

November 12, 2020

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 12, 2020
7:00 P.M.**

**This meeting was held in person and live streamed through GoToMeeting.com. The meeting link was made available to the public prior to the meeting in order to listen, observe, and participate. Members of the public were also able to attend the meeting in person.

TOWN BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Emily Hawkins - Town Clerk
Marlene Grunder - Administrative Assistant
William Trask - Town Attorney (Via GoToMeeting)
Lisa Winter - Bookkeeper (Via GoToMeeting)

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:01 P.M.

Pledge of Allegiance

Approval of Minutes:

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of October 14, 2020 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 Minutes of October 14, 2020; there were none.

MOTION was made by Supervisor Hartman to approve the Special Town Board Fire Budget Meeting Minutes of October 20, 2020 as presented; seconded by Councilperson Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Minutes of October 20, 2020; there were none.

MOTION was made by Supervisor Hartman to approve the Special Town Board Minutes of October 28, 2020 as presented; seconded by Councilperson Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Minutes of October 28, 2020; there were none.

Budget Transfers:

October 2020

From Account	To Account	Reason for Amendment	Amount
A2170 Community Development Income	A6989.4 Other Economic Assistance - Contractual	NY Main Street Grant for Randall Agency & Eat'sa Pizza	\$12,602.50
SF2665 Sale of Equipment	SF878 Restricted Capital Reserve	Proceeds from sale of 1987 Ford F8000 to Fire Equipment Reserve	\$8,970.00

D2770 Unclassified Revenue	D5410.4 Sidewalks	Budget Amendment for Sidewalks	\$5,000.00
D915.4 Assigned for Sidewalks	D5410.4 Sidewalks	Use of Assigned Funds for Sidewalks	\$20,004.00
A915.6 Assigned Not Rec	A8540.4 Drainage - Contractual	Use of Assigned funds for Drainage Project 2019-03	\$1,000.00
A899.1 Restricted EMS	A4540.4 Ambulance	Revenue Recovery Used for Over Budget	\$5,000.00
A4389 Federal Aid - Other Public Safety	A1620.4 Town Hall - Contractual	Cares Act Funding for COVID Purchases	\$22,000.00
A4389 Federal Aid - Other Public Safety	A3120.4 Police Contractual	Cares Act Funding for COVID Purchase of Rhino Tab Computer	\$12,745.42
A4389 Federal Aid - Other Public Safety	A4540.2 Ambulance - Equipment	Cares Act Funding for COVID Purchase of Lucas Compression Device	\$15,769.45

MOTION was made by Councilperson Ventry to approve the Budget Transfers of November 2020, as presented; seconded by Councilperson Sam; All “Ayes” Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

November 2020

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	722-811	\$112,763.67
Highway Dept. Fund	267-295	\$66,344.92
Fire Dept. Fund	225-258	\$12,388.46
Recreation Dept. Fund	92-99	\$1,184.84
Refuse and Garbage Fund	22-23	\$45,316.18
*Street Lights Fund	28-31	\$488.99
Water Fund	19-20	\$741.36
Capital Fund		
H8230.405	No Activity	
H8320.406	No Activity	
H8302.407	No Activity	
Drainage District SD 4	No Activity	

*No Voucher #29

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

Departmental Reports:

Department reports for the month of November 2020 were submitted by Rick Kirst, East Eden Fire Chief; Mike Hart, Eden Fire Chief; Robert Pietrocarlo, Chairman Board of Assessors; Greg Savage, Eden Police Chief; Ronald Maggs, Highway Superintendent; Emily Hawkins, Town Clerk; Dave Rice; Code Enforcement Officer; Amy Porter, Recreation Director; and Ray Zabron, Dog Control Officer. All reports are on file in the Town Clerk’s office.

Public Comments on Agenda Items Only: There were none.

New and Unfinished Business:

- Add IEC New York Chapter, Inc. as Electrical Inspection Service:**

MOTION was made by Supervisor Hartman to approve IEC New York Chapter, Inc. as electrical inspectors; seconded by Councilperson Sam; “Ayes” All Opposed? – None; Abstain? – None; Motion carried.

2. Approve Town Budget:

Supervisor Hartman read the following changes to the preliminary budget:

An error was discovered by the Assessor's in the parcel count for WD#5 A&B

Overall tax levy is not changing but the allocation of principal and interest and cost per parcel went from:

WD #5A SW5-9710.6 from \$37,364.00 to \$37,070.00

SW5-9710.7 from \$34,258.40 to \$34,058.40

Rate Change to WD#5A from \$447.64 to \$447.35 per parcel

WD #5B SW5-9710.6 from \$2,636.00 to \$2,930.00

SW5-9710.7 from \$2,416.63 to \$2,616.63

Rate Change to WD#5B from \$153.11 to \$163.14 per parcel

The overall budget is an increase of \$11 per \$100,000 of assessed value and an increase in refuse of \$4.

MOTION was made by Supervisor Hartman to approve the 2021 Town of Eden Budget as amended from the Preliminary Budget in the amount of \$4,361,234.42; seconded by Councilperson Sam;

On a Roll Call:

Supervisor Hartman – Aye

Councilperson Ventry – Aye

Councilperson Wilhelm – Aye

Councilperson Sam – Aye

Motion Carried

3. Buffalo Erie Niagara Land Improvement Corporation Resolution:

A RESOLUTION SUBMITTED BY
MELISSA M. HARTMAN
OF THE TOWN OF EDEN

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:

8676 South Main Street, Eden SBL# 238.11-6-18

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

9345 Sisson Highway, Eden SBL# 239.00-4-13;

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;

9345 Sisson Highway, Eden SBL# 239.00-4-13;

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 Councilperson Ventry to approve the resolution as presented; seconded by Councilperson Wilhelm; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4. Snow Plow Contract 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 Councilperson Wilhelm to approve the snow plow contract as presented; seconded by Councilperson Ventry; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Off-Road Drainage Projects:

MOTION was made by Supervisor Hartman to approve the following off-road drainage projects as requested by Off-Road Drainage Committee Chairman Ron Maggs;

- A. Project 2020-03: Misc. Town wide mowing and hand clearing for Spring of 2021 in an amount not to exceed \$2,000.
- B. Project 2018-01: Erie County Soil and Water Grant Project – Schoolview to Rt 62 Drainage Upgrades, to assign \$3,000 from the 2020 Budget – to give us a total of \$9,000.

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

Supervisor Hartman stated that Project 2018-01 is money that is set aside yearly as the matching portion for a grant from Erie County Soil and Water to complete the work. It is anticipated that Eden will be next in receiving the grant.

7. 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 to December 9, 2020 at 7:30 PM; seconded by Councilperson Ventry; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8. Presentation by Chamber of Commerce for Business and Citizen of the Year:

The presentation was canceled. The following business and citizen of the year will be honored at a later date.

Business of the Year: Eden Dairy Queen
Citizen of the Year: Gary Balone

Supervisor's Report:

- Due to increasing numbers of COVID cases in the Town and one positive case of a Town Employee, policy changes for Town Hall use are changing
- All Town meetings, trainings, etc. are to go virtual
- No Town Hall building use
- Town Hall offices will remain open to the public, pending changes
- Please follow the CDC recommendations when planning for the upcoming holidays
- Hometown Heroes banners have been taken down, applications for 2021 are still available
- Holiday Lights in Town will be going up
- Town received a \$17,000 grant which will help with Master Plan Implementation for rezoning and solar code updates. More information to come.

Susan Wilhelm: Donna Jo Webster, Library Director, received grant funding in the amount of \$21,893 which is a 50/50 matching grant to be used for the new air conditioning unit.

MOTION was made by Supervisor Hartman to close the Regular Meeting and open the Public Hearing for the Cable Franchise Agreement; seconded by Councilperson Wilhelm; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

November 12, 2020

The meeting was opened at 7:45 P.M

**LEGAL NOTICE
TOWN OF EDEN, NEW YORK
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 12th day of November, 2020 at 7:45 P.M. Local Time, for the purpose of considering renewal of the Cable Franchise Agreement between Spectrum Northeast, LLC, an indirect subsidiary of CHARTER COMMUNICATIONS, INC., and the Town of Eden. Copies of the proposed agreement are available for public review in the Office of the Eden Town Clerk. All interested parties will be given an opportunity to be heard.

No persons were present to be heard.

MOTION was made by Supervisor Hartman to close the Public Hearing for the Cable Franchise Agreement; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The Public Hearing was closed at 7:46 PM.

6. Cable Franchise Agreement:

MOTION was made by Supervisor Hartman to approve the Franchise Agreement between the Town of Eden and Spectrum Northeast, LLC and indirect subsidiary of Charter Communications, Inc.; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:49 P.M.

Executive Session:

Executive Session of the Eden Town Board Meeting was adjourned at 8:40 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk