

October 13, 2021

MINUTES

REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
October 13, 2021
7:00 P.M.

**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
GARY SAM - COUNCILPERSON
MICHAEL BYRNES - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

Malcolm VanKoughnett - Eden 1st Assistant Fire Chief
Scott Crowe - East Eden 1st Assistant Fire Chief
Amy Porter - Recreation Director
Greg Savage - Eden Police Chief
Robert Pietrocarlo - Chairman Board of Assessors
Ron Maggs - Highway Superintendent
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:

Supervisor Hartman 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 Supervisor Hartman to approve the Town Board Minutes of September 8, 2021 as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of September 22, 2021 as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman 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
A2760 Library Grant	A7610.2 Library - Equipment	Grant Portion of Boiler & HVAC Control Update	\$22,923.75
A1620.4 Town Hall - Contractual	A7610.2 Library - Equipment	Town's Portion of Boiler & HVAC Control Update	\$7,641.25
A2170 Community Dev Income	D5410.4 Sidewalks	Sidewalk Grant	\$45,714.00

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D915.4 Assigned - Sidewalks	D5410.4 Sidewalks	Use of Assigned Sidewalk Funds	\$6,385.70
SF878 Fire Equipment Reserve	SF2665 Sale of Equipment	Adjust August Budget Transfer Amount Error in Auction International Calculation	\$150.00
SD917 Unassigned Fund Balance	SD8540.450 Contractual - Drainage Dist #5	Mowing - Drainage Dist #5	\$119.24
D2770 Unclassified Revenue	D5110.4 Maint of Roads - Contractual	Pipe Permit Money used to purchase materials	\$21,277.21
D5120.2 Bridge - Equipment	D5110.4 Maint of Roads - Contractual	Use of Bridge Funds for Roads	\$6,000.00
D5120.4 Bridge - Contractual	D5110.4 Maint of Roads - Contractual	Use of Bridge Funds for Roads	\$6,000.00
D915.3 Assigned - Highway	D5130.2 Machinery - Equipment	2020 Funds Assigned for Sweeper Purchase	\$10,000.00
SF915.3 Assigned Fire Gear	SF3410.2 Fire - Equipment	Use of Assigned for Gear Funds for Refurbished Scot Packs for East Eden	\$16,383.05

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

Audit Bills:

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	576-655	\$130,552.07
Highway Dept. Fund	231-275	\$181,137.96
Fire Dept. Fund	239-266	\$26,768.04
Recreation Dept. Fund	111-121	\$3,138.04
Refuse and Garbage Fund	20-22	\$93,518.66
Street Lights Fund	31-34	\$9,216.19
Water Fund	16	\$365.00
Drainage: SD1	1	\$119.24

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 October 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; Ray Zabron, Dog Control Officer, and Eden Emergency Squad. All reports are on file in the Town Clerk's office.

MOTION was made by Supervisor Hartman to remove Ryan Smith from Eden Fire's active roster and add Patrick Riester and Jacob Filbey to the active roster pending background check and physicals; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

MOTION was made by Supervisor to give permission to Eden Fire to form a truck committee and start building specifications for a tanker to replace the 1991 International; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Public Comments on Agenda Items Only:

Elmer Ploetz submitted a petition to the Town Board against removing the position of elected assessor and changing to an appointed assessor.

The following residents spoke regarding establishing an office of a single appointed assessor:
 Elmer Ploetz; 2687 W. Church St.
 Jeff Striebich; 8626 S. Main St.
 Wayne Wierzba; 8161 Winkleman Rd.
 Carl Modica; 2637 Hemlock Rd.

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Jerry Bogacz; 2877 Woodspirit
William Hunt; 2030 New Jerusalem Rd.
Carol Klein; 4676 Eckhardt Rd.
Carol Lewis; 2416 New Jerusalem Rd.

The following topics were brought up:

- Additional ways to get information to residents (Pennysaver), residents do not feel like they know where to find information
- Elected assessor vs. appointed assessor should be brought to a public vote
- Elected position should not be taken away from the voters

Supervisor Hartman stated that this meeting is to set the Public Hearing to have a public comment period on the proposed changes. Eden is the only town in Erie County that has an elected assessor position. An appointed assessor would be a six-year appointment. Assessors need to follow the law and meet criteria to be eligible to assess property, this would ensure the proper training is being followed and adhered to. Two of three elected assessors are on board with the changes.

New and Unfinished Business:

1. Approval of Tentative 2022 Town Budget as Preliminary Budget:

Supervisor Hartman stated that as a result of increased revenues from sales and mortgage tax there is a slight decrease in town tax for 2022. (Less than 1 penny per \$1,000 of assessed value)

MOTION was made by Supervisor Hartman approve the tentative 2022 town budget as the preliminary budget in the amount of \$4,384,161.45; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

MOTION was made by Supervisor Hartman adjourn the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:30 PM

NOTICE OF PUBLIC HEARING

Notice to the Citizens of the Town of Eden:

A Public Hearing will be held on October 13, 2021 at 7:30 pm at the Town Hall regarding the use of Federal Community Development funds on the Town of Eden.

The Town of Eden is eligible for a Federal Community Development Grant under Title 1 of the House and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate-income persons in the Town of Eden.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Eden's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Eden at (716) 992-3408 by October 8, 2021.

Supervisor Hartman stated that the Town would again be going for grant money toward Rural Transit.

Dave Rice suggested improvements to Town buildings for handicap compliance.

MOTION was made by Supervisor Hartman close the Public Hearing of the Eden Town Board and open the Regular Meeting; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:36 PM.

2. Adopt Proposed Fire Budget as Preliminary Budget:

MOTION was made by Supervisor Hartman adopt the proposed fire budget as the preliminary budget in the amount of \$461,858.00 with a tax rate of \$1.27 per thousand; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Code Review Committee Recommendations:

The following items are to be forwarded to the Planning Board for review and recommendations:

- Fire Department Rapid Entry System
- Transient Retail Merchants
- Peddling and Soliciting
- Mobile Food Vending
- Schedule of Fees
- Solar Code

MOTION was made by Supervisor Hartman to forward the six items to the Planning Board for review and recommendations back to the Town Board; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

4. Authorize to Apply Funds for TAP Grant:

TAP Grant covers areas in Town that need improvements to things like sidewalks, pedestrian safety, and drainage. The Town’s Engineering firm prepared the grant addressing areas along Rt. 62 with a focus on pedestrian safety.

MOTION was made by Supervisor Hartman to formalize a commitment of fund balance in the amount of \$250,773.00 which represents a 20% minimum match of the total estimated cost of \$1,253,865.00 as required by NYS Department of Transportation, Transportation Alternatives Program pending award of the grant funding; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. Announce Trick of Treat Hours for October 31, 2021 6-8 PM: informational only

6. Set Public Hearing for Proposed Local Law 3-2021, Establishing the Office of a Single Appointed Assessor Pursuant:

MOTION was made by Councilperson Ventry to set the public hearing for proposed Local Law 3-2021, establishing the office of a single appointed assessor pursuant to Real Property Tax Law §328 to October 27, 2021 at 7:20 PM; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

7. Set Public Hearing for Changes to the Town of Eden “Mandatory Recycling Law:”

MOTION was made by Councilperson Ventry to set the public hearing for changes to the Town of Eden Code, Chapter 175, Article II, known as “Mandatory Recycling Law of Town of Eden” to November 10, 2021 at 7:30 PM; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

This law is relative to the use of Totes for municipal solid waste.

MOTION was made by Supervisor Hartman adjourn the Regular Meeting of the Eden Town Board and open the Public Hearing for considering the issues of a Special Use Permit to Cazenovia Recovery Systems; seconded by Councilperson Ventry; 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 September 8, 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 13th Day of October, 2021. The purpose of the said Public Hearing is to consider the issuance of a special use permit to the applicant, Cazenovia Recovery Systems, to operate a rehabilitation facility at 9136 Sandrock Road in the Town of Eden. All interested parties may attend and be heard.

This Special Use Permit is to increase occupancy from 21 to 30 residents as the rehabilitation center is doing construction to increase size.

There was no one present to be heard.

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MOTION was made by Supervisor Hartman close the Public Hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:47 PM.

8. Resolution for East Church and Jennings Road 4-Way Stop Study:

Resolution to Erie County for Road Study East Church Street and Jennings Road

WHEREAS the Town of Eden has seen an increased amount of accidents at the intersections of East Church Street and Jennings Road, and

WHEREAS there has been five (5) accidents in the last 14 months with injury and property damage at said intersections, and

WHEREAS the Town of Eden Town Board and Police department feel that this intersection needs to be evaluated to see the cause of the increased accidents, and

WHEREAS there is only a 2-way stop blinking red/yellow light at said intersection, and

WHEREAS both East Church Street and Jennings Road are Erie County Roads

NOW, THEREFORE, BE IT RESOLVED: The Town of Eden is requesting Erie County to conduct an All-way Stop Study for the intersection of East Church Street and Jennings Road in the Town of Eden

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to

Commissioner William Geary, Erie County Traffic Safety Engineer, Gina Wilkolaski, Legislature John Mills and Erie County Executive Mark Poloncarz.

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

9. Requesting up to \$40,000 for the Restricted Recreation Equipment Reserve:

RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE RECREATION 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 \$40,000.00 from the Restricted Recreation Equipment Reserve Account A.878.4 of the Town of Eden for the a New/Unused 2022 Ford Super Duty F-250 XL 4WD Truck plus plow.

MOTION was made by Councilperson Ventry to approve the Resolution as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

10. Appoint Brandon Radoani as Part-Time Police Officer:

MOTION was made by Councilperson Byrnes to approve Brandon Radoani as part-time police office at a rate of pay of \$24.00 per hour; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

11. Requesting up to \$250,000 from the Equipment Reserve Account for the purchase of a Main Line Plow Truck:

Ron Maggs stated that due to supply the purchase needs to be started ASAP for possible delivery at the end of 2022

MOTION was made by Supervisor Hartman to approve the request from the Highway Department for up to \$250,000 from the Equipment Reserve Account D878.2 for the purchase of a Main Line Plow Truck, subject to Permissive Referendum; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

12. Community Development Block Grant Resolution:

a. Rural Transit

MOTION was made by Councilperson Wilhelm to authorize Melissa Hartman, Town Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG: Rural Transit; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

13. Special Use Permit - Cazenovia Recovery Systems:

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Councilperson Byrnes asked Chief Savage is the property in question is a “problem property.” He responded that the police department has had a few calls at the residence, mostly of people who want to leave and want a ride to another Town. Chief has spoken to management over the issues.

Susan Bissonnette, the Director of the house, gave Chief Savage her information for future issues.

MOTION was made by Supervisor Hartman to approve the Special Use Permit for Cazenovia Recovery Systems at 9136 Sandrock Road, for the Turning Point House Alcohol Rehabilitation Center through December 31, 2022 subject to the following conditions;

1. Payment in lieu of taxes equal to the full value assessment will be paid to the Town of Eden
 2. Maximum capacity not to exceed 30 residents
 3. All persons admitted must have alcoholic abuse as the primary cause for entering the facility
 4. Town of Eden residents will be given preference for admission to this facility
 5. Any self-help meeting scheduled at the community residence shall be restricted to residents and their personal guests, maximum 20 people. No such self help meetings will be listed in any meeting schedules or open to the respective recovering public.
 6. The Special Use Permit may be renewed on a yearly basis, starting 2023, by the Eden Town Board if all requirements have been adhered according to the most recent Special Use Permit.
- seconded by Councilperson Ventry; Ayes: Hartman, Wilhelm, Ventry, Sam; Opposed: Byrnes; Abstain: None; Motion carried.

Supervisor’s Report:

- Covid numbers are increasing in Town, averaging 23 new cases a week
- County is seeing an increase in RSV and the Flu
- Continuing to work on Master Plan implementation; Solar/Land Use
- Industrial Park Study underway
- Applied for second Main Street Grant
- Applied for TAP Grant - 1.1million
- Electric car charging station at Town Hall – researching applying for a grant
- Planning & Zoning Board openings, applications due by October 15, 2021

Councilperson Wilhelm gave the following updates:

- Library will be having a book sale, more information available soon
- Chicken BBQ for the fire department is November, 7 from 11am-sold out

Hearing of Visitors:

The following residents spoke regarding a single appointed assessor and getting additional information on agenda items to the public:

Elmer Ploetz
Dan Malarkey – East Church Street
William Hunt
Carol Klein
Fred Riefler – 8688 Violet Pkwy.

MOTION was made by Supervisor Hartman to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Regular Meeting: Closed at 8:42 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk