

May 11, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
May 11, 2022 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

**Attended virtually – not a voting member

DEPARTMENT HEADS PRESENT:

Dave Rice - Code Enforcement Officer
Ron Maggs - Highway Superintendent
Greg Savage - Police Chief

OTHERS PRESENT:

Emily Hawkins - Town Clerk
Marlene Grunder - Administrative Assistant
William Trask - Town Attorney
Lisa Winter - Bookkeeper
Nicholas Blaszc - Lieutenant

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:00 P.M.

Pledge of Allegiance

Approval of Minutes:

#91-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of April 13, 2022 as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

#92-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of April 27, 2022 as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

Budget Transfers:

From Account	To Account	Reason for Amendment	Amount
A1990.4 Contingent Fund	A1355.4 Assessors - Contractual	Appraisal Report for 4071 Hardt Rd	\$2,500.00
A3021 Court Facilities	A1620.4 Town Hall - Contractual	Court Doors & Flooring	\$8,365.65
A2170 Community Development	A6989.4 Other Economic Assistance	Grant for Administrative Cost of Main Street Grant	\$15,000.00
A2192 Cemetery Services	A8810.1 Cemeteries - Personal	Burial Fees for Cost of Burials	\$175.00
A2192 Cemetery Services	A8810.4 Cemeteries - Contractual	Burial Fees for Cost of Burials	\$515.00

#93-2022: MOTION was made by Councilperson Wilhelm to approve the Budget Transfers and as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Audit Bills:

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	253-318	\$62,680.61
Fire Dept. Fund	92-113	\$5,956.79
Recreation Fund	42-55	\$2,898.79
Water Fund	5-7	\$1,208.93
Street Lights Fund	12-17	\$2,193.98
Refuse Fund	7	\$168.00
Highway Fund	105-133	\$26,490.24
Capital Fund		
H8230.405	No Activity	
H8320.406	No Activity	
H8302.407	No Activity	
Drainage District SD 4	No Activity	

#94-2022: 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 May 2022 were submitted by Scott Crowe, East Eden Fire Chief; Matt Colvin, Eden Fire Chief; Susan Johnson, Assessor; Greg Savage, Eden Police Chief; Emily Hawkins, Town Clerk; Dave Rice, Code Enforcement Officer; Amy Porter, Recreation Director; and Nick Blaszczyk, Dog Control Officer, & Joseph Ghosen. All reports are on file in the Town Clerk’s office.

#95-2022: MOTION was made by Supervisor Hartman to approve Eden Fire and East Eden Fire to advertise requests for proposals for itemized fire equipment with the bid opening date of Thursday, May 26th, 2022 at 11:00 am; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#96-2022: MOTION was made by Supervisor Hartman to add Benjamin Sheppard to the active roster pending background check and physical; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Public Comment on Agenda Items Only: There were none.

New and Unfinished Business:

1. Proclamation of Turquoise Takeover Week:

The Second Week in May is Turquoise Takeover Week Resolution

Designating the second week in May as “Turquoise Takeover Week”

WHEREAS, about every two and a half minutes, a person in the U.S. is diagnosed with lung cancer; and WHEREAS, lung cancer is the leading cause of cancer deaths for women and men; and WHEREAS, Lung cancer screening saves lives, and advocacy and increased awareness will result in more high-risk individuals getting screened.

WHEREAS, public support for research funding will result in new treatments and better methods of early detection; and

WHEREAS, LUNG FORCE is a national initiative led by the American Lung Association, to defeat lung cancer.

BE IT RESOLVED, that the Town of Eden hereby designates the second week in May as Turquoise Takeover Week throughout the Town of Eden and encourages all residents of the Town of Eden to learn more about lung cancer, risk factors and early detection.

#97-2022: MOTION was made by Supervisor Hartman to approve the resolution as read; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#98-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for proposed Local Law 2-2022 for the noise ordinance; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The public hearing was opened at 7:15 PM.

May 11, 2022

**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 11th day of May, 2022 at 7:15 P.M. Local Time, for the purpose of considering the adoption of proposed Local Law #2-2022, being a Local Law Regulating Noise in the Town of Eden. 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 gave information on the proposed local law, stating that Eden's current noise ordinance is too vague and difficult to enforce. She stated that the law has been revised by the Code Review Committee and reviewed by the Town Attorney, Police Department, Town Board and Code Enforcement Officer. The Local Law is intended to give guidelines for being a good neighbor and is not stopping people from living their daily lives, including, lawn mowing, Fourth of July parties, graduation parties, etc.

The following residents spoke regarding the proposed local law:

Bert Feasley

Joseph O'Bryant: Questioned the wording regarding lawn mowing and construction activities on Sunday's and Holidays.

David Hojsan: Asked where the 55 Db limit originated and inquired about his dog chewing on squeaky toys at the property line.

Councilperson Sam explained that the Town Board did research and had professionals present on the topic. Music was played at 100 Db and from 30' away the sound was at 50-55 Db. He further clarified that the ordinance is not meant for realistic everyday activities.

James Bebbler: Questioned how the noise ordinance pertains to snowmobiles and motorcycles.

Dave Rice responded that vehicle noise on the roads is subject to NYS Vehicle and Traffic Law and snowmobiles while on sanctioned trails, are regulated by the DEC – NYS Parks and Recreation Law. He stated the noise ordinance would come into play for vehicular noise created within your property lines, like your driveway.

Curtis Neureuter asked if the Town currently has issues with noise complaints.

Greg Savage, Police Chief, stated that the town does have some complaints and that the current code as it stands makes it difficult to enforce and court cases get thrown out.

Matthew Szal: Stated that the code needs clarification regarding construction on Sundays and Holidays.

Dave Rice stated that verbiage is from the previous noise ordinance and is aimed toward contractors not residents.

Adam Nurmi questioned how long a "sustained" amount of time is.

Bill Trask, Town Attorney, replied that in order to measure the sound, equipment would need to be set up at the property line in order to read the decibel level.

Loren Crowden

#99-2022: MOTION was made by Supervisor Hartman to close the Public Hearing for proposed Local Law 2-2022 for the noise ordinance; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:50 PM.

2. Recreation Pool Staff:

#100-2022: MOTION was made by Supervisor Hartman to appoint Melissa Levechhi and Asher Parnitzke as summer recreation camp assistants at the rate of pay of \$13.50 per hour; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

3. Pool Fees:

ACTIVITY	2021	Purposed 2022
	Rates	Rates
Resident Swim Lessons	\$50.00	\$65.00
Non-Resident Swim Lessons	\$100.00	\$125.00
Resident Family Swim Lesson Max	\$150.00	\$195.00
Non-Resident Family Swim Lesson Max	\$300.00	\$375.00
Resident Individual Passes	\$45.00	\$50.00
Non-Resident Individual Passes	\$70.00	\$100.00
Resident Family Passes	\$135.00	\$150.00
Non-Resident Family Passes	\$210.00	\$300.00
Resident Lap Swim	\$40.00	\$50.00
Non-Resident Lap Swim	\$50.00	\$75.00
Resident Daily Pass Registration	\$7.00	
Non-Resident Daily Pass Registration	\$12.00	
Day Pass Return Swimmer	\$3.00	
Day Pass Resident/Non-resident		\$5.00

#101-2022: MOTION was made by Supervisor Hartman to approve the 2022 proposed pool fees as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

4. Amend Resolution for Army Cots:

#102-2022: MOTION was made by Supervisor Hartman to declare 120 army cots surplus and return to Erie County Emergency Services; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

*This amends Resolution #88-2022 to sell 120 army cots at Auctions International.

5. Annual Unified Court System Audit:

WHEREAS, the Unified Court System of the State of New York requires that town justices annually provide their court records and dockets to their respective town auditing board, and that such records be examined and that facet be entered into the minutes of the board’s proceedings.

WHEREAS, THEREFORE it is **RESOLVED** that the Town Board of the Town of Eden has received the audited Statement of Cash Receipts and Cash Disbursements for the Town Justices from Drescher & Malecki, LLP independent auditors

#103-2022: MOTION was made by Supervisor Hartman approve the Annual Unified Court System Audit as presented; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

6. Police Policies: Table

Supervisor Hartman gave the Town Board a financial breakdown of employment in the Police Department.

Chief Savage outlined the need for another full-time officer stating it is difficult to hire, train, and retain part time police officers as they leave the department for full time work. Lieutenant Blaszc explained the need for a full-time officer as scheduling part time is becoming increasingly difficult.

After additional discussion the Town Board will review the need for a full-time officer.

7. Grievance Day/Board of Assessment Review:

The Board of Assessment Review will hold Grievance Day Tuesday May 24, 6:00 PM – 10:00 PM in the upstairs conference room of Town Hall.

8. Permission for Highway to Hang Hometown Heroes Banners:

#104-2022: MOTION was made by Supervisor Hartman to give approval to the Highway Department to hang the Hometown Hero banners; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

9. Permission for Highway:

May 11, 2022

#105-2022: MOTION was made by Supervisor Hartman to give approval to the Highway Department to assist with spreading stone at Evergreen Cemetery; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

10. MS4 Annual Report for Public Inspection:

The Municipal Separate Storm Sewer System Annual Report is on file at the Town Clerk's Office for public inspection.

11. Volunteer Fire/EMS Accident Insurance:

#106-2022: MOTION was made by Supervisor Hartman to approve VFIS insurance through National Union Fire Insurance Company of Pittsburgh in the amount of \$3,219 for Eden Fire, East Eden Fire, and Eden Emergency Squad; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

12. Erie County Snow Removal and Ice Control Agreement 2022-2025:

#107-2022: MOTION was made by Councilperson Wilhelm to approve the Intermunicipal Snow Removal and Ice Control Agreement between the County of Erie and the Town of Eden for the period of September 1, 2022 through August 31, 2025; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

13. Declare 2016 Ford Explorer (police vehicle) Surplus:

#108-2022: MOTION was made by Councilperson Ventry to declare the 2016 Ford Explorer, VIN #1FM5K8AR5GGA77777, surplus and to be traded in at Delacy Ford for \$2,000; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

14. Set Public Hearing for Amusement/Entertainment License Application for Schunks West Hill Grill:

#109-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the Amusement/Entertainment License for Schunks West Hill Grill to June 8, 2022 at 7:30 PM; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor's Report:

- Memorial Day Parade May 30th – Town Hall to Memorial Park 11am and service at St. Mary's at 10am
- Main Street Grant – 20 applicants
- Erie County Storefront Revitalization Grant up to \$40,000 with no match

Presented plan for Town Board's review of how to spend ARPA funding of \$786,000 and the General Fund excess balance. The proposed plan includes upgrades to infrastructure of Town Hall, Legion's roof, street lights, fitness trail, Recreation Department truck, air conditioning etc. She stated that the Town Hall needs a new roof and brick repair before more damage is done. Councilperson Ventry asked for additional information on how the funds can be used.

Councilperson Wilhelm inquired as to adding bathrooms at Swartz Park. Supervisor Hartman replied that the initial cost of infrastructure updates to Town Hall is estimated to be over \$400,000 and preliminary quotes on a bathroom at the park were around \$350,000 which is too costly at this time. The Town Board agreed to move forward with preparing bid specs for the needed Town Hall repairs and will discuss ARPA funding at a future Town Board Meeting.

Councilperson Wilhelm: the library no longer has late fees, after 21 days a book will be considered lost and billed until it is returned.

Hearing of Visitors: There were none.

#110-2022: MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:25 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk