

November 9, 2022

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 East Church Street
Eden, NY 14057
November 9, 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
MICHAEL BYRNES - COUNCILPERSON

OTHERS PRESENT:

Emily Hawkins - Town Clerk
Susan Johnson - Assessor
Dave Rice - Code Enforcement Officer
Marlene Grunder - Administrative Assistant
Amy Porter - Recreation Director
Ron Maggs - Highway

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

Pledge of Allegiance

Approval of Minutes:

#219-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of October 12, 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.

#220-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of October 18, 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.

#221-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of October 26, 2022 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

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

Petitions: There were none.

Budget Transfers:

| From Account | To Account | Reason for Amendment | Amount |
|---|--|--|---------------|
| A917 Fund Balance | A9950.9 Transfer Out | Transfer to Capital for Town Hall Roof Project | \$1,033.20 |
| SW3991 State Aid- Water Capital Projects | SW884 Restricted - Reserve for Debt | Final Amount of Water Consolidation Project Grant Received | \$1,477.78 |
| D915.4 Assigned - Sidewalks | D5410.4 Sidewalks | Use of Assigned for Sidewalk Funds | \$20,248.00 |
| A2001 Parks & Rec Charges | A7140.4 Play & Rec Center-Contractual | Sponsors for Pedal Party to Cost of Pedal Party | \$2,938.00 |
| D5120.2 Maint Bridges - Equipment | D5110.4 Maintenance of Roads | Budget Amendment for Road Work | \$6,000.00 |

| | | | |
|---|--|---|-------------|
| D5120.4 Maint of Bridges - Contractual | D5110.4 Maintenance of Roads | Budget Amendment for Road Work | \$6,000.00 |
| D2770 Unclassified Revenue | D5110.4 Maintenance of Roads | Pipe Permit Fees for Materials | \$18,407.74 |
| A1355.1 Assessors - Personal | A1355.4 Assessors - Contractual | Cover partial amount of town portion of Hardt Road Appraisal | \$1,000.00 |
| A1990.4 Contingent Fund | A3620.4 Safety Inspection - Contractual | Overbudget from Added on Modules | \$1,600.00 |
| A899.1 Ambulance Rev Recovery | A4540.4 Ambulance | Revenue Recovery Monies for Budget | \$10,000.00 |
| A915.6 Assigned Non - Rec | A1640.4 Central Garage - Contractual | Use of Assigned Funds for Boiler | \$3,000.00 |
| A917 Fund Balance | A1640.4 Central Garage - Contractual | Oil & Stone Highway Driveways | \$26,007.29 |
| A2705 Gifts & Donations | A7110.4 Parks & Grounds - Contractual | Community Foundation Grant for Trees | \$4,680.00 |
| A7140.1 Playground & Rec - Personal | A7150.4 Special Rec Facilities - Contractual | Higher Chemical & Utility Costs | \$1,500.00 |

#222-2022: MOTION was made by Councilperson Ventry to approve the Budget Transfers as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Audit Bills:

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|--------------------|-----------------|--------------|
| General Fund | 705-783 | \$144,069.03 |
| Fire Dept. Fund | 232-255 | \$42,203.17 |
| Recreation Fund | 153-165 | \$10,565.97 |
| Water Fund | 16-17 | \$678.82 |
| Street Lights Fund | 41-44 | \$1,659.48 |
| Refuse Fund | 19 | \$47,307.77 |
| Highway Fund | 276-303 | \$68,307.51 |
| Capitol | 1 | \$1,033.20 |

#223-2022: 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 November 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 Blasz, Dog Control Officer, & Joseph Ghosen. All reports are on file in the Town Clerk’s office.

Emily Hawkins; Town Clerk and Highway Department are working on a free electronics recycling event for Spring. Blood drive scheduled at Town Hall on 11/21/22 2:00 PM-7:00 PM.

#224-2022: MOTION was made by Supervisor Hartman to remove Ronald Salzman from the active roster and thanked him for his many years of service; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Ron served for 61 years in the multiple positions. Serving in all of the fire department line offices including Fire Chief and then fire company social offices including president twice as well as serving on and chairing many committees over the years.

Public Comment on Agenda Items Only: There were none.

New and Unfinished Business:

- 1. Approve Fire Budget:**

#225-2022: MOTION was made by Supervisor Hartman to approve the 2023 Fire Budget as part of the 2023 Town Budget in the amount of \$475,155.35 or \$1.29 per thousand; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

2. Approval of Tentative 2023 Town Budget as Preliminary Budget:

Change from Preliminary Budget:

Refuse:

Additional garbage unit changes to 3,125 units at \$661,450.00 or \$210.00 per unit.

#226-2022: MOTION was made by Supervisor Hartman adopt the 2023 Town budget with the changes as read in the amount of \$4,462,753.26; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#227-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for Local Law 13-2022 Increasing the Maximum Exemption Amounts Under the Alternative Veterans Exemption; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:15 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 November, 2022 at 7:15 P.M. Local Time, for the purpose of considering the adoption of the following proposed Local Law 13-2022, Increasing the Maximum Exemption Amounts Under the Alternative Veterans Exemption as Authorized by New York State Real Property Tax Law. 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.

A Local Law Increasing the Maximum Exemption Amounts under the Alternative Veterans Exemption
As Authorized by New York State Real Property Tax Law

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EDEN AS FOLLOWS:

The Town of Eden Code, Chapter 192, Article I entitled “Alternative Veterans Exemption” is hereby amended as follows:

Section 1. The Town of Eden hereby increases the maximum exemptions for the alternative Veterans Exemption under Section 458-a of the Real Property Tax Law for Town taxation to the following levels in Town of Eden Code Section 192-1 to the following amounts:

| Real Property Tax Law Section 458-a | Maximum Exemption |
|--|--------------------------|
| Subdivision 2 (a) | \$30,000.00 |
| Subdivision 2 (b) | \$20,000.00 |
| Subdivision 2 (c) | \$100,000.00 |

Section 2. The aforesaid schedule shall be applied to taxable status dates starting in 2023.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State.

There was no one present to be heard.

#228-2022: MOTION was made by Supervisor Hartman to close the Public Hearing; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:17 PM.

3. Proposed Local Law Increasing Maximum Exemption for Veterans:

#229-2022: MOTION was made by Supervisor Hartman to adopt the proposed Local Law Increasing the Maximum Exemption Amounts Under the Alternative Veterans Exemption; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

4. Snow Plow Agreement:

BE IT RESOLVED that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

#230-2022: MOTION was made by Councilperson Ventry to approve the snow plow agreement with the Town of North Collins as read; seconded by Supervisor Hartman; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. Set Public Hearing:

St. John's Eden Community Care Center/St. John's Church – 2871 E. Church St, Eden, NY for the operation of a day care center.
SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower.
Schreiber Self Storage & Contractor Plaza – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor's plaza
James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility
Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower
Meagan Fay – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.
Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – R3274 Webster Road tower for operation of a Verizon Telecommunications Tower.
Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower
Cazenovia Recovery Systems, Inc. – 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center
Crescent Manufacturing – 8800 South Main St, Eden, NY for general industrial, storage, shipping and receiving
Eden Solar LLC – 7501 Sisson Highway, Eden, NY for operation of a utility scale solar energy system

#231-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the Renewal of Special Use Permits as presented to December 14, 2022 at 7:30 PM; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

6. Review Noise Ordinance:

The Town Board requested to review the Noise Ordinance at three and 6 months after it's passing. The Police Department provided two complaints received in the last three months.

7. Health Insurance Renewal:

#232-2022: MOTION was made by Supervisor Hartman to approve the 2023 Independent Health Insurance Renewal Rates as presented; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

8. Review Proposed Local Laws:

- A. 5G
- B. Special Event Permit
- C. Schedule of Fees

The Code Review Committee provided the Town Board the proposed Local Laws for review.

9. Set Public Hearing for Local Law – 5G Small Cell Wireless: Tabled

10. Set Public Hearing for Local Law – Special Event Permit:

#233-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the proposed Local Law for the Special Event Permits to December 14, 2022 at 7:45 PM; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

11. Set Public Hearing for Proposed Local Law – Schedule of Fees:

#234-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for the proposed Local Law for Schedule of Fees to December 14, 2022 at 7:50 PM; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

12. BENLIC Resolution:

A RESOLUTION SUBMITTED BY
MELISSA M. HARTMAN
OF THE TOWN OF EDEN

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proved highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Town of Eden, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that Town of Eden hereby officially requests that BENLIC acquire the following properties:

8701 West Ave., Eden SBL# 238.10-3-19.1,

9154 South State Street, Eden SBL# 237.00-3-24;

and be it further

RESOLVED, that the Town of Eden has completed the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this resolution; and be it further

RESOLVED, that the Town of Eden agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the Town of Eden agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein, BENLIC retains option to transfer to the Town of Eden, the Town of Eden agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

#235-2022: MOTION was made by Supervisor Hartman to approve the BENLIC resolution as presented; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

Supervisor's Report:

- Recognized the passing of Rose Nadrich who was a dispatcher for the Town of Eden in the Town of Hamburg. She thanked her for her many years of service to the community.

Rich Ventry: Thanked Lowe's for their donation to the Eden Boys & Girls Club for new flooring and paint

Susan Wilhelm: Planning Board approve new signage for Surefine and Dairy Queen

Hearing of Visitors:

John Hund: Voiced concerns over lack of signage on Shadagee Road between Rte 62 and the Thruway underpass stating clearance height. He informed the Town Board that the tractor trailers turn around in his driveway causing damage to his property, most recently on October 28th a 100 ft. rut 7.5 inches deep. Supervisor Hartman and Ron Maggs stated they would look into the issue and contact the county.

November 9, 2022

#235-2022: MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and enter into Executive Session for Highway Contractual and personnel; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:40 P.M.

Executive Session closed at 8:15 PM

Respectfully Submitted by:

Emily Hawkins, Town Clerk