

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
December 11, 2019
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

DEPARTMENT HEADS PRESENT:

Michael Felschow - Eden Police Chief
 Mike Hart - 1st Assistant Fire Chief
 Rick Kirst - East Eden Fire Chief
 Ronald Maggs - Highway Superintendent
 Ray Zabron - Dog Control Officer

OTHERS PRESENT:

William Trask - Town Attorney
 Emily Hawkins - Town Clerk
 Lisa Winter - Bookkeeper
 Marlene Grunder - Administrative Assistant
 Jeff Suiter - Assemblyman David DiPietro’s Office

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 November 13, 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 November 13, 2019; there were none.

Petitions:

Supervisor Hartman’s Office received a petition for a No Parking Zone on the corner of George Street and Main Street. The petition has been officially submitted and no action is required at this time.

Budget Transfers/Amendments:

December 2019

From Account	To Account	Reason for Amendment	Amount
SD917 Drainage Fund Balance	SD8540.440 Drainage Dist #4-Contractual	Work done on Drainage District #4	\$437.50
SD917 Drainage Fund Balance	SD8540.450 Drainage Dist #5-Contractual	Work done on Drainage District #5	\$250.00
SF.878 Fire-Restricted Capital Reserve	SF3410.2 Fire- Equipment	Chassis Payment on EE Fire Truck per Permissive Referendum	\$147,594.00

A915.6 Assigned - Not Rec	A1680.4 Central Data Processing - Contractual	Use of Assigned funds for IT Project	\$2,860.00
A915.6 Assigned - Not Rec	A3120.2 Police - Equipment	Use of Assigned funds for Police Car for Detailing of New Police Truck	\$4,200.00
A1990.4 Contingent Fund	A6989.4 Other Economic Assistance	Funds for NYS Main Street Grant Admin.	\$500.00

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

Audit Bills:

December 2019

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	798-889	\$257,407.63
Highway Dept. Fund	318-354	\$128,499.69
Fire Dept. Fund	253-273	\$155,220.57
Recreation Dept. Fund	161-179	\$6,246.87
Refuse and Garbage Fund	27-28	\$43,901.45
Street Lights Fund	30-32	\$5,366.46
Water Fund	46-49	\$8,756.04
Capital Fund H8230.405 H8320.406 H8302.407	No Activity No Activity 10	\$35,735.00

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

Departmental Reports:

Department reports for the month of November 2019 were presented by Rick Kirst, East Eden Fire Chief; Mike Hart, 1st Assistant Eden Fire Chief; Supervisor Hartman for 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; Councilperson Wilhelm for Amy Porter, Recreation Director; and Ray Zabron, Dog Control Officer. All reports are on file in the Town Clerk’s office.

MOTION was made by Supervisor Hartman to add Richard Armbruster 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.

Mike Hart asked to remove Tori Schreiner, Diana Henry, and Cassidy Genco from the Active Roster of the Eden Fire Department with gratitude for their service.

MOTION was made by Supervisor Hartman to add Mitchell Laing to the active roster of the Eden Fire Department pending a physical; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Hartman to give permission for the Highway Department to help with Winter Fest 2020 at the Highway Superintendent’s discretion; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Public Comment on Agenda Items Only: There were none

New and Unfinished Business:

1. ConnectLife Holiday Heroes Blood Drive:

Blood Drive: January 2, 2019 at the Eden Town Hall 2:00pm-7:00 pm

2. AIM Funding Resolution:

AIM Funding Resolution

WHEREAS AIM Funding is unrestricted aid provided to Municipalities by New York State for the years and

WHEREAS, the Town of Eden supports legislation (S.6844) introduced by Senator Patrick Gallivan related to the AIM Funding program and to ensure payments are made to dozens of towns and villages in Erie and Nassau Counties,

WHEREAS, as part of the 2019 budget process, traditional AIM funding was replaced by a portion of the State Sales Tax.

WHEREAS, the Office of the State Comptroller indicated the change did not allow sales tax funds to be distributed to municipalities in Counties with Fiscal Control Boards, such as Erie and Nassau.

NOW, THEREFORE, BE IT RESOLVED: The Town of Eden strongly supports Legislation S.6844 that would restore AIM Funding at 100% moving forward to Erie and Nassau Counties.

FURTHER RESOLVED, the AIM funding benefits all of our residents in Erie & Nassau Counties and the loss of this funding would put an unnecessary burden on the backs of local taxpayers that could result in the reduction of services, program cuts and layoffs.

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

3. Renew Health Insurance:

The Town's health insurance plan will remain the same with an increase in cost of 3.49%.

MOTION was made by Supervisor Hartman to approve the Blue Cross Blue Shield health insurance plan WNY Silver POS 7100 2020 effective January 1, 2020; seconded by Councilperson Ventry; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

4. Renew Pro-Flex for 2020 HRA Services:

MOTION was made by Supervisor Hartman to renew Pro-Flex as health insurance administrator for the year 2020; seconded by Councilperson Sam; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

5. Renew Worker's Compensation with Comp Alliance:

MOTION was made by Supervisor Hartman to renew Worker's Compensation Fund Contribution with Comp Alliance as follows; EMS in the amount of \$10,813.00, Town of Eden in the amount of \$77,508.00, and Eden Fire Department in the amount of \$43,673.00; seconded by Councilperson Wilhelm All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

Councilperson Ventry asked Lisa Winter if it would be more cost effective to pay biannually. She replied the payment schedule is based on when the town taxes are received but she would look into the matter.

6. Approve Intermunicipal Agreement with North Collins for Dog Control Services:

MOTION was made by Supervisor Hartman to approve the Intermunicipal Agreement between the Town of Eden and the Town of North Collins for dog control services effective January 1, 2020 ending December 31, 2020; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

7. Approve Eden Veterinary Contract:

MOTION was made by Supervisor Hartman to approve the Dog Shelter Lease Agreement with Eden Veterinary Clinic effective January 1, 2020 ending December 31, 2020; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

8. Approve Highway Contract:

December 12, 2019

MOTION was made by Councilperson Ventry to approve the Highway Contract for 2020, 2021, and 2022 as presented; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Hartman to close the Regular Meeting and Open the Public Hearing for the Renewal of Special Use Permits; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

The Public Hearing was opened at 7:30 P.M.

LEGAL NOTICE

Pursuant to resolutions of the Town Board of the Town of Eden, New York, **NOTICE IS HEREBY GIVEN** of the following **PUBLIC HEARINGS** to be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 11th day of December, 2019 at 7:30 PM Local Time, for the purpose of considering the annual renewal of Special Use Permits for the following:

Cazenovia Recovery Systems, Inc. – 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center

Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower

St. John’s Eden Community Care Center/St. John’s Church – 2871 E. Church St, Eden, NY for the operation of a day care center.

Michelle Brenner – 3036 E. Church St., Eden, NY to operate a gravel pit business.

SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower.

Schreiber & Winkelman, Inc. – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor’s plaza

James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower

Rainer & Pamela Sticht – 9293 Sisson Hwy, Eden, NY for the operation of a dog kennel

Meagan Coggins – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.

Upstate Cellular Network, d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower.

Dr. Robert Hornberger – 8800 S. Main Street, Eden, NY for an indoor storage facility

Rachel Ricey & Josh Bugenhagen – 2679 Hemlock Rd., Eden, NY for an apartment for caretaker

Supervisor Hartman asked if there was anyone present to be heard:

Ray Zabron, Dog Control Officer, stated that he had received no complaints regarding the dog kennel for the Sticht’s and he had no info on the cat kennel.

Attorney Trask asked if all were in compliance. Supervisor Hartman stated that at this time there were two that were not.

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

MOTION was made by Supervisor Hartman to close the Public Hearing and Open the Regular Meeting; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

9. Approval of 2020 Police Contract:

MOTION was made by Supervisor Hartman to approve the agreement between the Town of Eden and the Eden Police Chief for the period of January 1, 2020 through June 26, 2020; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

10. Resolution to Waive Local Fee for Marriage Applicants on Active Duty in the US Armed Forces:

WHEREAS, on August 20, 2019, the New York State Governor Andrew Cuomo signed into law Senate (S.3756) and Assembly (A.55) bills which Waives the state fee for marriage licenses when either party making application for such marriage license is a member of the United States armed forces on active duty and authorizes towns and cities to elect to waive their fees for marriage licenses and certificates when either applicant is a member of the United States armed forces on active duty.

NOW THEREFORE BE IT RESOLVED, that this Town Board of the Town of Eden does hereby support and authorized Emily Hawkins, Town Clerk, to waive the local fee for marriage licenses and certificates when either applicant is a member of the United States armed forces on active duty.

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

11. Set Public Hearing for Mixed Use Design Standards:

The Public Hearing for Local Law 1-2020, Mixed Use Design Standards, is set to January 8, 2019 at 7:30 P.M.

12. Action on Special Use Permits:

MOTION was made by Supervisor Hartman to approve the following Special Use Permit Renewals subject to the same conditions they are currently following;

Cazenovia Recovery Systems, Inc. – 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center

Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower

St. John’s Eden Community Care Center/St. John’s Church – 2871 E. Church St, Eden, NY for the operation of a day care center.

SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower.

James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower

Rainer & Pamela Sticht – 9293 Sisson Hwy, Eden, NY for the operation of a dog kennel

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Upstate Cellular Network, d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower.

Dr. Robert Hornberger – 8800 S. Main Street, Eden, NY for an indoor storage facility

Rachel Ricey & Josh Bugenhagen – 2679 Hemlock Rd., Eden, NY for an apartment for caretaker

seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

13. Change Date for Second Town Board Meeting:

December’s second Town Board Meeting is moved to Monday, December 30, 2019 at 4:00 P.M.

Supervisor’s Report:

- Thank you to those that volunteered to` put up the Holiday Lighting throughout town
- Town will be receiving the Community Development Block Grant for around \$27,000 to replace the senior services car

Council Report:

Councilperson Wilhelm:

- Recreation Department received the DEC Arts Grant for \$3,323 which will be used to offset the cost of Music on Main Street.
- Library received a grant in the amount of \$4,500 to implement a Coding Club

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

Executive Session was requested by Attorney William Trask for Article 7 Litigation for FOP Holdings.

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 9:15 P.M.

Executive Session ended at 9:15 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk