

July 27, 2022

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
July 27, 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
MICHAEL BYRNES	-	COUNCILPERSON
GARY SAM	-	COUNCILPERSON

**DEPARTMENT HEADS PRESENT:**

Susan Johnson	-	Assessor
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**OTHERS PRESENT:**

Emily Hawkins	-	Town Clerk
Marlene Grunder	-	Administrative Assistant
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**

**Public Comments on Agenda Items:**

Russ Schiffano addressed the Noise Ordinance and noted that after the Public Hearing barely any changes had been made to the draft law. He asked that the law be clearer on the meaning of everyday lawn maintenance under permitted sounds.

**#156-2022: MOTION** was made by Supervisor Hartman to open the Public Hearing for the proposed Amusement/Entertainment License for live outdoor music events to be held at Pilot Light Pub, 8557 N. Main St.; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:03 PM

There was no one present to be heard.

**#157-2022: MOTION** was made by Supervisor Hartman to close the Public Hearing and open the Regular Meeting; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**New and Unfinished Business:**

**1. Increase in Mileage Reimbursement:**

**#158-2022: MOTION** was made by Councilperson Wilhelm to increase the mileage reimbursement to 62.5 cents per mile from this day forward to the date of the next Re-organizational Meeting; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**2. Amusement/Entertainment License for Pilot Light Pub:**

**#159-2022: MOTION** was made by Supervisor Hartman to approve the Amusement/Entertainment License for Pilot Light Pub at 8557 N. Main St. with the following conditions:

1. The business must notify the Town of Eden Building Department no later than 15 days prior to any event held under this License. At the time of receiving notification the information from conditions 2 and 3 must be provided.
2. The business must provide a map of the property showing the location of the stage, pedestrian area, parking area, location of any tents and any other conditions out of normal business.

3. The business must provide proof of the locations for liquor consumption from the SLA if serving liquor.
4. The business must pass an inspection from the Town of Eden Building Department before each event or series of event.

And expressly conditioned upon compliance with all applicable laws, rules and regulations, including, but not limited to, local laws or ordinances regulating noise; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

### **3. Infrastructure Exemption:**

Susan Johnson gave a background on the proposed local law which allows for a temporary tax exemption for residential building lots.

**#160-2022: MOTION** was made by Supervisor Hartman to set the Public Hearing for proposed Local Law 7-2022 Adopting the Local Option for Temporary Exemptions for Building Lots to August 24, 2022 at 7PM; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

### **4. Proposed Local Law – Regulation Noise in the Town of Eden:**

Councilperson Byrnes stated that after his review of other Town's Noise Ordinances he believes the proposed 60 decibel level is too low and needs to be increased to 65. He noted that he felt it could be moved as high as 70 but was willing compromise at 65 and moving the time frame to 10pm instead of 11pm. Councilperson Byrnes felt that the Town Board did not adjust the Noise Ordinance enough after having two well attended Public Hearings with the decibel level being a main concern.

Councilperson Ventry proposed that they adopt the Noise Ordinance as is and review the number of complaints with the Chief of Police in the monthly reports submitted to the Town Board and adjust if needed.

Supervisor Hartman noted that the decibel level is 65 in the Mixed-Use districts and was adjusted from 55 to 60 in Residential areas. The language of the law was also changed after public discussions, research, and presentations.

Councilperson Byrnes stated that they should further postpone the passing of the Noise Ordinance and increase the levels to be consistent with other towns that have updated codes.

Councilperson Wilhelm stated that she has agonized over this decision and has been approached by many residents over this Local Law. She urged residents to get involved with the Town to ensure their voices are heard. She stated that although she was torn over how to vote she was in favor of passing the Noise Ordinance as long as it was again reviewed in 3 and 6 months and could be revised if there were any issues.

Councilperson Sam stated he would like to table the decision and move the decibel level to 65 overall.

After additional debating the following Motion was offered.

**#161-2022: MOTION** was made by Supervisor Hartman to adopt the Local Law 6-2022 amending Chapter 146 (Noise) of the Town of Eden Code with conditions set to revisit in three months and six months; seconded by Councilperson Ventry; Ayes: Hartman, Ventry, Wilhelm; Opposed: Byrnes, Sam; Abstain: None; Motion carried.

### **5. Declare Desk and Chair Surplus:**

**#162-2022: MOTION** was made by Supervisor Hartman to declare a desk and chair from Recreation storage surplus and dispose; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

### **6. Schedule of Budget Hearings: Informational Only**

The Schedule of Budget Hearings will be posted outside the Town Clerk's Office.

#### **Hearing of Visitors:**

Daniel Malarky enquired as to what would happen to the desk and chair and offered to take it off the Town's hands. Supervisor Hartman replied to contact her office.

**#163-2022: MOTION** was made by Supervisor Hartman to close the Regular Meeting and go into executive session for personnel; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

July 27, 2022

The Town Board Meeting was closed at 7:41 PM.

Executive Session was closed at 8:00 PM.

Respectfully Submitted by:

Emily Hawkins, Town Clerk