

March 10, 2021

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
March 10, 2021
6:15 P.M.**

**Due to the COVID-19 Pandemic this meeting was held in person and 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 (arrived at 6:20 PM)
GARY SAM - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

Gregory Savage - Eden Police Chief
Matthew Colvin - Eden Fire Chief
Rick Kirst - East Eden Fire Chief
Robert Pietrocarlo - Chairman Board of Assessors
Ronald Maggs - Highway Superintendent
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

MOTION was made by Supervisor Hartman to open Executive Session; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Executive Session was opened at 6:15 PM.

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

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:04 P.M.

Pledge of Allegiance

Approval of Minutes:

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of February 10, 2021 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 February 10, 2021; there were none.

Budget Transfers:

for December 31,2020

From Account	To Account	Reason for Amendment	Amount
A889 Commercial Permit Fees	A1420.4 Legal - Contractual	Use of Nexamp Commercial Permit Fees for Legal	\$3,097.50
A889 Commercial Permit Fees	A8020.4 Planning -	Use of Nexamp Commercial Permit Fees for Engineering	\$5,853.75

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	Contractual		
A1640 Ambulance Charges	A899.1 Restricted - EMS	Return overage received to Revenue Recovery Reserve	\$16,524.00
A4540.4 Ambulance - Contractual	A899.1 Restricted - EMS	Return overage pulled from Revenue Recovery for BT	\$1,646.89
SF917 Fire Unrestricted Fund Balance	SF3410.2 Fire Equipment	East Eden Portion Received in 2018 toward final payment of EE Tanker	\$2,744.00

For Informational Purpose:

Encumbrances

A1640.4 WB Mason- Supplies \$20.60

A5010.4 WB Mason - Supplies \$11.82

SF3410.2 Dival -Fire Equipment Bid Items

\$2209.96

SF3410.4 Eliza Co. - Repair of Turnout Gear

\$567.00

Assignments Recreation

Fitness Trail Path \$5000.00

Playground Equipment \$5000.00

Reduce Cost of Rec Program \$12,500.00

Assignments Non Recreation

Full Time Police Officer \$25,000.00 wages and health insurance

for March 10, 2021

SF878.0 Restricted Fire Equipment	SF3410.2 Fire Equipment	Costs for East Eden Fire Rescue Truck per Permissive Referendum	\$3,024.68
D878.2 Highway Equipment Reserve	D5130.2 Highway Equipment	Highway Truck per Permissive Referendum	\$24,223.00
SW8320.4 Water Maintenance	SW9710.6 Bond Debt Principal	WD#4 Portion of Violet & Shadagee Phase II Bond Principal	\$1,323.41
SW8320.4 Water Maintenance	SW9710.7 Bond Debt Interest	WD#4 Portion of Violet & Shadagee Phase II Bond Interest	\$1,484.23

MOTION was made by Supervisor Hartman to approve the Budget Transfers from December 2020, as presented; seconded by Councilperson Wilhelm; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Hartman to approve the Budget Transfers from February 2021, as presented; seconded by Councilperson Byrnes; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

March Payables for 2020

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	991-997	\$40,803.45
Fire Dept. Fund	313	\$4,874.98

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	74-148	\$87,597.03
Highway Dept. Fund	30-64	\$74,362.81
Fire Dept. Fund	31-57	\$15,188.69
Recreation Dept. Fund	11-19	\$2,124.59
Refuse and Garbage Fund	4	\$195.00
Street Lights Fund	2-7	\$2,815.48
Capital Fund	1-4	\$124,634.36

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MOTION was made by Councilperson Ventry 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 March 2021 were submitted by Rick Kirst, East Eden Fire Chief; Matthew Colvin, 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.

MOTION was made by Supervisor Hartman to remove Gavin Hunter & Donald Fries from the active roster of the East Eden Fire Department with gratitude for their service; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

East Eden Fire Line Officers 2021:

Rick Kirst	Chief
Scott Crowe	9-1
Tim Wittmeyer	9-2
Chuck Windel	Captain
Val Ziminsky	1 St lieutenant
Jesse Vondell	2 nd Lieutenant
John McCarthy	Safety Officer

Rick Kirst stated that due to the Pandemic East Eden Fire did not have elections for 2021 and all Officers remain the same.

MOTION was made by Supervisor Hartman to approve the East Eden Fire Department Line Officers for 2021 as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilperson Wilhelm to declare 15 sets of old turnout gear surplus and to be donated to another organization; seconded by Councilperson Sam; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs gave an up-date on grant projects within the Town:

- Block Grant for sidewalk on Welch Ln. and Green St.
- A/C Unit for the Library
- Erie County Soil & Water for off-road drainage for property off 62 in the Legion, School, Weller area. The Town has been anticipating receiving this grant for the last few years as part of the Off-Road Drainage Committee.

Emily Hawkins reminded residents that Town & County Taxes are due by Monday, March 15, 2021 without penalty and the addition of the following hours: Saturday March 13, 9:00AM-12:00PM and Monday March 15, 8:00AM-6:00PM.

Amy Porter gave the following Recreation up-dates:

- Registration is open for baseball/softball and Eden Lacrosse holding a possible April clinic
- Congratulations to Rachel Cerne, winner of the snow building contest
- Kite Flying Date – anticipated for April or May
- Fitness Trail – Grant Submitted

New and Unfinished Business:

1. Resolution to Close Water Project:

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD
March 10, 2021**

WHEREAS, beginning in March 2016, proceedings were held to consider the joint increase and improvement of the Water System of the Town of Eden, and

WHEREAS, the Eden Town Board having received satisfactory documentation confirming that all project work was completed as of December 31, 2019 allowing the turnover of the Town of Eden Water System to the Erie County Water Authority in January 2020 and The Town of Eden having now

received the majority of grant funding, the Town of Eden seeks to formally close the following projects as of December 31, 2020.

Waterline Project:

Borrowed	\$4,270,000.00
Bid Specs & Connection Fees	\$ 5,881.00
Grant Money Received 2017	\$ 373,221.45
Grant Money Received 2020	\$ 23,644.44
Use of Assigned for Water Projects	<u>\$ 16,876.30</u>
Total Received	\$4,689,623.19
Expenditures	\$3,489,623.19
Paid on Bond Principal	<u>\$1,200,000.00</u>
	\$4,689,623.19

Due to COVID 20% of grant funding was withheld. If and when the remaining \$5,911.11 of grant is paid, it will be received to account SW884 Reserve for Debt.

Tank Painting Project:

Borrowed	\$ 408,130.00
Use of Assigned for Water Projects	<u>\$ 199,667.13</u>
Total Received	\$ 607,797.13
Expenditures	\$ 607,797.13

Pump & Tank Project:

Borrowed	\$ 853,500.00
Bid Specs	<u>\$ 950.00</u>
Total Received	\$ 854,450.00
Expenditures	\$ 781,523.56
Paid on Bond Principal	\$ 70,000.00
Unused Funds to Reserve for Debt	<u>\$ 2,926.44</u>
	\$ 854,450.00

Violet Dome Project:

Borrowed	\$ 275,000.00
Bid Specs	\$ 200.00
Use of Assigned for Water Projects	<u>\$ 79,819.27</u>
Total Received	\$ 355,019.27
Expenditures	\$ 355,019.27

NOW, THEREFORE, it is hereby

RESOLVED, that the Eden Town Board does hereby declare the above projects as “closed”

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

2. Municipal Parking Lot Agreement:

MOTION was made by Supervisor Hartman to approve the Easement and Right-Of-Way Agreement for Eden Public Parking Area between Eden’s Don Juan Corporation, Rita M. Brockman, Robert Pietrocarlo and the Town of Eden for a period of 15 years; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

3. Ratify Swartz Field Fitness Trail:

MOTION was made by Supervisor Hartman to ratify the approval of the Swartz Fitness trail project using the stone option provided by Ron Maggs, details to be worked out later at an amount not to exceed \$10,000 without prior consent of the Town Board; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

4. Recreation Staff and Wages:

2021 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

2021	Employee	Rate
Supervision		
Summer Supervision	Tera Baker-Clerc	3300.00
Playground Leaders		
Elementary		
Arts & Crafts	Kelsey Pressing	12.60
Playground Assistants		
Elementary	Sharon Wright	14.00
Elementary	Dawn Ovitt	12.60
Elementary	Connor Johnson	12.50
Elementary	Iris Styers	12.50
Elementary	Madison Baker	12.50
Elementary	Alyssa Johnson	12.50
Elementary	Emma LaVerdi	12.50
Elementary	Zach Keefe	12.50
Elementary	Reece Taylor	12.50
Elementary	Hunter Amo	12.50
Elementary	Angela Nicotera	12.50
Elementary	Jacob Johnston	12.50
Elementary/Alternate	Deanne Glenndenning	14.00
Elementary/Alternate	Patricia Hartman	12.60
Elementary/Alternate	Emma Cockerel	12.50
Elementary/Alternate	Marlene Grunder	12.75
Elementary/Alternate		
Elementary/Alternate		
Elementary/Alternate		
Tennis Leader	Avery Qi	12.50
Sports Camp Leader	Alaina James	12.60
Town Pool Staff		
Aquatics Director	Ivan Bitnun	4100.00
Head Lifeguard	Emilee Nelson	13.25
Lifeguard	Cara Hackford	12.75
Lifeguard		
Lifeguard		
Lifeguard		
Head Instructor	Caroline Szuffita	13.25
Instructor	Caroline Coleman	12.60
Instructor	Camille Profic	12.60
Instructor	Sam Crowe	12.50
Instructor	Adam Dibble	12.60
Instructor	Sam Mason	12.60
Pool C.I.T.		
Pool C.I.T.		
Pool C.I.T.		
Pool C.I.T.		
Pool C.I.T.		
Maintenance		
Supervisor	Scot Christiansen	
Assistant/Crew Chief	Carson Profic	13.10
Assistant	Trent Laing	12.75
Assistant	Nathan Henry	12.50
Assistant	Terrance Janowski	12.50

MOTION was made by Supervisor Hartman to approve the wages and employees for Summer Recreation; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman noted that the Town will move forward with planning summer recreation at one location and will adjust as needed. The wages are based off of the yearly minimum wage increase which the town has no control over.

5. Recreation Portable Sanitation Units:

The following bids were received:

Roger Gloss	\$3,975
United Rentals	\$4,195
Modern Portable Toilets, Inc.	\$5,505

MOTION was made by Supervisor Hartman to approve Roger Gloss for portable sanitation units in the amount of \$3,975; seconded by Councilperson Byrnes; all - “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

6. Set Recreation Program Rates:

MOTION was made by Supervisor Hartman to set the Summer Recreation rate for 2021 at \$200 per participant; seconded by Councilperson Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman noted that the Town had initially anticipated charging \$300 per participant but due to some revenue recovery at the end of 2020 the rate was able to be decreased.

7. Appoint Jeremy Lilga as Full-Time Police Officer:

MOTION was made by Supervisor Hartman to appoint Jeremy Lilga as full-time police officer effective April 1, 2021; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

8. Annual IT Contract with Nick Miller:

MOTION was made by Supervisor Hartman to approve the Addendum to 2021 Master Service Agreement between Nicholas A. Miller, Ubertechit Services Inc. and Town of Eden for a 1 year term; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

9. Set Public Hearing for Proposed Local Law for Flood Damage Prevention:

This update is required by the NYS DEC in order for the Town to remain in the National Flood Insurance Program.

MOTION was made by Supervisor Hartman to set the Public Hearing as required by the NYS DEC for Local Law 1-2021, Flood Damage Prevention, to April 14, 2021 at 7:30 PM; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

The proposal is available on the Town’s Website and at the Town Clerk’s Office

10. Award Bid for Air Conditioning Units at Eden Library:

a. Resolution to Expend Funds Subject to Permissive Referendum:

The following bids were received:

MJ Mechanical Services Inc. \$43,600

Tri-R Mechanical Services Inc. \$47,710

MOTION was made by Councilperson Wilhelm to award the bid for the library air conditioning units to MJ Mechanical Services Inc., in an amount not to exceed \$43,600 subject to the funding resolution that is subject to permissive referendum; seconded by Councilperson Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE GENERAL MAINTENANCE 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 \$10,000.00 from the Restricted General Maintenance Reserve Account A.882 of the Town of Eden for the purpose of the Town’s Portion of grant to replace Eden Library air conditioners

This resolution shall be subject to permissive referendum, as permitted by law.

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

Funding for the air conditioning unit was provided by David DiPietro’s Office and the State Library Grant and the Town of Eden’s matching portion of \$10,000.

11. Town of Eden Police Reform and Reinvention Collaborative Committee Report and Recommendations – Public Comments:

Supervisor Hartman thanked the committee members:

Brian Burgstahler – SRO/Eden Police

Emma Buckthal – Eden Reserve Police/Community Member

Deborah Felschow – Community Member

Marlene Grunder – Administrative Assistant to Supervisor/ Community Member

Nelcilia Harling – Community Member

Chief Gregory Savage – Eden Police Chief

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Jeff Sortisio – Eden Central School Superintendent
Richard Ventry – Deputy Town Supervisor/Business Owner

Public Comments: There were none.

Resolution Town of Eden NYS Police Reform and Reinvention Collaborative

WHEREAS The Town of Eden was charged with forming a Police Reform and Reinvention Collaborative pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020, and

WHEREAS Eden formed a committee that met monthly starting on November 5, 2020; and

WHEREAS the Police Reform Committee meetings were open to the public; and

WHEREAS there were two public comment periods, one on December 9, 2020 and one on March 10, 2021; and

WHEREAS the Eden Town Board is accepting the Eden Police Reform's submitted recommendations and is committed to updating our current policies and practices as suggested by the committee;

NOW, THEREFORE, BE IT RESOLVED: The Eden Town Board will meet annually to review the progress of the recommendations brought forth by the Eden Police Reform Committee; and

BE IT FURTHER RESOLVED, we are committed to supporting the suggestions on use of force, continuing education, evaluations of officers and other policies recommended to assist our police force; and

BE IT FURTHER RESOLVED, that the recommendations set forth by the Eden Police Reform committee will be accepted in its entirety by the Eden Town Board; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Eden, is hereby authorized to complete, execute and submit the "New York State Police Reform and Reinvention Collaborative Plan Certification Form", the final recommendation documents, and any other required documents to the Director of the New York State Division of the Budget no later April 1, 2021

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

12. Declare Rubber Tire Roller Surplus and Sell to Town of Collins Highway Department:

MOTION was made by Supervisor Hartman to declare the Roll-O-Pactor SP-543 Rubber Tire Roller surplus and sell to the Town of Collins Highway Department in the amount of \$2,900; seconded by Councilperson Sam; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Recycling Tote Grant - \$75,000
- Stimulus Package – direct funding of about \$1,000,000 to the Town of Eden.
- Up-date on COVID and Vaccination eligibility
- Serving on the Association of Towns Executive Committee

Councilperson Wilhelm: Library Code Club placed 3rd in a National Competition

Hearing of Visitors:

Richard Braen, Clarksburg Rd.: Expressed concerns over rebuilding of the Clarksburg bridge, new construction vs. historical restoration. Residents of that area would like to see the bridge's historical value maintained.

Supervisor Hartman stated that the Clarksburg bridge is county property however they are willing to work with the Town of Eden. She recommended that the residents of that area write a letter to the Town expressing their support for the repair/replacement option they would like to see. She offered to meet with Mr. Braen to discuss more information.

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 8:02 P.M.

Executive Session: Adjourned Executive Session of the Eden Town Board at 8:45 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk