

December 8, 2021

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
December 8, 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 (arrived at 6:40 P.M.)

**DEPARTMENT HEADS PRESENT:**

Rick Kirst - East Eden Fire Chief  
Scott Crowe - East Eden 1<sup>st</sup> Assistant Fire Chief  
Greg Savage - Eden Police Chief  
Amy Porter - Recreation Director  
Ray Zabron - Dog Control Officer

**OTHERS PRESENT:**

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

**Call to Order:**

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 6:00 P.M.

**Pledge of Allegiance**

**MOTION** was made by Supervisor Hartman to enter Executive Session for personal interviews; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Executive Session was opened at 6:01 P.M.

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

The Regular Meeting was opened at 7:24 P.M

**Approval of Minutes:**

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of November 10, 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.

**Budget Transfers:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
D5142.4 Snow Removal - Contractual	D5110.4 Maintenance of Roads- Contractual	Budget Transfer for Additional Road Materials	\$30,000.00
A4089 Federal Aid - Other	A1620.2 Town Hall Equipment	ARPA Funds for UPS System Town Hall	\$18,354.75
A4089 Federal Aid - Other	A3620.4 Safety Inspection - Contractual	ARPA Funds for Fire Inspection Tablet	\$532.98

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A1990.4 Contingent Fund	A1355.1 Assessors - Personal	Change to Payrate Mid Year	\$1,500.00
A1990.4 Contingent Fund	A3120.1 Police - Personal	Retirement	\$10,000.00
A3620.4 Safety Inspection - Contractual	A3620.1 Safety Inspection - Personal	Change in Account Distribution of Backup Inspector	\$1,500.00
A1990.4 Contingent Fund	A3620.1 Safety Inspection - Personal	Change to Payrate Mid Year	\$1,500.00
A899.1 Ambulance Rev Recovery	A4540.4 Ambulance - Contractual	Revenue Recovery Monies for Budget	\$31,000.00
A7140.1 Playground - Personal	A7110.1 Parks & Grounds - Personal	Extra Spring and Fall Maintenance Hours	\$1,500.00
A2192 Cemetery Services	A8810.1 Cemetery - Personal	Revenue offset Personal Cost of North Evans	\$600.00

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

**Audit Bills:**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	738-805	\$297,416.95
Highway Dept. Fund	303-347	\$152,522.20
Fire Dept. Fund	289-311	\$43,294.59
Recreation Dept. Fund	136-147	\$2,487.51
Refuse and Garbage Fund	26-27	\$47,217.01
Street Lights Fund	38-41	\$560.92
Water Fund	19	\$15.00

**MOTION** was made by Councilperson Ventry to approve the Audit of Bills as presented; seconded by Councilperson Wilhelm; 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; 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 Aaron Brind'Amour from the active roster with gratitude for his service; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

East Eden Fire list of officers for 2022/2023

Chief Scott Crowe  
 1<sup>st</sup> Assistant Chief Tim Wittmeyer  
 2<sup>nd</sup> Assistant Chief Charles Wendel  
 Captain Val Zaminsky  
 1<sup>st</sup> Lieutenant Clayton Armbruster  
 2<sup>nd</sup> Lieutenant John Pineau  
 Safety Officer Rick Kirst  
 Safety Officer John McCarthy

President John McCarthy  
 Vice President Ed Blaszc  
 Secretary Joy Wendel  
 Treasurer Ron Timm  
 Trustee John Blaszc  
 Trustee Ken Foltyniak  
 Trustee John Skrzypek

**MOTION** was made by Supervisor Hartman to open the Public Hearing for Special Use Permit Renewals; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:30 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 8th day of December, 2021:

At 7:30 P.M. Local Time, for the purpose of considering the annual renewal of Special Use Permits for the following:

1. 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.
2. SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower.
3. Schreiber & Winkelman, Inc. – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor's plaza
4. James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility
5. Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower
6. Meagan Fay – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.
7. Upstate Cellular Network, d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower.
8. Dr. Robert Hornberger – 8800 S. Main Street, Eden, NY for an indoor storage facility
9. Rachel Ricey & Josh Bugenhagen – 2679 Hemlock Rd., Eden, NY for an apartment for caretaker

Supervisor Hartman stated that Dr. Robert Hornberger would not be renewing his permit and Bell Atlantic Mobile Systems and Upstate Cellular Network have not met their requirements as of yet.

Ray Zabron stated there have been no issues or complaints regarding either boarding/kennel facility.

**MOTION** was made by Supervisor Hartman to close the Public Hearing for Special Use Permit Renewals; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:33 P.M

**Proclamation Honoring Ray Zabron:**

**A PROCLAMATION  
Is hereby established  
By the Eden Town Board  
HONORING RAY ZABRON**

***WHEREAS**, Ray Zabron has honorably served the Town of Eden residents for over 24 years as an Eden Police Officer and Dog Control Officer, and*

***WHEREAS**, he was appointed Dog Control Officer in February of 1997 and as a Part-time Police Officer in April of 1997, and*

***WHEREAS**, Ray is a retired Buffalo Police Officer where he served for 26 years, and*

***WHEREAS**, he also served proudly in the Vietnam War for the U.S. Navy, and*

***WHEREAS**, Ray has assisted Eden residents during many times of need, providing comfort and answers during stressful situations in a very calm demeanor, and*

***WHEREAS**, he has saved and rescued countless dogs and various other animals throughout his years, and*

***WHEREAS**, Ray and his wife Maureen, who has assisted the Dog Control Office for many years have always been available at all hours of the day and night to assist the public, and*

***NOW, BE IT RESOLVED**, that, by act of this Town Board meeting on December 8, 2021, we honor Ray Zabron for his over 24 years of service and wish Ray well in his retirement and thank him for his dedicated service to the Town of Eden, its residents as well as their pets.*

**Public Comments on Agenda Items Only:** There were none.

**New and Unfinished Business:**

**1. Recognize Assessors:**

**A PROCLAMATION  
Is hereby established  
By the Eden Town Board**

**HONORING EDEN BOARD OF ASSESSORS**

**WHEREAS**, *The Eden Board of Assessors, Robert (Bob) Pietrocarlo, Susan Pratt and Susan Johnson have honorably served the Town of Eden residents for 20 years, 14 years and 6 years respectively, and*

**WHEREAS**, *they have worked countless hours for the benefit of our town residents, assisting with various assessment questions and concerns, and*

**WHEREAS**, *the Assessors are responsible for helping residents with assessments, exemptions that include disability, agricultural and senior and have done so with expertise, kindness and efficiency, and*

**WHEREAS**, *Bob Pietrocarlo has served as the Chair of the Board of Assessors since 2004 and*

**WHEREAS**, *the Assessors have served as members of the New York State and Erie County Assessors Associations, and*

**WHEREAS**, *their many contributions to the success of the Town of Eden including the office of Town Supervisor, Town Board and individual departments are deeply appreciative, join us in saying "thank you" to Bob Pietrocarlo, Susan Pratt and Susan Johnson for their public service,*

**NOW, BE IT RESOLVED**, *that, by act of this Town Board meeting on December 8, 2021, we honor the Board of Assessors for their combined 39 years of dedicated service to the Town of Eden and its residents.*

**2. Renew Pro-Flex for 2022 HRA Services:**

**MOTION** was made by Supervisor Hartman to approve Pro Flex as HRA administrators for 2022 at a rate of \$750 annually for \$4.00 per person per month; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**3. NYS Volunteer Firefighter Caner Benefit Program:**

**MOTION** was made by Supervisor Hartman to approve the Hartford Life and Accident Insurance Company Enhanced Plan in the amount of \$5,021.35 for East Eden Fire; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**MOTION** was made by Supervisor Hartman to approve the Hartford Life and Accident Insurance Company Enhanced Plan in the amount of \$6,110.35 for Eden Fire; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**4. Police Chief Contract:**

**MOTION** was made by Supervisor Hartman to approve the 2022 Agreement between the Town of Eden and the Eden Police Chief as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**5. Renewal of Comtel Contract:**

**MOTION** was made by Supervisor Hartman approve the renewal with Comtel for phone services in the amount of \$1,136.61 for the year 2022; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**6. Intermunicipal Highway Shared Services Agreement:**

**MOTION** was made by Councilperson Wilhelm to approve the Highway Shared Services Agreement with participating Towns and Villages and allow Supervisor Hartman to execute said contract; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**7. Intermunicipal Agreement with North Collins for Dog Control Services:**

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**MOTION** was made by Supervisor Hartman to approve the Intermunicipal Agreement with the Town of North Collins for dog control services in the amount of \$4,300 annually; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**8. Action on Special Use Permits:**

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

**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

**Meagan Fay** – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.

**Rachel Ricey & Josh Bugenhagen** – 2679 Hemlock Rd., Eden, NY for an apartment for caretaker

seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**9. Change of Date for Second Town Board Meeting:**

The next Eden Town Board Meeting will be held December 29, 2021 at 10 A.M. This regular and reorganizational meeting will be held virtually. There will not be a Town Board Meeting on December 22, 2021.

**10. Off Road Drainage Projects:**

December 2, 2021

Supervisor Hartman & Honorable Town Board  
2795 E Church Street  
Eden, NY 14057

Dear Supervisor Hartman & Honorable Town Board,

As Chairperson of the Off-Road Drainage Committee I am recommending that the board approve the following project:

- 1) Project 2021-02: Misc Town wide Mowing and Clearing For Spring of 2022 in an amount not to exceed \$3,000.
- 2) Project 2018-01: Erie County Soil and Water Grant Project – Schoolview to Rt 62 Drainage Upgrades, to assign \$3,000 from the 2021 Budget – to give us a total of \$12,000.

Please call before the board meeting if you have any questions.

Sincerely,



Ron Maggs  
Off Road Drainage Committee Chairperson

**MOTION** was made by Councilperson Ventry to approve Project 2021-02; Misc. town wide mowing and clearing for Spring 2022 in an amount not to exceed \$3,000; and Project 2018-01; Erie County Soil and Water Grant Project – Schoolview to Rt 62 drainage upgrades, to assign \$3,000 from the 2021 budget to give a total of \$12,000; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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**11. Summer Recreation Wages:**

2022 Wages

Summer Rec Assistants & Maintenance

- 1 year: \$13.50
- 2-3 year: \$14.50
- 4-7 year: \$15.00
- 8-10 year: \$15.50
- 11 plus year: \$16.00

Leaders:

- 1 year: \$14.00
- 2-3 year: \$15.00
- 4-7 year: \$15.50
- 8-10 year: \$16.00
- 11 plus year: \$16.50

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

Lifeguards:

- 1 year: \$15.00
- 2 -3 year: \$16.00
- 4 – 7 year: \$16.50
- 8 – 10 year: \$17.00
- 11 + years: \$17.50

Head instructor and head guard and additional \$.50 per hour

**MOTION** was made by Supervisor Hartman to approve the 2022 Recreation Department wages as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**12. Support for Erie-Net:**

**RICHARD S. VENTRY  
SUSAN F. WILHELM  
MICHAEL M. BYRNES  
GARY E. SAM**  
COUNCIL MEMBERS

**MICHAEL G. COOPER  
MELISSA ZITTEL**  
TOWN JUSTICES

**RONALD A. MAGGS**  
SUPT. OF HIGHWAYS



**MELISSA M. HARTMAN**  
SUPERVISOR

**EMILY N. HAWKINS**  
TOWN CLERK AND  
TAX COLLECTOR

**DAVID L. RICE**  
CODE ENFORCEMENT OFFICER

**ROBERT W. PIETROCARLO  
SUSAN PRATT  
SUSAN L. JOHNSON**  
BOARD OF ASSESSORS

December 8, 2021

Erie County  
Division of Budget and Management  
95 Franklin Street, Rm. 1622  
Buffalo, New York 14202

Attn: Mr. Ben Swanekamp  
Deputy Budget Director  
Re: ErieNet Letter of Support

Dear Mr. Swanekamp:

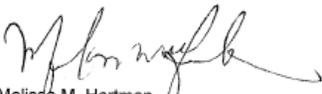
This Letter of Support will confirm that the Town of Eden is in support of the ErieNet Open Access Fiber Optic Network that will be used to foster the development of broadband services throughout the County.

Should the open access fiber project be successfully implemented, our organization would benefit from this fiber by offering us alternate options for our internet access as well as alternate options for our internal and external network communications systems.

I understand that by offering this Letter of Support, neither I nor the organization I represent are in any way obligated, financially or contractually, with any proposed Erie County Open Access Infrastructure or services.

The offering of this Letter of Support does indicate our desire to work with members of the project team to explore how our organization may be included in the ErieNet project, when it becomes available.

Sincerely,

  
Melissa M. Hartman  
Eden Town Supervisor

**MOTION** was made by Supervisor Hartman to approve Letter of Support for ErieNet as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

### 13. Acknowledge Retirement of Thomas Jones:

The Town Board acknowledged the resignation of Thomas Jones after working for the Town of Eden for 47 years.

#### Supervisor's Report:

- Thank you to those the Town volunteers that put up the Christmas Lights along Main Street, the Eden Garden Club for decorating Centennial Park, and the Chamber of Commerce for the annual Christmas Tree lighting.
- Joined NYS Farmland Protection Working Group which is working to balance renewable energy solar communities while preserving farmland
- Updated on Covid Pandemic

**Councilperson Wilhelm** N.E.S.T Erie County, proposed surcharge on paint sales for recycling

**Councilperson Sam** gave the following statement;

To start, I believe it is important for myself and other elected officials who have the responsibility of representing their communities to address major topics that are affecting its residents.

The constituents that put us in office did so with the idea that we would represent them and their beliefs to the best of our ability. It is a responsibility that I do not take lightly, and it is that responsibility that is pushing me to address an issue that is affecting not only our town, but our country.

Today, Erie County still sits in a State of Emergency, one that Country Executive Mark Poloncarz has continued since the pandemic has started. He along with other elected officials at all levels of government continue to police our communities and threaten our residents' freedoms. The freedom of choice is a sacred thing, I have served in countries where that freedom doesn't exist and seen firsthand what that looks like. I can tell you; it is not how I want to live.

Prior to preparing this statement, I took the time to speak to residents, business owners, friends, and family that have been affected by Covid-19 as well as the governments mandates that came with it. To say it was one sided would be a lie. However, one consistency was the displeasure with the lack of their ability to have a choice.

Currently Erie County is being threatened with a 4-phase system.

- Phase 1- Mask mandates for all indoor public locations.
- Phase 2- Vaccine Mandates.
- Phase 3- Capacity Restrictions.
- Phase 4- Shutdowns.

As I read each phase, I find it extremely disturbing any elected official feels they should or do have the power to impose such mandates.

I believe we as elected officials have the responsibility to educate our residents and provide the facts. The fact is Covid is real, it also has the potential to be very serious to some individuals.

Anyone that looks at the data supplied to us daily can clearly see that. I comment the elected officials that have continued to ensure that information is readily available to the public.

What the government should not do is attempt to impose mandates that take away the freedoms of its people. The Country Executive, the Governor, any elected official should not have the authority to say you must get this shot, or wear a mask, or you cannot enter here. They shouldn't be able to tell individuals that you must receive a shot, or you will lose your job. Or tell employers you need to only allow vaccinated people to have jobs.

With that being said, we also need to accept that Covid-19 isn't going anywhere, we need to learn how to operate, and live with it. We also need to live without the constant threats of shutting down the world.

As I previously stated, the government should educate, and provide tools for individuals and business owners to successfully battle and prevent the spread of Covid. However, it is the responsibility of the individual and business owners to implement and use those tools how they see fit to protect themselves, their families, their employees, and their customers.

With that being said, I would like to end with this.

I don't believe it is my place as an elected official to say you have to wear a mask, or your must get a shot. I also don't believe it is my place to police an individual or business and attack their freedoms to make those choices for themselves. I simply won't do that.

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I personally have received the shot because I do believe it reduces the effects of covid. I also intend on getting a booster shot next week. But I did so based on my free will, it was a choice I made based off the facts that have been presented to me. I encourage everyone to assess the facts presented to them and make those decisions for themselves.

While I know not every board member will agree with me, I do believe we as aboard should consider putting together a resolution showing we do not support the actions of our County Executive. While our voices are small as town officials, they're still voices, and they should be used.

Councilperson Ventry and Councilperson Byrnes spoke in support of the statement and passing a resolution.

Councilperson Wilhelm spoke in favor of the resolution and stated that it is good to have this discourse on the subject and that it is important not to dictate but to educate on the matter at hand.

Supervisor Hartman stated she is not in support of the Resolution and fears that it will put a spot light on our community and further effect businesses in a negative way. She stated that as Supervisor she has fought against COVID since the beginning and has followed CDC and local and state guidelines to help fight the pandemic and supports the current measures.

Further discussion was had on writing and passing a resolution based off the statement by Councilperson Sam.

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

**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.

Jen Crowe was invited to Executive Session.

Regular Meeting: Closed at 8:25 P.M.

Executive Session: Closed at 9:30 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk