

September 12, 2007

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 12, 2007  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**DEPARTMENT HEADS PRESENT:**

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
David A. Cole	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Zoning Code Enforcement Officer
Susan Brass	-	Recreation Director

**OTHERS PRESENT:**

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

**Call to Order:**

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

**Pledge of Allegiance:**

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

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of August 8, 2007; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of August 8, 2007 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 August 16, 2007; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of August 16, 2007 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 August 22, 2007; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of August 22, 2007 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 read the following “Budget Amendment” from Account A2025 Ski fees to A7150.4 Special Recreation Fac. Contractual to offset ski money received from Orechwa to reimbursement to Bialy in the amount of \$180.00; from Account A1990.4 Contingent Fund to A1920.4 Municipal Dues to adjust for change in GFOA dues in the amount of \$5.00; from Account A2001 Parks & Recreation Fees to A7310.4 Youth Program Contractual to offset track fees collected against USA track fees paid in the amount of \$430.00; and from Account SW3000 SMSI Grant to SW8320.4C Southtowns Water Study-Contractual to transfer money received from SMSI Water Grant to appropriation account for water study in the amount of \$68,540.00.

**MOTION** was made by Councilman Krycia to approve the “Budget 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	438-506	\$50,522.93
Highway Dept. Fund	205-246	\$143,623.44
Fire Dept. Fund	200-233	\$12,889.61
Recreation Dept. Fund	144-162	\$14,529.96
Refuse and Garbage Fund	13-14	\$88,559.02
Street Lights Fund	21-23	\$4,148.87
Water Fund	18-20	\$52,066.18
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**MOTION** was made by Councilwoman Pew 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 August 2007 were presented by Scott Hultquist, Eden Emergency Squad; David Cole, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ray Zabron, Dog Control Officer; 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; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Susan Brass, Recreation Director publicly thanked Ron Maggs, Highway

Superintendent and the entire Highway Department for all their help throughout the summer recreational program.

Mrs. Brass, Recreation Director requested permission to purchase 75-foot lane lines for the Eden town pool. After receiving three (3) quotes, Keifer at \$989.97, Swim Outlet at \$1,052.97 and Swim Time for \$1,107.00, her recommendation is to award the bid to Kiefer in the amount of \$989.97, which funds are available in the 2007 recreation budget. The current lines are extremely old and deteriorated. The Erie County Health Department has required the lane lines to differentiate between the shallow and deep ends and are used during swim lessons to keep swimmers from swimming into each other.

**MOTION** was made by Supervisor Nellis, based on the recommendation of Susan Brass, Recreation Director, to award the purchase of 75-foot lane lines to Kiefer in the amount of \$989.97; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the following equipment be declared surplus and permission to take the equipment to the Municipal Auction on October 13, 2007.

Truck #11 – 1997 Ford F150 Pickup Truck Vin #2FTDF1728VCA92276  
Truck #19 – 1988 Autocar Dump Truck Vin #1WBUACMD5JU305132

**MOTION** was made by Councilman Vacco to allow Superintendent Maggs to take the declared surplus equipment to the Municipal Auction on October 13, 2007; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to spend up to \$8,000 at auction from his 2007 budget if an appropriate cab/chassis is found to replace the existing 1988 Dump Truck.

**MOTION** was made by Supervisor Nellis authorizing Ron Maggs, Highway Superintendent to spend up to \$8,000 at auction from his 2007 budget if an appropriate cab/chassis is found to replace the existing 1988 Dump Truck; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

David A. Cole, Eden Fire Chief requested the addition of Ashley L. Anderson of 8362 North Main Street to the active roster of the Eden Fire Department pending physical and background checks.

**MOTION** was made by Councilwoman Pew to add Ashley L. Anderson of 8362 North Main Street to the active roster of the Eden Fire Department pending physical and background checks; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Andrew J. Breier, East Eden Fire Chief reported that the Hamburg Fire Department has donated to the East Eden Fire Company an air refilling system. This unit refills their breathing apparatus. The Town Board expresses their thanks to the Hamburg Fire Department.

#### **New and Unfinished Business:**

##### **1. Approval of Bid on fixing mechanical problem – Eden Fire Department Engine No. 1**

David A. Cole, Eden Fire Chief requested approval of repairs to Engine No. 1 for brake pads and rotors. Two quotes were received from R. D. Murray in the amount of \$3500.00 and P.D. Mechanical in the amount of \$2809.00. Chief Cole's recommendation to the Town Board is to P.D. Mechanical in the amount of \$2809.00.

**MOTION** was made by Councilwoman Pew on the recommendation of Chief Cole to approve the repairs to Engine No. 1 for brake pads and rotors to P.D. Mechanical in the

amount of \$2809.00; seconded by Councilman Krycia; All “Ayes”; Oppose? – None; Abstain? – None; Motion carried.

**2. Set Public Hearing Date for Proposed Business Improvement District for Eden Industrial Park**

Supervisor Nellis read the following resolution:

**ORDER CALLING PUBLIC HEARING  
TO BE HELD ON OCTOBER 10, 2007  
REGARDING THE PROPOSED ESTABLISHMENT OF  
ROAD IMPROVEMENT AREA**

**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 200 of the Town Law, for the establishment of a Road Improvement Area located at 8800 South Main Street, Eden, New York (SBL 238.00-5-13.1), which petition was signed by the appropriate officers of Gal-Cor, Incorporated aggregating at least one-half of the assessed valuation of all the taxable real property of said proposed Road Improvement, as shown upon the latest completed assessment roll of said Town, and including resident owners in said proposed Road Improvement owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of said proposed Road Improvement owned by resident owners, according to the latest completed assessment roll of said Town, and was accompanied by a map, plan and report, dated August, 2007, prepared by Wendel-Duchscherer, Inc. competent engineers duly licensed by the State of New York, for the establishment of a Road Improvement Area in the Town of Eden (the “Road Improvement Area”), which map, plan and report is on file at the office of the Town clerk, and available for public inspection at said location; and

**WHEREAS**, said map, plan and report proposed the installation in the Town of Eden of approximately 675 linear feet of permanent pavement and the construction of sidewalks, curbs, gutters, culverts and other necessary improvements in connection therewith. The improvements, including all related right-of-way costs, site work and other ancillary work, including preliminary costs and other improvements and costs incidental thereto are referred to herein as the “Road Improvement Area”; and

**WHEREAS**, the proposed Road Improvement Area is bounded and described as shown on the attached Schedule A, attached hereto and made a part hereof.

**WHEREAS**, the estimated maximum amount proposed to be expended for the construction of such Road Improvement Area is \$325,000 which amount is to be financed by the issuance of notes and bonds not to exceed the amount of \$325,000, offset by any federal, state, county and/or local funds received, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the Road Improvement Area which the Town Board shall determine and specify to be especially benefited thereby;

It is anticipated that funding shall be provided through the Erie county DEP/Community Development and the Town of Eden through an interest-free loan in an amount of \$110,000.

**WHEREAS**, the expenses of the establishment of the proposed Road Improvement Area and the construction of said Road Improvements therein and the cost of the maintenance thereof shall be assessed, levied and collected from year to year from the several lots and parcels of land within the Road Improvement Area in just proportion as nearly as may be to the benefit which each lot or parcel of land in the Road Improvement Area will derive therefrom; and

**NOW, THEREFORE BE IT ORDERED**, that a meeting of the Town Board of the Town be held at the Town Hall, 2795 East Church Street, Eden, New York, on October

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10, 2007 at 8:30 o'clock p.m. (prevailing time) to hear all persons interested in the Establishment of the Road Improvement Area, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

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

**FUTHER ORDERED**, that the Town Clerk mail by first class mail to each owner of the taxable real property in the proposed Road Improvement Area, a copy of this Order; and

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

**MOTION** was made by Councilwoman Pew to set the Public Hearing for the purpose of the proposed establishment of Road Improvement Area for October 10, 2007 at 8:30 p.m.; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

**MOTION** was made by Councilwoman Pew to open the Public Hearing for Proposed Local Law #3-2007; seconded by Councilman Ventry; 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**  
**Proposed Local Law No. 3-2007**  
**A Local Law Amending the code of the Town of Eden**  
**Chapter 108 – Standard Schedule of Fees Law**

Supervisor Nellis then explained the purpose of the public hearing is to listen to any concerns or questions that citizens have.

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:02 P.M.

**MOTION** was made by Councilwoman Pew to close the public hearing; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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

**3. Presentation on Local Stormwater Management Law – County Presentation**

Supervisor Nellis introduced Vicki Hass, Environmental Specialist and Mary

Rossi, Coordinator for the Western New York Stormwater Management who gave a power-point presentation on the Phase II requirements of the Stormwater Management Law that needs to be adopted by January, 2008.

**4. Setting of Public Hearing on Time-Warner Cable Franchise Renewal – October 10, 2007**

Supervisor Nellis requested the Town Board schedule a Public Hearing for October 10, 2007 at 8:00 P.M. to discuss the Time-Warner Cable Franchise Renewal.

**MOTION** was made by Councilwoman Pew to schedule a Public Hearing for October 10, 2007 at 8:00 P.M. to discuss the Time-Warner Cable Franchise Renewal; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Note:** Councilwoman Pew stated that any comments regarding the Time-Warner Franchise Renewal be forwarded to the Code Review Committee, the Technology Committee or Supervisor Nellis.

**5. Police Retirement Plan**

Supervisor Nellis stated that Chapter 515 requires the Town of Eden to reopen Section 384-d to its Police Officers and authorize Supervisor Nellis to sign the appropriate documents.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to reopen Section 384-d to its Police Officers and authorize Supervisor Nellis to sign the appropriate documents; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Approval of Community Development Block Grant Agreement with County – Main Street Waterline Replacement**

Supervisor Nellis requested authorization to sign the Community Development Block Grant Sub-recipient Agreement between the County of Erie and the Town of Eden in the amount of \$90,000 for the Main Street Waterline Replacement Project.

**MOTION** was made by Councilman Vacco to authorize Supervisor Nellis to sign the Community Development block Grant Sub-recipient Agreement between the County of Erie and the Town of Eden in the amount of \$90,000 for the Main Street Waterline Replacement Project; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

**7. Approval of Snow and Ice Control Agreement with County**

Supervisor Nellis requested authorization to sign the County Snow and Ice Control Agreement, upon recommendation of Ron Maggs, Highway Superintendent, for a 3-year period starting September 1, 2007 through August 31, 2010 with the lane reimbursement rate by the County to the Town increasing by 5% each contract year.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the County Snow and Ice Control Agreement, upon recommendation of Ron Maggs, Highway Superintendent, for a 3-year period starting September 1, 2007 through August 31, 2010 with the lane reimbursement rate by the County to the Town increasing by 5% each contract year; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Eden Library Improvements**

Supervisor Nellis requested this item be tabled and moved to “Old Business”. The Library Board has made a grant request and they are awaiting the response. A bid request will be prepared consistent with the procurement policy requirements.

**9. Water Project Report**

Supervisor Nellis stated that he is awaiting word on the contracts that have been submitted regarding the pipeline along Shadagee Road.

**10. Town Board consenting to Incorporation of Eden Volunteer Fire Company No. 1, Inc.**

William Trask, Town Attorney stated that the membership of the Eden Fire Department is seeking to incorporate under the not-for-profit corporation law as a Fire Corporation. The firematic would remain in place and function as in the past, this just formalizes the business aspect of the Eden Fire Department. Currently and historically the Eden Fire Department has been involved in fundraising efforts, specifically the Eden Corn Festival, it brings into compliance with what the State of New York is looking for fire departments to do. It gives the fire department formal corporate status allowing it to file for tax-exempt status and file annually with the New York State Attorney General Charities Bureau. The Eden Fire Department has done a wonderful job over the years of keeping track of its records and has been complimented by outside sources that have looked at the bookkeeping practices. This is a missing link to bring it into compliance with what the Attorney General's office and New York State will be requiring of all fire departments in the future.

Dan Howles, Eden Fire Department stated that this an effort to stay one step ahead of compliance issues that New York State would be requiring.

**MOTION** was made by Councilwoman Pew consenting to the Eden Fire Department to incorporate under the not-for-profit corporation law as a Eden Volunteer Fire Company, Inc.; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

**Note:** William Trask, Town Attorney stated that after further investigation, a Public Hearing would need to be scheduled to finalize the incorporation.

**11. Liquor License Renewal – Mamma Mia's Pasta House**

Supervisor Nellis received notification of Liquor License renewal for Mama Mia's Pasta House, which is informational.

**12. Resolution – Fire Capital Reserve Fund**

Supervisor Nellis read the following resolution:

**RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE FIRE DISTRICT CAPITAL (EQUIPMENT) RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM**

The governing body 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 Fire District Capital (Equipment) Reserve Fund of the Town of Eden, duly established on February 10, 1994 to the Fire District Equipment Purchase line, Account Number SF3410.2 in the budget for the year 2007, the sum of \$396,197.00 from said Reserve Fund to purchase one new fire truck for the East Eden Fire Department.

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

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

**13. Renewal – ENB Insurance**

Supervisor Nellis received correspondence from Ronald C. Miller, Vice-President of ENB Insurance Agency, Inc. regarding the Municipal Insurance Program for the Town of Eden. The cost of the premium has gone down from \$92,000, last year to \$88,000 this year.

**MOTION** was made by Supervisor Nellis to renew the Municipal Insurance Program at a cost of \$88,000.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Supervisor Nellis to adopt proposed Local Law #3-2007, which will be Local Law #2-2007 when adopted, a Local Law amending the Code of the Town of Eden Chapter 108 – Standard Schedule of Fees Law; seconded by Councilman Vacco; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? - Pew; Abstain? - None; Motion carried.

**Town of Eden  
Local Law #2-2007  
A Local Law Amending the Code of The Town of Eden Town Clerk  
Chapter 108 – Standard Schedule of Fees Law**

- 1. SECTION 3 of the Town of Eden Standard Schedule of Fees shall be amended as follows:

**UNDER A. RESIDENTIAL**

**The fee for a:**

<b>Single Family Dwelling Permit shall be</b>	\$ .14 per square foot of construction Including attached garages, porches and decks
<b>All other Dwelling Permits shall be</b>	\$ .15 per square foot of construction including attached garages, porches and decks
<b>Dwelling Addition Permit shall be</b>	\$ .17 per square foot of construction
<b>Accessory Buildings &amp; Structures:</b> Example: Garages, Barns, Sheds Permits	\$ .15 per square foot of construction
<b>Decks/Porches</b>	\$50.00
<b>Alterations and Repairs</b>	\$75.00
<b>Demolition</b>	\$ .15 per square foot
<b>Fire Place/Stove Permit</b>	\$35.00 (Included with new dwelling Building Permit). Certificate of Compliance Required.
<b>Swimming Pool Permit</b>	\$30.00 above ground \$100.00 in ground (includes fence permit)
<b>Mobile Home Parks</b>	\$10.00 per mobile home lot for initial license and annual renewal thereafter.  \$100.00 per each new mobile home



or replacement

**Under B. BUSINESS/COMMERCIAL PERMITS**

<b>Business/Commercial</b>	\$.10 per square foot of construction
<b>Additions</b>	\$.15 per square foot of construction
<b>Alteration/Repair</b>	\$100.00
<b>Accessory Structures</b>	\$.10 per square foot of construction
<b>Demolition</b>	\$.10 per square foot
<b>Agriculture</b>	\$.02 per square foot-Minimum \$50
<b>Sign Permits</b>	\$50.00
<b>Operating Permits</b>	\$50.00
<b>Special Use Permit of Zoning Amendment Hearing</b>	\$200.00 – Includes Advertisement of Legal Notice by Town Board

This law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

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

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 p.m.

**MOTION** was made by Councilwoman Pew to open the Hearing for the purposes of discussing an Unsafe Structure at 3275 Webster Road; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis opened the Hearing at 8:30 p.m.

Supervisor Nellis stated that an “Order and Notice To Remove or Repair Unsafe Buildings” located at 3275 Webster Road, Eden, New York had been published in the official newspaper of the Town of Eden, “The Sun”.

William Trask, Town Attorney introduced Mr. Pysz, the Attorney representing the current owners, Hort Partners, LLC, 2433 Antioch Road, Perry, Ohio. Mr. Trask stated that the purpose of the hearing this evening is for the current property owner or a representative to come before the Town Board to show cause as to why the Town Board should not issue an order requiring the repair or demolition of the unsafe buildings.

Mr. Pysz stated that Hort Partners, LLC originally consisted of 3 members and in the course of their ownership of this particular parcel, their union dissolved. What was once a 3 member LLC became a 2 member LLC and then the 2 members were at odds with each other, to the extent that litigation was commenced between them. That, in part, is why the facility on Webster Road was not given the attention or was not utilized to the extent originally intended. Very recently, paperwork has been received confirming that the litigation between the two remaining partners has been discontinued. A contract has been received that has been signed by the two remaining partners, which will allow for one of the gentlemen to convey his entire interest in Hort Partners LLC to Mr. Pysz’s client who will operate Hort Partners LLC as a single member LLC.

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Mr. Pysz stated that as recently as this morning they have received a signed “Memorandum of Understanding and Agreement” for purchase of this property. The purchaser, who would prefer to remain nameless at this point, is a well-regarded, capable and able operator of greenhouses and similar facilities. They have also received, signed by Mr. Pysz’s client, the agreement “Pre-closing Occupancy” to take effect as early as the 15<sup>th</sup> of September in order to restore utility service and to secure the premises. With the recent flurry of activity, Mr. Pysz is asking the Town Board for a little more time. This contract has been in negotiation for months. There is a remaining contingency to obtain approval for a “short sale”, which means that his client owes more on this parcel than what he will receive in proceeds from the sale. Mr. Pysz asked the Town Board to grant them some latitude to allow the pre-closing occupancy to take effect and allow the prospective purchaser to take occupancy and do whatever is necessary to bring the property within compliance.

After much discussion, it was determined that this issue would be discussed in Executive Session and Attorney Trask requested that Scott Henry, Code Enforcement Officer to be present.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Hearing at 8:43 p.m.

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

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

**Supervisor’s Report:**

- 9/14/07 –8:00 a.m. meeting of the Southtowns Coalition Commission – Tourism Development. A report is due by the end on September.
- Resurfacing work on Route 62 from North Collins to the Eden Valley Bridge

**Hearing of Visitors:**

William Sickau  
Joseph Klug

**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 9:38 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:40 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk