

January 13, 2010

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 13, 2010  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Scott Hultquist	-	Eden Emergency Squad
Rich Greeley	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Scott Henry	-	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 December 9, 2009; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of December 9, 2009 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 December 29, 2009; there were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of December 29, 2009 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments from Account A1990.4 Contingent Fund to A7550.4 Celebrations – Contractual for over budget in the amount of \$40.00.

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Encumbrances:**

Supervisor Nellis read the following Encumbrances for 2009 for Account A3510.4 Control of Dogs – Contractual in the amount of \$1,200.00 for anticipated vehicle repairs.

**MOTION** was made by Councilwoman Pew to approve the Encumbrances as presented; seconded by Councilman Vacco; 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	1-13	\$9,002.24
Highway Dept. Fund	--	--
Fire Dept. Fund	1-3	\$5,301.48
Recreation Dept. Fund	1	\$883.05
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	1	\$46,624.29
Trust & Agency Fund	--	--
Capital Fund	--	--
Community Development	--	--

**2009 Payables**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	794-816	\$17,081.58
Highway Dept. Fund	369-378	\$28,334.44
Fire Dept. Fund	306-315	\$1,492.83
Recreation Dept. Fund	161-166	\$928.37
Refuse and Garbage Fund	38-39	\$5,066.18
Street Lights Fund	33-34	\$4,857.17
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund	7-8	\$100.98
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of December 2009 were presented by Scott Hultquist, Eden Emergency Squad; Rich Greeley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Councilman Vacco for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dave

January 13, 2010

Johnson, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk's office.

Rich Greeley, Eden Fire Chief requested approval of the following officers for 2010:

Rich Greeley – Chief	Vicki Sickau – President
Dave Rice – 1 <sup>st</sup> Asst. Chief	Joe Poppenburg – Vice President
Jack Rigley – 2 <sup>nd</sup> Asst. Chief	Jack Gavin – Secretary
Glenn Scott – Captain	Tom Schreiner – Treasurer
Kevin Condon – 1 <sup>st</sup> Lieutenant	Martin Henry– Trustee
Bill Sickau– 2 <sup>nd</sup> Lieutenant	Dave Cole – Trustee
	Ron Salzman - Trustee

**MOTION** was made by Councilwoman Pew to approve the officers of 2010 for the Eden Fire Department as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Rich Greeley, Eden Fire Chief requested adding James Rigley, Chris Bush and Joe Winiecki to the active roster of the Eden Fire Department pending a physical.

**MOTION** was made by Councilwoman Pew to add James Rigley, Chris Bush and Joe Winiecki to the active roster of the Eden Fire Department pending a physical; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Rich Greeley, Eden Fire Chief requested removing Dave Skalski from the active roster of the Eden Fire Department.

**MOTION** was made by Councilwoman Pew to remove Dave Skalski from the active roster of the Eden Fire Department; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Chief stated that Charles Cole has taken his life membership in active. He has served the Eden Fire Department for 42 years, holding the positions of second lieutenant, first lieutenant, captain, secretary, treasurer and trustee.

**MOTION** was made by Councilwoman Pew to express appreciation to Mr. Cole for his 42 years of service to the Eden Fire Department; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Andrew Breier, East Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

**New and Unfinished Business:**

**1. Resolution of Recognition at Retirement of Dan Howles from Eden Fire Department**

Councilwoman Pew read the following "Certificate of Recognition":

**CERTIFICATION OF RECOGNITION  
RECOGNIZING DAN HOWLES**

**WHEREAS**, Dan Howles has been a member of the Eden Fire Department for 35 years and

**WHEREAS**, he has served on numerous committees and has held various positions of leadership in the Department, including Chief (1996-1998); and

**WHEREAS**, other positions held include Safety Officer (2003-2009), 1<sup>st</sup> Assistant Chief (1993-1995), 2<sup>nd</sup> Assistant chief (1990-1992), Captain (1989), 1<sup>st</sup> Lieutenant (1987-1988), 2<sup>nd</sup> Lieutenant (1985-1986), and Treasurer (1983-1984); and

**WHEREAS**, although Dan has recently retired from active fire-fighting duty, he continues to serve as Fire Department Chaplain; and

**WHEREAS**, this kind of volunteer service is the backbone of Town Government giving us all, as citizens, a sense of pride in the commitment Dan and others have shown;

**NOW, THEREFORE, WE** the Eden Town Board, express to Dan Howles and his family, on behalf of the citizens of Eden, our deep appreciation for the time, talent and leadership he has given to the Eden Fire Department.

**2. Sponsorship of John Hach to Erie County Police Academy**

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police requesting the appointment of John Hach as a part-time Police Officer. John is currently employed with Canisius College as a peace officer and has extensive experience as a trainer and will be attending the Erie County Police Academy and should be ready to go on the road in July.

**MOTION** was made by Councilman Vacco to sponsor John Hach to the Erie County Police Academy and to appoint him as a part-time Police Officer; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**3. Set New Date for Public Hearing for Proposed Establishment of Town of Eden Water District No. 5**

William Trask, Town Attorney read the following order calling Public Hearing:

**ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
FEBRUARY 8, 2010  
REGARDING THE PROPOSED  
ESTABLISHMENT OF TOWN OF EDEN  
WATER DISTRICT NO. 5**

**WHEREAS**, the Town Board of the Town of Eden (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law Article 12-A, caused CRA Infrastructure & Engineering, Inc. competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Water District No. 5 (the "District"), 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 a water system to be installed along roadways and within right-of-ways previously disturbed by the construction of roads, ditches and utilities. The District will receive water from the Erie County Water Authority through various transmission mains. Approximately 23,100 lineal feet of 8-inch waterline will be installed along roadways in the District including, but not limited to, Ferrier Road, March Road, Shadagee Road and Hemlock Road, including all related right-of-way costs, new service installation, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (collectively referred to herein as “Water Improvement”); and

WHEREAS, the proposed District is bounded and described as follows:

**Eden Water District No. 5-Boundary 5A**

BEGINNING AT THE POINT OF INTERSECTION of the northwest corner of tax parcel no. 207.00-1-1.1 with the north line of the Town of Eden; thence southwesterly along the west line of 207.00-1-1.1 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-1.1 and an extension thereof to a point in the west line of 207.00-1-19; thence southwesterly along the west line of 207.00-1-19 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-19 to a point in the west line of Route 90 as a varied-width New York State Thruway right-of-way; thence northerly, easterly and then northerly again along the west line of Route 90 as a varied width New York State Thruway right-of way to a point in the south line of Shadagee Road as a 66 foot wide County right-of-way; thence southeasterly along the south line of said Shadagee Road to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwesterly along the east line of said Route 90 to the northeast corner of 207.00-1-6.11; thence southwesterly, southeasterly and southwesterly again along the east line of said Route 90 and the north line of 207.00-1-6.11 to the northwest corner thereof; thence southerly along the west line of 207.00-1-6.11 to the southwest corner thereof, thence easterly along the south line of 207.00-1-6.11 to the northwest corner of 207.00-2-15.1; thence southerly along the west line of 207.00-2-15.1 to the northwest corner of 207.00-2-14; thence easterly along the north line of 207.00-2-14 to the northeast corner thereof; thence southerly along the east line of 207.00-2-14 to the southeast corner thereof and the north line of Ferrier Road; thence easterly along the north line of Ferrier Road to the southwest corner of 207.00-2-16; thence northerly along the west line of 207.00-2-16 to the northwest corner thereof; thence easterly along the north line of 207.00-2-16 to the northeast corner thereof; thence southerly along the east line of 207.00-2-16 to the southeast corner thereof and a point in the south line of 207.00-2-15.1; thence easterly along the south line of 207.00-2-15.1 and the north line of Ferrier Road to its intersection with northerly extension of the east line of 222.00-1-7 thence southerly along the said northerly extension and continuing along the east lines of 222.00-1-7 and 222.00-1-6; to the southeast corner of 222.00-1-6; thence westerly along the south line of 222.00-1-6 to the southwest corner thereof and the east line of 222.00-1-5, also being a point in the west line of 207.00-2-15.1; thence southerly along the east line of 222.00-1-5 and the west line 207.00-2-15.1 to the southwest corner of 207.00-2-15.1 thence easterly, northerly, easterly, southerly and easterly again along the south of 207.00-2-15.1 to the southeast corner of 207.00-2-15.1 and a point in the north line of 222.00-1-25.1; thence westerly along the north line 222.00-1-25.1 to the northwest corner thereof; thence southerly along the west line of 222.00-1-25.1, and the west line of 222.00-1-25.2 and the extension thereof to the northwest corner of 222.00-1-19 and the intersection of the north line of Derby Road and the east line of March Road; thence southeasterly along north line of Derby Road and the west line of 222.00-1-19 to

the southwest corner thereof; thence northeasterly along the south line of 222.00-1-19 to a point in the west line of 222.00-1-20; thence southeasterly along the west line of 222.00-1-20 to the southwest corner thereof; thence northeasterly along the south line of 222.00-1-20 to a point in the south line of 222.00-1-22; thence easterly along the south lines of 222.00-1-22 and 222.00-1-23.1 to the southeast corner of 222.00-1-23.1 and the west line of 223.00-5-1.11; thence southerly along the west line of 223.00-5-1.11 to the southwest corner thereof; thence easterly along the south line of 223.00-5-1.11 to the southeast corner thereof; thence northerly along the east line of 223.00-5-1.11 and 223.00-5-1.2 to the southwest corner of 223.00-5-3; thence easterly along the south line of 223.00-5-3, and 223.00-5-5.112 to a point in the west line of 223.00-5-5.112 and the northeast corner of 223.00-5-4.11; thence southerly along the west line of 223.00-5-5.112 to the southwest corner thereof and the north line of 223.00-5-6.1; thence easterly along the south lines of 223.00-5-5.112, 223.00-5-5.111, and 223.00-5-5.12 to the southeast corner of 223.00-5-5.12; thence northerly along the east line of 223.00-5-5.12 to the southwest corner of 223.00-1-36; thence easterly along the south lines of 223.00-1-36, 223.00-1-35, 223.00-1-33, and 223.00-1-19.111 to the northeast corner of 223.00-1-31 and a point in the west line of Schreiner Road as a 49.5 foot Town right-of-way; thence northerly along the west line of Schreiner Road to the south line of March Road; thence easterly along the south line of March Road to the northwest corner of 223.00-1-37; thence southerly along the west line of 223.00-1-37 to the southwest corner thereof; thence easterly along the south line of 223.00-1-37, and 223.00-1-25.11 to a point in the west line of 223.00-1-25.11; thence southerly along the west line of 223.00-1-25.11 to a point in the south line thereof and the southeast corner of 223.00-1-29.111; thence easterly along the south lines of 223.00-1-25.11, 223.00-1-26.2, and 223.00-1-28 to the southeast corner of 223.00-1-28; thence northerly and westerly along the east line of 223.00-1-28 to the northeast corner thereof a point in the south line of March Road as a 49.5 foot Town right-of-way; thence easterly along the south line of March Road to its southern most intersection with the west line of 223.00-2-7; thence southerly along the west line of 223.00-2-7 to the southwest corner thereof; thence easterly along the south lines of 223.00-2-7 and 223.04-1-26 to a point in the east line of 223.04-1-26; thence northerly along the east line of 223.04-1-26 to a point in the south line thereof; thence northeasterly along the south line of 223.04-1-26 to a point in the centerline line of Shadagee Road as a 66 foot County right-of-way; thence northwesterly along the centerline of Shadagee Road as a 66 foot County right-of-way to a point in the east line of 223.00-2-7; thence northerly along the east line of 223.00-2-7 to the northeast corner thereof; thence westerly along the north line of 223.00-2-7 to a point in the west line of the railroad right of way also designated as tax parcel 223.00-2-6; thence northeasterly along the west line of 223.00-2-6 to the northeast corner of 223.00-2-3.11; thence westerly along the north line of 223.00-2-3.11, 223.00-2-2.2, 223.00-2-2.111, 223.00-2-2.4, 223.00-2-1.12, 223.00-2-1.112 and 223.00-2-1.111 to a point in the east line of 223.00-1-21.21; thence northerly along the east line of 223.00-1-21.21, 208.00-5-10, 208.00-5-16 and 208.00-5-6.2 to the northeast corner thereof; thence westerly along the north line of 208.00-5-6.2 to the southwest corner of 208.00-5-5; thence northerly along the west lines of 208.00-5-5, 208.00-5-4.2 and 208.00-5-3 to the northwest corner of 208.00-5-3 and the south line of 208.00-2-7; thence westerly along the south lines of 208.00-2-7, 208.00-2-17 and 208.00-2-3 to the southwest corner thereof; thence northerly along the west line of 208.00-2-3 to the northeast corner of 208.00-1-18; thence westerly along the north line of 208.00-1-18 to the northwest corner thereof; thence southerly along the west line of 208.00-1-18 to the northeast corner of 208.00-1-16; thence westerly along the north line of 208.00-1-16 to the southeast corner of 208.00-1-15 and the southwest corner of 208.00-1-13.2; thence northerly along the west line of 208.00-1-13.2 and westerly along the north lines of 208.00-1-22.12, 208.00-1-38 and 208.00-1-39.1 to the northwest corner thereof and the northeast corner of 207.00-1-15; thence westerly along the north lines of 207.00-1-15, 207.00-1-14, 207.00-1-13, 207.00-1-12 and 207.00-1-11 to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwestly along the east line of Route 90 to a point in the north line of Shadagee Road as a 66 foot County right-of-way; thence northwesterly along the north line of Shadagee Road to a point in the west line of Route 90 as a varied-width New York State Thruway right-of-way; thence northeasterly along the west line of Route 90 to the north line of 207.00-1-7; thence westerly along the north lines of 207.00-1-7, 207.00-1-6.13 and 207.00-1-3 and its extension westerly to the west line of Southwestern Boulevard (Route 20); thence northerly along the west line of

Southwestern Boulevard to the north line of the Town of Eden; thence westerly along the north line of the Town of Eden to the point or place of beginning.

**Excluding: 223.00-2-6 (Erie Lackawanna Railroad) County of Erie**

**Eden Water District No. 5- Boundary 5B**

BEGINNING AT THE POINT OF INTERSECTION of the west line of Hemlock Road as a 49.5 foot wide Town right-of-way with the northeast corner of 222.00-2-33; thence westerly along the north line of 222.00-2-33 to the northwest corner thereof; thence southerly along the west line of 222.00-2-33 to a point in the north line of 237.00-1-4.1; thence westerly along the north line of 237.00-1-4.1 to the northwest corner thereof; thence southerly along the west line of 237.00-1-4.1 to the southwest corner thereof; thence easterly along the south line of 237.00-1-4.1, 237.00-1-6, 237.00-1-17.1, 237.00-2-22, 237.00-2-21, 237.00-2-20, 237.00-2-1.2, 237.00-2-18, 237.00-2-17.2, 237.00-2-15, 237.00-2-14, 237.00-2-12, 237.00-2-10, and 237.00-2-8 to the southeast corner 237.00-2-8; thence northerly along the east line of 237.00-2-8 to the southwest corner of 238.00-5-41; thence easterly along the south line of 238.00-5-41, 238.00-5-39.1, 238.00-5-38, 238.00-5-37, 238.00-5-36.11, and 238.00-5-36.12 to the southeast corner of 238.00-5-36.12; thence northerly along the east line of 238.00-5-36.12 to the centerline of Hemlock Road as a 66 foot wide Town right-of-way; thence westerly along the centerline of Hemlock Road as a 66 foot wide Town right-of-way to the intersection of the centerline of Hemlock Road as a 66 foot wide Town right-of-way and the southeast corner of 238.00-5-10; thence northerly along the east line of 238.00-5-10 to the northeast corner thereof; thence westerly along the north line of 238.00-5-10, 238.00-5-8, 238.00-5-7, 238.00-5-5, 238.00-5-3, 238.00-5-1.11, 237.00-2-7.11, 237.00-2-6, 237.00-2-24, 237.00-2-3, 237.00-2-1.11, 237.00-2-1.12, 237.00-1-13.2, 237.00-1-12.11, 237.00-1-12.12, 237.00-1-12.21, 237.00-1-11.1, 237.00-1-10, 237.00-1-9, 237.00-1-8, and 237.00-1-7, and 237.00-1-4.1 to the intersection of the west line of Hemlock Road as a 66 foot wide Town right-of-way and the southeast corner of 222.00-2-33; thence northerly along the centerline of Hemlock Road as a 66 foot wide Town right-of-way to the point or place of beginning.

WHEREAS, the maximum amount proposed to be expended for the Water Improvement is estimated to be \$2,550,000; and

WHEREAS, in addition to the benefits specifically attributable to the residents in the proposed District, the construction of the Water Improvement will also provide the following benefits to all existing (and proposed) water districts and customers: (i) improve the quality of the public water supply; (ii) improve the stability of the entire water supply; (iii) increase transmission capacity by connecting to the existing system and looping the waterlines; (iv) improve fire flow protection; and (v) remove dead end water lines; and

WHEREAS, in light of the overall improvements the Water Improvement will have in the existing districts, the Town Board has determined to allocate approximately 20% (approximately \$550,000) of the cost of the Water Improvement to residents in the existing water districts through a separate Town proceeding scheduled to take place at a later date and intends to levy special assessments against the properties in the existing districts as determined by law; and

WHEREAS, the balance of the cost of the Water Improvement attributable to the residents in the proposed new District is \$2,000,000, which amount is to be

January 13, 2010

financed by the issuance of serial bonds in an amount not to exceed \$2,000,000, 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 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 shall become due and payable, except as provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be approximately \$875 (such amount includes construction financing costs (debt service), estimated annual water usage costs and hydrant fees); and each property will also have to provide for service from their home to the property line and internal plumbing modifications to set a meter and valves at an estimated one-time cost of approximately \$1,500.

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Eden Central High School, 3150 Schoolview Road, Eden, New York, on February 8, 2010, at 7:00 o'clock p.m. (Prevailing Time) to hear all persons interested in the Establishment of the Town of Eden Water District No. 5, 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 in the event that the Town offices and/or the Eden Central School District schools are closed on February 8, 2010 due to inclement weather (or for any other reason), the public hearing will be held at the Eden Central High School, 3150 Schoolview Road, Eden, New York on February 11, 2010 at 7:00 o'clock p.m. (Prevailing Time); 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 (10) nor more than twenty (20) days before the date of such public hearing, and be it

FURTHER ORDERED, that the Town Clerk mail by first class mail to each owner of the taxable real property in the District, a copy of this Order, or a summary thereof; 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 Councilman Vacco to set the Public Hearing for Proposed Water District No. 5 for February 8, 2010 at 7:00 p.m. at the Eden High School; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**4. Appointments/Reappointments to Town Committees/Boards – (GIS Consultant)**

Supervisor Nellis made the following appointments/reappointments:

Economic Board – 3-year terms each

Francis McLaughlin, Michael Bolo, Kevin Karstedt

**MOTION** was made by Councilman Krycia to appoint Francis McLaughlin, Michael Bolo and Kevin Karstedt to a 3-year term on the Economic Board; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

GIS Consultant – Joseph Ghosen for the year 2010 at \$12,000.00 for the year, to be paid monthly as an Independent Contractor.

**MOTION** was made by Councilwoman Pew to appoint Joseph Ghosen for the 2010 at \$12,000.00 for the year, to be paid monthly as an Independent Contractor; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

Eden Planning Board – William Mahoney to fill the un-expired vacancy of Dennis Brawdy, term to expire December 31, 2014.

**MOTION** was made by Supervisor Nellis to appoint William Mahoney to fill the un-expired vacancy of Dennis Brawdy, term to expire December 31, 2014; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Stormwater Management – the annual stipend for Ron Maggs as our Stormwater Management Supervisor at \$2,163.00 for the year 2010.

**MOTION** was made by Supervisor Nellis to appoint Ron Maggs, Stormwater Management Supervisor at \$2,163.00 for the year 2010; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried

**5. New York State Association of Towns Meeting in New York City – Feb. 14<sup>th</sup> – 17<sup>th</sup> - Designation of Voting Delegate and Alternate**

Supervisor Nellis stated that the 2010 Training School and Annual meeting of the Association of Towns of the State of New York will be held at the Hilton New York & Towers, New York City, February 14-17, 2010. This is a training session for town officials with the following officials requesting approval to attend; Edward Krycia, Councilman, Rich Ventry, Councilman, Michael Cooper, Town Justice and Mark Agle, Planning Board Chairman.

**MOTION** was made by Councilman Vacco to approve attendance to the 2010 Training School for the above-mentioned; seconded by Supervisor Nellis; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis stated that the Town Board must designate a Voting Delegate and an Alternate Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York.

**MOTION** was made by Supervisor Nellis to designate Councilman Krycia as Voting Delegate and Councilman Ventry as Alternate Voting Delegate; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**6. Resolution on World Kidney Day – March 11, 2010**

Supervisor Nellis read the following resolution:

**PROCLAMATION  
Recognizing March 11, 2010 as  
“World Kidney Day”**

**WHEREAS**, healthy kidneys are essential to regulate the body by water and other chemicals in your blood, remove fluids, waste, toxins and drugs introduced to the body, release hormones that regulate blood pressure, make red blood cells and promote strong bones; and

**WHEREAS**, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

**WHEREAS**, 170,000 Western New Yorkers have chronic kidney disease and another 170,000 are at risk and don’t know it; and

**WHEREAS**, over 1,600 Western New Yorkers are on dialysis; and

**WHEREAS**, approximately 40 percent are African American and 16 percent are Hispanic; and

**WHEREAS**, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

**WHEREAS**, the National Kidney Foundation of WNY as a free health screening program to identify people in the early stages of kidney disease; and

**WHEREAS**, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

**WHEREAS**, early detection including regular reporting of the GFR calculation, currently the best indication of kidney disease staging can help prevent the progression of kidney disease failure, which requires continual dialysis or kidney transplant to maintain life; and

**WHEREAS**, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

**WHEREAS**, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk;

**NOW, THEREFORE BE IT RESOLVED** by the Eden Town Board that March 11<sup>th</sup> is recognized as “World Kidney Day” in the Town of Eden in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York State and throughout the country and the world.

**MOTION** was made by Supervisor Nellis to adopt the Proclamation as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**7. Agreement to Spend – Highway Department**

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$390,000.00 for 49.28 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements of the following town highways; on Hillbrook, starting at US Route 62 and ending at New Section, a distance of .61 miles not over the sum of \$120,000.00; and Any and All Town Roads, a distance of 48.67. miles not over the sum of \$270,000.00.

**MOTION** was made by Councilman Ventry to approve the “Amendment to Spend” as presented with a copy to be filed in the Town Clerk’s office; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Approval of Family Swim Life Guards**

Supervisor Nellis read the following staff appointments for Family Swim Life Guards:

- Carly Koszuta, Program Supervisor at a pay rate of \$10.00/hour
- Rachael Baltes, Life Guard at a pay rate of \$8.00/hour
- Elizabeth Benedict, Life Guard at a pay rate of \$8.00/hour
- Katherine Gorcica, Life Guard at a pay rate of \$8.00/hour
- Christopher Winter, Life Guard at a pay rate of \$8.00/hour
- Catlin Hackford, Life Guard at a pay rate of \$8.00/hour

The Recreation Board asked that these appointments be made at the earliest convenience of the Town Board. All Life Guards have current certification.

**MOTION** was made by Councilman Vacco to approve the staff appointments for Family Swim Life Guards based on the recommendation of the Recreation Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**9. Year-End Report – Senior Citizen Transportation & Conservation Board**

Supervisor Nellis received the 2009 Senior Citizen Transportation full year report and thanked Diane Herzog in his office and the following volunteer drivers:

- |              |                |               |
|--------------|----------------|---------------|
| David Sully  | Frank Miller   | Walter Henry  |
| Marcia Sully | Ron Smith      | Ed Sturm      |
| Linda Meyer  | Tim Gaul       | Harry Doherty |
| Neil Colvin  | Butch Brockman | John Grotke   |
| Tom Zelasko  |                |               |

Supervisor Nellis received the annual report for 2009 for the Conservation Board from Frank Mantione, Chairman.

**10. Notification of Liquor License Renewal – Newell Faulkner Post 880**

Supervisor Nellis received and filed the Liquor License Renewal for Newell Faulkner Post 880.

**Supervisor’s Report:**

- Supervisor Nellis received correspondence from the New York State Thruway Authority regarding public feedback on a potential wind turbine project in Western New York that is designed to provide clean energy for Thruway facilities and surrounding communities while reducing

January 13, 2010

greenhouse gases and the state's reliance on fossil fuels. The Thruway Authority currently is considering whether to establish a single wind turbine at six different Thruway Authority-owned sites along the Thruway corridor in Western New York. (Councilman Krycia noted that the thruway is technically in the Town of Evans).

- Supervisor Nellis stated that his office has information regarding HEAP with important dates to apply for assistance.

**Hearing of Visitors:**

Robert Stickney – regarding street lights in the Town of Eden needing replacement.

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:55 P.M.

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk