

February 11, 2009

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
FEBRUARY 11, 2009  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Deputy Supervisor</i> )
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
John McCarthy	-	Lieutenant
Scott Hultquist	-	Eden Emergency Squad
Chris Colvin	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Susan Brass	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 14, 2009; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of January 14, 2009 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of January 28, 2009; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of January 28, 2009 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

From Account	To Account	Reason for Amendment	Amount
A6772.4 Senior Transportation	A45404. Squad	Additional payables overbudget	\$500.00
SW8320.4 Water-Contractural	SW9901.9 Transfer out	Towns portion of Water Grant	\$24,943.56

**MOTION** was made by Councilwoman Pew to approve the Budget Amendments as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Audit Bills:**

Supervisor Nellis asked if there were any changes or additions to the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	22-86	\$169,053.17
Highway Dept. Fund	5-31	\$52,985.76
Fire Dept. Fund	6-31	\$6,740.31
Recreation Dept. Fund	6-10	\$3,661.92
Refuse and Garbage Fund	2	\$45,838.31
Street Lights Fund	1	\$4,116.46
Water Fund	2-3	\$5,066.18
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**2009 Payables**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	783-795	\$8,895.63
Highway Dept. Fund	379-380	\$822.17
Fire Dept. Fund	270-278	\$4,728.93
Recreation Dept. Fund	155-159	\$597.82
Refuse and Garbage Fund	--	--
Street Lights Fund	36-37	\$1,304.17
Water Fund	37	\$506.22
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of January 2009 were presented by Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Rick Kirst for Andrew Breier, East Eden Fire Chief; John McCarthy, Eden Lieutenant; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

February 11, 2009

Scott Hultquist, Director of Operations for Eden Emergency Squad requested permission to order extrication gear that was approved in the 2009 Emergency Squad budget.

**MOTION** was made by Councilwoman Pew to approve the expenditure for extrication gear for the Eden Emergency Squad; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Chris Colvin, Eden Fire Chief requested the Town Board add Frederick Sickau to the active roster of the Eden Fire Department pending a physical and arson check.

**MOTION** was made by Councilwoman Pew to add Frederick Sickau to the active roster of the Eden Fire Department pending a physical and arson check; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Motion carried.

Ron Maggs, Highway Superintendent requested up to \$30,000 from the Equipment Reserve Account D9950.9 for the purchase of a new wheel loader from state bid, as budgeted, subject to Permissive Referendum.

**MOTION** was made by Supervisor Nellis to approve the request of Ron Maggs, Highway Superintendent for \$30,000 from the Equipment Reserve Account D9950.9 for the purchase of a new wheel loader from state bid, as budgeted, subject to Permissive Referendum; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Ron Maggs, Highway Superintendent requested a bid opening for Motor Fuels and Related Services for Wednesday, March 4, 2009 at 10:00 a.m. This annual bid includes no lead, kerosene and related services for a one-year period from April 1, 2009 through March 31, 2009. These pumps are used by the Highway, Fire, Emergency Squad, Recreation, Police, Dog Control and Senior Citizens vehicle.

**MOTION** was made by Councilwoman Pew to set the bid opening for Motor Fuels and Related Services for Wednesday, March 4, 2009 at 10:00 a.m. in the Town Clerk’s office; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney requested setting a Public Hearing for Proposed Local Law #1 – A Local Law Amending the Town of Eden Zoning Law, Supplemental Use Regulations, Regarding Home Occupations, To Bring the Local law into Compliance With the New York State Uniform Code Requirements and Proposed Local Law #2 – A Local Law Amending the Public Improvement Law of the Town of Eden, for March 11, 2009 at 8:00 p.m.

**MOTION** was made by Councilman Vacco to set the Public Hearing for March 11, 2009 at 8:00 p.m. for Proposed Local Laws #1 and #2; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

**MOTION** was made by Councilman Ventry to open the Public Hearing for the purposes of Incorporation of the East Eden Fire Company (Social Club); seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 p.m.

**8:00 P.M.**

**NOTICE OF PUBLIC HEARING**

The Eden Town Board will hold a public hearing on Wednesday, February 11, 2009 at 8:00 p.m. in the Eden Town Hall, 2795 East Church Street, Eden, New York regarding a request that the Town Board consent to the formation of a fire corporation within the Town of Eden.

As required by Section 404 of the Not-For-Profit Corporation Law, the name of the proposed corporation is “East Eden Volunteer Fire Company, Inc.”, the name of the person signing the certificate of incorporation is John H. McCarthy and the territory to be protected by the fire company is the same territory which is protected by the Eden Fire Department, No. 2, aka East Eden Fire Department.

At such public hearing, all interested parties will be given an opportunity to be heard.

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing.

**MOTION** was made by Councilman Krycia to close the Public Hearing; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Krycia to open the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD**

**WHEREAS**, the East Eden Fire company has a long and distinguished history of volunteer service to residents, businesses and property owners of the Town of Eden; and

**WHEREAS**, the business activities of the East Eden Fire Company, including fundraising, have historically been carried on by the membership of the East Eden Fire company as an unincorporated association; and

**WHEREAS**, the membership of the East Eden Fire company seek to incorporate so as to better manage and document business operations and has requested the consent of the Eden Town Board to such incorporation; and

**WHEREAS**, a public hearing on such request has been held as required by Section 494 of the Not-For-Profit Corporation Law.

**NOW, THEREFORE IT IS RESOLVED** that the Town Board of the Town of Eden hereby consents to the incorporation of the East Eden Fire Company, Inc. as a fire corporation under Section 1401 of the New York State Not-For-Profit Corporation Law and the Supervisor and Town Board are authorized to provide written confirmation of this consent as may be required by law.

**MOTION** was made by Councilwoman Pew to approve the resolution as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**New and Unfinished Business:**

**1. Appointments to Conservation Board**

Supervisor Nellis read correspondence from Frank Mantione, Chairman, Eden

Conservation Board recommending the appointment of Michael M. Brynes to fill a vacant position on the Eden Conservation Board for the remainder of 2009 and all of 2010.

**MOTION** was made by Councilwoman Pew to appoint Michael M. Brynes to the Eden Conservation Board for the remainder of 2009 and all of 2010; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Supervisor Nellis read the following appointments to the Speed Limit Review Committee:

Ron Maggs – 2-year term as Chairman  
Vince Vacco – 2-year term  
Rich Ventry – 1-year term  
Robert Stickney – 2-year term  
John McCarthy – 1 year term  
Town Engineer  
Cindy Kugler – as secretary

**MOTION** was made by Councilman Ventry to approve the appointments to the Speed Limit Review Committee as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

## **2. Water Projects Progress Report**

Steven Waldvogel, Engineer for CRA requested the Town Board receive and file the Map, Plan and Report for the creation of Proposed Water District No. 5, No. 6 and No. 7.

**MOTION** was made by Supervisor Nellis to receive and file the Map, Plan and Report for the creation of Proposed Water District No. 5, No. 6 and No. 7 as presented by Conestoga-Rovers & Associates (CRA); seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis read the following resolution:

### **RESOLUTION OF THE EDEN TOWN BOARD REQUESTING LEAD AGENCY STATUS**

**WHEREAS,** the Town Board of the Town of Eden, Erie County, New York is in receipt of a Map Plan and Report for the establishment of Town of Eden Water District No.5; and

**WHEREAS,** the proposed creation of Town of Eden Water District No. 5 is an Unclassified Action under the State Environment Review Act (“SEQRA”); and

**WHEREAS,** the Town of Eden would be the primary agency involved,

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Eden hereby requests Lead Agency status in connection with environmental review process to be conducted under SEQRA for the proposed creation of Town of Eden Water District No. 5; and it if further

**RESOLVED** that Supervisor Glenn R. Nellis is authorized to sign all documents necessary to give effect to this resolution.

**MOTION** was made by Councilwoman Pew to approve the resolution as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

William Trask, Town Attorney read the following resolution:

February 11, 2009

**ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
MARCH 11, 2009  
REGARDING THE PROPOSED  
ESTABLISHMENT OF TOWN OF EDEN  
WATER DISTRICT NO. 5**

WHEREAS, the Town Board of the Town of Eden (herein called ‘Town Board’ and ‘Town’, respectively), in the County of Erie, New York, has, pursuant to Town Law Article 12-A, caused CRA Infrastructure & Engineering, Inc. competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Water District No. 5 (the ‘District’), which map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said map, plan and report proposed a water system to be installed along roadways and within right-of-ways previously disturbed by the construction of roads, ditches and utilities. The District will receive water from the Erie County Water Authority through various transmission mains. Approximately 57,100 lineal feet of 8-inch waterline will be installed along roadways in the District including, but not limited to, Bauer Road, Belknap Road, Bley Road, Ferrier Road, March Road, Hemlock Road and New Jerusalem Road, including all related right-of-way costs, new service installation, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (collectively referred to herein as ‘Water Improvement’); and

WHEREAS, the proposed District is bounded and described as follows:

**Town of Eden - Proposed Water District No. 5**

All that tract or parcel of land situate in the Town of Eden, County of Erie, State of New York, and lying within Township 8, Range 8, Lot 11, Lot 17, Lot 18, Lot 19, Lot 25, Lot 26, Lot 31, Lot 32, Lot 33, Lot 34, Lot 38, Lot 39, Lot 40, Lot 41, Lot 42, Lot 46, Lot 47, Lot 48, Lot 49, Lot 52, Lot 53, Lot 54, Lot 55, Lot 56, Lot 59, Lot 61 and Lot 64 of the Holland Land Company’s survey and consisting of two (2) Sections being further described as follows:

**Eden Water District No. 5-Section 1**

BEGINNING AT THE POINT OF INTERSECTION of the northwest corner of tax parcel no. 207.00-1-1.1 with the north line of the Town of Eden; thence southwesterly along the west line of 207.00-1-1.1 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-1.1 and an extension thereof to a point in the west line of 207.00-1-19; thence southwesterly along the west line of 207.00-1-19 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-19 to a point in the west line of Route 90 as a varied-width New York State Thruway right-of-way; thence northerly, easterly and then northerly again along the west line of Route 90 as a varied width New York State Thruway right-of way to a point in the south line of Shadagee Road as a 66 foot wide County right-of-way; thence southeasterly along the south line of said Shadagee Road to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwesterly along the east line of said Route 90 to

the northeast corner of 207.00-1-6.11; thence southwesterly, southeasterly and southwesterly again along the north line of 207.00-1-6.11 to the northwest corner thereof; thence southerly along the west line of 207.00-1-6.11 to the southwest corner thereof; thence easterly along the south line of 207.00-1-6.11 to the northwest corner of 207.00-2-15.1; thence southerly along the west line of 207.00-2-15.1 to the northwest corner of 207.00-2-14; thence easterly along the north line of 207.00-2-14 to the northeast corner thereof; thence southerly along the east line of 207.00-2-14 to the southeast corner thereof and the north line of Ferrier Road; thence easterly along the north line of Ferrier Road to the southeast corner of 207.00-2-16; thence northerly along the west line of 207.00-2-16 to the northwest corner thereof; thence easterly along the north line of 207.00-2-16 to the northeast corner thereof; thence southerly along the east line of 207.00-2-16 to the southeast corner thereof and a point in the south line of 207.00-2-15.1; thence easterly along the south line of 207.00-2-15.1 and the north line of Ferrier Road to its intersection with northerly extension of the east line of 207.00-1-7 thence southerly along the said northerly extension and continuing along the east lines of 207.00-1-7 and 207.00-1-6; to the southeast corner of 207.00-1-6; thence westerly along the south line of 207.00-1-6 to the southwest corner thereof and the east line of 207.00-1-5, also being a point in the west line of 207.00-2-15.1; thence southerly along the east line of 207.00-1-5 and the west line 207.00-2-15.1 to the southwest corner of 207.00-2-15.1 thence easterly along the south of 207.00-2-15.1 to the west line of the easterly-most part of 207.00-1-29.2; thence northerly along said west line of said easterly-most part of 207.00-1-29.2 to the north line of such part and the south line of 207.00-2-15.1 thence easterly along the south line of 207.00-2-15.1 to the east line thereof thence southerly to a point in the north line of 222.00-1-25.1; thence westerly along the north line 222.00-1-25.1 to the northwest corner thereof; thence southerly along the west line of 222.00-1-25.1, and the west line of 222.00-1-25.2 and the extension thereof to the northwest corner of 222.00-1-19 and the intersection of the north line of Derby Road and the east line of March Road; thence southeasterly along north line of Derby Road and the west line of 222.00-1-19 to the southwest corner thereof; thence northeasterly along the south line of 222.00-1-19 to a point in the west line of 222.00-1-20; thence southeasterly along the west line of 222.00-1-20 to the southwest corner thereof; thence northeasterly along the south line of 222.00-1-20 to a point in the south line of 222.00-1-22; thence easterly along the south lines of 222.00-1-22 and 222.00-1-23.1 to the southeast corner of 222.00-1-23.1 and the west line of 223.00-5-1.11; thence southerly along the west line of 223.00-5-1.11 to the southwest corner thereof; thence easterly along the south line of 223.00-5-1.11 to the southeast corner thereof; thence northerly along the east line of 223.00-5-1.11 and 223.00-5-1.2 to the southwest corner of 223.00-5-3; thence easterly along the south line of 223.00-5-3, and 223.00-5-5.112 to a point in the west line of 223.00-5-5.112 and the northeast corner of 223.00-5-4.11; thence southerly along the west line of 223.00-5-5.112 to the southwest corner thereof and the north line of 223.00-5-6.1; thence easterly along the south lines of 223.00-5-5.112, 223.00-5-5.111, and 223.00-5-5.12 to the southeast corner of 223.00-5-5.12; thence northerly along the east line of 223.00-5-5.12 to the southwest corner of 223.00-1-36; thence easterly along the south lines of 223.00-1-36, 223.00-1-35, 223.00-1-33, and 223.00-1-19.111 to the northeast corner of 223.00-1-31 and a point in the west line of Schreiner Road as a 49.5 foot Town right-of-way; thence northerly along the west line of Schreiner Road to the south line of March Road; thence easterly along the south line of March Road to the northwest corner of 223.00-1-37; thence southerly along the west line of 223.00-1-37 to the southwest corner thereof; thence easterly along the south line of 223.00-1-37, and 223.00-1-25.11 to a point in the west line of 223.00-1-25.11; thence southerly along the west line of 223.00-1-25.11 to a point in the south line thereof and the southeast corner of 223.00-1-29.111; thence easterly along the south lines of 223.00-1-25.11, 223.00-1-26.2, and 223.00-1-28 to the southeast corner of 223.00-1-28; thence northerly and westerly along the east line of 223.00-1-28 to the northeast corner thereof a point in the south line of March Road as a 49.5 foot Town right-of-way; thence easterly along the south line of March Road to its southern most intersection with the west line of 223.00-2-7; thence southerly along the west line of 223.00-2-7 to the southwest corner thereof; thence easterly along the south lines of 223.00-2-7 and 223.04-1-26 to a point in the east line of 223.04-1-26; thence northerly along the east line of 223.04-1-26 to a point in the south line thereof; thence northeasterly along the south line of 223.04-1-26 to a point in the centerline line of Shadagee Road as a 66 foot County right-of-way; thence northwesterly along the centerline of Shadagee Road as a 66 foot County right-of-way to a point in the east line

of 223.00-2-7; thence northerly along the east line of 223.00-2-7 to the northeast corner thereof; thence westerly along the north line of 223.00-2-7 to a point in the east line of the railroad right of way also designated as tax parcel 223.00-2-6; thence northeasterly along the east line of 223.00-2-6 to the southwest corner of 208.00-4-20.2; thence easterly along the south line of 208.00-4-20.2 to the southeast corner thereof; thence northerly along the east line of 208.00-4-20.2 to the northeast corner thereof; thence westerly along the north line of 208.00-4-20.2 to a point in the east line of the railroad right of way also designated as tax parcel 208.00-4-8 ; thence northeasterly along the east line of 208.00-4-8 to the southwest corner of 208.00-4-14; thence easterly along the south line of 208.00-4-14 to the southeast corner thereof; thence northerly along the east line of 208.00-4-14 to the south branch of Eighteen Mile Creek; thence northerly, along the south branch of Eighteen Mile Creek as it borders the following parcels 208.00-4-14, 208.00-4-40, 208.00-4-39.1, 208.00-4-11, 208.00-4-10, 208.00-4-9, 208.00-4-5.1, 208.00-4-8, 208.00-4-5.1, 208.00-4-4, 208.00-4-3.11, 208.00-4-3.12, 208.00-4-2.1, and 208.00-4-1 to a point in the north line of the Town of Eden and the northeast corner of 208.00-4-1; thence westerly along the north line of the Town of Eden and the north lines of 208.00-4-1, 208.00-3-3, 208.00-3-2.1, 208.00-3-1, 208.00-2-8.11, 208.00-2-8.12, 208.00-2-8.2, and 208.00-2-7 to the northwest corner of 208.00-2-7; thence southerly along the west line of 208.00-2-7 to the northeast corner of 208.00-2-6 and the Eighteen Mile Creek ; thence southerly and westerly along the Eighteen Mile Creek and the north line of 208.00-2-6, 208.00-2-4, 208.00-2-3, 208.00-1-26, 208.00-1-27, 208.00-1-29, 208.00-1-34, 208.00-1-36, 208.00-1-37, 208.00-1-39.1, 207.00-1-15, 207.00-1-14, 207.00-1-13, 207.00-1-12, and 207.00-1-11 to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwesterly along the east line of Route 90 to a point in the north line of Shadagee Road as a 66 foot County right-of-way; thence northwesterly along the north line of Shadagee Road to a point in the west line of Route 90 as a varied-width New York State Thruway right-of-way; thence northeasterly along the west line of Route 90 and the east line of 207.00-1-8.1 to the southeast corner of 207.00-1-8.12; thence westerly along the south line of 207.00-1-8.12 to the southwest corner thereof; thence northerly along the west line of 207.00-1-8.12 to the north line of the Town of Eden; thence westerly along the north line of the Town of Eden to the point or place of beginning.

**Excluding: 223.00-2-6 and 223.00-2-8 (Erie Lackawanna Railroad) County of Erie**

### **Eden Water District No. 5-Section 2**

BEGINNING AT A POINT in the centerline of Carpenter Road as a 66 foot wide Town right-of-way (also being the west line of the Town of Eden) at the southwest corner of Sublot No.3 on Map Cover 2914 filed in the Erie County Clerk's Office, being part of tax parcel 253.00-1-1.311; thence easterly along the south line of 253.00-1-1.311 to the southeast corner of Sublot No. 2 as shown on Map Cover 2914 being a point in the west line of Sublot No. 1 as shown on Map Cover 2914; thence southerly along the west line of Sublot No.1 as shown on Map Cover 2914 to the southwest corner thereof as part of 253.00-1-1.311; thence easterly, northerly and again easterly along the south line of 253.00-1-1.311 to the southeast corner thereof and the west line of 237.00-1-23; thence southerly along the west line of 237.00-1-23 to the southwest corner thereof; thence easterly along the south line of 237.00-1-23 to the southeast corner thereof; thence northerly along the east line of 237.00-1-23 to the southwest corner of 237.00-1-22.11; thence easterly along the south line 237.00-1-22.11 to the southeast corner thereof; thence southerly along the west line of 237.00-1-20 to the southwest corner thereof; thence easterly along the south line of 237.00-1-20 to a point in the east line of 237.00-1-20 and the southwest corner of 237.00-3-30; thence northerly along the west lines of 237.00-3-30, 237.00-3-29, 237.00-3-28 and 237.00-3-23 to a point in the south line of 237.00-1-20; thence easterly along the south line of 237.00-1-20 to the east line thereof; thence northerly along the east line of 237.00-1-20 to the southwest corner of 237.00-3-48.1; thence easterly along the south lines of 237.00-3-48.1, 237.00-3-42.21, and 237.00-3-41.1 to the southeast corner of 237.00-3-41.1 and the southwest corner of 237.00-3-38; thence northerly along the west line of 237.00-3-38 to the northwest corner thereof and to a point in the south line of 237.00-3-39.1; thence easterly along the south line of 237.00-3-39.1 and 237.00-3-37 to the southeast corner of 237.00-3-37; thence northerly along the



east line of 237.00-3-37 and an extension thereof to a point in the centerline of New Jerusalem Road as a 66 foot wide Town right-of-way; thence easterly along the centerline of New Jerusalem Road to its intersection with the extension southerly of the east line of 237.00-3-12.1; thence northerly along such extension and the east line of 237.00-3-12.1 to the northeast corner thereof and the south line of 237.00-2-14; thence easterly along the south lines of 237.00-2-14, 237.00-2-12, 237.00-2-10, and 237.00-2-8 to the southeast corner 237.00-2-8; thence northerly along the east line of 237.00-2-8 to the southwest corner of 238.00-5-41; thence easterly along the south lines of 238.00-5-41, 238.00-5-39.1, 238.00-5-38, 238.00-5-37, 238.00-5-36.11, and 238.00-5-36.12 to the southeast corner of 238.00-5-36.12; thence northerly along the east line of 238.00-5-36.12 to the centerline of Hemlock Road as a 49.5 foot wide Town right-of-way; thence westerly along the centerline of Hemlock Road to its intersection with the southerly extension of the east line of 238.00-5-10; thence northerly along such extension and the east line of 238.00-5-10 to the northeast corner thereof; thence westerly along the north lines of 238.00-5-10, 238.00-5-8, 238.00-5-7, 238.00-5-5, 238.00-5-3, 238.00-5-1.11, 237.00-2-7.11, 237.00-2-6, 237.00-2-24, 237.00-2-3, 237.00-2-1.11, 237.00-2-1.12, 237.00-1-13.2, 237.00-1-12.12, 237.00-1-12.21, 237.00-1-11.1, 237.00-1-10, 237.00-1-9, 237.00-1-8 and 237.00-1-7, and continuing across Hemlock Road to the southeast corner of 222.00-2-33; thence northerly along the east line of 222.00-2-33 to the northeast corner thereof; thence westerly along north line 222.00-2-33 to the northwest corner thereof; thence southerly along the west line of 222.00-2-33 to the southwest corner thereof and the north line of 237.00-1-4.1; thence westerly along the north line of 237.00-1-4.1 to the northwest corner thereof; thence southerly along the west line of 237.00-1-4.1 to the southwest corner thereof and the north line of 237.00-1-28; thence westerly along the north lines of 237.00-1-28 and 237.00-1-29 to the northwest corner thereof and the west line of the Town of Eden; thence southerly along the west line of the Town of Eden to the point or place of beginning.

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$5,880,000, which amount is to be financed by the issuance of serial bonds in an amount not to exceed \$5,880,000, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Erie, and/or local funds and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be \$929 (such amount includes construction financing costs (debt service), estimated annual water usage costs and hydrant fees); and each property will also have to provide for service from their home to the property line and internal plumbing modifications to set a meter and valves at an estimated one-time cost of approximately \$1,500.

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, East Church Street, Eden, New York, on March 11, 2009, at 8:15 o'clock p.m. (Prevailing Time) to hear all persons interested in the Establishment of the Town of

Eden Water District No. 5, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspapers designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing, and be it

FURTHER ORDERED, that the Town Clerk mail by first class mail to each owner of the taxable real property in the District, a copy of this Order; and be it

FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

**MOTION** was made by Councilwoman Pew to adopt the resolution as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? - None;

Steven Waldvogel, CRA suggested that an informational meeting be scheduled for residents in Proposed Water Districts No. 6 and No. 7 for March 12, 2009 and 7:00 p.m and 8:00 p.m. respectively.

**MOTION** was made by Supervisor Nellis to schedule an informational meeting for March 12, 2009 at 7:00 and 8:00 p.m. respectively for residents in Proposed Water Districts No. 6 and No. 7; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

### **3. Resolution on Lateral Extensions**

Supervisor Nellis recommended that this agenda item be moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

### **4. Resolution – Justice Court**

Supervisor Nellis read the following resolution:

#### **RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE 2008 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED** the Eden Town Board hereby authorizes Town Justice Michael Cooper to file an application for office supplies/equipment funding (to include 100 chairs, office safe, shredder, label printer and cash box) from the New York State Office of Court Administration 2008 Justice Court Assistance Program.

**MOTION** was made by Councilman Krycia to approve the resolution as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

#### **Supervisor’s Report:**

Supervisor Nellis read correspondence from Robert M. Graber, Clerk of Erie County Legislature regarding an updated proposal to establish an Erie County Planning Board.

February 11, 2009

**Hearing of Visitors:**

Wilbert Smutz  
Joe Klug  
Ray Zabron  
Resident from Derby Road

**Adjournment:**

**MOTION** was made by Councilwoman Pew to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:50 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk