

May 13, 2020

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
May 13, 2020
10:00 A.M.**

**Due to the COVID-19 Pandemic this meeting was held virtually through GoToMeeting.com. The meeting link was made available to the public prior to the meeting in order to listen or observe.

TOWN BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

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

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 10:00 A.M.

Pledge of Allegiance

Opening Statement:

Due to the State of Emergency and Executive Orders issued by the Governor and the Town of Eden, it allows the Town Board to hold this board meetings and Work sessions via live stream where the public is allowed to listen in only.

This conference call allows me to conduct town business with the Board and Town attorney and will suspend privilege of the floor at this time. I am advising all public participants to mute your phones, including board members. Only Board Members or Town Attorney can unmute themselves for reply/comment. Should public participants not adhere to the request I will ask one additional time that you mute your phone, if the disruption continues, I will be forced to remove you from the call. I also suggest because this meeting has to provide a verbatim transcription, I am asking the councilmembers and attorney to state your name each time you make a comment and to keep the comments brief and on point.

Approval of Minutes:

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of April 8, 2020 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 April 8, 2020; there were none.

Petitions: There were none.

Budget Transfers:

From Account	To Account	Reason for Amendment	Amount
SW8320.4 Water Maintenance	SW9710.6 Bond Debt Principal	Water Dist 4 Portion of Violet & Shadagee Phase II Bond Principal	\$968.42
SW8320.4 Water Maintenance	SW9710.7 Bond Debt Interest	Water Dist 4 Portion of Violet & Shadagee Phase II Bond Interest	\$1,816.78
A9730.6 BAN Principle	A9710.6 Bond Principle	Reclassify BAN to Bond	\$8,000.00

A9730.7 BAN Interest	A9710.7 Bond Interest	Reclassify BAN to Bond	\$5,943.00
SR9730.6 BAN Principle	SR9710.6 Bond Principle	Reclassify BAN to Bond	\$30,000.00
SR9730.7 BAN Interest	SR9710.7 Bond Interest	Reclassify BAN to Bond	\$6,820.00
D878.2 Capital Reserve - Hwy Equipment	D5130.2 Machinery - Equipment	Use of Reserves for Purchase of 2020 John Deere Wheel Loader Per Permissive Referendum	\$93,935.70
A2170 Community Development Income	A6989.4 Other Economic Assistance Contractual	Payout of NY Main Street Grant to John Roberts Salon	\$4,000.00
A2170 Community Development Income	A6989.4 Other Economic Assistance Contractual	Main Street Grant for Streetscape	\$15,000.00
A3989.4 Other Public Safety - Contractual	A3989.1 Other Public Safety - Personal	Stipend for Emergency Management to Personal Line	\$1,500.00

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

Audit Bills:

May 2020

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	261-331	\$48,356.53
Highway Dept. Fund	89-108	\$109,640.10
Fire Dept. Fund	81-106	\$8,759.17
Recreation Dept. Fund	38-45	\$875.08
Refuse and Garbage Fund	10-11	\$45,266.18
Street Lights Fund	8-10	\$4,894.24
Water Fund	7-8	\$554.63
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 May 2020 are on file in the Town Clerk’s office.

New and Unfinished Business:

1. VFIS Renewal (Accident Insurance for Volunteer Fire and EMS):

MOTION was made by Supervisor Hartman to approve the accident insurance proposal by VFIS for the 1-year premium amount of \$3,384.00 for Eden Fire 1, East Eden Fire 2, and Eden Emergency Squad; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

2. Ratification of Federal Direct Funding Resolution:

Provide Direct COVID-19 Related Federal Aid to All Municipalities

WHEREAS, the federal government recently enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States; and

WHEREAS, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people; and

WHEREAS, less than one-half of 1 percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the Town of Eden; and

WHEREAS, towns provide essential services to the 9 million New Yorkers town residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis; and

WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress;

NOW THEREFORE BE IT

RESOLVED, that the Town of Eden calls upon United States Congressional Representatives Brian Higgins and Tom Reed, Senator Charles Schumer, and Senator Kirsten Gillibrand, to support federal funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

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

3. Erie County Community Development Block Grant Consortium (informational only):

Supervisor Hartman stated that her office received a letter from Mark Poloncarz regarding Eden's eligibility extension through 2023 for receiving the Community Development Block Grant. This item is informational only.

4. National Poppy Day Proclamation:

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers;

WHEREAS, Millions who have answered the call to arms have died on the field of battle;

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war;

WHEREAS, The red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower;

THEREFORE, I, Melissa Hartman, town supervisor, of the town of Eden do hereby proclaim this 22nd day of May 2020, as POPPY DAY and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the town of Eden this 22nd day of May, 2020.

***Note* Poppies will be distributed in November of 2020.**

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

5. Permission for Highway to Hang Hometown Heroes Banners:

MOTION was made by Supervisor Hartman to approve the Highway Department to hang the Hometown Heroes Banners; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

6. MS4 (Municipal Separate Storm Sewer System) Annual Report for Public Review and Comment:

The MS4 Report is available for inspection in the Town Clerk’s Office.

MOTION was made by Councilperson Wilhelm to authorize Supervisor Hartman to sign the MS4 report once the public review is completed; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

7. Intermunicipal Agreement with the Town of Evans for Code Enforcement:

Supervisor Hartman stated that this Intermunicipal Agreement with Evans is for 3-6 hours per week to assist with code enforcement.

MOTION was made by Supervisor Hartman to approve the Intermunicipal Agreement with the Town of Evans for code enforcement subject to schedule of costs per each municipality being added to the agreement; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

8. Amending BENLIC Resolution 23-2019:

Resolution 23-2019

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

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

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.

MOTION was made by Supervisor Hartman to amend Resolution 23-2019 to add "9679 Sisson Highway, Eden, SBL# 225.00-2-33.2" as highlighted above; seconded by Councilperson Byrnes; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

9. Sign Off on NYPA Design and LED Streetlight Conversion:

-Tabled until the full design is received.

10. Renewal of Liquor License by Schunk's West Hill Grill:

-Informational only

11. Public Comment on Draft Scoping Document for Solar Energy Project:

**TOWN OF EDEN, NEW YORK
NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION
IN SCOPING UNDER 6 NYCRR 617.8 FOR
PROPOSED SOLAR ENERGY PROJECT AT 7501 SISSON HIGHWAY**

Pursuant to 6 NYCRR 617.8 (d), notice is hereby given that the public is being given an opportunity to provide written comments on a Draft Scoping Document submitted by applicant, NEXAMP SOLAR, LLC, for a 5.16 Megawatts (DC) solar energy project proposed to be located on approximately 21 acres of land at 7501 Sisson Highway in the Town of Eden, County of Erie, State of New York.

A copy of the applicant's Draft Scoping Document is available for review on the Town of Eden's website (edenny.gov). All comments on the Draft Scoping Document must be in writing and must be received by 5:00 p.m. local time on Monday, June 1, 2020 in order to be considered.

All such comments shall be mailed to Town of Eden, Attn. Jen Crowe, 2795 East Church St., Eden, NY 14057 or may be emailed to jen@edenny.gov.

12. Add Michael McCarthy to East Eden Fire Roster:

MOTION was made by Supervisor Hartman to add Michael McCarthy to the East Eden Fire Roster pending a background check and physical; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

13. Informational – Grievance Day:

From Robert Pietrocarlo, Chairman Board of Assessors:

Tentative Assessment Roll has been filed and is now available on the Town of Eden's website. Grievance Day will be held Tuesday May 26, 2020 by appointment only in the conference room from 6:00 PM – 10:00 PM. Social distancing protocols apply and masks are required.

Supervisor Hartman noted that grievances may also be done over the phone.

14. Declare 1985 Elgin Sweeper Surplus:

MOTION was made by Supervisor Hartman to declare the 1985 Elgin Sweeper VIN# S5988S and all spare parts surplus and to sell at auction; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

The public was asked to submit information prior to the meeting. No information was received.

Supervisor’s Report:

- Highway Department is back at 100%
- Town Hall is open by appointment only Monday, Tuesday, Thursday, & Friday 10:00 AM to 2:00 PM
- Some region in NY State are opening on May 15th for Phase 1, visit forward.ny.gov for additional information
- Disposable Masks have been received by the town from Erie County and are available for pick up at Town Hall, please call 992-3408.
- Memorial Day services have been canceled in town. “Ring of the Bell” will happen at 9:00 AM on Memorial Day and the Legion will be holding doing a 21-gun salute and taps, at the helicopter directly after. The public can attend, social distancing applies.
- Hometown Heroes banners for 2020 have been completed. Thank you to Evenhouse Printing, Karen Ferguson, Bob Reed, the John J. Levulis Foundation, and the Eden Legion for their work on the project.
- No decision has been made regarding the Corn Festival happening in 2020
- Stay safe and if you are in need please call the Supervisor’s Office for assistance 992-3408

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 10:53 A.M.

Executive Session ended at 12:15 PM.

Respectfully Submitted by:

Emily Hawkins, Town Clerk