

September 14, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
September 14, 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

OTHERS PRESENT:

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

Supervisor Hartman called the meeting to order at 7:00 P.M.

Pledge of Allegiance

Supervisor Hartman recognized the deceased members of our community for the month of August 2022. She noted the passing of Robin Evenhouse a presence and supporter of the Town of Eden and its community.

Approval of Minutes:

#174-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of August 10, 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.

#175-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of August 24, 2022 with the changes submitted by Emily Hawkins on 9/14/22; 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.

Petitions:

Supervisor Hartman stated she received three additional petitions for water service on Sauer Road.

Dan Malarkey submitted a petition asking the Town Board to use the Community Bulletin Board through Spectrum TV. He stated that some residents do not use social media and do not have access to information on events in town.

Budget Transfers:

Budget Transfers/Amendments September 14, 2022

From Account	To Account	Reason for Amendment	Amount
A915.6 Assigned - General Non Recreation	A3120.4 Police - Contractual	Police Car Computer	\$6,338.03
A915.6 Assigned - General Non Recreation	A3120.2 Police Equipment	Decals & Lights for Police Car	\$9,654.06
A915.6 Assigned - General Non Recreation	A3120.4 Police - Contractual	Overbudget	\$12,500.00

A9015.8 Police & Fire Retirement	A3120.4 Police - Contractual	Overbudget	\$2,500.00
A7140.1 Playground - Personal	A7150.1 Pool - Personal	Adjustment for Pool being open extra weekends	\$1,000.00
A2001 Park & Rec Charges	A7140.4 Playground & Rec Centers- Contractual	Cost of Field Trips paid for from Participation Fees	\$2,789.98
A915.5 Assigned - Recreation	A7140.4 Playground & Rec Centers- Contractual	Use of Assigned funds for Tent Canopy	\$114.45
A915.5 Assigned - Recreation	A7150.4 Special Rec Facilities - Contractual	Use of Assigned funds for Pool Umbrella	\$755.06
A4089 Federal Aid - Other	A1640.4 Central Garage Contractual	ARPA Funding for Highway Boiler	\$5,000.00
A1990.4 Contingent Fund	A1910.4 Unallocated Insurance	Increase in Insurance Renewal	\$2,900.00
SL5710 Bond Proceeds	SL5182.2 Street Light - Equipment	Bond Proceeds to be used for Street Light Project	\$155,000.00
A2192 Charges for Cemetery Services	A8810.1 Cemetery - Personal	Burial Fees for Oversight of Cemetery & Funerals	\$192.50
A2192 Charges for Cemetery Services	A8810.4 Cemetery - Contractual	Burial Fees for Cost of Burials	\$665.00

Supervisor Hartman proposed a budget transfer of \$11,500 using ARPA funding for the new boiler for the Highway Department. Ron Maggs stated that Highway has \$3,000 of assigned funds from 2021 and room in the 2022 budget to use a portion of that funding but the Town Board would need to come up with an additional \$5,000 in funding for the boiler replacement. There was additional discussion about what account the funds should come out of as some Town Board members feel that the majority of ARPA funding should be preserved for Swartz Field updates. It was agreed upon that \$5,000 would be transferred from ARPA funding for the Highway Department boiler.

Ron Maggs commented to the Town Board that the Highway Department is still waiting on ARPA funding for repair of town roads.

#176-2022: MOTION was made by Supervisor Hartman to approve the Budget Transfers with a change from \$11,500 to \$5,000 in ARPA funding for the highway boiler; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Audit Bills:

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	543-621	\$74,940.33
Fire Dept. Fund	184-207	\$22,265.69
Recreation Fund	128-142	\$5,782.65
Water Fund	13	\$15.00
Street Lights Fund	32-36	\$11,677.55
Refuse Fund	15-16	\$47,305.77
Highway Fund	214-241	\$279,238.82

#177-2022: 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 September 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; Nick Blaszczyk, Dog Control Officer, & Joseph Ghosen. 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. Public Notice for Agricultural Districts Annual Enrollment Period:

30-DAY PERIOD FOR INCLUSION OF
PREDOMINANTLY VIABLE AGRICULTURAL LANDS
INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/agenrollment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT:

Sarah Gatti, Principal Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Fax: (716) 858-7248
Email: agriculture@erie.gov

2. Set Public Hearing for Community Development Block Grant Program:

#178-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the Community Development Block Grant to October 12, 2022 at 7:30 PM; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

3. Set Public Hearing for Town Budget:

#179-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the 2023 Town Budget to October 26, 2022 at 7:00 PM; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

4. Set Public Hearing for Tax Cap Override:

#180-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the possible Tax Cap Override to October 26, 2022 at 7:15 PM; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

5. Set Public Hearing for Fire District Budget:

#181-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the Fire District Budget to October 18, 2022 at 6:00 PM; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

6. Personnel Policy: Tabled

7. Cemetery Caretaker – Jeff Winter:

#183-2022: MOTION was made by Supervisor Hartman to appoint Jeff Winter as cemetery caretaker for North Evans cemetery at a rate of \$17.00 per hour for sale of graves, digging for cremations, and miscellaneous tasks. He will be paid at the rate of \$75 for weekday burials and \$125.00 for weekend burials, this includes time spent on layout of graves and overseeing the burial.; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

A special thank you was given to Jim Schintzius as the previous caretaker for 10 years of service.

8. Selective Insurance Renewal:

#184-2022: MOTION was made by Supervisor Hartman to approve the Selective Insurance renewal in the amount of \$107,972.85; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

9. Cyber Insurance Renewal:

#185-2022: MOTION was made by Supervisor Hartman to approve the cyber insurance renewal with JENCAP, Underwriters at Lloyd's and other insurers in the amount of \$4,112.61; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

10. Off Road Drainage Projects:

September 1, 2022

Supervisor Hartman & Honorable Town Board
2795 E Church Street
Eden, NY 14057

Dear Supervisor Hartman & Honorable Town Board,

As Chairperson of the Off-Road Drainage Committee, I am recommending that the board approve the following project:

- 1) Project 2018-01: Erie County Soil and Water Grant Project – Schoolview to Rt 62 Drainage Upgrades, recommend to contribute \$3,000 from the 2022 Budget – to give us a total of \$15,000.
 - a. This project has been put to bid and is expected to start and be completed this year.
- 2) Project 2022-03: Misc Town wide Mowing and Clearing For Spring of 2023 in an amount not to exceed \$1,000.

Please call before the board meeting if you have any questions.

Sincerely,



Ron Maggs
Off Road Drainage Committee Chairperson

RM/crk

#186-2022: MOTION was made by Supervisor Hartman to approve project 2018-01 Erie County Soil and Water Grant Project – Schoolview to Rt 62 Drainage Upgrades in the amount of \$3,000 as presented; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

#187-2022: MOTION was made by Supervisor Hartman to approve project 2022-03 for miscellaneous town wide mowing and clearing for spring of 2023 in an amount not to exceed \$1,000 as presented; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

11. Highway – Request Permission:

#188-2022: MOTION was made by Supervisor Hartman to give permission to the Highway Department to assist the Eden Fire Department in moving the Fireman's Corn Stand #1 located on the legion grounds to the highway grounds to be used by Eden Recreation; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

#189-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for proposed local law #8-2022 allowing for the insertion of informational enclosure of public concern with Town Tax Bills; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:30 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 14th day of September, 2022 at 7:30 P.M. Local Time, for the

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purpose of considering the adoption of proposed Local Law #8-2022, being a Local Law allowing for the insertion of informational enclosures of public concern with Town Tax bills. 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.

No one was present to be heard.

#190-2022: 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 7:31 PM

12. Proposed Local Law 8-2022 – Tax Bill Inserts:

Town of Eden

Proposed Local Law No. 8-2022

A local law allowing for the insertion of informational enclosures of public concern with Town Tax bills. Be it enacted by the Town Board of the Town of Eden, Erie County, New York, as follows:

Section 1. LEGISLATIVE INTENT

Section 1826 of the Tax Law of New York State forbids a municipality from mailing or delivering with tax bills any notices, circulars, pamphlets, cards, or similar printed materials unless the municipality has passed local legislation pursuant to Municipal Home Rule Law Sections 10 and 22 allowing for that practice and so long as neither the legislation nor the practice provide for the dissemination of political or propaganda materials. The purpose of this local law is to authorize the Town Board, by unanimous resolution, to allow the Town Clerk to enclose with the tax bills certain notices or other enclosures allowed by law concerning matters of public interest, but excluding enclosures of a political nature, entailing propaganda, or advertisements.

Section 2. ADOPTION OF LOCAL LAW SUPERSEDING SECTION 1826 OF THE TAX LAW AUTHORIZING INFORMATIONAL ENCLOSURES WITH TAX BILLS

Pursuant to authority granted by Municipal Home Rule Law Sections 10 and 22, this local law is adopted authorizing the Eden Town Board, by resolution unanimously adopted, to instruct the Town Clerk to enclose notices, circulars, pamphlets, cards, handbills or other enclosures allowed by law concerning matters of public concern, subject to the following:

- A. Such enclosures shall exclude any and all matter of political nature, entailing propaganda or any type of advertisement.
- B. Each enclosure shall be approved by a separate unanimous resolution of the Town Board.
- C. Said enclosures shall be included in the County/Town tax bills only.

Section 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

#191-2022: MOTION was made by Supervisor Hartman to approve Local Law 8-2022 being a Local Law allowing for the enclosures of public concern with tax bills; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

13. Set Public Hearing for Proposed Local Law 9-2022: Rapid Entry System:

#192-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for proposed Local Law 9-2022 establishing a Fire Department Rapid Entry System to October 12, 2022 at 7:35 PM; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

14. Set Public Hearing for Proposed Local Law 10-2022: Mobile Food Vending:

#193-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for proposed Local Law 10-2022 regulating Mobile Food Vending to October 12, 2022 at 7:40 PM; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

15. Set Public Hearing for Proposed Local Law 11-2022: Transient Retail Merchants:

#194-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for proposed Local Law 11-2022 regulating Transient Retail Merchants to October 12, 2022 at 7:45 PM; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

16. Set Public Hearing for Proposed Local Law 12-2022: Peddling & Soliciting:

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#195-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for proposed Local Law 12-2022 regulating Peddling and Soliciting to October 12, 2022 at 7:50 PM; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

17. Eden Community Foundation Grants:

#196-2022: MOTION was made by Supervisor Hartman to approve the grant applications for Eden Community Foundation for transplanting of donated trees and for updates to the streetscape on Green and Depot Streets; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

18. Highway Boiler System:

Ron Maggs recommended MJ Mechanical for the boiler replacement in the amount of \$14,400

19. Farm Laborers Wage Board Resolution:

Councilperson Byrnes stated that the Buffalo News printed an article outlining the reduced overtime threshold for farmers from 60 hours to 40 hours per week and discussed how it would affect local farmers in the town of Eden. After further discussion he offered the following resolution:

WHEREAS The Town of Eden is in full support of Senator Borrello to repeal the act Section 674-a of the law, relating to establishing the Farm Laborers Wage Board and urging Governor Hochul to eliminate the three-member Farm Laborers Wage Board, and

WHEREAS the Wage Board is charged with making a recommendation on whether to reduce the current 60-hour overtime threshold for farm workers to 40 hours, and

WHEREAS in January 2022, after numerous public hearings on the issue that included testimony from farmers, farm workers and industry stakeholders, the Wage Board recommended lowering the threshold, despite the fact that 70 percent of the testimony conveyed the harm that would be caused by such a change, and

WHEREAS the Wage Board proposes four-hour decreases in the overtime threshold every other year. Farmers would pay overtime wages up front and then be reimbursed for overtime hours after the fact which it would be unlikely, hours worked over 60 hours would be covered by tax credit, and

WHEREAS the Wage Board has just one member with an agriculture background, making it ill-equipped to render sound, informed decisions concerning New York State's critically important agriculture industry, and

WHEREAS data from a 2021 Cornell University study is being ignored by the Wage Board which results in findings that show lowering the threshold would economically hurt both farmers and farm workers, and,

WHEREAS New York State farmers continue to face a tremendous number of challenges outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change regulations and mandates, land management policies, foreign and regional competition, NYS regulations, livestock and crop disease, and

WHEREAS farmers are heavily relied on to continue to produce food during shortages throughout the Country while keeping in mind, farmers and farm workers remained constant during the pandemic, and

WHEREAS New York State farms donate the majority of produce used in food pantries and local feeding programs. These programs will suffer due to higher mandated costs of labor, making less donated produce available to Nourish NY programs, and

WHEREAS Town of Eden is urging state legislators to provide the farmers and farm workers relief from the already onerous burden the Farm Workers Fair Labor Practices Act and other existing government mandates which have placed our farms at a competitive disadvantage with neighboring states and Canada. Now, therefore, be it

RESOLVED Town of Eden emphatically opposes any decrease to the 60-hour farm worker overtime threshold proposed by the Farm Laborers Wage Board. Be it further

RESOLVED Town of Eden urges Governor Hochul to strongly consider Senator Borrello's request of repealing the act, section 674-a of the labor law, relating to establishing the Farm Laborers Wage Board and eliminating the three-member Farm Laborers Wage Board. Furthermore, be it

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RESOLVED Town of Eden directs the Clerk of Eden to submit a copy of the adopted resolution to Governor Hochul, Senate Majority Leader Stewart-Cousins, NYS Assembly Speaker Heastie, Assemblyman Hawley, Senator Borrello, Senator Rath, NYS Labor Commissioner, NYS Agriculture and Markets Commissioner, NYS Farm Bureau, Erie County Farm Bureau, NYSAC and Inter-County Association of Western New York. Be it further

#197-2022: MOTION was made by Councilperson Byrnes to approve the resolution as presented; seconded by Councilperson Wilhelm; Ayes: Byrnes, Wilhelm, Sam, Ventry; Opposed: Hartman; Abstain: None; Motion carried.

Supervisor Hartman stated that she received the resolution that morning and did not have enough time to thoroughly research it, she offered a brief statement on her initial findings and said she would be voting no for that reason.

Supervisor's Report:

- Preparation of the 2023 Budget is in process, plan to remain below tax cap
- Grants in process – Swartz Park bathrooms/storage

Mike Byrnes: Dave DiPietro to present on new gun laws – Eden Legion 9/17/22 at 10:00am

Susan Wilhelm: Fire Department 100-year anniversary, advertisements available for their book

Rich Ventry: Congratulations to Jeff Winter on his retirement from Tops after 44 years of service

Hearing of Visitors:

The following visitors spoke:
Dan Malarkey

Elmer Ploetz spoke regarding the following:

- Asked about X's on the sidewalks and the County sewer lines.
 - Ron Maggs responded that some sidewalks in town are being replaced and that the County is in the process of relining some of the sewer lines in Eden.
- Expressed the farming resolution as well as the COVID mandate resolution is political
 - Councilperson Byrnes stated that farming is the largest industry in town and it's the Board's job to help protect it

#198-2022: MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and enter into Executive Session for the executive budget meeting; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Elmer Ploetz asked the Supervisor to be more specific regarding the topics discussed in the budget. Supervisor Hartman replied that it is to discuss salaries.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:55 P.M.

Executive Session closed at 9:00 PM

Respectfully Submitted by:

Emily Hawkins, Town Clerk