

January 12, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
January 12, 2022, 7:00 P.M.**

**Due to the COVID-19 Pandemic this meeting was held virtually through GoToMeeting.com. The meeting link was made available to the public prior to the meeting.

Due to the State of Emergency and Executive Orders issued by the Governor and the Town of Eden, it allows the Town Board to hold board meetings and work sessions via live stream where the public is allowed to listen in. This conference call allows the Town of Eden to conduct town business with the Board and Town attorney.

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN - SUPERVISOR
RICHARD VENTRY - COUNCILPERSON
SUSAN WILHELM - COUNCILPERSON
MICHAEL BYRNES - COUNCILPERSON
GARY SAM - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

Gregory Savage - Eden Police Chief
Matt Colvin - Eden Fire Chief
Scott Crowe - East Eden Fire Chief
Susan Johnson - Assessor
Amy Porter - Recreation Director
Dave Rice - Code Enforcement Officer
Ron Maggs - Highway Superintendent

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:

#1-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of December 8, 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 of December 8, 2021 there were none.

#2-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes and Re-Organizational Minutes of December 29, 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 of December 29, 2021; there were none.

Budget Transfers:

for December 31,2021

From Account	To Account	Reason for Amendment	Amount
A3001 State Aid Per Capita	A2750 Aim Related Payments	State Change to Account AIM funding is recorded in	\$42,000.00

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A3120.1 Police Personal	A3120.4 Police Contractual	Budget Adjustment	\$1,500.00
A3620.1 Safety Inspection - Personal	A3620.4 Safety Inspection Contractual	Budget Adjustment	\$100.00
A899.1 Ambulance Rev Recovery	A4540.4 Ambulance - Contractual	Revenue Recovery monies for Budget	\$800.00
A2115 Planning Board Permit Fees	A8020.4 Planning - Contractual	Planning Board Fees for Planning Board Expenses	\$2,700.00
SW.8320.401 Maintenance - Wepax Water	SW.8320.402 Water Contractual - Farnham	Budget Adjustment	\$275.00

#3-2022: MOTION was made by Supervisor Hartman to approve the Budget Transfers and Assignments from December 31, 2021 as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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SW2140 Wepax Road Revenue	SW8320.401 Maintenance - Wepax Road	Establish Wepax Water Budget Lines	\$3,000.00
SW2140 Wepax Road Revenue	SW.8320.402 Water Contractual - Farnham	Establish Wepax Water Budget Lines	\$1,800.00
A3001 State Aid Per Capita	A2750 Aim Related Payments	Change 2022 Budget to reflect new account code for AIM funding	\$42,000.00

#4-2022: MOTION was made by Supervisor Hartman to approve the Budget Transfers January 12, 2022 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Audit Bills:

January Payables for 2021

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	860-897	\$21,039.36
Highway Dept. Fund	363-372	\$13,527.20
Fire Dept. Fund	330-333	\$333.49
Recreation Dept. Fund	154-159	\$695.26
Street Light Funds	45	\$67.99
Water Fund	20-21	\$581.25

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	1-18	\$24,752.33
Highway Dept. Fund	1-4	\$21,798.45
Fire Dept. Fund	1-5	\$1,044.07
Recreation Dept. Fund	1-6	\$13,867.27
Refuse and Garbage Fund	No Activity	
Street Lights Fund	No Activity	
Water Fund	No Activity	
Capital Fund		
H8230.405	No Activity	
H8320.406	No Activity	
H8302.407	No Activity	
Drainage District SD 4	No Activity	

#5-2022: MOTION was made by Supervisor Hartman 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 January 2022 were submitted by Scott Crowe, East Eden Fire Chief; Matt Colvin, Eden Fire Chief; Greg Savage, Eden Police Chief; Emily Hawkins, Town Clerk; Dave Rice;

Code Enforcement Officer; and Amy Porter, Recreation Director. All reports are on file in the Town Clerk's office.

Matt Colvin read the list of officers for Eden Fire Department for 2022:

Matthew Colvin	Chief
Malcom VanKoughnett	1 st Assistant Chief
Chris Greeley	2 nd Assistant Chief
Dean Nelipowitz	Captain
Adam Laing	1 st Lieutenant
Mitchell Laing	2 nd Lieutenant
David Cole	Safety Officer
Rich Greeley	Safety Officer

#6-2022: MOTION was made by Supervisor Hartman to approve the list of officers as read by Matt Colvin; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#7-2022: MOTION was made by Supervisor Hartman to give permission to take fire equipment out of the East Eden Fire District for mutual aid, repairs, training, funerals, and parades at the discretion of the chief or officer in charge, for the calendar year of 2022; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#8-2022: MOTION was made by Supervisor Hartman to remove Drew Brenner and Brianna Messana from the active roster of the East Eden Fire Department with gratitude for their service; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Emily Hawkins stated that her 2021 year-end report would be provided for the February meeting.

Amy Porter gave an up-date on the up-coming Winter Fest weekend February 4-6, 2022. Look for information in the Penny Saver, website, Facebook and Town Hall.

Supervisor Hartman noted that the 2021 senior transport report was submitted as part of the meeting packet for review.

Public Comment on Agenda Items Only:

Emily Hawkins spoke regarding agenda item number six for Kelly's Place Special Use Permit Renewal regarding the current conditions not being met in regards to buffering and recreation. Supervisor Hartman stated that this item will be referred to the planning board and there will be a public hearing on the matter.

New and Unfinished Business:

1. Designate Delegate and Alternate for Annual Business Session of the Association of Towns of the State of New York:

#9-2022: MOTION was made by Supervisor Hartman to designate herself as voting delegate and Marlene Grunder as alternate; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman noted that the annual meeting would be held virtually.

2. Declare Dell Monitor REV A01 Surplus:

#10-2022: MOTION was made by Supervisor Hartman to declare the Dell monitor REV A01 surplus and to recycle; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Reappointment of Patricia Smith for a 5-year Term to the Library Board:

#11-2022: MOTION was made by Supervisor Hartman to reappoint Patricia Smith for a 5-year term to the Library Board; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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4. Results of Jennings Road Study: Informational only.

The following letter was received from the Erie County Department of Public Works in regards to the Jennings Rd. study at the E. Church St. intersection.

Town of Eden
2795 East Church Street
Eden, NY 14057

Attn: Melissa Hartman, Supervisor

RE: Jennings Rd (CR 486) and East Church St (CR 488)
All-Way STOP Request

Dear Supervisor Hartman:

The Erie County Department of Public Works has completed our traffic engineering investigations related to your request for all-way stop control at the intersection of Jennings Road (CR 486) and East Church Street (CR 488) in the Town of Eden.

Section 2B.07 of the National Manual of Uniform Traffic Control Devices (MUTCD) gives criteria for a multi-way STOP sign installation. MUTCD states that "Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist." Studies have found that unnecessary stops, when the intersection is clear of conflicting movements, can lead to general disrespect for STOP signs.

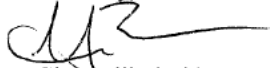
The traffic engineering investigation was completed to compare this intersection to the multi-way stop criteria outlined in the MUTCD, including review of the accident history at the intersection. Available 2019 traffic counts were used for the study, as these represent the higher traffic volumes found pre-pandemic, and would offer the increased likelihood of meeting the traffic volume criteria. The Eden Police Department was able to identify 3 accidents within a 12-month period, which does not meet the study criteria of 5 accidents within a 12-month period. This study determined that the MUTCD criteria have not been met, and a multi-way stop is not recommended at this time.

The existing signage was reviewed to determine if improvements could be made to emphasize the existing stop condition. We determined that the existing 30" STOP signs for East Church

Street will be replaced with new 36" STOP signs with CROS TRAFFIC DOES NOT STOP sub-plaques and red retroreflective post strip covers. These STOP signs will have dual postings, meaning one on the right side of the road as well as one on the left side of road. In addition, Stop Ahead warning signs with yellow retroreflective post strip covers will be installed in advance of the intersection. The Erie County DPW has found the use of reflective post strip covers highly effective at drawing driver attention to critical warning signs. This work will be done by Erie County forces as weather and workload permits.

If you have any additional questions regarding this matter, please feel free to contact me at (716) 858-8067.

Sincerely,



Gina Wilkolaski, P.E.
Traffic Safety Engineer

pc: William Geary – Commissioner
Karen Hoak – Deputy Commissioner
Darlene Svilokos, P.E. – Director of Engineering
Joseph Donlon – District Engineer

5. President of Town Highway Superintendent Association of Erie County Highway – Ron Maggs:

Supervisor Hartman congratulated Ron Maggs on his nomination as President of the Town Highway Association of Erie County Highway.

6. Kelly's Place Special Use Permit Application:

Councilperson Wilhelm asked if Kelly's Place would be going through the whole approval process again since their Special Use Permit expired? Dave Rice replied that the current Special Use Permit reads that if they did not complete the full intent of what the Planning Board originally approved, they would need to go through the full process again. The land that was not used would need to go back to its original state.

#12-2022: MOTION was made by Supervisor Hartman to refer the Special Use Permit Application to the Planning Board for review; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

7. Agreement to Spend Town Highway Funds:

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from the State for the repair and improvement of highways, shall be expended as follows:

1. General Repairs:

The sum of \$520,000.00 may be expended for general repairs upon 49.05 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

#13-2022: MOTION was made by Supervisor Hartman to approve the Resolution as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

8. Request Permission to Help with Winter Fest at Highway Superintendents Discretion:

#14-2022: MOTION was made by Supervisor Hartman to approve the request for permission for the Highway Department to help with Winter Fest at the Highway Superintendent's discretion; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

9. Municipal Solutions Contract:

Supervisor Hartman noted an increase of \$25.00 per filing on fees, as the only change on the contract.

#15-MOTION was made by Supervisor Hartman to approve the contract with Municipal Solutions for general financial services for the year 2022; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

10. Zoning Amendments:

Supervisor Hartman explained the process of the Zoning Amendment up-dates as the next part of the Master Plan implementation; the amendments were referred to the planning board who has reviewed them, made changes and is now referring them back to the Town Board. After the Board approves them, the changes will be made as a draft zoning code, a public hearing will be set, any changes would be made and a final draft will be created.

Councilperson Wilhelm asked that this agenda item be tabled as she, as a liaison to the Planning Board, was not aware that there was a meeting and would have liked to be part of the conversation.

Supervisor Hartman suggested that the board accept the recommendations and Councilperson Wilhelm can review them and discuss them with the Bill Mahoney, Rich Ventry, and the Town Planners and if there are significant changes the Board can hold off setting the public hearing.

Councilperson Ventry asked that if there are changes if the Board would have to re-vote on them as he thought this had happened before.

Supervisor Hartman stated that at this point anything can be changed because there has not been a public hearing set and this vote is just to accept the recommendations made by the Planning Board.

Bill Trask stated that this is just a formal acceptance of the Planning Board recommendations and this is a preliminary step before drafting a Local Law. Once the Board is satisfied with the Local Law a Public Hearing can be set.

Councilperson Wilhelm stated that since this is a notification and not final decision making that she can accept the changes.

Supervisor Hartman read the following Zoning Code recommendations:

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RECOMMENDATION FROM THE TOWN OF EDEN PLANNING BOARD

To: Melissa M. Hartman, Supervisor
Town of Eden Board Members

From: William Mahoney, Chairman Eden Planning Board

Re: **Zoning Code Updates**

Date: January 10, 2022

Mr. Mahoney made a motion to recommend to the Town Board that they review, amend as they see fit, and adopt the following code changes. This recommendation is based on the Planning Board's review and the efforts of the various subcommittees that have worked over the last year to better align our codes with the comprehensive plan that was adopted April 11, 2018. The following sections of the code are being recommended for review and adoption along with the following additional changes.

1. 225-4 Definitions
 - a. no additional changes
2. Zoning map and Article III - Zoning Districts and Zoning Map
 - a. Re-zone Park areas to match existing county Park lots
 - b. Eliminate R1 change to R2 or RR as appropriate
3. Article IV – Use Regulations
 - a. Cannabinoid Hemp Products Sales eliminate the “-S” under MFR
 - b. Review all of Kristen Kent’s mark ups and make corrections accordingly.
 - c. Eliminate R1
 - d. Add MU1 and MU2 to the chart with P in all areas except Agricultural uses.
 - e. Article 225-12 Residential Uses
 - i. R-2 125’ front yard where sewer and water don’t exist
 - ii. R-2 75’ front yard where sewer and water exist
 - iii. Other corrections to the coverages and sections to be circulated to the planning board discussed, finalized and submitted as part of this recommendation.
4. Article VI Regulations Applicable to All Districts
 - a. no additional changes
5. 184-22 Cluster Development
 - a. No additional changes
6. Chapter 172 Solar Energy System
 - a. No additional changes
7. Chapter 217 Wind Energy Conversion System
 - a. No additional changes

Seconded by Mr. Reed; Motion approved unanimously.

#16-MOTION was made by Supervisor Hartman to acknowledge the receipt of the recommendations from the Planning Board for the Zoning Code updates; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

11. Create Part-time Assessor Position to Civil Service Inventory:

Supervisor Hartman stated that whenever there is a new position created in Town the position needs to be added to the civil service inventory. This position is for the appointed assessor.

#17-MOTION was made by Supervisor Hartman to create the part time assessor position to the Civil Service inventory; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

12. Appoint Dawn Lloyd as Part-time Public Safety Dispatcher:

Councilperson Byrnes asked about the additional hours for the position. Supervisor Hartman stated these are for the additional hours that were put into the budget to increase the time at the front desk of the Police Department.

#18-MOTION was made by Supervisor Hartman to appoint Dawn Lloyd as a part time Police Clerk with a start date of January 13, 2022 at a rate of pay of \$17.03 per hour; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor’s Report:

- The Town of Eden is the recipient of another Main Street Grant in the amount of \$500,000, applications will be available and the Town will apply for another street scape through the Eden Community Foundation
- Covid #'s are the highest since the beginning of the pandemic. The Town gave out 320 at home test kits and KN95 masks to residents. Masks are still available at the Police Station.

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Hearing of Visitors:

Due to technical difficulties the Elmer Ploetz was unable to communicate to the Board, he stated he would submit an email to be included in the record.

MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and enter executive session with the Town Attorney; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:50 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board at 9:15 P.M.

The following email was submitted by Elmer Ploetz to be included in the record:

Subject:[EXTERNAL] Comments to enter into the record

Date:Wed, 12 Jan 2022 20:00:18 -0500

From:EF Ploetz <eploetzfredonia@gmail.com>

To:Marlene Grunder <marlene@edenny.gov>

I believe in giving credit where credit is due, and I would like to thank Supervisor Hartman for her vote against the foolish resolution last month opposing the county mask mandates and for moving tonight's meeting to virtual.

Using the logic employed by the rest of the town board, I expect to see speed limit signs being removed. Who knows what might come next ... stop signs? And we wouldn't want to make people safer.

Believe it or not, there's nothing in the Constitution about makes or vaccines. However, it does call for government to provide for the common defense and to promote the general welfare. Thank you, Supervisor, for doing that and doing your job when others don't seem to want to.

Elmer Ploetz
2687 W. Church St.

PS-You're still violating executive session laws. There was no real reason given for going into executive session. "Talking to your attorney" is not sufficient. You would have to say something like "Talking to your attorney about possible real estate transactions" or "Talking to your attorney about negotiations with the police union." ... It's not that hard. Do it right.

Respectfully Submitted by:

Emily Hawkins, Town Clerk