

July 14, 2021

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
July 14, 2021
7:00 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 (Virtual only – nonvoting member)
RICHARD VENTRY - COUNCILPERSON – DEPUTY SUPERVISOR
SUSAN WILHELM - COUNCILPERSON
MICHAEL BYRNES - COUNCILPERSON

TOWN BOARD MEMBERS ABSENT:

GARY SAM - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

Matthew Colvin - Eden Fire Chief
Scott Crowe - East Eden Assistant Fire Chief
Greg Savage - Eden Police Chief
Ron Maggs - Highway Superintendent
Robert Pietrocarlo - Chairman Board of Assessors
Dave Rice - Code Enforcement Officer
Ray Zabron - Dog Control Officer

OTHERS PRESENT:

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

Call to Order:

Councilperson Ventry 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 Councilperson Ventry to approve the Town Board Minutes of June 9, 2021 as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Councilperson Ventry asked if there were any additions or corrections to the Town Board Minutes; there were none.

Budget Transfers:

From Account	To Account	Reason for Amendment	Amount
A915.6 Assigned - Non Rec	A3120.2 Police - Equipment	Use of assigned funds for 2020 Ford Explorer Police Interceptor	\$35,690.00
SF878 Reserve Fire	SF3410.2 Fire Equipment	Radios for EE #7	\$442.50

MOTION was made by Councilperson Ventry to approve the Budget Transfers from July 2021, as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Audit Bills:

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	374-450	\$85,703.03
Highway Dept. Fund	140-177	\$149,975.06
Fire Dept. Fund	152-173	\$12,977.40
Recreation Dept. Fund	56-76	\$3,330.26
Refuse and Garbage Fund	13	\$50,337.77
Street Lights Fund	20-23	\$1,687.05
Water Fund	11	\$15.00

MOTION was made by Councilperson Ventry to approve the Audit of Bills as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Departmental Reports:

Department reports for the month of July 2021 were submitted by Scott Crowe, East Eden Assistant 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; Ray Zabron, Dog Control Officer, and Eden Emergency Squad. All reports are on file in the Town Clerk’s office.

MOTION was made by Councilperson Ventry to remove Mike McCarthy from the active roster with gratitude for his service; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

MOTION was made by Councilperson Ventry to add Larry Hunter II and Kelsey Hunter to the active roster; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Robert Pietrocarlo requested Executive Session.

Public Comments on Agenda Items Only: There were none.

New and Unfinished Business:

1. Appoint Dave Rice as Floodplain Manager:

MOTION was made by Councilperson Ventry to appoint Dave Rice as Floodplain Manager; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

2. Ratify Recreation Staff Appointment:

MOTION was made by Councilperson Ventry to ratify the approval of Cyleigh Schumacher, Deserae Blaszczyk, Michael Reisch, and Mya Schreengost for summer recreation staff at a rate of \$12.50 per hour effective as of July 2, 2021; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Ratify Purchase of UPS Battery Pack:

MOTION was made by Councilperson Ventry to ratify the purchase of the UPS battery pack, that supports all of the back-up power for the Town’s computer system, in the amount of \$17,996.79 to June 24, 2021; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

4. Request for Assistance of the Highway & Recreation Departments for the 2021 Eden Corn Festival:

MOTION was made by Councilperson Ventry to approve the request by the Eden Legion Post 880 and the Eden Corn Festival for the assistance of the Eden Highway Department and Recreation Department for the 2021 Eden Corn Festival; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. Ratify Rate of Pay:

MOTION was made by Councilperson Ventry to ratify Jennifer Crowe’s rate of pay to \$21.70 per hour effective July 1, 2021; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

6. Acknowledge the Resignation of Derek Filipiak:

The Town Board acknowledged the resignation of Derek Filipiak as part-time dispatcher for the Town of Eden Police Department effective June 30, 2021 with gratitude for his service.

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7. Acknowledge Change of Method of Operation for a Liquor License:

The Town Board acknowledged receipt of the up-dates to the liquor license for Bubba Kalooster LLC, changing the current method of operation to add live music and patron dancing.

8. CPL Contract for Industrial Site Selection Services:

MOTION was made by Councilperson Wilhelm to approve the contract between the Town of Eden and CPL for site selection services in the amount of \$9,500 and allow the Supervisor or Deputy Supervisor to sign the agreement; Seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

9. Ratify Hamburg Swim Club Agreement:

MOTION was made by Councilperson Ventry to approve the agreement between Hamburg Swim Club and Town of Eden for use of the town pool effective July 6, 2021; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

10. Off-Road Drainage Project:

MOTION was made by Councilperson Ventry to approve Off-Road Drainage Committee project 2021-01, miscellaneous town wide mowing and clearing in an amount not to exceed \$5,000; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

11. Award Bid for Sidewalk Replacement Grant Project on Green St and Welch Ln:

MOTION was made by Councilperson Ventry to award the bid for sidewalk replacement on Green Street and Welch Lane to SCC Company of WNY in an amount not to exceed \$48,341.30, as the lowest responsible bidder; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

12. Recognize Resignation of Part Time Police Officer, Cori Kowalski:

The Town Board acknowledged the resignation of Cori Kowalski as part time police officer for the Town of Eden Police Department effective July 12, 2021 with gratitude for his service.

13. Appoint Police Officers:

MOTION was made by Councilperson Ventry to appoint Steven Condon and Justin Kehr as part-time police officers at a rate of pay of \$24.00 per hour; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

14. Appoint Part-time Public Safety Dispatchers:

MOTION was made by Councilperson Ventry to appoint Theresa Zittel and Christina Lippert as part-time public safety dispatchers at a rate of pay of \$15.53 per hour; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

MOTION was made by Councilperson Ventry to close the Regular Meeting and open the Public Hearing for proposed Local Law 2-2021; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:30 PM.

**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 14th day of July, 2021 at 7:30 P.M. Local Time, for the purpose of considering the adoption of proposed Local Law #2-2021, being a local law to provide for code enforcement procedures and standards pursuant to 19 NYCRR part 1203, intended to replace existing Chapter 110 of the Town of Eden Code. Copies of the proposed local law are available for public review in the Office of the Eden Town Clerk. All interested parties will be given an opportunity to be heard.

Councilperson Ventry asked if there was anyone present to be heard: there were none.

MOTION was made by Councilperson Ventry to close the Public Hearing; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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The Public Hearing was closed at 7:33 PM.

15. Local Law #2-2021:

MOTION was made by Councilperson Ventry to adopt Local Law 2-2021 for the administration and enforcement of New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Hearing of Visitors:

Susan Engle, 8196 N. Main St.: Addressed noise issues with live music at Rayzor's Dog House. As neighbors of the property the music is playing at loud decibels and they are able to hear it from inside their home and on their porch. She asked the Town Board for assistance to rectify the issue.

Joe Pietrkiewicz, 76 Sharon Pkwy, Buffalo: Addressed concerns with disrespectful treatment to the owner of Rayzor's Dog House by the Eden Police Chief on June 19, 2021 while his band was playing at the business. He stated he rectified the noise violation by reducing the sound and changing the direction of his speakers.

MOTION was made by Councilperson Ventry to close the Regular Meeting and open the Public Hearing for considering the issuance of a Special Use Permit to Eden Solar LLC; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:45 PM.

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

Pursuant to a resolution of the Town Board of the Town of Eden, County of Erie and State of New York, adopted on June 9, 2021, **NOTICE IS HEREBY GIVEN** of a **PUBLIC HEARING** to be held by the Eden Town Board at the Eden Town Hall, 2795 East Church Street, Eden, New York at **7:45 PM on the 14th Day of July, 2021**. The purpose of the said Public Hearing is to consider the issuance of a **Special Use Permit to the applicant, Eden Solar LLC**, allowing a Utility Scale Solar Energy System at 7501 Sisson Highway. All interested parties may attend and be heard.

Supervisor Hartman opened the Public Hearing by giving background on the solar project.

- Project has been in works for 2.5 years
- Review by Planning Board multiple times
- Positive SEQR Declaration
- Site Plan Review has taken considerations to mitigate concerns of noise, screening, entrance, farmland protection, benefit to Town, etc.
- After a previous public comment period all comments were taken into consideration and problems were mitigated
- Project is through a private contractor and the land owner and is not a town project

The following residents spoke of concerns with the Special Use Permit for Eden Solar:

- Barb Pope, 3573 Eckhardt Rd.
- Gerald & Susan Kopryanski, 7453 Sisson Hwy.
- Rachel Merta, 3522 Eckhardt Rd.
- Richard & Patricia Halas, 7551 Gowanda State Rd.
- Mark Debo, 8075 Sisson Hwy. (sent letter)
- Judy Connors, 3520 N. Boston Rd.
- Patricia Krouse, 8053 Sisson Hwy.
- Rita Bartoszek, 7369 Sisson Hwy.
- Trisha O'Connell, 3699 Eckhardt Rd.
- Glen & Marie Kerwin, 7550 Sisson Hwy.
- Sally Stevens, Michael Rd., Orchard Park
- Barb Henry, 7950 Sisson Hwy.
- Casey Sercu, 2830 Paxon Rd.
- Bibi Bennett, 7581 Sisson Hwy.
- June Cole, 7586 Sisson Hwy.
- Carol Klein, 4676 Eckhardt Rd.
- Dan Kandra, 3450 N. Boston Rd.

The following topics were addressed:

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Drainage: current issues with water on surrounding properties, residents concerned with additional run-off, many yards have pools over water in them when it rains

Mike Cucchiara, Nexamp; Worked with Planning Board on drainage concerns and submitted a fully approved SWPP (Storm Water Protection Plan), a grass field will be below the panels to absorb run-off.

Screening: residents do not want to view solar panels from their homes and feel that this project does not belong in this space.

Mr. Cucchiara: Vegetative screening will be planted along the open perimeter of the solar field (50'-80' setback from property line) and will include 4'-6' tall deciduous and evergreen trees, the solar field (200' set back from property line) will not be invisible but will be screened.

Notification: residents raised concerns about failure of being notified of the solar field project.

Supervisor Hartman: Project has been under review for 2.5 years and has been through many Planning Board and Town Board Meetings, as well as Public Hearings. All residents within 500' were sent certified letters for the Public Hearing.

Decommissioning Plan: residents expressed concern over decommissioning costs, disposal of units, and effects on farmland

Mr. Cucchiara: Decommissioning plan follows guidelines; everything is removed from the land at the life of the project (40 years) and it is returned to its original condition for farming. Any reusable materials will be salvaged or recycled; debris will go into a landfill. Decommissioning funds are bonded.

Bill Trask, Town Attorney, spoke extensively regarding the solar project:

- NYS has an aggressive Green Energy Program, 20+ megawatt projects are state run and have zero town control
- This project is at 3.5 megawatts and Town is able to have say and control over process
- 2.5 years in review by Town Board, Attorney, and Planning Board
- Project must meet strict conditions for the Special Use Permit
- Special Use Permit is reviewed and renewed annually to ensure solar company is in compliance
- Decommissioning Agreement has been strenuously negotiated between all parties and includes a bond for the cost of restoration to the property.
- Host Community Agreement is a fund that will assist the Town in preserving farmland in the future
- Location of project is not up to the Town as this is a project from a private company

Additional concerns were discussed and addressed.

MOTION was made by Councilperson Ventry to close Public Hearing; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 9:15 PM.

16. Eden Solar LLC Special Use Permit

17. Authorization to Execute the Decommissioning Plan

18. Authorization to Execute the Host Community Agreement

MOTION was made by Councilperson Ventry to table agenda items 16, 17 & 18; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

MOTION was made by Councilperson Ventry to adjourn the Regular Meeting of the Eden Town Board and open Executive Session; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Regular Meeting: Closed at 9:16 P.M.

Executive Session: Adjourned at 10:45 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk