

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 9, 2001
7:30 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 (<i>Absent</i>)

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police (<i>Absent</i>)
Paul Shephard	-	Eden Emergency Squad
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 (<i>Absent</i>)
Scott T. Henry	-	Zoning Code Enforcement Officer

OTHERS PRESENT:

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

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:37 P.M.

Pledge of Allegiance:

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

Supervisor Nellis then noted that Councilman Zittel was not present because he was out of town.

Approval of Minutes:

Supervisor Nellis asked if there were any additions, questions or comments regarding the Town Board Minutes dated April 4, 2001. There were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of April 4, 2001 as presented; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions, questions or comments regarding the Town Board Minutes of April 25, 2001. There were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of April 25, 2001 as presented; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

There were none.

Budget Amendments:

Supervisor Nellis stated that there were three Budget Amendments. From revenue account A2770 to A1355.4 the amount of \$10.00 for toner cartridge rebates received, from account A2001 to A7150.4 the amount of \$293.00 for reimbursement for wrestling camp t-shirts and from account A690 to A1670.4 the amount of \$167.83 for reimbursement for duplicate payment.

MOTION was made by Councilman Krycia to approve the May 2001 Budget Amendments as read by Supervisor Nellis; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Nellis stated that there was a correction on Recreation Fund, Voucher #41 the appropriation account number should be A7110.4 not A7110.1 and asked if there were any other corrections or questions on the “Audit of Bills” which are on file in the Town Clerk’s office.

MAY 2001

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	222 – 294	\$58,852.05
Highway Dept. Fund	99 – 150	\$42,557.44
Fire Dept. Fund	67 – 94	\$8,592.70
Recreation Dept. Fund	36 – 51	\$4,090.37
Refuse and Garbage Fund	7 – 10	\$30,670.63
Street Lights Fund	5	\$4,318.43
Water Fund	5 – 7	\$8,172.71
Trust & Agency Fund	-	\$0
Capital Fund	-	\$0
Community Development	-	\$0

MOTION was made by Councilman Krycia to approve the May 2001 Audit of Bills as corrected; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then stated that under “New and Unfinished Business” it was advertised in the Eden-North Collins Penny Saver as part of the agenda, item #3-“Special Use Permit – Henrich Air Strip”, Town Board members have asked for more time to review materials after have taken a tour of the grounds last Saturday and walked down Tice Road. There have been other materials given to the Town Board and more expected. Supervisor Nellis requested that he would like in the consideration of the request of the Town Board Members for more time and to table item #3 tonight and place it on the June 13, 2001 Town Board meeting agenda.

Departmental Reports:

Department reports for the month of May 2001 were presented by Paul Shephard, Eden Emergency Squad; William Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Lt. Michael Felshow for 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; Supervisor Nellis for Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Paul Shephard also reported that the “Top five for duty hours in April” they were: J.R. Osuch, Julie Boedo, Cheri Dias, Cindy Smith and John Scheffer. The member of the Month for April was J.R. Osuch. Supervisor Nellis extend the Town Board’s appreciation for the hours they spent.

After Mr. Shephard completed his report he also noted that a fundraiser for the Emergency Squad was being held tonight at the VFW Memorial Post 880 and invited everyone to attend.

Chief Laing also requested approval of recommended RFP awards for Miscellaneous Fire Equipment. The awarded bids were as follows:

ITEM #	ITEM	VENDOR	QTY	AMOUNT	TOTAL
1	Partner Chop Saw Model K650 Active II	Phillips Bros. Supply Inc.	1	\$779.00	\$779.00
2	Stihl Chain Saw Model 044 w/ 16” Bar	Gugino Power Equipment	1	\$485.00	\$485.00
5	Scott Pak-Alert SE Integrated Pass Alarm Part # 805179-02	Lane Fire & Safety	4	\$552.50	\$2,210.00
6	50’ lengths of 1 ¾” Niedner XL-800 Double Jacketed Municipal Fire Hose	R.C. Fire Equipment Inc.	8	\$109.15	\$873.20
7	100’ lengths of 4” Angus LDH	R.C. Fire Equipment	4	\$416.00	\$1,664.00
8	Homelite Generator Model LR4300	Eden Tractor & Equipment, Inc.	1	\$700.00	\$700.00
9	Morning Pride Turn- Out Gear (coat & pants)	KBR Enterprises	6	968.00	\$5,808.00

Total of All Equipment	\$12,519.20
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Chief Laing noted that bid item 3, Bar & Chain & item 4, Cutters Edge were not awarded, copies of the bid results are on file in the Town Clerk’s office.

Councilman Vacco inquired whether the items were budgeted. Chief Laing stated that it was \$19.20 over the budget, however he has worked it out with Chief Kevin Schoenthal, East Eden Fire Chief.

MOTION was made by Councilwoman Pew to approve the recommended RFP awards for miscellaneous fire equipment; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing then requested permission to do a live burn training on a two-story house at 3343 Hickox Road owned by Tom Walton. Chief Laing stated that there are no time constraints and they plan to use the property for training all spring and summer and do the live burn sometime next fall. The same polices would be followed as last year’s live burn on the Henry property. Councilwoman Pew inquired whether this would be the second live burn training that the Eden Fire Department has sponsored. Chief Laing stated that it was and would follow the same procedures as last time. Supervisor Nellis asked if State inspectors would be there, Chief Laing stated they would be.

MOTION was made by Councilwoman Pew to grant permission to the Eden Fire Department to do live burn training on a two-story house at 3343 Hickox Road, owned by Tom Walton; seconded by Councilman Krycia. Before being put to vote Councilman Vacco asked if the insurance covered this. Chief Laing stated that it was not a problem for the last live burn and Supervisor Nellis requested that Chief Laing advise the Town’s insurance company of the live burn training that will take place. After the brief discussion the Motion was put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Chief Laing then requested permission for the following out-of town training seminars:

- Two officers to go to the New York Stated Fire Academy at Montour Falls on June 2nd & 3rd for Rapid Intervention Training at a cost of \$420.00.
 - Two officers and two engineers to attend the Firehouse Expo in Baltimore, Maryland July 27th, 28th & 29th, there will be nationally known fire experts presenting the seminars. The total cost for two entrance fees and two rooms would be \$570.00.
- For Chief Laing to attend Fire Expo 2001 in Harrisburg, Pennsylvania on May 18th, 19th, & 20th. This is the largest show of new fire apparatus in the Northeast. The total cost for the entrance fee and room would be \$147.00.

The total cost for the out-of-town training seminars would be \$1,137.00. Chief Laing noted that the total budget for training for both departments is \$2,500.00 and that no mileage or meals (with exception of the NYS Fire Academy, meals are included in the package) would be charged, the participants would be covering those costs themselves.

Supervisor Nellis stated that it was his understanding that these seminars would take the place of the Syracuse training. Chief Laing stated that yes it would for the department has been going to the Syracuse training for the past three years and felt that trying new shows would be good.

MOTION was made by Councilwoman Pew to approve the out-of-town training seminars for a total of \$1,137.00 as presented by Chief Laing; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Lastly Chief Laing requested permission to live burn the house belonging to Gary Tschampel on 2560 Sandrock Road. It would be done in the next thirty days.

MOTION was made by Councilman Krycia to grant permission to the Eden Fire Department to live burn the house belonging to Gary Tschampel on 2560 Sandrock Road; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Before Chief Kevin Schoenthal gave his report, Supervisor Nellis noted that the June 13, 2001 Town Board meeting would be held at the East Eden Fire Hall at 7:30 P.M. Councilman Krycia also noted that the Industrial Commercial Incentive Board would also meet at the East Eden Fire Hall at 6:00 P.M.

After Chief Schoenthal completed his report, he requested the approval of the East Eden Fire Departments itemized budget for 2001 as follows:

QUANTITY	ITEM	TOTAL
9	Morning Pride Turn out Gear sets	\$9,900.00
2	Motorola HT1250 portable radios	\$1,410.00
3	Motorola Minitor III/Batteries	\$1,090.00
Total cost of equipment		\$12,400.00

Chief Schoenthal noted the portable radios and pagers include all programming.

MOTION was made by Councilman Vacco to approve the itemized budget of the East Eden Fire Department as presented by Chief Schoenthal in the amount of \$12,400.00; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

After Lt. Michael Felchow completed that report for the Eden Police Department, Lt. Felchow requested permission to use the Town Hall parking lot for the Eden Bike Rodeo, which will be held Saturday June 2, 2001 between 12:00 P.M – 3:00 P.M.

MOTION was made by Councilwoman Pew to grant permission to the Eden Police Department to use the Town Hall parking lot on Saturday, June 2, 2001 for the Eden Bike Rodeo; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ronald Maggs, Superintendent of Highways reported that the permissive referendum for the Town Hall parking lot has been completed and the Highway Department would begin work on Monday, May 14, 2001 and it would be completed before the Eden Bike Rodeo.

Mr. Maggs then requested approval to attend Highway School in Ithaca, New York on June 4-6, 2001.

MOTION was made by Councilman Vacco to grant permission to Ronald Maggs, Superintendent of Highways to attend Highway School in Ithaca, New York on June 4-6, 2001; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mr. Maggs also requested to set a bid opening date of June 11, 2001 at 10:00 A.M. in the Town Clerk’s office for a One Ton Cab and Chassis, subject to permissive referendum from the highway equipment reserve fund and not to exceed \$32,000.00.

MOTION was made by Supervisor Nellis to approve the bid opening date of June 11, 2001 at 10:00 A.M. in the Town Clerk’s office for a One Ton Cab and Chassis, subject to permissive referendum from the Highway Equipment Reserve Fund and not to exceed \$32,000.00; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mr. Maggs recommended that Boyles Motor Sales, Inc. be awarded the bid for the Dump Body and Patrol Wing at a cost of \$37,260.00. Mr. Maggs stated that the bid opening was held May 7, 2001 and only one bid was received.

MOTION was made by Councilman Krycia to award the Dump Body and Patrol Wing bid to Boyles Motor Sales, Inc. in the amount of \$37,260.00 as recommended by Ronald Maggs, Superintendent of Highways; seconded by Councilwoman Pew. There was a brief discussion pertaining to the use of two drivers versus using one driver, as do some other towns. Mr. Maggs explained that in the Town of Eden there are many small roads and turnarounds and backing up that need to be done while plowing. Mr. Maggs felt that it is safer to have two drivers because the main driver cannot see the wing when going down the curved roads and when backing-up. The other towns may have roads that are straighter for longer distances and it works for them. Mr. Maggs also felt that having a second driver lessens fatigue. After the brief discussion the Motion was put to vote; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Andrew Reilly, Town Engineer and Planner reported that he has continued to work with the Hamlet Revitalization Committee and the Comprehensive Plan Implementation Committee and is finishing up on the research of the rules that have been imposed by legislation. He is continuing his work on PIP (Property Improvement Permit) for the work on Weller Phase III. Mr. Reilly reported that waterlines have been installed and are waiting for drainage report to be completed.

Also provided additional information to Mr. Bosse on the next step of the SEQR process and Mr. Reilly also reported that he is finishing up on his review of the proposed pond law.

William Trask, Town Attorney had no report, however he requested a brief Executive Session to report to the Town Board some matters on pending litigation.

Supervisor Nellis read the Recreation Department report in the absence of Susan Brass, Recreation Director and requested on Mrs. Brass behalf to award the pool chemicals bid to Fisher Pools for \$2,181.60, which was the lowest bid, received.

MOTION was made by Councilman Krycia to award the pool Chemicals bid to Fisher Pools for \$2,181.60 as recommended by the Recreation Director, Susan Brass; seconded by Councilman Vacco; All – “All”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

Supervisor Nellis requested that four items be added to the agenda, they were as follows:

- 7.) Resolution for new lighting located on Carriage Crossing
- 8.) Approval of Ryther Creek Project
- 9.) Schedule Public Hearing for the lift of the Moratorium of Ponds and new Law
- 10.) Change Public Hearing date of Conservation Easement Law to June 13, 2001

1.) Resignation/Appointment

Supervisor Nellis stated that a letter was received from Robert Stievater regarding his decision to resign from the Eden Historic Review Board stating that he felt that since he is currently also a member of the Conservation Board and the Eden Hamlet Revitalization Committee, these two committees would be more than enough to fill his time.

MOTION was made by Councilwoman Pew to accept the resignation of Robert Stievater from the Eden Historic Review Board with regrets and appreciation; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Resolution on State Highway Appropriations – CHIP Funding

Supervisor Nellis read the following Resolution, which was then moved by Councilman Krycia:

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

**Resolution Requesting Restoration of Operation and Maintenance
Funding to Counties and Increased CHIPS Revenues to Municipalities within
The State of New York**

WHEREAS, during the past several years, the adopted New York State Budget(s) have provided for a zero increase in funding for the Operations and Maintenance for Capital Highway Improvement Programs (CHIP) funding, as it pertains to counties within New York State; and

WHEREAS, this zero increase in funding has caused a serious erosion of the ability of municipalities located within the State of New York to properly and safely improve the infrastructure of the highways and bridges within these municipalities; and

WHEREAS, the proposed Governor's Executive Budget for New York State for the year 2001 provides again for the elimination of Operations and Maintenance funding for Counties within the State of New York; and

WHEREAS, it is essential that the New York State Legislature re-establish, in the Governor's Proposed Year 2001 State Budget, Operations and Maintenance funding for Counties, as well as providing a long overdue increase in the CHIP funding to municipalities;

NOW, THEREFORE BE IT RESOLVED, that the Eden Town Board requests that the New York Legislature restore Operations and Maintenance funding for Counties and increase said funding for Capital Highway Improvement Programs (CHIP) to municipalities within the State of New York; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, Senate Majority Leader Bruno, Senators Libous and Seward, Assembly Speaker Silver, Assemblymen Crouch and Finch, Assemblyman Smith, Senator Volker, Commissioner Joseph Boardman, New York State Association of Counties, New York State County Highway Officials Association, and New York State Association of Town Governments.

Before the Motion was put to vote there was a brief discussion, Supervisor Nellis stated that the Association of Highways is supporting the CHIPS funding. Mr. Maggs also stated that the Superintendents of Highway are also requesting it and they are sending their own letters in an effort to push it due to the rising cost of oil. After the brief discussion the Motion was put to vote.

Seconded by Councilwoman Pew; all "Ayes"; Motion carried

3.) Special Use Permit – Henrich Air Strip

Agenda item #3 was tabled until the June 13, 2001 Town Board meeting.

4.) Resolution on Water Consortium

Supervisor Nellis read the following Resolution, which was moved by Councilman Krycia;

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

RESOLUTION ON WATER CONSORTIUM

WHEREAS, there is a need to address the common regional issues affecting water infrastructure construction in the Towns of Orchard Park, Aurora, Wales, Boston, Colden, Holland and Eden as well as the Village of East Aurora; and

WHEREAS, it has been proposed that each of these towns join to form a consortium for the purpose of studying and addressing these issues that are common to each town; and

WHEREAS, should all the town and village agree to join the consortium, the consortium will then apply to the County of Erie for a regionalism grant to fund a planning study involving the towns and the Erie County Water Authority; and

WHEREAS, there will be no expenses incurred by the Town of Eden in joining the consortium or in applying for the regionalism grant;

NOW, THEREFORE, BE IT RESOLVED that the Town of Eden has agreed to join together and form a consortium with the Town of Orchard Park, Aurora, Wales, Boston, Colden and Holland and the Village of East Aurora for the purpose of applying for a regionalism grant to study and address the regional issues affecting water infrastructure construction, and to authorize the Supervisor to sign any documents necessary to join the consortium.

Seconded by Councilman Vacco.

Supervisor Nellis then turned to Mr. Reid and there was a brief discussion regarding the resolution that is to have the Southern Tier Towns act as one body to negotiate with the Erie County Water Authority on common regional issues affecting water infrastructure construction in the Southern Tier to Aurora and Boston. Mr. Reid stated that currently water passes through the Town of Orchard Park. There is a feeling that the Erie County Water Authority is acting more like a business and that it is necessary to negotiate the usage of the tanks as on service in

the Southtowns. Mr. Reid also noted that the County Executive is pushing for regionalization within Erie County.

Councilwoman Pew asked if there was any time frame on the study. Mr. Reid stated that it has become an immediate issue and there is a need to centralize the source of water in the Southtowns so that the Southtowns can begin to plan for future development and when the water is needed it can pass through Orchard Park or other storage facilities in the Southtowns.

Councilman Vacco asked if it was possible that there would be fees for the use of the water passing through Orchard Park? Mr. Reid stated that the town that had the storage facility and the storage capacity could share in the capital cost.

After the brief discussion the Motion was then put to vote; All – “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

5.) Southtowns Rural Preservation – Director

Supervisor Nellis read a letter received from Karen M. Diemunsch, Executive Director of Southtowns Rural Preservation seeking a representative from the Town of Eden to serve on the Board of Directors. A copy of the letter is on file in the Town Clerk’s office.

Supervisor Nellis stated that if you know of anyone interested in serving on the Southtowns Rural Preservation Committee please contact the Supervisor’s office or any member of the Town Board.

6.) Final Bond Resolution – With Amended Financing Plan – Water District No. 4

Councilman Krycia read and moved the following Resolution:

FINAL ORDER ESTABLISHING DISTRICT WITH AN AMENDED PLAN OF FINANCING

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 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

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

ORDERED, that the establishment of the District is hereby approved with the amendment to the plan of financing as set forth herein, and the District shall be designated and known as Water District No. 4, in the Town of Eden, situate wholly outside of any incorporated village or city, and bounded and described as follows:

And be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

Seconded by Councilwoman Pew, All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read and moved the following Bond Resolution:

Seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7.) Resolution for new lighting located on Carriage Crossing

Councilman Vacco that there was a proposal for two lights on the cul-de-sac for Carriage Crossing. Councilman Vacco reported that after meeting with the Lights Committee and their review of the two proposed locations of lights, it is their recommendation to have only one light. The proposal was for one light at the entrance of Carriage Crossing and the other in the culdesac near the turnaround. Councilman Vacco stated that the cost would be an annual charge of \$98.37 for one light as opposed to the annual charge of \$196.74 for two lights on the cul-de-sac. It was felt that there is sufficient lighting at the entrance of Carriage Crossing, however there is a need for light in the culdel sac at the turnaround.

Councilman Vacco then read and moved the following Resolution:

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

**RESOLUTION FOR NEW LIGHTING
LOCATED ON CARRIAGE CROSSING**

RESOLVED, that in accordance with agreement dated May 1, 1963, the Niagara Mohawk Power Corporation be directed to make the following changes in the street lighting system in the Town of Eden.

<u>Location</u>	<u>Pole No.</u>	<u>Install</u>	<u>No.</u>
Carriage Crossing	Lot 6	100 w hps	1
	(1) 100 w hps lamps		\$ 6.56
	(1) Architectural luminaries		\$73.46
	(1) Standard ug service circuit ft.		<u>\$18.35</u>

Total \$98.37

TOTAL INCREASE IN ANNUAL CHARGE \$ 98.37

Seconded by Councilwoman Pew; all “Ayes”; Motion carried

8.) Ryther Creek Project

Supervisor Nellis stated that we have received a recommendation from the Drainage Committee on a Ryther Creek Project beginning at Hemlock Road and going to the Evans Town line. The Committee has walked through this one-mile long area with the DEC and found that there is many log dams left behind. Bids have been received from Schreiber & Winkelman at a cost of \$14,000.00 and Ron Gier at a cost of \$9,850.00. Four easements would need to be obtained for work to begin this project. Supervisor Nellis stated that it is the recommendation of the Drainage Committee to award the bid to Ron Gier in the amount of \$9,850.00.

Ronald Maggs, Superintendent of Highways added that the Drainage Committee is looking at major cleaning of the one-mile stretch and reshaping and straightening. There is a lot of debris and dams to remove.

Supervisor Nellis clarified that this would come out of the Drainage Committee budget. Mr. Maggs confirmed and stated that there is \$16,000.00 in the budget and they will be using \$9,850.00 total to complete this project.

Mr. Trask asked if Mr. Gier had straightened out the previous situation with the County? Mr. Maggs stated that he has.

MOTION was made by Councilman Vacco to accept the bid of Ron Gier in the amount of \$9,850.00 for Ryther Creek Drainage Project pending insurance certificate and the four easements; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9.) Schedule Public Hearing for the lift of the Moratorium of Ponds and new Law

Supervisor Nellis requested to schedule a public hearing for June 13, 2001 at 8:00P.M. Copies of the draft would be available in the Town Clerk’s office for review. Supervisor Nellis also noted that recommendations have been received from both the Conservation Board and Drainage Board.

MOTION was made by Councilman Vacco to schedule the public hearing for Moratorium of Ponds and new Law for June 13, 2001 at 8:00 P.M.; seconded by Councilwoman Pew; All - “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10.) Change Public Hearing date of Conservation Easement Law to June 13, 2001

Supervisor Nellis stated that it was scheduled for May 23, 2001, however there has been an exchange of information on the agreement with the Conservation Board and it has been requested to reschedule the public hearing for June 13, 2001 at 8:30 P.M. so that changes can be made and the revised draft would be available in the Town Clerk's office for public review.

MOTION was made by Supervisor Nellis to reschedule the public hearing for the Conservation Easement Law from May 23, 2001 to June 13, 2001 at 8:30P.M; seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Before the Supervisor's Report, Councilwoman Pew reminded those present that the 2nd E-Government Meeting is being held May 17, 2001 at 7:00 P.M. – 9:00 P.M. in the Town Hall and those wishing to attend are invited.

Supervisor's Report:

There was no report.

Hearing of Visitors:

Wilbert Smutz of 3094 East Church Street
Ruth Szalasny of 3048 Belknap Road
Frank Mantione of 2722 Kulp Road
Robert Stickney of 2718 Lourdes Drive

Adjournment:

MOTION was made by Councilwoman Pew 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 9:10P.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