

November 10, 2021

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD**  
**2795 East Church Street**  
**Eden, NY 14057**  
**November 10, 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 1 <sup>st</sup> Assistant Fire Chief
Scott Crowe	-	East Eden 1 <sup>st</sup> Assistant Fire Chief
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 October 13, 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.

**MOTION** was made by Supervisor Hartman to approve the Fire Budget Public Hearing Minutes of October 19, 2021 as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of October 27, 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

**Budget Transfers:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A4089 Federal Aid - Other	A3120.2 Police Equipment	ARPA Funds used for Live Scan Booking	\$13,171.00
A915.6 Assigned - Non Rec.	A3120.2 Police Equipment	Use of Assigned Funds for Decals on Police Explorer	\$690.00
SF878.0 Capital Reserve - Fire	SF3410.2 Fire Equipment	Use of Reserves for final costs for East Eden Rescue #7	\$1,313.60
D2770 Unclassified Revenue	D5410.4 Sidewalks - Contractual	Additional Sidewalk Work	\$2,341.40
D915.40 Assigned Sidewalks	D5410.4 Sidewalks - Contractual	Assigned funds for sidewalks	\$13,172.60
D5110.1 Maint Roads - Personal	D5110.4 Main of Roads - Contractual	Summer Payroll for Road Materials	\$13,437.51
Assigned Fire Building Maint	SF3410.4 Fire - Contractual	Assigned Building Maint for EE Fire Tree Removal & Drainage Pipe	\$7,500.00
SD917 Fund Balance	SD8540.440 Drainage Dist #4- Contractual	Maintenance On Drainage Dist #4	\$4,015.11
A7310.4 Youth Program - Contractual	A7110.2 Parks & Ground - Equip	Cost of Legal Notice for New Rec Truck with Plow	\$88.00
A2610 Fines & Forfeited Bail	A3120.4 Police Contractual	Vehicle Repairs and Upgrades to Department	\$10,000.00

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

**Audit Bills:**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	656-737	\$64,901.09
Highway Dept. Fund	276-302	\$42,680.76
Fire Dept. Fund	267-288	\$11,792.32
Recreation Dept. Fund	122-135	\$2,747.95
Refuse and Garbage Fund	23-25	\$46,836.83
Street Lights Fund	35-37	\$418.62
Water Fund	17-18	\$641.42
Drainage: SD4	1	\$4,015.11

**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 November 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.

**Public Comments on Agenda Items Only:**

Mike Bolo 9998 Clarksburg Rd; 21-year resident of Clarksburg Rd., happy with snowplowing agreement

**New and Unfinished Business:**

- 1. Approve Town Budget:**

Change from Preliminary Budget:

Refuse:

Additional garbage unit changes to line item SR8160.4 from \$595,750.00 to \$595,955.00 and total taxes raised from Refuse Fund from \$630,375.00 to \$630,580.00.

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

## **2. Health Insurance:**

**MOTION** was made by Supervisor Hartman to approve Independent Health Insurance 2022 rates for IDirect Silver Copay HSAQ as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

## **3. Proposed Local Law 3-2021, Establishing the Office of a Single Appointed Assessor Pursuant to Real Property Tax Law 328:**

A local law to establish the office of single appointed assessor pursuant to Real Property Tax Law, §328.

Be it enacted by the town board of the Town of Eden, County of Erie, State of New York as follows:

### **Section I. Title:**

A local law to establish the office of single appointed assessor pursuant to Real Property Tax Law, §328.

### **Section II. Authority:**

This local law is adopted pursuant to Real Property Tax Law, §328.

### **Section III. Intent:**

It is the intent of this local law to abolish the board of three elected assessors in the Town of Eden and to substitute therefore a single appointed assessor to be appointed pursuant to Real Property Tax Law, §310.

### **Section IV. Abolition of the Offices of the Board of Three Elected Assessors.**

The offices of the three (3) elected assessors as previously established and continued by the Town of Eden are hereby abolished. The terms of office of the board of three elected assessors shall terminate on December thirty-first of the year in which this local law shall take effect.

In the place and stead of the board of three elected assessors, the Town of Eden shall have one (1) single assessor to be appointed by the Town Board of the Town of Eden.

### **Section V. Inconsistency:**

All other local laws and ordinances of the Town of Eden that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

### **Section VI. Savings Clause:**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **Section VII Not Subject to Referendum**

Pursuant to Chapter 521 of the Laws of 2006, this local law shall **not** be subject to a referendum.

### **Section VIII Effective Date:**

This local law shall take effect upon adoption and filing in the Office of the Secretary of State of the State of New York.

**MOTION** was made by Supervisor Hartman to approve Local Law 3-2021 Establishing the Office of a Single Appointed Assessor Pursuant to Real Property Tax Law 328 as presented; seconded by Councilperson Sam; Ayes: Hartman, Wilhelm, Byrnes, Sam; Opposed: Ventry; Abstain: None; Motion carried.

Councilperson Ventry stated that he is in favor of the local law but is not in favor of voting during this meeting as he still has additional questions regarding the position.

## **4. Snow Plow Contract with North Collins:**

November 10, 2021

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 Supervisor Hartman to approve the snow plow agreement with the Town of North Collins as read; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman gave an up-date on the Clarksburg bridge repair; County will be fixing the current bridge to allow pedestrian and snowmobile traffic before replacing the bridge in its entirety.

**MOTION** was made by Supervisor Hartman to open the Public Hearing for proposed Local Law 4-2021 amending provisions of the Mandatory Recycling Law; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

Pursuant to resolution of the Town Board of the Town of Eden, New York, 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 10<sup>th</sup> day of November, 2021 at 7:30 P.M. Local Time, for the purpose of considering Proposed Local Law No.4-2021 which, if approved, would amend certain provisions of Chapter 175, Article II of the Town of Eden Code known as the Mandatory Recycling Law of the Town of Eden relative to the use of Totes for municipal solid waste.

Copies of the proposed local law are available for review in the office of the Town Clerk. All interested parties will be given an opportunity to be heard.

There was no one present to be heard.

**MOTION** was made by Supervisor Hartman to close the public hearing and open the Regular Meeting; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The public hearing was closed at 7:32 PM.

**5. Set Public Hearing for Renewal of Special Use Permits:**

**MOTION** was made by Supervisor Hartman set the Public Hearing for Special Use Permit Renewals for December 8, 2021 at 7:30 PM; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**6. Proposed Local Law 4-2021:**

**Town of Eden  
Proposed Local Law #4-2021**

A local law amending certain provisions of the  
Mandatory Recycling Law of the Town of Eden.

Be it enacted by the Town Board of the Town of Eden, Erie County, New York as follows:

Town of Eden Code Chapter 175, Article II, known as the “Mandatory Recycling Law of the Town of Eden” is hereby amended to as follows:

SECTION I. Section 175-7 “Definitions” is hereby amended as follows:

The definition of “BIN OR TOTE” is hereby amended to read as follows:

**A ninety-six gallon or sixty-four gallon container provided by or purchased from the Town of Eden designated to be used exclusively for the separate storage and handling of municipal solid waste or recycling materials. Additional Bins or Totes may be purchased from the Town of Eden at prices to be set from time to time by resolution of the Town Board. Stolen, lost or damaged and unusable Bins or Totes must be replaced by the property owner at their sole cost or expense.**

“CONTAINER” is hereby deleted in its entirety.

“TOWN OF EDEN GARBAGE BAGS” is hereby deleted in its entirety.

SECTION II. Section 175-8 is amended as follows:

Existing subsection B (3) is amended to read as follows:

**Each waste-generating unit covered by the Town of Eden Garbage District shall receive one Bin or Tote to be used exclusively for storage and handling of municipal solid waste. Such containers are the property of the Town of Eden. Each waste-generating unit may place a maximum of two (2) Bins or Totes for municipal solid waste curbside for pickup. No other container may be used for curbside pickup of municipal solid waste in the Town of Eden Garbage District.**

Existing subsection B (4) is amended to read as follows:

**Bins or Totes for municipal solid waste shall not be transferred from one waste-generating unit to another and must remain with the property upon the sale or transfer of the property.**

Existing subsection B (6) is amended to read as follows:

**Owners and occupiers of waste-generating units are prohibited from placing their Bins or Totes curbside more than 24 hours before scheduled pickup and all Bins or Totes must be removed from curbside no more than 24 hours after pickup.**

New Section 175-8 (B)(7) will read as follows:

**Regulations for pickup of Yard Wastes, Bulky Wastes, Construction and Demolition Debris and White Goods shall be set from time-to-time by resolution of the Town Board and governed by the terms of the Municipal Solid Waste Contract. Such regulations shall be publicized as needed to reasonably inform owners and occupants of waste-generating units. Violations of such regulations shall be subject to the same enforcement and penalties as violations of this Article.**

SECTION III.

This local law shall take effect upon filing in the office of the Secretary of State.

**MOTION** was made by Supervisor Hartman approving Local Law 4-2021 Amending certain provisions of Chapter 175, Article II of the Town of Eden Code known as the Mandatory Recycling Law of the Town of Eden relative to the use of Totes for municipal solid waste; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**7. ErieNet – County Internet Buildout:**

Supervisor Hartman gave information on ErieNet which is a project by Erie County to add high-speed internet fiber lines through Erie County. The Town will write a letter of intent to be included for future internet connection at Town Buildings. This is at no cost to the Town of Eden.

**Supervisor's Report:**

- Thank you to our Veterans
- Thank you to all the volunteers for putting on the Halloween Parade
- Chamber of Commerce: Person of the Year; Jeff Winter: Agle's Farm Market; Business of the Year

**Hearing of Visitors:**

Mary Jane Bolo; Recycling; would like to see a larger effort for more recycling, would like to collaborate with Eden Central School to come up with a creative recycling project.

Councilperson Ventry requested executive session for personnel in the Assessor's office.

**MOTION** was made by Supervisor Hartman to adjourn the Regular Meeting of the Eden Town Board and enter executive session for personnel regarding the assessor's position; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Regular Meeting: Closed at 7:43 P.M.

Executive Session: Closed at 9:00 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk