

March 9, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
March 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
Amy Porter - Recreation Director
Dave Rice - Code Enforcement 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 7:00 P.M.

Pledge of Allegiance

Approval of Minutes:

#39-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of February 9, 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
SF915.2 Fire Building Maintenance	SF3410.4 Fire Contractual	2021 Expenditures on Door Repair and Parking Lot Sealing	\$930.00
A8020.4 Planning - Contractual	A889 Reserve Commercial Fees	Correct Budget Entry 8/11/21 Amount Calculated Twice	\$1,260.00
A1990.4 Contingent Fund	A8020.4 Planning - Contractual	Overbudget	\$1,260.00
A3120.1 Police Personal	A3120.4 Police Contractual	Overbudget	\$100.00
A899.1 Ambulance Ins Recovery	A4540.4 Ambulance Contractual	Overbudget	\$290.00
A7150.1 Special Rec - Personal	A7150.4 Special Rec - Contractual	Overbudget	\$120.00
CP917 Parkland Fund Balance	CP7110.4 Parks - Contractual	Return of 2020 Incorrect Parkland Fee Charged	\$750.00

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#40-2022: 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.

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SF915.3 Assigned Fire Gear	SF3410.2 Fire - Contractual	Use of Assigned Funds for Gear Purchase	\$15,333.00
SF915.2 Assigned Building Maintenance	SF3410.4 Fire - Contractual	Assigned Building Maintenance for East Eden Building Letters	\$1,685.00

#41-2022: MOTION was made by Councilperson Wilhelm to approve the Budget Transfers from March 9, 2022 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Informational Only:

Encumbrances

D5130.4 - Good Year Tire & Rubber - \$2,424.00 Tires Massy Ferguson

D5142.4 - Compass Minerals \$4,108.72 Road Salt

A1410.4 - Proud Promotions - \$387.12 DEC License Sleeves

SF3410.2 - Witmer (formerly Eliza Co) \$3584.40

Assignments

A915.6 - Grant funds for Charging Station \$5,000.00

A915.5 - Mini Camp \$3400.00

Audit Bills:

March Payables for 2021

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	923-925	\$572.25
Fire Dept. Fund	342	\$237.06
Recreation Dept. Fund	162-166	\$5240.00

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	86-167	\$99,630.25
Highway Dept. Fund	35-	\$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	

#42-2022: 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 March 2022 were submitted by Scott Crowe, East Eden Fire Chief; Matt Colvin, Eden Fire Chief; Greg Savage, Police Chief; Susan Johnson, Assessor; Emily Hawkins, Town Clerk; Dave Rice; Code Enforcement Officer; Amy Porter, Recreation Director and Nicholas Blaszczyk, Dog Control Officer. All reports are on file in the Town Clerk's office.

Public Comment on Agenda Items Only: There were none.

New and Unfinished Business:

1. Ratify Susan Pratt as temporary Part-Time Assessor Clerk:

#43-2022: MOTION was made by Supervisor Hartman to hire Susan Pratt as a temporary part-time assessor clerk, up to 10 hours a week at \$20.00 per hours to assist as needed until the regular part-time clerk is hired. This is effective January 2, 2022; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

2. Ratify Start Date for Nicholas Blaszczyk as Dog Control Officer:

#44-2022: MOTION was made by Supervisor Hartman to approve Nicholas Blaszczyk's start date to February 25, 2022 as Dog Control Officer; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Erie County Stop DWI Program:

#45-2022: MOTION was made by Supervisor Hartman to approve the Erie County Stop DWI Program for the year 2022; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

4. Support NYS Senate Bill S7602:

Whereas, the Eden Town Board acknowledges the importance of parents and donor-conceived persons knowing the medical, educational and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating this history information to a recipient and donor-conceived person upon request upon request, if any; and,

Whereas, the Eden Town Board further acknowledges knowing the medical, educational and criminal felony conviction history of a donor will provide recipients with the necessary information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders; and,

Whereas, the Eden Town Board finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, educational and criminal felony conviction history information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening processes and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

Therefore, be it resolved, the Eden Town Board fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan, and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational and criminal felony conviction histories for all donors.

#46-2022: MOTION was made by Councilperson Wilhelm to support NYS Bill S7602; seconded by Supervisor Hartman; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. NY Main Street Grant Agreement:

#47-2022: MOTION was made by Councilperson Wilhelm to authorize Supervisor Hartman to sign the New York Main Street Grant Agreement effective February 1, 2022; seconded by Councilperson Sam; Ayes: Hartman, Sam, Wilhelm, Byrnes; Opposed: None; Abstain: Ventry; Motion carried.

6. Annual IT Contract with Nick Miller:

#48-2022: MOTION was made by Supervisor Hartman to approve the contract with Nicholas Miller for IT services effective March 2022 in the amount of \$30,397.50; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

7. Recreation Staff Appointments:

2022	Employee	Rate
Supervision		
Summer Supervision	Tera Baker-Clerc	\$3400.00
Playground Leaders		
Elementary /Mini Camp Leader	Kelsey Pressing	\$15.50
Gorcica Leader	Sharon Wright	\$16.50
Flower Leader	Emily Sergio	\$14.00
Sports Leader	Reece Taylor	\$15.00
Sports Assistant	Mya Schrencengost	\$14.50
Arts & Crafts Leader	Emma Cockereel	\$15.00
Arts & Crafts Assistant	Emma LaVerdi	\$14.50
Playground Assistants		
Elementary	Jacob Pieri	\$13.50
Elementary	Carly Profic	\$13.50
Elementary	Caden Profic	\$13.50
Elementary	Alyson Young	\$13.50
Elementary	William Schrencengost	\$13.50
Elementary	Cheryl Dunmire	\$14.50
Flower	Connor Johnson	\$14.50
Flower	Alyssa Johnson	\$14.50
Gorcica	Troy Pressing	\$13.50
Gorcica		
Minekime – Mini Camp	Dawn Ovitt	\$14.50
AM Supervision/Alternate/Music	Deanne Glenndenning	\$16.00
Alternate	Hunter Amo	\$14.50
Alternate/Grounds & Maintenance	Trevor Masocco	\$13.50
Alternate/Music	Marlene Grunder	\$15.00
Alternate	Cyleigh Schumacher	\$14.50
Alternate	Sophia Heltz	\$13.50
Alternate	Catherine Folts	\$13.50
Alternate	Damian Edwards	\$13.50
Town Pool Staff		
Aquatics Director	Ivan Bitnun	\$4200.00
Head Lifeguard	Camille Profic	\$16.50
Lifeguard	Eli Noecker	\$16.00
Lifeguard	Elle Noecker	\$16.00
Lifeguard	Rachel Phillips	\$15.00
Lifeguard	Lilly Phillips	\$15.00
Head Instructor	Emilee Nelson	\$17.00
Instructor	Caroline Coleman	\$16.00

Instructor	Danielle Gephart	\$16.00
Instructor	Adam Dibble	\$16.50
Instructor	Sam Mason	\$16.50
Pool C.I.T.	Abby Laveri	\$15.00
Pool C.I.T.	Grace Canfield	\$15.00
Pool C.I.T.	Brady Mason	\$15.00
Pool C.I.T.	Maya Hartman	\$15.00
Pool C.I.T.	Sophia Noecker	\$15.00
Maintenance		
Assistant	Jack Lauer	\$13.50
Assistant	Christian Walsh	\$14.50
Assistant	Nathan Henry	\$14.50
Assistant	Justin Reed	\$14.50

#49-2022: MOTION was made by Councilperson Ventry to approve the recreation staff appointments as presented; seconded by Councilperson Wilhelm; Ayes: Ventry, Sam, Byrnes, Wilhelm; Opposed: None; Abstain: Hartman; Motion carried.

8. Special Use Permit for Bell Atlantic Mobile Systems:

#50-2022: MOTION was made by Supervisor Hartman to approve Special Use Permit for Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – adjacent to Swartz field, Main St, Eden, NY for operator of the Verizon Telecommunications Tower and the Special Use Permit for Upstate Cellular Network d/b/a Verizon Wireless – Webster Road tower for operation of a Verizon Telecommunications Tower; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing for both of these cell towers was held on December 8, 2021 with no public comments. The renewal fees were paid and all conditions have been met for renewal.

9. Local Law 1-2022 – Regulating Amusements and Entertainments in the Town of Eden:
-Tabled

10. Proposed Local Law #1-2022 Application Fee:

Supervisor Hartman proposed the following application fee; \$150.00 for the initial permit and \$75 for the annual renewal fee. The proposed fees include administrative costs and legal notice publishing costs.

11. Back Up Dog Control Officer:

#51-2022: MOTION was made by Supervisor Hartman to appoint Judith Bigelow as back-up dog control officer at \$40 per diem/on call days; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

12. Discuss Code Changes; Transient Retail Merchants, Mobile Food Vending, and Noise:

The Town Board discussed the proposed maximum permissible sound levels in the noise ordinance;
12:00 noon to 10:00 pm: 75 dBAs
10:00 pm to 12:00 noon: 50 dBAs

Councilperson Ventry expressed concern with a level of 75 decibels as most other towns in the area have a maximum of 70 and suggested adjusting the time frame on the weekends to 11:00 pm.

Supervisor Hartman spoke in support of the 70 decibel maximum.

Councilperson Byrnes, Councilperson Wilhelm, and Councilperson Sam spoke in support of the 75 decibel maximum.

#52-2022: MOTION was made by Supervisor Hartman to approve Bill Trask to draft the proposed local laws; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

#53-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for proposed Local Law 1-2022; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The public hearing was opened at 7:00 PM.

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

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 9th day of March, 2022 at 7:30 P.M. Local Time, for the purpose of considering the adoption of proposed Local Law #1-2022, being a local law to regulating amusements and entertainments in commercial and business establishments in the Town of Eden. The proposed law requires a license issued by the Town Board which may include conditions to mitigate undesirable community impacts that affect public safety, peace and good order. Copies of the proposed local law are available for public review in the Office of the Eden Town Clerk. All interested parties will be given an opportunity to be heard.

Supervisor Hartman began the public hearing by stating that the permit process is not taking away the right to have outdoor music. The permit is a guideline to follow conditions set, to be a good neighbor, and for noise control.

The following people spoke regarding the local law:

Sue Engle, Main St:

- House shares a property line with Rayzor's on Main St., purchased home in 1985
- No issue with day-to-day operations of business
- Live music under the enclosed structure is loud and cannot have a conversation on their front porch or back deck
- No mention of live music was brought up by venue during the original planning board meetings
- No issues with sound from the regular speakers, TVs, or when solo artists perform, issues with sound during live music with full bands using synthesizers and amps.

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Carolyn Stumpf, Hemlock Rd. (on behalf of Sue Engle)

Ryan McCarthy, Main Street, East Aurora; Attorney representing Rayzor's Dawg House, North Main St., Eden;

- Submitted letter dated March 9, 2022 and is included in the official meeting packet located at the Town Clerk's Office.
- Local Law is targeting Rayzor's
- Not authorized by NY Town Law 130(12) as stated in Section 1 of local law

Jeff Walker, owner of Rayzor's Dog House;

- Criteria for receiving a license is "issued at the discretion of the Town Board," which is unconstitutionally vague (on behalf of his attorney)
- Concerned that Town Board has full discretion to issue permit
- Will get a permit if deemed necessary
- Stated on record that after the first live music event of this year that the Town Board will call him in and his permit will be revoked for the remainder of the year

Joseph Pietrkiewicz, Main St., Hamburg;

- Local law is targeting Rayzor's dog house and hurting businesses in Eden

Adam Henrich, Tice Rd.;

- Business owner in Eden, investing money into these local businesses and pays an exceptional amount in property taxes, town needs to support these businesses
- Reviewed decibel levels from the CDC website and gave examples of different sounds and their decibel levels

Elmer Ploetz, West Church St.,

- Questioned why businesses feel threatened by the permit process, as having a permit protects them and their right to have live music

Patrick O'Brian, East Church St.,

- Stated that the local law may benefit any establishment wishing to have live music as it will give a parameter to what is expected for noise level

Dave Rice, Code Enforcement Officer, stated that the proposed local law has nothing to do with decibel levels and is a process to get a permit to have live music. Decibel levels are addressed in a separate ordinance.

Joe & Carrie Preischel, owners of the Eden Bowling Alley, N Main St.,

- Own another bowling alley in Angola and go through a similar process in that town for live music
- The fees associated with the permit seem fair
- Important for business owners to work with the town and residents
- Local law provides guidance to follow
- Asked for a reasonable curfew on Fridays and Saturdays as the 10:00pm curfew in Angola is difficult at times

Julie Rose, Second St.,

- Visited Sue Engle's home when live music was happening as Rayzors and could not have a conversation on the front porch, neighbors should be able to enjoy their home
- Local law is a solution to work together with neighbor to solve the problem

Donald Lyndsley, New Jerusalem;

- Attended Rayzor's during live music it is not that loud and music is only a couple nights a week
- Town is attacking Rayzor's
- Rayzor's and their neighbor need to work together to find a solution

Ellen Kindley, Gerald Dr.,

- Read the law, it is not preventing Rayzor's from doing business, it is putting in parameters for businesses to follow

Logan Lyndsley, New Jerusalem;

- Employee at Rayzor's
- Schedule for Rayzor's live music is put out one month in advance
- Owner of Rayzor's wants to make the establishment enjoyable for the town

Carol Sytliades, Jasper Dr. Amherst;

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- Comes to Eden for entertainment, enjoys community, patrons Rayzor's and local produce markets
- Understands permit is not taking away right to have local music, questions how many complaints until the permit is revoked

The following residents also spoke at the public hearing:

Paula Kruszka-Agle, Second St.,
Barb DeJohn, N. Main St.,
Albert Feasley, Second St.

Supervisor Hartman asked if there was anyone else to be heard: there were none.

#54-2022 MOTION was made by Supervisor Hartman to close the public hearing and open the regular meeting; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The public hearing was closed at 8:12 PM.

13. NY Main Street Grant Administrator:

#55-2022 MOTION was made by Supervisor Hartman to approve Heritage Resources, LLC, Alma Brown, as New York Main Street Grant administrator; seconded by Councilperson Wilhelm; Ayes: Hartman, Wilhelm, Byrnes, Sam; Opposed: None; Abstain: Ventry; Motion carried.

14. Set Public Hearing for Special Use Permit for Crescent Manufacturing:

#56-2022: MOTION was made by Supervisor Hartman to set the public hearing for the Special Use Permit for Crescent Manufacturing to April 13, 2022 at 7:30 PM; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

15. Declare 2017 Kabelco 75SR Surplus:

#57-2022: MOTION was made by Supervisor Hartman to declare the 2017 Kabelco 75R surplus to be traded in; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

16. Award Bid for New 2022 Rubber Tracked Excavator:

#58-2022: MOTION was made by Supervisor Hartman to award Baschmann Services Inc. as lowest responsible bidder for the new 2022 Rubber Tracked Excavator including the trade in of the 2017 Kabelco 75SR, in the amount of \$35,863.00; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

*Although George and Swede Sales were lower, they did not meet important specs in the bid.

17. Appoint James Crowe Part Time Laborer:

#59-2022: MOTION was made by Supervisor Hartman to appoint James Crowe as part time laborer at \$17.00 per hour for up to 19 hours per week effective March 11, 2022; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

Hearing of Visitors: There were none.

#60-2022 MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:20 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk