

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
September 13, 2023 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:**

RICH VENTRY - SUPERVISOR  
SUSAN WILHELM - COUNCILPERSON  
MICHAEL BYRNES - COUNCILPERSON  
GARY SAM - COUNCILPERSON  
VINCENT VACCO - COUNCILPERSON

**OTHERS PRESENT:**

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

Supervisor Ventry called the meeting to order at 7:05 P.M.

**Pledge of Allegiance**

**Approval of Minutes:**

#126-2023: MOTION was made by Supervisor Ventry to approve the Town Board Minutes of September 9, 2023 and September 30, 2023; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Petitions:** None.

**Budget Transfers:**

**September 2023**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A889 Restricted - Commercial Permit Fees	A8010.4 Planning - Contractual	Use of Commercial Permit Fee Escrow	\$840.00
A889 Restricted - Commercial Permit Fees	A2115 Planning Board Permit Fees	Return of Commercial Permit Fee Escrow	\$2,220.00
SW917 Water - Fund Balance	SW9710.7 Bond Interest	Rounding	\$0.04
SW917 Water - Fund Balance	SW.8320.4 Water Maintenance	Town & County Taxes	\$8.05
A899.1 Restricted - EMS	A4540.2 Ambulance - Equipment	Revenue Recovery Funds for Side by Side and Legal Notice	\$46,690.00
A1990.4 Contingent Fund	A1910.4 Unallocated Insurance	Increase In Insurance Renewal	\$8,200.00
A1620.4 Town Hall - Contractual	A9950.9 Transfer Out to Capital	Transfer for Legal Notices - Roof Project	\$460.06
H5031 Transfer In- Capital	H1620.4 Capital - Roof Project	Transfer from General for Legal Notices Roof Project	\$460.06

**#127-2023: MOTION** was made by Supervisor Ventry to approve the Budget Transfers as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Audit Bills:**

<b>September 2023</b>		
<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	535-624	\$80,903.97
Fire Dept. Fund	201-223	\$19,954.41
Recreation Fund	153-164	\$3,513.63
Water Fund	14-15	\$767.09
Street Lights Fund	30-32	\$932.78
Refuse Fund	16-18	\$96,622.24
Highway Fund	189-224	\$51,983.25
Capital H1620.4	3-5	\$460.06

**#128-2023: MOTION** was made by Councilperson Wilhelm 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 2023 were submitted by Scott Crowe, East Eden Fire Chief; Malcolm VanKoughnett, Eden Fire Chief; Susan Johnson, Assessor; Greg Savage, Eden Police Chief; Emily Hawkins, Town Clerk; Dave Rice, Code Enforcement Officer & Buildings and Grounds; Drew Riedel, Recreation Director; Nick Blaszczyk, Dog Control Officer and Joseph Ghosen. All reports are on file in the Town Clerk’s office.

**Committee Reports:**

Town Board Members gave updates on various boards, committees, and departments.

**Public Comment on Agenda Items Only:** No public comment.

**New and Unfinished Business:**

**1. Set Public Hearing for Community Development Block Grant:**

**#129-2023: MOTION** was made by Supervisor Ventry to set the Public Hearing for the Community Development Block Grant to October 11, 2023 at 7:30 PM; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**2. Set Public Hearing for Town Budget:**

**#130-2023: MOTION** was made by Councilperson Wilhelm to set the Public Hearing for the Town Budget to October 25, 2023 at 7:00 PM; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**3. Set Public Hearing for Possible Override of Tax Cap:**

**#131-2023: MOTION** was made by Supervisor Ventry to set the Public Hearing for the possible tax cap override to October 25, 2023 at 7:30 PM; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**4. Set Public Hearing for Fire District Budget:**

**#132-2023: MOTION** was made by Supervisor Ventry to set the Public Hearing for Fire District Budget for October 17, 2023 at 6:00 PM; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**5. Town Hall Roof Bids:**

**#133-2023: MOTION** was made by Supervisor Ventry to award the Roof Restoration and Shingle Area A (high work area) portion of the Eden Town Hall Roof and Masonry Project to Titan Roofing, 200 Tapely Street, Springfield, MA in an amount not to exceed \$285,000.00; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The following bids were received for Shingle Area A:

Progressive Roofing:	\$399,000
Jameson Roofing:	\$383,000
Titan Roofing:	\$285,000
Jos A. Sanders	\$313,022

**6. Selective Insurance Renewal:**

**#134-2023: MOTION** was made by Supervisor Ventry to approve Selective Insurance renewal in the amount of \$121,855.36; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**7. Cyber Insurance Renewal:**

**#135-2023: MOTION** was made by Supervisor Ventry to approve they cyber insurance renewal with Underwriters at Lloyd’s and other insurers as prepared by JENCAP in the amount of \$4,319.38; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**8. October Town Board Meeting/Budget Meeting:**

Next Town Board Meeting will be held on October 11, 2023 at 7:00 PM at the East Eden Fire Hall, 8097 East Eden Rd.

Town Budget Meeting will be held on September 18, 2023 at 4:00 PM.

**#136-2023: MOTION** was made by Supervisor Ventry to open the Public Hearing for the proposed local law which will amend the Zoning Law of the Town of Eden to rezone parcels located at 2119 and 2023 Derby Road from Light Industrial to Rural Residential; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:30 PM.

There was no one present to be heard.

**#137-2023: MOTION** was made by Supervisor Ventry to close the Public Hearing and open the regular meeting; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**9. Zoning Amendment SEQRA Declaration:**

SEQRA NOTICE LEAD AGENCY DESIGNATION AND  
 DETERMINATION OF SIGNIFICANCE  
 FOR TOWN OF EDEN CODE AMENDMENTS

Whereas, in 2018, the Eden Board duly adopted a new Town Comprehensive Plan and subsequently made amendments to the Town of Eden Zoning Code as part of the implementation of said Comprehensive Plan; and

Whereas, it was recently discovered that two parcels (commonly known as 2119 and 2023 Derby Road) were inadvertently omitted from changes to the Eden Zoning Code, resulting in those parcels being incorrectly zoned as Light Industrial rather than Rural Residential; and

Whereas, the Town of Eden, on its own initiative, is now taking steps to correct those inadvertent omissions; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the project is determined to be a Type 1 Action and the Eden Board previously declared itself Lead Agency to determine if the proposed action will have a significant effect on the environment; and

Whereas, the Eden Board has taken a hard look at the impacts of such action and has determined such actions to be consistent with the 2018 Town Comprehensive Plan and the Town has considered all comments, if any from other involved agencies.

Now Therefore Be It Resolved that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Eden Board finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration.

**#138-2023: MOTION** was made by Supervisor Ventry to approve the Resolution as presented; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**10. Zoning Amendment:**

**#139-2023: MOTION** was made by Supervisor Ventry to adopt Local Law #3 of 2023 which amends the Zoning Law of the Town of Eden to rezone parcels located at 2119 and 2023 Derby Road from Light Industrial to Rural Residential; seconded by Councilperson Vacco; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**#140-2023: MOTION** was made by Supervisor Ventry to open the Public Hearing the proposed local law imposing a 6-month moratorium on the issuance of applications and permits for the siting of Wind Energy Conversion Systems; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:35 PM.

The following people spoke in support of the moratorium and in opposition to windmills:

- Ann Moritz
- Ross Moritz
- Diane Caruana
- Steve Bonnes
- Dana Winter
- Norm Sandel
- Wayne Luther
- Kathy Quintana
- Greg Genco
- Nicole Barker
- Jim Bebber
- Edward Bonnes
- Carol Knight
- Emily Hawkins
- Casey Sercu

Supervisor Ventry explained that the 6-month time frame for the moratorium was suggested by the Town Attorney and that it could be extended.

**#141-2023: MOTION** was made by Supervisor Ventry to close the Public Hearing and and open the regular meeting; seconded by Councilperson Vacco; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**11. Windmill Moratorium:**

TOWN OF EDEN

PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2023

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the Siting of Wind Energy Conversion System (WECS) Projects pursuant to Chapter 217 of the Town of Eden Code in order to allow for the consideration and possible adoption of appropriate amendments to existing regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Eden (“Town”) as follows:

**WHEREAS**, given recent trends and activities in neighboring communities, Eden expects to receive inquiries about siting and locating WECS installations on lands within the Town of Eden, and

**WHEREAS**, current local laws, ordinances and regulations may not adequately address some significant issues and concerns which must be considered to fairly address the impacts of siting such uses in the Town, and

**WHEREAS**, the Town Board has determined that it is necessary to protect the public interest and welfare by imposing a temporary moratorium on new siting, location and establishment of WECS Projects while the Town undertakes a close review of additional concerns and issues raised by these uses, and

**WHEREAS**, such moratorium is intended to allow the Town sufficient and necessary time to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town’s comprehensive plan.

**NOW, THEREFORE,** the Town Board of the Town of Eden hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Eden with respect to the siting, location or establishment of Wind Energy Conversion System Projects within the Town of Eden pursuant to Eden Code Chapter 217 for a period of six (6) months from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

As used in this law, the term “Wind Energy Conversion System [WECS]” and/or “WECS Project(s)” follow the definition set forth in Chapter 217 of the Town of Eden Code.

This local law is intended to supersede all applicable provisions of the Town of Eden Code, to the extent required to give effect to the provisions hereof for the effective period hereof.

**#142-2023: MOTION** was made by Supervisor Ventry to approve Local Law #4 as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Hearing of Visitors:**

**Supervisor’s Report:**

- Letter from Eden Central School student regarding the importance of public safety awareness for first responders
- Eden Fire Department Community Day 9/16

**#143-2023: MOTION** was made by Supervisor Ventry to close the meeting of the Eden Town Board; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Regular Meeting was adjourned at 8:35 P.M.

Respectfully Submitted by:

Emily Hawkins, Town Clerk