

December 9, 2020

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
December 9, 2020  
7:00 P.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.

**TOWN BOARD MEMBERS PRESENT:**

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

**DEPARTMENT HEADS PRESENT:**

Gregory Savage - Eden Police Chief  
Mike Hart - Eden Fire Chief  
Rick Kirst - East Eden Fire Chief  
Ronald Maggs - Highway Superintendent  
Robert Pietrocarlo - Assessor  
Amy Porter - Recreation Director  
Dave Rice - Code Enforcement Officer

**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 7:00 P.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 board meetings and work sessions via live stream where the public is allowed to listen in. This conference call allows the Town of Eden to conduct town business with the Board and Town attorney.

**Approval of Minutes:**

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of November 12, 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 Town Board Minutes of November 12, 2020; there were none.

**Petitions:** There were none.

**Budget Transfers:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A889 Reserve Commercial Permit Fees	A8020.4 Planning - Contractual	Use of Nexamp Permit Fee Reserve for Engineering Reviews	\$6,810.00
A1990.4 Contingent Fund	A1420.4 Legal - Contractual	Legal Personnel	\$2,500.00

A4389 Federal Aid Other Public Safety	A1620.4 Town Hall Contractual	Cares Act Funding for Air Purifiers	\$23,504.00
A4389 Federal Aid Other Public Safety	A1680.4 Central Data Processing	Cares Act Funding for IT Upgrades and Computers	\$13,185.00
A4389 Federal Aid Other Public Safety	A4540.4 Ambulance	Cares Act Funding for IT Sim Mannequin	\$12,830.26
A899.1 Restricted EMS	A4540.4 Ambulance	Revenue Recovery for Overbudget	\$11,000.00
A4540.401 Ambulance Co-Pays	A899.1 Restricted EMS	EMS Copays to Revenue Recovery per Contract	\$40,000.00
A9015.8 Police & Fire Retirement	A9010.8 State Retirement	Adjust for Final ERS & PFRS Invoice	\$1,100.00

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

**Audit Bills:**

**December 2020**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	818-888	\$276,844.09
Highway Dept. Fund	296-321	\$113,141.00
Fire Dept. Fund	259-281	\$8,736.18
Recreation Dept. Fund	100-109	\$2,420.72
Refuse and Garbage Fund	24	\$45,262.18
Street Lights Fund	32-37	\$6,603.47
Water Fund	21	\$11.00
Capital Fund H8230.405 H8320.406 H8302.407	No Activity No Activity No Activity	

Councilperson Wilhelm requested more information on the following vouchers to which Lisa Winter replied:

#876: Fred Velott, Halloween Mileage: reimbursement for mileage for volunteer patrol on Halloween night in East Eden

# 826: Eric Burt, Reimbursement for CPAP: Eric purchased the CPAP for EMS and is being reimbursed

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

**Departmental Reports:**

Department reports for the month of December 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.

**New and Unfinished Business:**

**1. Renew Health Insurance:**

Supervisor Hartman noted a 1.2% decrease in cost for the 2021 rate.

**MOTION** was made by Supervisor Hartman to approve the health insurance renewal with Blue Cross Blue Shield plan WNY Silver POS 7100 as presented; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**2. Renew Pro-Flex for 2021 HRA Services:**

**MOTION** was made by Supervisor Hartman to approve Pro-Flex Administrators at the 2021 rate of \$4.00 per person/per month or a minimum of \$750 annually; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**3. Renew Workers’ Compensation with Comp Alliance:**

Supervisor Hartman noted a 6% decrease in cost for the 2021 rate.

**MOTION** was made by Supervisor Hartman to approve the renewal of New York State Municipal Workers’ Compensation Alliance in the following amounts:

Town of Eden: \$76,472.00

Emergency & Rescue: \$10,153.00

Fire District: \$41,139.00;

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

**4. Approval of 2021 Police Chief Contract:**

**MOTION** was made by Supervisor Hartman to approve the 2021 Police Chief contract as presented; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**5. Liquor License Renewal for Eden Memorial Post 8265 VFW: - informational only**

**6. Intermunicipal Agreement with Erie County to Accept Agricultural Funding Grant:**

Supervisor Hartman stated that this agreement is for grant funding that the town will receive to help offset costs associated with up-dates to the solar code and zoning ordinance, as identified in the master plan. The grant is for \$17,000, the town will put in \$10,000, and Dave Rice will provide in-kind services. The town will work with the planners and a group of volunteers starting in January.

**MOTION** was made by Councilperson Ventry to approve the Intermunicipal Agreement between the County of Erie and the Town of Eden for \$17,000 in grant funding and allow the Supervisor to sign the agreement; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**7. 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 as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**8. Summer Recreation Wages:**

Summer Rec Assistants:

- 1 year: \$12.50
- 2-3 year: \$12.60
- 4-7 year: \$12.75
- 8-10year: \$12.85
- 11 plus year: \$12.95

Leaders:

- 1 year: \$13.00
- 2-3 year: \$13.25
- 4-7 year: \$13.50
- 8-10 year: \$13.75
- 11 plus year: \$14.00

Elementary Leader: Plus \$.50 an hour if multiple locations

Crew Chief: Plus \$.50 an hour

**MOTION** was made by Supervisor Hartman to approve the 2021 wages for the summer recreation employees as presented; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Supervisor Hartman close the Regular Meeting and open the Public Hearing for Special Use Permit renewals; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

The Public Hearing was opened at 7:31 P.M.

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

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 9th day of December, 2020:

At 7:30 P.M. 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.
- 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 Fay – 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

There was no one present to be heard.

To date Crown Castle/Donald Mammoser and St. John’s Eden Community Care Center/St. John’s Church will be approved once their payment is submitted. Rainer & Pamela Sticht are not renewing.

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

**9. East Eden Fire Truck:**

**RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE FIRE EQUIPMENT RESERVE 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 appropriate a sum not to exceed \$100,000.00 from the Restrict Fire Equipment Reserve SF.878 of the Town of Eden for the purpose of East Eden Purchasing and modifying a used Model – 2011 Spartan/EV1 Rescue Truck.

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

**10. Emergency Squad Fly Car:**

**MOTION** was made by Supervisor Hartman to approve the purchase of the 2021 Ford Police Interceptor Utility (K8A) AWD, Factory Order in the amount of \$34,521.48; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**11. Letter of Support for an Executive Order on Senior Citizens and Disability Exemptions:**

December 8, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

Dear Governor Cuomo:

We are writing regarding Section 467 of the New York State Real Property Law, which provides local governments and public school districts with the ability to grant a reduction in the amount of property taxes paid by senior citizens, ages 65 and older, who meet the stated income qualifications and other requirements. The law also affords municipal bodies the capacity to confer a diminution of property taxes paid by individuals with disabilities who qualify by meeting the income requirements and other criteria.

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The issue is that in order to maintain the exemption on an annual basis, the individual property owner is required to file a yearly renewal application in their local assessor's office, a process which is typically carried out during the current time period.

*In light of the COVID-19 pandemic and the many complex challenges that it poses for our general population, and, in particular, our seniors and residents with disabilities who may be immunocompromised, we respectfully request that you issue an Executive Order suspending the requirement to renew the senior citizens and disability exemption for one year by local option.*

Doing so will ensure that these residents, who are more susceptible to the coronavirus than others, continue receiving the financial assistance they are entitled to under the law, while making certain that they will not have to jeopardize their health and well-being by traveling to their local municipal building and likely encountering or interacting with other members of the public at that time.

We all understand how critical it is that we take the necessary steps to protect our residents during this public health crisis, and we believe that the issuance of an Executive Order as described herein above is a straightforward, common sense measure that would help keep New Yorkers safe in the face of COVID-19.

Thank you in advance for your attention to this matter and for your consideration of our request.

**MOTION** was made by Supervisor Hartman to approve the letter of support regarding Section 467 of the New York State Real Property Tax Law and send to Governor Cuomo's Office; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

### **12. Action on Special Use Permits:**

Dave Rice confirmed the following approvals are in compliance and conditions are met.

**MOTION** was made by Supervisor Hartman to approve the renewals for Special Use Permits as follows;

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

**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

**Meagan Fay** – 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

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

### **13. Public Comments on Police Reform and Reinvention:**

Comments can be submitted to the Supervisor's Office via email at marlene@edenny.gov

### **14. Change of date for second Town board Meeting – December 30, 2020 at 4PM**

#### **Supervisor's Report:**

- Covid-19 update; increase in numbers in the town of Eden, 28 cases at the nursing home on George Street, cases are widespread. Continue to be diligent and follow CDC recommendations to help avoid spread.

**Hearing of Visitors:** There were none.

**MOTION** was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board; seconded by Councilperson Wilhelm; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:56 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk