	2+ 1 Each Additional Unit
Converted Residence	483	2+ 1 Each Additional Unit
One Story Small Structure	484	2+ 1 Each Additional Unit
One Story Small Structure - Multi occupant	485	2+ 1 Each Additional Unit
Social Organizations	534	0
Bowling Centers	541	4
Other Outdoor Sports	557	1
Community Services	600	1
Schools	612	0
Religious	620	0
Homes for the Aged	633	2 + 1 per room
All Other Health Facilities	642	1 per room unless exempt
Cultural Facilities	681	2 unless whole exempt

Recreational Facilities	682	1	
Miscellaneous - Commercial	690	3	unless whole exempt
Manufacturing and Processing	710	5	
Heavy Manufacturing & Processing	715	20	plus 10 per unit Taxable Gas Wells Only
Gas (for production)	733	1	
Water Supply	822	3	
Communication	830	15	
Telephone	831	15	
Telephone Outside Plant	836	15	
Electric and Gas	861	15	
Telephone	866	15	
Television	869	15	
Electric Transmission Improvement	882	15	
Gas Transmission Improvement	883	15	

MOTION was made by Supervisor Hartman to approve the amendments to the Equivalent Dwelling Units as read; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

4. Approve Town Budget:

Supervisor Hartman read the following changes to 2020 Preliminary Budget:

General Fund

- A 7020.1 Change from \$27,682 to \$27,098
Reduction of \$584.00 (math error)
- A7140.1 Change from \$77,790.00 to \$72,790
Reduction of \$5,000.00 (further review of playground staffing)

New Tax rate = \$2.59
Reduction of 1.6 cents per thousand assessed valuation
11.3% increase vs 12.7%

Refuse Fund

- SR8160.4 Change from \$578,931 to \$578,730
Difference of \$201.00 (change in number of units from 3050 to 3049)
Tax rate of \$201/unit remains the same

Water Fund

- MWIA Change from \$41.08 per Equivalent Dwelling Unit to \$34.35
Reduction of \$6.73
- Debt Consolidated & WD Ext #1 from \$2.11 to \$2.12 increase \$0.01
Extension #2 \$4.62 to \$4.64 Increase \$0.02
Extension #3 & 3A \$4.20 to \$4.22 increase \$0.02
- WD#4 Change Single \$387.63 to \$384.77 – Reduction of \$2.86
Multiple \$620.21 to \$615.63 – Reduction of \$4.58
Vacant \$77.53 to \$76.95 – Reduction of \$0.58
- WD#5A Change from \$448.32 to \$448.00 per developed unit -Reduction \$0.32
- WD#5B Change from \$165.56 to \$153.14 per undeveloped unit-Reduction \$12.42

MOTION was made by Supervisor Hartman to approve the 2020 Town of Eden Budget as amended from the Preliminary Budget; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

5. Amend Cost to Water Project Engineering:

This item was tabled. See below.

6. Approval of Buffalo Erie Niagara Land Improvement Corporation:

Supervisor Hartman stated that this Resolution is necessary for the application process with BENLIC to purchase and rehab three zombie properties in the Town of Eden. The following Resolution was offered:

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proved highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Town of Eden, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that Town of Eden hereby officially requests that BENLIC acquire the following properties:

2304 March Road, Eden SBL# 223.00-1-4

9154 South State Street, Eden SBL# 237.00-3-24;

and be it further

RESOLVED, that the Town of Eden has completed the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this resolution; and be it further

RESOLVED, that the Town of Eden agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the Town of Eden agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein, BENLIC retains option to transfer to the Town of Eden, the Town of Eden agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed;

9679 Sisson Highway, Eden SBL# 225.00-2-33.2;

and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

Councilperson Ventry expressed concern about the maintenance associated with the properties. Dave Rice replied that the Town would be responsible for the general land maintenance which would include mowing, removal of debris, and removal of snow as necessary. Additional discussion ensued.

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

7. Set Public Hearing for Mixed Use Design Standards:

This item was tabled.

8. Set Public Hearing for Renewal of Special Use Permits:

MOTION was made by Supervisor Hartman to set the Public Hearing for the renewal of Special Use Permits for December 11, 2019 at 7:30 PM; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

9. Snow Plow Reciprocal Agreement with North Collins:

BE IT RESOLVED that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

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

10. Appoint Jen Crowe as Full Time Clerk:

MOTION was made by Supervisor Hartman to appoint Jennifer Crowe to full time clerk effective November 11, 2019 at a rate of pay of \$18.00 per hour; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

11. Recognized Resignation of Part-Time Police Officer Vincent Tobia Sr.:

The Town Board recognized the resignation of Vincent Tobia Sr. as part-time police officer with gratitude for his service.

12. Appoint Matthew Cross as part-Time Police Officer:

MOTION was made by Supervisor Hartman to appoint Matthew Cross as part-time police officer at a rate of pay of \$22.00 per hour; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

13. State Environmental Quality Review Act (SEQRA) of Proposed Signage Code – Negative Declaration:

This item was tabled.

14. Transfer Capital Improvement Reserve to Reserve for Debt in Water Fund – Subject to Permissive Referendum:

RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO CLOSE THE WATER DISTRICT CAPITAL IMPROVEMENT RESERVE FROM THE WATER 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 transfer all remaining funds in the amount of \$5,926.27 plus all interest earned at the time of transfer from the Capital Reserve for Water District Capital Improvement SW878.5 of the Town of Eden to the Restricted Reserve For Debt in the Water Fund SW884.0 of the Town of Eden to be used for the purpose of paying down the Consolidated Water Debt.

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This resolution shall be subject to Permissive Referendum, as permitted by law.

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

15. Declare 2013 Ford Explorer Surplus for Trade (Dog Control Officer Vehicle):

MOTION was made by Councilperson Ventry to declare the 2013 Ford Explorer surplus for trade in the amount of \$2,500.00; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

16. Approve Purchase of 2019 Ford F-150 Police Enforcer:

MOTION was made by Supervisor Hartman to approve the purchase of the 2019 Ford F-150 with Delacy Ford in the amount of \$32,480.00; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

17. Addition to Abstract for Police Car Purchase:

MOTION was made by Councilperson Ventry to approve the addition of voucher #797 for Delacy ford in the amount of \$32,480.00; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- LED street light conversion project design stage is in process
- 2019 Hometown Heroes banners have been taken down and applications for 2020 banners are available at the Town Clerk’s Office, Surefine, or the Legion
- CDBG grant has been submitted

Council Report:

Councilperson Wilhelm: Library has applied for a grant to replace the AC Unit

Hearing of Visitors: There were none.

Adjournment:

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

Executive Session was requested by Robert Pietrocarlo for Article 7 Litigation and the Town Board for contractual. Attorney Trask was asked to Executive Session.

Supervisor Hartman closed the Regular Meeting of the Eden Town Board at 8:30 P.M.

MOTION was made by Supervisor Hartman to close Executive Session and re-open the Regular Meeting of the Eden Town Board; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman re-opened the Regular Meeting at 9:15 P.M.

MOTION was made by Supervisor Hartman to approve final payment to GHD for engineering in the amount of \$17,500 for the close out of their work on the Master Water Improvement Project; seconded by Councilperson Wilhelm; Hartman, Wilhelm, Ventry – “Ayes”; Opposed? – Sam, Byrnes; Abstain? – None; Motion carried.

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.

The Town Board Meeting was adjourned at 9:18 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk