

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 12, 2014  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN
FRAN MCLAUGHLIN	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Mark Cavacoli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 6:00 P.M. (Mary Jo Hultquist, Town Clerk, was not present at that time).

**MOTION** was made by Councilman Ventry to enter into Executive Session to discuss personnel; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to return to the Regular Meeting of the Eden Town Board at 7:30 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Pledge of Allegiance:**

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

**Guest:**

Supervisor Nellis introduced Stefan Mychajliw, Erie County Comptroller. Mr. Mychajliw gave an overview as to how the office of Comptroller works and that they have been cross-training employees to be more efficient. The office is also using electronic pay with M & T Bank, which is resulting in great savings. Mr. Mychajliw is visiting many towns and villages in Erie County.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 8, 2014; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of October 8, 2014 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 October 21, 2014; there were none.

**MOTION** was made by Councilman McLaughlin to approve the Town Board Minutes of October 21, 2014 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 October 22, 2014; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of October 22, 2014 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
D878.2 Highway Equipment Reserve	D5130.2 Machinery – Equipment	Use of reserve for purchase of dump truck body rebuild per permissive referendum	\$7,916.71
D9060.8 Hospital and Medical Insurance	D9040.8 Workers Compensation	Over budget due to rate increase	\$6,300.00
A2680 Insurance Recovery	A1620.4 Town Hall Contractual	Insurance money rec'd to fix equipment affected by lightning strike	\$629.10
A2680 Insurance Recovery	A1670.4 Central Data Processing	Insurance money rec'd to fix equipment affected by lightning strike	\$4,770.00
A2680 Insurance Recovery	A3020.4 Public Communication	Insurance money rec'd to fix equipment affected by lightning strike	\$19,909.00
A2680 Insurance Recovery	A3102.2 Police-Equipment	Insurance money rec'd to fix equipment affected by lightning strike	\$3,205.44
A2680 Insurance Recovery	A3120.4 Police-Contractual	Insurance money rec'd to fix equipment affected by lightning strike	\$1,050.00
SF2680 Insurance Recovery	SF3410.4 Fire Contractual	Insurance money rec'd to fix equipment affected by lightning strike	\$1,072.00
SW8320.4 Water Maintenance	SW9710.7 Bond Interest	Correction to Consolidated Debt Interest calculation for Schoolview	

		Drive	\$1,845.00
SW2140 Wepax Road Revenue	SW8320.401 Maintenance Wepax Road	Water fees collected to pay water used and testing	\$292.16
A2001 Park & Recreation Charges	A7140.4 Playground & Rec. Centers Contractual	Karate Participation fees used to pay instructor	\$650.00
A2001 Park & Recreation charges	A7140.4 Playground & Rec. Centers Contractual	Adult power volleyball participation fees for school bldg. use fees	\$400.00
A1110.1 Municipal Court – Personal	A1110.4 Municipal Court – Contractual	Over budget	\$1,000.00
A1355.1 Assessors – Personal	A1355.4 Assessors – Contractual	Over budget	\$800.00

**MOTION** was made by Councilman Krycia to approve the Budget Transfers/Amendments as presented; seconded by Councilwoman Pew; 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	636-717	\$72,192.50
Highway Dept. Fund	327-370	\$65,638.40
Fire Dept. Fund	246-277	\$21,424.63
Recreation Dept. Fund	112-131	\$8,283.69
Refuse and Garbage Fund	13	\$37,730.24
Street Lights Fund	27-29	\$4,949.11
Water Fund	49-54	\$13,079.92
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403 H8320.404	12	\$118.36
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of October 2014 were presented by Matthew Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; 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; Supervisor Nellis for Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

November 12, 2014

Ron Maggs, Highway Superintendent requested approval of the Town Board to snowplow 3-1/2 to 4 miles of County Road on parts of Eckhardt Road, Route 391, Henrich Road and North Boston Road, which would amend the original 3-year contract.

**MOTION** was made by Supervisor Nellis to authorize Ron Maggs, Highway Superintendent to plow 3-1/2-4 miles of County Road on parts of Eckhardt Road, Route 391, Henrich Road and North Boston Road, which would amend the original 3-year contract, and to authorize the appropriate official to sign the necessary documents; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing of the Eden Town Board at 7:45 p.m.

**7:45 p.m.**  
**Public Hearing**  
**Increase and Improvement of**  
**Consolidated Water District**  
**(Green, Depot, Erie, Sunset and**  
**West Church Project – 2014)**

Supervisor Nellis stated that the purpose of the Public Hearing was to listen to any concerns or questions that citizens have.

Mark Cavacoli, Town Engineer presented an overview of the project stating that several streets in the general area of the original water district had been added, but that the cost was only increasing by \$0.11 per thousand.

The following residents made comments during the Public Hearing:

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 7:58 p.m.

**8:00 p.m.**  
**Public Hearing**  
**Proposed Local Law 3-2014**  
**An amendment to Chapter 225-20 of the Code of the**  
**Town of Eden – “Signs”**

Supervisor Nellis stated that the purpose of the Public Hearing was to listen to any concerns or questions that citizens have.

Councilman Krycia gave an overview of a report that was presented at the Town Board Meeting on October 8, 2014. The Proposed Local Law, if approved, would confirm prohibitions against signs with flashing, scrolling or other non-stationary message characteristics in the Town of Eden.

The following residents made comments during the Public Hearing:

Faith Beverly, Main Street, asked if the sign in the front of the school or the sign at the American Legion would be affected.

Councilman Krycia stated that the sign at the school is on school property and not the jurisdiction of the Town of Eden and the sign at the American Legion is not an LED sign and would not be affected.

Phil Muck, Oakland Drive asked when copies of the proposed local law would be made available?

Mary Jo Hultquist, Town Clerk stated that the Proposed Local Law was not available as stated in the Legal Notice.

William Trask, Town Attorney stated that if the Proposed Local Law was not available as stated in the Legal Notice, another public hearing would need to be scheduled.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:08 p.m.

**MOTION** was made by Councilman Ventry to close the Public Hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Final Town Budget Approval for 2015**

Supervisor Nellis mad the following amendments to the 2015 Town Budget as presented by Ann Knack:

Attached please find 3 pages of the 2015 Budget that have changed since your Public Hearing.

- a. The cover page has been changed because 4 garbage units were added to the budget. This means that \$620 (\$155 x 4) was added making the Refuse and Garbage District tax to be collected \$467,480.00.
- b. The next page also reflects the addition of \$620 on the Refuse and Garbage Line in both the Appropriations Column and the amount to be raised by the tax column and the totals for both of those columns were increased by the \$620.
- c. Another change on this page is the tax rate for the Indebtedness Consolidated Water Districts 1-8. The correct tax is \$1.36 per thousand, and not \$1.29 per thousand as stated on the Preliminary Budget. The dollar amounts for water did not change, just my calculation for the tax rate.
- d. The last page you have is the actual Refuse and Garbage district Page, Page 12. This page was increased by \$620 on both the Contractual Expenses Line and the Net Levy Line.

Supervisor Nellis also stated a 2% increase was given, across the board and that the total 2015 Budget is a 1.3% increase.

**MOTION** was made by Councilwoman Pew to approve the 2015 Town Budget as presented with the above-mentioned amendments; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**2. Increase and Improvement of Facilities of the consolidated Water District (Green, Depot, Erie, Sunset and West Church Project**

Supervisor Nellis read the following resolution:

**STAE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
Resolution – Negative Declaration**

Name of Action: Water System Improvements

**WHEREAS,** the Town of Eden is proposing various water system improvements to existing waterlines along Green Street, Depot Street, Erie Street, Sunset Drive and West Church Street; and

**WHEREAS,** the Town of Eden proposes the replacement of 3,000 lineal feet of new 8-inch waterline and the abandonment of approximately 430 lineal feet of existing 6-inch waterline; and

**WHEREAS,** a map and plan dated October 2014 describing the area affected and the proposed improvements and anticipated project costs has been prepared by Conestoga, Rovers & Associates, competent engineers; and

**WHEREAS,** the Town of Eden Town Board (the “Board”) has declared lead agency status with respect to the Project; and

**WHEREAS,** the board has reviewed the Project and the Town’s application materials, including the Environmental Assessment Form, the engineering report and all other materials submitted in connection with this proposed action; and

**WHEREAS,** the Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQR.

**NOW, THEREFORE,** be it resolved by the Board that:

Based upon the Board’s thorough and careful review of the Project and Project application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the Board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

**REASONS SUPPORTING THE NEGATIVE DECLARATION:**

Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.

Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources.

Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species: No plant or animal life will be adversely permanently affected by the Project.

Community Plans, Use of Land or Natural Resources: The Project is in keeping with official community plans and goals and will have no adverse effects on land-use of the use of natural resources by or in the community.

Growth, Subsequent Development, etc. The Project is not expected to induce any significant or adverse growth or subsequent development.

Long Term, Short Term, Cumulative, or Other Effects: The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

Critical Environmental Area: The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14 (g).

Public Health and Safety: The Board finds no adverse impacts on the public health. In fact, the Board recognizes that the Project will improve water quality for residents along the aforementioned streets as well as the Consolidated Water District.

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

**MOTION** was made by Councilwoman Pew to authorize Glenn R. Nellis to sign the Short Environmental Assessment Form, Part 3 Determination of Significance; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew read the following resolution:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF EDEN  
CONSOLIDATED WATER DISTRICT**

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, created the Town of Eden Consolidated Water District (the “District”); and

WHEREAS, in March of 2014, the Town Board directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, in April of 2014, the Town approved, through Town Law Section 202-b proceedings and a bond resolution (dated April 9, 2014), a certain capital improvements project in the District; and

WHEREAS, the Town Board has directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a revised map, plan and report dated October 2014 to include additional improvements to the facilities of the District; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated March 2014) for the purposes of (a) modifying the scope of the project to include water system work along additional streets, (b) increasing the estimated maximum cost of the project and (c) increasing the amount of bonds (and notes) for the project; and

WHEREAS, such revised and expanded project will generally include, but not be limited to, the installation of approximately 3,000 lineal feet of 8-inch waterline along Green Street, Depot Street, Erie Street, Sunset Drive and West Church Street, the abandonment of approximately 430 lineal feet of 6-inch waterline, the installation of interconnections, hydrants, valves and appurtenances, the transfer of services to an adjacent watermain, and the reconnection of services to the new water line, as well as other such improvements as more fully identified in such revised map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, and in the connection with the financing thereof (collectively, and as so expanded, the “Project”); and

WHEREAS, the October 2014 amendment (a) expands the scope of the project, (b) increases the cost from \$200,000 to \$664,000 and (c) increases the aggregate amount of bonds from \$200,000 to \$664,000; and

WHEREAS, said estimated maximum cost is to be financed by a combination of grants and by the issuance of serial bonds; and

WHEREAS, pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report (as so amended) for said increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maximum amount of

\$664,000; said cost to be financed by the issuance of serial bonds of the Town in the increased aggregate amount of \$664,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, Community Development Block Grant funds of approximately \$100,000; and

WHEREAS, such revised preliminary map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its October 22, 2014 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on November 12, 2014 at 7:45 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper 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 nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF EDEN, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the increased estimated maximum cost of \$664,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an increased aggregate amount not to exceed \$664,000 said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, Community Development Block Grant funds of approximately \$100,000, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of



land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Town of Eden Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor  
Mary Lou Pew, Councilperson  
Edward Krycia, Jr., Councilperson  
Richard Ventry, Councilperson  
Francis McLaughlin, Councilperson

NOES: None

ABSENT: None

The Resolution approving the increase and improvement of facilities of the Water District was declared adopted.

Councilperson Pew read the following resolution:

**A RESOLUTION, DATED NOVEMBER 12, 2014, AMENDING AND RESTATING A BOND RESOLUTION OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN") ADOPTED ON APRIL 9, 2014 IN ORDER TO EXPAND THE SCOPE OF A CERTAIN CAPITAL IMPROVEMENTS PROJECT IN THE CONSOLIDATED WATER DISTRICT AND INCREASE THE ESTIMATED MAXIMUM COST, THE AMOUNT OF BONDS AUTHORIZED AND TO MAKE OTHER DETERMINATIONS IN CONNECTION WITH SUCH PROJECT.**

WHEREAS, on April 9, 2014, the Town Board of the Town of Eden, Erie County, New York (the "Town") adopted a bond resolution (the "Original Bond Resolution") entitled:

**A BOND RESOLUTION, DATED APRIL 9, 2014, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF EDEN CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$200,000, AND**

**AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR**

and

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and has not yet entered into permanent financing arrangements (i.e., the issuance of long-term serial bonds); and

WHEREAS, due to an expansion of the scope of the project, the Town Board now wishes to modify the Original Bond Resolution for the purposes of increasing: a) the estimated maximum cost of the project from \$200,000 to \$664,000 and b) the amount of serial bonds authorized to be issued from \$200,000 to \$664,000; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the Original Bond Resolution for the purposes identified above, and to make other modifications in the Original Bond Resolution as may be consistent with law; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF EDEN AS FOLLOWS:

Section 1: That the Original Bond Resolution be, and it hereby is, amended and restated to read in its entirety as set forth in the attached Exhibit A.

Section 2. Except as set forth herein, the Original Bond Resolution has not been materially modified or amended since its adoption. The Original Bond Resolution remains in full force and effect and is hereby ratified and approved as amended and restated hereby.

Section 3. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor  
Mary Lou Pew, Councilperson  
Edward Krycia, Jr., Councilperson  
Richard Ventry, Councilperson  
Francis McLaughlin, Councilperson

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED NOVEMBER 12, 2014, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION ADOPTED APRIL 9, 2014, AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN THE TOWN OF EDEN CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$664,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$664,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR**

WHEREAS, on April 9, 2014 the Town Board of the Town of Eden, Erie County, New York (the "Town") adopted a bond resolution (the "Original Bond Resolution") authorizing the increase and improvement of facilities of the Town of Eden Consolidated Water District (the "District"), in an amount not to exceed \$200,000; and

WHEREAS, pursuant to the direction of the Town, CRA Infrastructure & Engineering, Inc. has completed and filed with the Town Board a revised map, plan and report (dated October 2014) for said increase and improvement of facilities of the District and has estimated the total cost to be an increased estimated maximum amount of \$664,000; said cost to be financed by the issuance of serial bonds of the Town in the increased amount of \$664,000, offset by any federal, state, county and/or local funds received, including, but not limited to, Community Development Block Grant funds of approximately \$100,000; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated March 2014) for the purposes of (a) modifying the scope of the project to include water system work along additional streets, (b) increasing the estimated maximum cost of the project and (c) increasing the amount of bonds (and notes) for the project; and

WHEREAS, such revised and expanded project will generally include, but not be limited to, the installation of approximately 3,000 lineal feet of 8-inch waterline along Green Street, Depot Street, Erie Street, Sunset Drive and West Church Street, the abandonment of approximately 430 lineal feet of 6-inch waterline, the installation of interconnections, hydrants, valves and appurtenances, the transfer of services to an adjacent watermain, and the reconnection of services to the new water line, as well as other such improvements as more fully identified in such revised map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, and in the connection with the financing thereof, (collectively, and as so expanded, the "Project"); and

WHEREAS, the Town Board of the Town, has determined to proceed with the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the Project. The estimated maximum cost of said purpose is \$664,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$664,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds. Unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent

permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date of the April 9, 2014 Bond Resolution) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 14. Nothing in this amendment shall affect the validity of the original April 9, 2014 bond resolution, or any action taken thereunder and any said actions are hereby ratified.

**SECTION 15. This Resolution is effective immediately.**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor  
Mary Lou Pew, Councilperson  
Edward Krycia, Jr., Councilperson  
Richard Ventry, Councilperson  
Francis McLaughlin, Councilperson

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

**3. Amendment to Letter of Authorization adding unpaid water**

**MOTION** was made by Councilwoman Pew to include \$13,067.85 for backflow prevention and \$1,520.50 in unpaid water bills for a total of \$14,588.35 to the tax warrant and to authorize the Town Supervisor to sign a Letter of Authorization and any other paperwork required; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Replacement of Emergency Communication Tower (update)**

Ron Maggs, Highway Superintendent reported that they are behind schedule and waiting for parts to begin the project.

**5. Renewal of Agreement with Western New York Land Conservancy**

**MOTION** was made by Councilman Krycia to authorize Glenn R. Nellis, Supervisor to sign the Agreement for the Eden Farmland Protection Program that runs from November 12, 2014 to December 31, 2015; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Set Public Hearing date for Special Use Permits**

**MOTION** was made by Supervisor Nellis to set the Public Hearing for December 10, 2014 at 8:00 p.m. for approval of Special Use Permits for Cazenovia Recovery Systems, Inc., Crown Castle/Donald Mammoser, Eden Kindercare/St. John’s Church, Norman and Jean Brenner, SBA Towers II, Pamela Henrich, Schreiber & Winkelman, Inc., Richard Minekime, James Gorecki, Renee Adams, Upstate Cellular Network, d/b/a/ Verizon Wireless, Rainer and Pamela Sticht, and Meagan Coggins; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Snowplowing Agreement with the Town of North Collins**

Ron Maggs, Highway Superintendent read the following resolution:

**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.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Amendment to Town of Eden Internet and Electronic Communication Systems Policy**

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

**9. Off-Road Drainage Project**

Ron Maggs, acting as Off-Road Drainage Committee Chairperson, requested the following project:

Project 2014-03: Bley Road Ditch – Cleaning ditch at a cost to the town not to exceed \$5,000. To encumber the balance of 2014 budget and the rest from the 2015 budget.

**MOTION** was made by Councilman McLaughlin to approve Project 2014-03 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. VFW Post Liquor License Agreement**

A liquor license for VFW Post was received and filed.

**11. Resignation/Appointment –Zoning Board**

**MOTION** was made by Councilman Ventry to accept the resignation of Thomas Zelasko from the Zoning Board of Appeals with appreciation for his service; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman McLaughlin to appoint William Agle to the Zoning Board of Appeals as an Alternate Member, as recommended by the Zoning Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**12. Set Public Hearing – Sign Law**

**MOTION** was made by Supervisor Nellis to set a Public Hearing for December 10, 2014 at 8:30 p.m. for Proposed Local Law #3-2014, a Local Law amending Chapter 225-29 of the Town of Eden Code (Zoning) to clarify the intention to prohibit Signs with Flashing, Scrolling or Other Non-Stationary Message Characteristics in the Town of Eden; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- A thanks was received for the resolution sent in support of the Niagara Falls Air Reserve Station.

**Hearing of Visitors:**

Robert Stickney – asking about delinquent water bills and that the Town of Eden doesn’t need to save the County by plowing their roads.

Mike Bolo – 15 winters on Clarksburg Road, very pleased.

November 12, 2014

Phil Muck – 38 seniors met at the Eden Library with a support group, ACES – Action Citizens for Eden Seniors. The next meeting is at the Eden Town Hall on December 10, 2014 at 11:00 a.m.

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 910 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk