

February 9, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
February 9, 2022, 7:00 P.M.**

This meeting was held 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
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 (virtual)
Lisa Winter - Bookkeeper

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:05 P.M.

Pledge of Allegiance

Approval of Minutes:

#20-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of January 12, 2022 as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

#21-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of January 26, 2022 as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

Budget Transfers:

for December 31, 2021

| From Account | To Account | Reason for Amendment | Amount |
|----------------------------|------------------------------------|-----------------------------|---------------|
| A1990.4 Contingent Fund | A3120.4 Police Contractual | Year End Expense | \$1,100.00 |
| A1990.4 Contingent Fund | A1680.4 Central Data Processing | Year End Expense | \$100.00 |
| A1990.4 Contingent Fund | A3620.4 Safety -Personal | Year End Payroll | \$2,500.00 |

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| | | | |
|--------------------------------------|------------------------------------|------------------------|------------|
| A4089 Federal Aid - Other | A3620.4 Safety - Contractual | Fire Inspection Module | \$7,988.33 |
| A899.1 Ambulance Revenue Recovery | A4540.4 Ambulance - Contractual | Year End Expenses | \$1,054.00 |
| A6989.4 Other Economic Assistance | A8010.4 Zoning - Contractual | Zoning Update | \$6,000.00 |
| A1440.4 Engineering - Contractual | A8010.4 Zoning - Contractual | Zoning Update | \$8,000.00 |

#22-2022: MOTION was made by Councilperson Ventry to approve the Budget Transfers from December 31, 2021 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

for February 9, 2022

| | | | |
|-------------------------------|---------------------------------|--|------------|
| SW8320.4 Water Maintenance | SW9710.6 Bond Debt Principal | WD#4 Portion of Violet & Shadagee Phase II Bond Principal | \$1,760.96 |
| SW8320.4 Water Maintenance | SW9710.7 Bond Debt Interest | WD#4 Portion of Violet & Shadagee Phase II Bond Interest | \$1,461.16 |
| D917 Highway Fund Balance | D1989.4 Tax Refund to County | Addition Error on 2022 Budget | \$83.00 |

#23-2022: MOTION was made by Supervisor Hartman to approve the Budget Transfers from February 9, 2022 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Informational Only:

Encumbrances

A1410.4 \$6555.60 - Kofile -Restoration of Vital Record Books

SR 8160.4 - \$3554.93-Cascade Engineering - Totes

SF3410.4 - \$2370.00 Gorman Enterprises - Backup Camera -Eden Fire

SF3410.4 - \$1135.00 Gorman Enterprises - Backup Camera -East Eden Fire

SF3410.4 - \$58.89 Conway Shield - Helmet Front Eden Fire

Assignments

SL 915.1 Assigned Street Light Maintenance -\$12,900.00

Audit Bills:

February Payables for 2021

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|-----------------------|-----------------|-------------|
| General Fund | 898-922 | \$27,159.87 |
| Highway Dept. Fund | 373-377 | \$5,631.21 |
| Fire Dept. Fund | 334-341 | \$1,960.76 |
| Recreation Dept. Fund | 160-161 | \$256.91 |
| Street Light Funds | 46-47 | \$520.56 |
| Water Fund | 22 | \$547.14 |
| Refuse | 28-29 | \$46,764.07 |

January 12, 2022

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|-------------------------|-----------------|-------------|
| General Fund | 19-85 | \$56,750.69 |
| Highway Dept. Fund | 7-33 | \$35,487.99 |
| Fire Dept. Fund | 5-26 | \$5,345.20 |
| Recreation Dept. Fund | 6-13 | \$2,025.14 |
| Refuse and Garbage Fund | 1-2 | \$3,869.93 |
| Street Lights Fund | 1-2 | \$1,087.91 |
| Water Fund | No Activity | |
| Capital Fund | | |
| H8230.405 | No Activity | |
| H8320.406 | No Activity | |
| H8302.407 | No Activity | |

#24-2022: MOTION was made by Supervisor Hartman to approve the Audit of Bills as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Departmental Reports:

Department reports for the month of February 2022 were submitted by Scott Crowe, East Eden Fire Chief; Matt Colvin, Eden Fire Chief; Greg Savage, Assessor; Susan Johnson, 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.

#25-2022: MOTION was made by Supervisor Hartman to remove Andrew Breier and Kevin Durski from the East Eden Fire active roster with gratitude for their service; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Amy Porter gave an update on Winter Fest which was held February 4-6 and included many activities through out the town including live music, horse drawn hay rides, alpaca and sled dog showcase, sledding hill, middle school kickball tournament, snowmobile rides, corn hole tournament, chicken bbq, and a bowling tournament. She thanked the many volunteers and organizations that came together in the Town for a successful event.

Public Comment on Agenda Items Only: There were none.

New and Unfinished Business:

1. Notice of Extension of Collector's Warrant:

#26-2022: MOTION was made by Councilperson Wilhelm to extend the time to collect the taxes remaining unpaid to June 20, 2022 and allow Supervisor Hartman to sign the agreement; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

2. Reappointment of Lamont Beers as Chairman of the Conservation Board:

#27-2022: MOTION was made by Supervisor Hartman to reappoint Lamont Beers as chairman of the Conservation Board for a 1-year term; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Appoint Joanne Dobler to the Conservation Board:

#28-2022: MOTION was made by Supervisor Hartman to appoint Joanne Dobler to the Conservation Board for a 2-year term; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

4. Reappointments to Conservation Board:

#29-2022: MOTION was made by Supervisor Hartman to reappoint Russell Barten, Lamont Beers, Mary Jane Bolo, Kenneth Foltyniak, Greg Genco, and Judith Streibich to the Conservation Board for a 2-year term; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. Declare Town Clerk's Desk Surplus:

#30-2022: MOTION was made by Supervisor Hartman to declare the Town Clerk's desk surplus and dispose; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

6. Hazard Mitigation Plan:

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EDEN

AUTHORIZING THE ADOPTION OF THE

2022 ERIE COUNTY, NY HAZARD MITIGATION PLAN

WHEREAS, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Eden:

- 1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

#31-2022: MOTION was made by Councilperson Ventry to approve the resolution as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

7. Assessor Clerk Position:

Supervisor Hartman stated that the Board has had time to review the request for a part time assessor clerk. She added that she is in favor of hiring a part time clerk at 19 hours a week based on the evaluated need.

Councilperson Sam stated he is in favor of moving forward.

Councilperson Wilhelm stated she is in favor of moving forward with the 19 hours per week.

Councilperson Byrnes stated he was in favor of 10-19 hours per week.

Councilperson Ventry stated he is ok with moving forward with the position at 19 hours a week but would like comp time limited.

Supervisor Hartman stated they would move forward with the hiring process.

8. Eden Veterinary Contract:

#32-2022: MOTION was made by Supervisor Hartman to approve the lease agreement between the Eden Veterinary Clinic and Town of Eden for the year 2022; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

9. Dog Control Officer:

#33-2022 MOTION was made by Supervisor Hartman to appoint Nicholas Blaszczyk as part-time dog control officer at an annual salary of \$15,000 to be paid bi-weekly plus \$60 per mandatory court case; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Councilperson Ventry had a question regarding the position overlapping with Mr. Blaszczyk’s full time position as a police officer. Supervisor Hartman replied that there may be some overlap but Mr. Blaszczyk accepted the position with a lower salary to account for this.

10. Purchase of Rubber Tracked Excavator:

#34-2022 MOTION was made by Councilperson Sam requesting up to \$60,000 from the Equipment Reserve Account D878.2 for the purchase of a new and unused Rubber Tracked Excavator, subject to Permissive Referendum; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

11. Set Bid Opening Date for Rubber Tracked Excavator:

#35-2022 MOTION was made by Supervisor Hartman to set the bid opening date for Thursday, March 3rd, 2022 at 10:00 A.M. in the Clerk's Office, for a new and unused 2022 or newer, 17,000# Rubber Tracked Excavator; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

12. Kelly's Place Special Use Permit:

The Town of Eden Planning Board submitted the following recommendations:

RECOMMENDATION FROM THE EDEN PLANNING BOARD

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

From: Bill Mahoney, Chairman
Town of Eden Planning Board

Re: **Kelly's Place Special Use Permit Renewal**

Date: February 4, 2022

The Planning Board of the Town of Eden has completed its review of the Special Use Permit application for Kelly's Place as requested by the Town Board. The applicant has no clear definitive plans to complete the project as originally proposed, therefore we suggest the conditions set on the original special use permit be followed. In addition, we would ask the Town Board to consider the following items while reviewing this application:

- Condition #1 of expired Special Use Permit.
 - "The special use permit shall expire after a period of five years if the proposed development has not been fully constructed..... or undeveloped areas of the site will be restored to its natural setting." Based on the fact that the applicant has no definitive plans to complete the project, the site should be restored to its natural setting by removing all construction spoils, non-natural materials and implement a planting that would provide for the restoration of the site to its natural setting.
- The Town Board should consider the issues as expressed by Mr. Ron Maggs, Highway Superintendent, regarding the SWPPP and the fact that the applicant has not appropriately closed the SWPPP, even after additional extensions have been provided on multiple occasions. The following items should also be considered as it relates to the storm water systems and SWPPP.
 - Applicant should be required to take all actions as appropriate to close the SWPPP
 - Confirm that the storm water management system that was constructed was done in accordance with the original approved site plan drawings. Confirm this is appropriate for the development area that has been built and provide a certification from the applicants Civil Engineer of all items. If the storm water systems were not built in accordance with the approved site plan, the applicant's civil engineer needs to provide updated documents for the Town's review and approval. The applicant would then need to implement the changes.
 - Provide as-built plans of the final system.
- Any future developments at this site would require a new submission in accordance with the Town of Eden's zoning and code regulations.

#36-2022 MOTION was made by Supervisor Hartman to deny the Special Use Permit application dated January 15, 2022 and recommend that the conditions set be followed; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Dave Rice explained that Kelly's Place has not met the 5-year time line for completing their project, the undeveloped areas of the property would need to be brought back to their original state. Moving forward, if they were to develop the unused portion, they would need a variance and site plan approval. Ron Maggs explained that all appropriate measures would need to be taken to close the SWPPP permit.

13. Discuss Code Changes: Fire Dept Rapid Entry System, Transient Retail Merchants, Peddling and Soliciting, Mobile Food Vending, Schedule of Fees, and Solar Code:

The Eden Planning Board submitted recommendations for the following updates to the following codes: Fire Dept Rapid Entry System, Transient Retail Merchants, Peddling and Soliciting, Mobile Food Vending, Schedule of Fees, and Solar Code. The Town Board discussed moving forward with the following codes: Fire Department Rapid Entry System, Peddling and Soliciting, and the Solar Code. Supervisor Hartman stated that the next step is to have the attorney draft the local law and set a public hearing on the codes.

14. Local Law 1-2022 Regulating Amusements and Entertainments:

#37-2022 MOTION was made by Supervisor Hartman to set the public hearing to March 9, 2022 at 7:30 P.M. for the purpose of considering the adoption of proposed Local Law #1-2022, being a local law regulating amusements and entertainments in the Town of Eden; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor's Report:

- Up-date on Winter Fest.
- Covid numbers decreasing and mask mandate being lifted
- Town received \$500,000 NYS Main Street Grant, a letter to businesses will be going out in March or April and more information to come.

Councilperson Wilhelm gave an overview on Eden Library's Annual Report for 2021; 14,704 patrons, 31,000 items checked out, 1,200 computer uses, Wi-Fi used over 2,000 times, remained fully open throughout the pandemic and code club had 16 participants. The report is on file in the Town Clerk's Office.

Councilperson Ventry stated that at the last meeting the board discussed meeting with department heads and volunteers on a rotating schedule to provide more in-depth department updates, monthly reports will still be submitted. Supervisor Hartman stated that department heads and volunteers do not have to come to regular meetings if their department has nothing on the agenda. Marlene will contact departments to schedule their meeting dates.

Hearing of Visitors: There were none.

#38-2022 MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:10 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk