

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
APRIL 4, 2001
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad (<i>Absent</i>)
William H. Laing	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director (<i>Absent</i>)
R.Ferris Randall	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
DianaRae Walker	-	Deputy Town Clerk
Ann Knack	-	Administrative Assistant

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:35 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 February 28, 2001, there were none.

MOTION was made by Councilman Zittel to approve the Town Board Minutes of February 28, 2001 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there any additions or corrections to the Town Board Minutes of March 14, 2001, there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of March 14, 2001 as presented; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis stated that there was one “Budget Amendment” from Appropriation Account A7110.4 to General Fund Balance A909 in the amount of \$8,000.00 for payback of purchase of ¾ Ton Pickup and Tractor.

MOTION was made by Councilman Zittel to approve the Budget Amendment as stated by Supervisor Nellis; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

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

April 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	169 - 221	\$35,704.13
Highway Dept. Fund	72 - 98	\$18,678.06
Fire Dept. Fund	54 - 66	\$21,874.45
Recreation Dept. Fund	23 - 35	\$2,549.20
Refuse and Garbage Fund	5 - 6	\$12,288.56
Street Lights Fund	3 - 4	\$4,667.76
Water Fund	4	\$1,500.00
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

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

Departmental Reports:

Department reports for the month of April 2001 were presented by Councilman Zittel for Paul Shephard, Eden Emergency Squad; William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director, report presented but not read, absent; R.Ferris Randall, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

After Ron Maggs, Highway Superintendent complete his report, he reported about the drainage work that was completed at the Town Hall parking lot. Mr. Maggs then requested the Town Board’s approval for the bid opening held on Monday, April 2, 2001 for One (1) New Unused 2001 or Newer Cab & Chassis with Tandem Axle be awarded to Fleet Maintenance for \$72,468.00. The other bid received from Buffalo Truck at \$72,200.00 did not meet specifications.

MOTION was made by Councilman Krycia to award the bid to Fleet Maintenance in the amount of \$72,468.00; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested a bid opening date of May 7, 2001 at 10:00 A.M. in the Town Clerk’s Office for One (1) New and Unused Dump Body and Patrol Wing.

MOTION was made by Councilman Zittel to set the bid opening date for One (1) New and Unused Dump Body and Patrol Wing for May 7, 2001 at 10:00 A.M.; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer reported that he had attended the Hamlet Revitalization meeting and the Planning Board meeting where he had made an observation of another wave of cellular towers looking to Eden. Mr. Reilly is continuing to review the drainage report for Weller Drive. A pre-construction meeting is scheduled for Friday, April 6, 2001 with Mr. Maggs, Mr. Schreiber and a representative from Mr. Reilly's office to go over the requirements with Erie County Water Authority for installation of the line. There are three public improvements being considered, water, drainage and road system.

Mr. Reilly also reported that he met with the State Department of Transportation about the potential for sidewalks in Eden on Route 62, and attended a 2-day SEQR seminar. Councilman Zittel asked Mr. Reilly if there were any updates regarding the traffic light on Schoolview Drive and Supervisor Nellis responded that the expectation is late spring of 2001. Supervisor Nellis also reported on the sidewalks that it would probably be next year. Letters of support have been submitted and we are waiting for the New York State budget to be approved.

MOTION was made by Councilman Vacco to close the Regular Session of the Eden Town Board; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Zittel to open the public hearing on the Establishment of Water District No. 4; 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.
Public Hearing

Further Public Hearing on the Establishment of Water District No. 4

Supervisor Nellis explained the purpose of the public hearing is to receive comments from citizens having to do with the Establishment of Water District No. 4. He then recognized Mr. John Reid, R & D Engineering in attendance and asked for his comments. Mr. Reid then approached the Town Board explaining that the grant money for the project was changed from the original requirements. The original grant was \$744,000.00. The monies available were reduced and the current offer is \$700,000 for a grant with a loan of \$1,160,000.00. The New York State Department of Audit and Control has approved the district without Gary Drive based on the original submittal. They have asked that this revised plan be brought before the public and those in the district. The total cost of the project is \$1,860,000.00 with an interest rate of 5% for 38 years. With 146 EDU (Equivalent Dwelling Units) the cost will be \$471.00 per year to retire the debt. The average cost of water based on existing Erie County Water Authority rates would be \$160.00. The total cost will be approximately \$631.00 including water. The increase was caused by the interest rate going up.

Comments and concerns were received from the following citizens:

Raymond Terwilliger of 9360 Sandrock Road
Wilbert Smutz of 3094 East Church Street
Norman Fisher of 3599 Wepax Road
John Cardarelli of 9454 Sandrock Road
Doug Haag, no address given
Ruth Szalasny of 3048 Belknap Road
Jerry Lepsch of 3121 Paxon Road

Raymond Terwilliger of 9360 Sandrock Road was opposed to Water District No. 4 stating that there are “hidden costs” involved. He doesn’t want water and stated; “Why should I pay for water when I don’t want water. If others want water let them pay for it!” Mr.

Terwilliger continued to express his opposition of Water District No. 4.

William Trask, Town Attorney responded that what is required to be disclosed here is what State Audit and Control are going to want to look at which are the costs directly attributable to the improvements plus the annual water costs itself. These are the costs per EDU that the State Comptrollers office requires to be discussed at public hearing. This is the full value for the cost of the improvements, that’s fully disclosed here and the cost of water service itself.

Supervisor Nellis responded about the petitions and public hearings that were held and explained how the whole process worked. Supervisor Nellis stated that 85% of the residents responded in favor of the new Water District.

Mr. Terwilliger continued to express his opposition of Water District No. 4 where he felt that the Town and County are in the business of selling water.

William Trask, Town Attorney responded to Mr. Terwilliger’s concerns by stating that the district has already been formed, and that Mr. Terwilliger’s property is apparently part of the district. Mr. Trask felt that the comments being made were beyond the scope of the Public Hearing and that these comments would have been appropriate a year ago when the establishment of Water District No. 4 was still being discussed.

Mr. Smutz asked would the \$160.00 be metered water and Mr. Reid responded that it is the water consumption and it would be metered.

Norman Fisher of 3599 Wepax Road asked what roads were included in Water District No. 4 and how many fire hydrants would be installed. Mr. Reid stated that Water District No. 4 is comprised of Jennings Road from the existing consolidated Water District to Kulp Road. Kulp Road from Jennings Road over to Sandrock, Paxon Road from Sandrock Road and back to Jennings Road and Wepax Road. Mr. Reid went on to explain to possibly reduce the impact of maintenance cost of fire hydrants, they are looking at reducing the number of fire hydrants based on the fact that current fire department equipment exceeds the existing fire fighting capabilities of 500 – 600 footage between fire hydrants. Approval to space the hydrants further apart would be required from the Health Department before installation of the fire hydrants. Mr. Fisher also stated that he is the last house on Wepax Road and does not want water. The Town Board acknowledged that Mr. Fisher’s property is not included in Water District No. 4.

John Cardarelli of 9454 Sandrock Road asked when the project would be started. Mr. Reid replied that hopefully the project would be under construction by midsummer. There are still some negotiations going on with the Erie County Water Authority regarding the size and the location of the tank. The standpipe would be located somewhere on Kulp Road. Mr. Reid also explained that the tank might not be installed until next year due to the special construction of the tank and with crews tied up through the rest of this year.

Mr. Smutz asked why is a standpipe being installed instead of a water tower. Mr. Reid stated it has to do with the cost of construction. The size of the standpipe will be about 150,000 to 200,000 gallons and about 80 feet tall.

Doug Haag asked when would service be available. Mr. Reid said that the residents would be notified and would receive a letter and a diagram explaining the connection procedure.

Ruth Szalasny of 3048 Belknap Road stated that when the water tank/standpipe is installed could the Town or County rent space to tower companies to use to send out their signals. Mr. Reid stated that it depends on the cellular company and what their system looks like. Mr. Reilly added that approximate locations would be given to cell companies for towers.

Jerry Lepsch of 3121 Paxon Road asked when more information would be available and would there be an informational meeting. Mr. Reid explained that in about a month or so they would have preliminary plans completed. Mr. Reid also stated that more information could be presented to the public when available.

Supervisor Nellis asked if there were any further questions or comments. There were none. Supervisor Nellis then thanked everyone for their comments.

MOTION was made by Councilman Zittel to close the public hearing at 8:29 P.M.; seconded by Councilwomen Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the public hearing at 8:29 P.M.

MOTION was made by Councilman Krycia to re-open the Regular Session of the Eden Town Board; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Regular Session of the Eden Town Board at 8:29P.M.

Departmental reports continued with William Trask, Town Attorney, Mary Jo Hultquist, Town Clerk, Scott Henry, Zoning Code Enforcement Officer and R. Ferris Randall, Assessor. Mr. Trask requested an Executive Session. Mr. Randall noted the Equalization Rate had declined from 90.63 to 89.39 and residential assessment ratio from 94.18 to 93.88 with a small decline in the price of homes. Mr. Randall recommended to the Town Board to do an update (re-valuation) using an outside firm. The last update was done in 1993. The State advises that this update be done every year. The state will reimburse \$5.00 per parcel as opposed to \$2.00. The Assessors Office could be involved in the process.

Susan Brass, Recreational Director was absent and the Recreation report was not read.

New and Unfinished Business:

- 1.) Schedule new date for Special Use Permit Public Hearing – Request from Pam & Christian Henrich to construct a landing airstrip on their land located at 9952 and R9952 Tice Road

Supervisor Nellis requested to set a new date, April 25, 2001 @ 8:00 P.M. The ad in The Sun needed to be corrected. William Trask, Town Attorney, explained that the original notice only mentioned Mrs. Henrich as the applicant and in fact it is a joint application with her Son, Christian.

MOTION was made by Councilman Zittel to re-schedule the Public Hearing for April 25, 2001 @ 8:00 P.M. for a Special Use Permit, request from Pam & Christian Henrich to construct a landing airstrip on their land located at 9952 and R9952 Tice Road; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Construction of Town Hall Parking Lot

Supervisor Nellis explained the Town Hall Parking Lot project in detail. The driveway and parking area to the left side of the Town Hall (Police parking, Handicap and regular parking) would be approximately 800 square yards at total cost of \$17,000. The rear of the parking area, left area only would be approximately 700 square yards and a total cost of \$14,000. The estimated total cost for the Town Hall parking lot is \$31,000. The Library could be included in the project at an estimated cost of \$4,000.00. Supervisor Nellis asked the Town Board if they were prepared to make a Resolution to that effect.

Ron Maggs, Highway Superintendent continued to explain the work that had been completed first. They did the drainage work and tied in all the eve spouts in the Town Hall. It did appear that there was nothing under most of the parking lot.

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

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND

**FUNDS FROM THE TOWN FACILITIES CAPITAL IMPROVEMENTS RESERVE
FUND OF THE TOWN OF EDEN,
SUBJECT TO PERMISSIVE REFERENDUM**

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the Town Facilities Capital Improvements Reserve Fund of the Town of Eden to the Town Hall Contractual Account A1620.4 a sum not to exceed \$35,000.00 from said Reserve Fund for the purpose of repairing and repaving the driveway and parking area to the east side of the Eden Town Hall, including the rear parking area, east side only and for additional work at the Eden Library Parking Lot.

This resolution shall be subject to a permissive referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN, NEW YORK.

Seconded by Councilman Zittel; all "Ayes"; Motion carried.

Ruth Szalasny, 3048 Belknap Road asked if the Town Facilities Engineering Study prepared by Wendel is being considered. Andrew Reilly, Town Engineer commented that as a result of a request from Town Supervisor Nellis, a close look is being kept on possible grants to make the Town Hall energy efficient.

3.) Water District No. 4

Supervisor Nellis reported that he met with County Department of Transportation, Erie County Water Authority, R & D Engineering, Jeanne Chase and Dave Roam, County Engineer regarding the repair of Jennings Road as scheduled by the County. Supervisor Nellis stated that they are coordinating the scheduled road repair work and installation of the waterlines to ensure coordination of work being done on Jennings Road. Mr. Reid also noted that he is waiting for preliminary drawings for the work.

Supervisor Nellis stated that State Law requires a formal resolution from Bond Council. Supervisor Nellis also noted that Gary Drive will be separate and will be named Extension No. 4A.

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

**RESOLUTION OF THE TOWN OF EDEN, NEW YORK, ADOPTED
APRIL 4, 2001, APPROVING THE AMENDMENT TO THE PLAN
OF FINANCING FOR WATER DISTRICT NO. 4, IN SAID TOWN,**

**AND PROVIDING THAT SUCH RESOLUTION SHALL BE
SUBJECT TO PERMISSIVE REFERENDUM.**

Recitals

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 signed and dated petition, pursuant to Section 191 of the Town Law, for the establishment of Water District No. 4 (the “District”) to the Eden Consolidated Water District, which petition was signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half of the assessed valuation of all taxable real property of the proposed District, as shown upon the latest completed assessment-roll of said Town, and, if there be resident owners, included the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed District, owned by resident owners according to the latest completed assessment roll; and

WHEREAS, said petition purported to describe the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, a map, plan and report, has been prepared by R & D Engineering, P.C. competent engineers duly licensed by the State of New York, for the proposed establishment of the District, consisting of the construction and installation of approximately 30,800 linear feet of the 8-inch water main, a pump station and 150,000 gallon standpipe, and land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, connections, fill, services, creek crossings, appurtenances and related site work (the “Water Improvement”); and

WHEREAS, the Town Board has given due consideration to the impact that the District 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 such District; and

WHEREAS, the Town Board and the Town have compiled 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 processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement had been estimated to be \$1,860,000 which had been planned to be financed by a Rural Development grant of \$744,000 and the balance by the issuance of \$1,116,000 serial bonds of the Town; and

WHEREAS, the plan of financing for the Water Improvement needs to be revised, pursuant to an Order of the State Comptroller dated January 22, 2001 (“Order”) approving said District, and;

WHEREAS, the Order of the State Comptroller allowed for a grant not to exceed \$700,000 and a loan not to exceed \$1,160,000 for the financing of the Water Improvement for said District;
and

WHEREAS, the Town now needs to amend it's plan of financing for the Water Improvement to reflect an amended plan of financing consisting of a total estimated cost of \$1,860,000 to be financed by a Rural Development grant of \$700,000 and the balance by the issuance of \$1,160,000 serial bonds of the Town 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 became due and payable; and

WHEREAS, the Town has amended the plan of financing for the District as stated in the preceding paragraph;

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF EDEN, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- a. the notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;
- b. all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;
- c. all the property and property owners benefited are included within the limits of the District; and
- d. it was in the public interest to establish the District; and
- e. it is in the public interest to amend the plan of financing for the District.

Section 2. The maximum amount proposed to be expended for the construction of the Water Improvement is estimated to be \$1,860,000 and the plan of financing includes the expenditure of \$700,000 in grant funds expected to be received from the United States of America, Department of Agriculture, Rural Development, and the issuance of \$1,160,000 serial bonds of the Town to finance the balance of said cost 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 of 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.

Section 3. The permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and said permission of

the State Comptroller has been received in the form of an Order dated January 22, 2001, approving the establishment of the District with the amended plan of financing described herein.

Section 4. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adopting of said resolution, to cause to be published at least once in "The Sun," a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and posted on the sign board of the Town, maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form:

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

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

**"RESOLUTION OF THE TOWN OF EDEN, NEW YORK,
ADOPTED APRIL 4, 2001, APPROVING THE AMENDMENT TO
THE PLAN OF FINANCING FOR WATER DISTRICT NO. 4 IN
SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION
SHALL BE SUBJECT TO PERMISSIVE REFERENDUM."**

An abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: STATING a map, plan and report, has been prepared by R & D Engineering, P.C. competent engineers duly licensed by the State of New York, for the proposed establishment of the District, consisting of the construction and installation of approximately 30,800 linear feet of 8-inch watermain, a pump station and 150,000 gallon standpipe, and land or rights in land, original equipment, machinery, furnishing, valves, hydrants, fittings, connections, fill, services, creek crossings, appurtenances and related site work (the "Water Improvement"); and the Town Board has given due consideration to the impact that the District 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 such District; and 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 processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and the maximum amount proposed to be expended for the construction of such Water Improvement had been estimated to be \$1,860,000 which had been planned to be financed by a Rural Development grant of \$744,000 and the balance by the issuance of \$1,116,000 serial bonds of the Town; and the plan of financing for the Water Improvement needs to be revised, pursuant to an Order of the State Comptroller dated January 22, 2001 ("Order") approving said District; and the Order of the State Comptroller allowed for a grant not to exceed \$700,000 and a loan not to exceed \$1,160,000 for

the financing of the Water Improvement for said District; and the Town now needs to amend its plan of financing for the Water Improvement to reflect an amended plan of financing consisting of a total estimated cost of \$1,860,000 to be financed by a Rural Development grant of \$700,000 and the balance by the issuance of \$1,160,000 serial bonds of the town 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 became due and payable; and the Town has amended the plan of financing for the District as stated in the preceding paragraph;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District, (d) that the establishment of the District was in the public interest, and (e) that it is in the public interest to amend the plan of financing for the District;

THIRD: RESOLVING that the maximum amount proposed to be expended for the construction of the Water Improvement is estimated to be \$1,860,000, said cost to be financed by a Rural Development grant of \$700,000 and the balance by the issuance of \$1,160,000 serial bonds of the Town to finance the balance of said cost 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 an interest on said bonds as the same shall become due and payable;

FOURTH: RESOLVING that the permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and said permission of the State Comptroller has been received in the form of an Order dated January 22, 2001, approving the establishment of the District with the amended plan of financing described herein; and

FIFTH: STATING that this resolution is subject to permissive referendum.

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

4.) Meeting of Industrial & Commercial Incentive Board – 485(b)

Councilman Krycia explained that he had met just previous to this meeting with members of the above-mentioned committee and that they are working on a tax abatement program for commercial properties which would encourage improvements to the properties. It would be on a sliding scale from \$10,000 - \$50,000, eligible to businesses, if the improvements produce an

increase in assessment. It could improve business in town or bring in new businesses. All discussion so far, nothing firm has been decided. Next meeting is scheduled for May 9, 2001 @ 6:00 p.m.

5.) Bid Opening Results and Approval – Motor Fuel and Related Services –
Town Highway

Supervisor Nellis turned to Ron Maggs, Highway Superintendent for the results of the Bid Opening for Motor Fuel and Related Services. Mr. Maggs recommended that the Town Board award the bid to Page Harms Oil Co., Inc.

MOTION was made by Councilman Vacco to approve the Motor Fuel and Related Services to Page Harms Oil Co., Inc.; seconded by Councilman Krycia; All – “Ayes”; Opposed: - None; Abstain? – None; Motion carried.

6.) Approval of Recreation Seasonal Employee Assignments

Supervisor Nellis read the list of Seasonal Employee Assignments and asked for approval from the Town Board for these assignments. Copies of these assignments are on file in the Town Clerk’s office.

MOTION was made by Councilman Vacco to approve the assignments of Recreation Seasonal Employees; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

- 7.) Appointments – Agricultural Advisory Board – Paul Laing
Economic Development Committee – Christina Abt
Drainage Committee - Chair & Vice-Chair,
Scott Henry and Ron Maggs
Resignations - Drainage Committee – Ruth Szalasny
Economic Development Committee – Richard Minekime

Supervisor Nellis had received letters of resignation from Ruth Szalasny, Drainage Committee and Richard Minekime, Eden Economic Development Committee.

MOTION was made by Councilman Krycia to accept the letters of resignation from the above mentioned; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked the Town Board to accept the following additions: Paul Laing to the Agricultural Advisory Board and Christina Abt to the Economic Development Committee. Supervisor Nellis then asked to name Scott Henry and Ron Maggs as Chair & Vice-Chair, respectively, to the Drainage Committee.

MOTION was made by Councilman Zittel to approve the above mentioned appointments and to name Scott Henry and Ron Maggs as Chair & Vice-Chair to the Drainage Committee; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then announced the Interim Chair for the Economic Development Committee would be William Carpenter.

8.) Conservation Easement Law

Supervisor Nellis explained that information received previously and that it was the third draft of that law gathered by the Conservation Advisory Board. There have been a couple of public hearings. William Trask, Town Attorney stated that he had some comments to share with Frank Manton before setting a public hearing and with that Supervisor Nellis tabled the item at this time.

Supervisor’s Report:

Supervisor Nellis reported that a preliminary map and letter regarding construction of a gas line was received from National Fuel Gas. An initial sketch shows a 30-36” pipeline, measuring approximately 7.2 miles, will go through Eden starting in Canada.

The E-Government Meeting has been re-scheduled for May 17, 2001 from 7:00 P.M. to 9:00 P.M. at the Eden Town Hall.

Project Impact Association, a group that works with the Emergency services for the towns has formed a not-for-profit association and is urging government agencies to participate. More information will be provided when available.

Hearing of Visitors:

Gerald Maggs of 2763 First Street.

Raymond Terwilliger of 9360 Sandrock Road.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:33P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk