

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
SEPTEMBER 27, 2000
8:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)
MARY LOU PEW	-	COUNCILWOMAN
VINCENT V. VACCO	-	COUNCILMAN
GEORGE F. ZITTEL	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
DianaRae Walker	-	Deputy Town Clerk

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 8:30 P.M.

New and Unfinished Business:

1.) Appointment – Recreation Advisory Board

Supervisor Nellis stated that the Eden Recreation Advisory Board held interviews for the Board positions vacant due to the resignations of Ms. Cynthia Feldman last year. After interviewing the applicant(s), the Recreation Board is unanimously recommending the appointment of Mr. Michael Best to the Advisory Board. Mr. Best has been a member of the Eden Soccer Board for seven years, coach youth programs in both Eden and Hamburg. A copy of the recommendation letter is on file in the Town Clerk's office.

MOTION was made by Councilwoman Pew to appoint Michael Best to the Eden Recreation Advisory Board as recommended by the Eden Recreation Advisory Board; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Municipal Resolution – Flood Control Projects – NYSDEC 1996 Clean Water/Clean

Air Bond Act

Supervisor Nellis stated that when applying for grants under the NYSDEC 1996 Clean Water/Clean Air Bond Act, the following Resolution would be needed for consideration for any grants that may fall under the NYSDEC 1996 Clean Water/Clean Air Bond Act.

Supervisor Nellis read the following Resolution:

MOTION was made by Councilman Zittel to approve the adoption of the following resolution:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1996 CLEAN WATER/CLEAN AIR BOND ACT
TITLE 3- SECTION 56-0311
FLOOD CONTROL PROJECTS**

MUNICIPAL RESOLUTION

Resolution authorizing the items listed below pursuant to the Clean Water/Clean Air Bond Act of 1996.

WHEREAS, The Town of Eden, herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for flood control projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith:

NOW, THEREFORE BE IT RESOLVED BY The Eden Town Board

1. That Glenn R. Nellis is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments for Flood Control Projects;

4. That this Resolution take effect immediately.

Seconded by Councilman Vacco; all "Ayes"; Motion carried

Supervisor Nellis noted that the Chairman of the Drainage Committee gave this Resolution to Supervisor Nellis because the committee is working on some items at this time and this Resolution would be a part of any grant packages.

Supervisor Nellis then proposed that the second Eden Town Board meeting for the month of October scheduled for October 25, 2000 be changed to the week before, October 18, 2000 at 7:30 P.M. The proposed date of October 18, 2000 was acceptable by the entire Town Board.

3.) Oakhill Phase III, Part B – Subdivision Improvements

Supervisor Nellis referred to a letter received from Andrew Reilly, Town Engineer dated, September 27, 2000 indicating that he has looked at specifications of several items pertaining to the Oakhill III – Part B. The letter serves as the Town Engineer's sign-off on this project. A copy of the letter is on file in the Town Clerk's office.

Supervisor Nellis also noted that letters were received from the Highway Superintendent and Building Inspector with their sign-offs on the project. Copies of the letters are on file in the Town Clerk's office.

Councilman Krycia read and moved the following Resolution:

MOTION was made by Councilman Krycia to approve the adoption of the following resolution:

**IN THE MATTER OF APPLICATION OF
SCHREIBER & WINKELMAN, INC.
FOR
THE ESTABLISHMENT OF THE TOWN OF EDEN
DRAINAGE DISTRICT NO. 1**

WHEREAS, The Town Board of the Town of Eden (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of the Town of Eden Drainage District No. 1, which petition was signed by all of the owner(s) of taxable real property situate in the proposed drainage district owning all of the taxable real property of the proposed drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a Map, Plan and Report prepared by NUSSBAUMER & CLARKE, P.E., a competent engineer duly

licensed by the State of New York, of the Town of Eden Drainage District No. 1, the drainage district to be constructed and paid for by or on behalf of petitioner, Schreiber & Winkelman, Inc., to provide drainage facilities to benefit a single-family residential development within the proposed district, consisting of the construction of a detention basin and related facilities in accordance with the description contained in the Map, Plan and Report, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries of the proposed Town of Eden Drainage District No. 1 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed Town of Eden Drainage District No. 1 is bounded in as described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Town Board has given due consideration to the impact that the creation of the Town of Eden Drainage District No. 1 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the creation of such Town of Eden Drainage District No. 1; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the creation of the proposed Town of Eden Drainage District No. 1; and

WHEREAS, said Town of Eden Drainage District No. 1 herein above described is to be constructed and paid for by or on behalf of the petitioner, SCHREIBER & WINKELMAN, INC., and the proposed Town of Eden Drainage District No. 1 is responsible for the operation and maintenance of the drainage facilities located therein including billing property owners within such District for the costs of future improvements and maintenance thereof.

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Eden Town Hall, 2795 East Church Street, Eden, New York on the 18th day of October, 2000 at 7:30 p.m. (prevailing time), to consider the establishment and creation of the new Town of Eden Drainage District No. 1, as herein referred to, 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 be it

FURTHER ORDERED, that the Town Clerk publish at least once in the SUN, a newspaper published in the Town of Eden, New York, which newspaper is hereby designated as the official newspaper of the Town for this 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 the Town Clerk, the first publication and said posting be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

DATED: September 27, 2000

Hearing of Visitors:

Wilbert Smutz of 3094 East Church Street
Frank Mantione of 2722 Kulp Road

Adjournment:

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

Supervisor Nellis adjourned the Work Session of the Eden Town Board at 8:49 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk