

June 2, 2010

MINUTES

**PUBLIC HEARING
REGARDING THE PROPOSED
ESTABLISHMENT OF
TOWN OF EDEN
WATER DISTRICT NO. 5
EDEN TOWN HALL
2795 EAST CHURCH STREET
EDEN, NEW YORK
JUNE 2, 2010
7:00 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

OTHERS PRESENT:

Heather Ohmit	-	Deputy Town Clerk
Stephen Waldvogel	-	CRA Project Engineer
Mark Cavacolli	-	CRA
John Alessi	-	Hodgson Russ LLP

Call To Order:

Supervisor Nellis called the meeting of the Eden Town Board to order at 7:00 P.M.

MOTION was made by Councilman Krycia to open the Public Hearing Regarding The Proposed Establishment of Town of Eden Water District No. 5; seconded by Councilwoman Pew; All "Ayes"; Opposed?-None; Abstain?-None; Motion carried.

Mark Cavacolli of CRA noted that this is the third Public Hearing for the formation of Eden Water District #5. No changes were noted in project cost. The boundaries were changed for the edges of the proposed district, necessitating this third meeting. The new boundaries were reviewed and approved and are now accurate. Those parcels removed are already in existing water districts. New boundary maps will be made available in the Town Supervisor's and the Town Clerk's offices.

The following persons made statements or asked questions pertaining to Proposed Water District No. 5:

Barbara Huntoon	-	2183 Ferrier Road
Tom White	-	2245 Hemlock Road
Juanita Majewski	-	2293 Hemlock Road
Mike Steffen	-	2367 Hemlock Road
Charles Russell	-	2600 March Road
(for Bog Trotters organization)		
Ruby Davis	-	7742 Bley Road
Tom Rogers	-	2222 Ferrier Road
Barry Oksman	-	9804 Tice Road
Joe Klug	-	7700 Bley Road

All persons desiring to be heard, having been heard, the hearing was terminated at 7:45 pm.

MOTION was made by Councilman Vacco to close the public hearing and open the regular meeting; seconded by Councilwoman Pew; All "Ayes"; Opposed?-None; Abstain?-None; Motion carried.

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Supervisor Nellis read the following State Environment Quality Review Act (Negative Declaration):

TOWN BOARD OF THE TOWN OF EDEN
STATE ENVIRONMENTAL QUALITY REVIEW ACT
Negative Declaration (June 2, 2010)

WHEREAS, the Town of Eden (“Town”) proposes to create Town of Eden Water District No. 5 pursuant to Town Law Article 12-A for the purpose of constructing water distribution lines and related facilities to provide potable water service to approximately 200 improved and vacant parcels in the Town of Eden, County of Erie and State of New York (the “Project”); and

WHEREAS, a map, plan and report dated October, 2009 and amended March, 2010 describing the area affected and the proposed improvements and anticipated project costs has been prepared by Conestoga, Rovers & Associates, competent engineers; and

WHEREAS, the Town of Eden Town Board (the “Board”) has declared lead agency status with respect to the Project; and

WHEREAS, the Project was duly referred to the Erie County Department of Planning pursuant to General Municipal Law § 239-m, and a response of “no recommendation” was received on such zoning referral, and

WHEREAS, the Board has reviewed the Project and the Town’s application materials, including the Environmental Assessment Form, the various engineering reports and all other materials submitted in connection with this proposed action; and

WHEREAS, the Board conducted multiple public meetings and/or public hearings on the Project, including on March 11, 2009, February 8, 2010 and June 2, 2010, at which meetings and hearings the project engineers made presentations and the public was afforded the opportunity to be heard; and

WHEREAS, in response to public comment and official input from involved agencies, changes have been made in the scope of the project which now covers areas on Shadagee, Ferrier, March and Hemlock Roads in the Town of Eden; and

WHEREAS, the Project is a Type 1 action under the State Environmental Quality Review Act (“SEQRA”) and involved agencies have been provided all requisite notices; and

WHEREAS, the Board has taken a “hard look” at all potentially adverse environmental impacts pursuant to SEQR.

NOW, THEREFORE, be it resolved by the Board that:

Based upon the Board’s thorough and careful review of the Project and Project application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the Board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. Lateral restriction

policies will be adopted consistent with New York State Agriculture and Markets requirements in order to minimize developmental and economic pressures on existing agricultural operations.

3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species. No plant or animal life will be adversely permanently affected by the Project.

4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc. The Project is not expected to induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety. The Board finds no adverse impacts on the public health. In fact, the Board recognizes that the Project will allow the establishment of a reliable potable water supply for areas of the Town of Eden currently dependent upon private wells, some of which are unreliable both in quality and quantity. The proposed action will also improve water delivery for fire protection in the affected area.

6 NYCRR § 617.1 states that it is the intention of the SEQR regulations “that a suitable balance of social, economic and environmental factors be incorporated in the planning and decision making of State, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision making.”

This Board has considered all the evidence submitted and has determined that the Project will not have a significant adverse environmental effect on the community.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulation under SEQRA or as may be deemed advisable by the Board.

The foregoing resolution was put to a vote, which resulted as follows:

Glenn R. Nellis, Supervisor	Voting ___ "Aye"
Mary Lou Pew, Councilwoman	Voting ___ "Aye"
Edward Krycia, Jr., Councilman	Voting ___ "Aye"
Vincent Vacco, Councilman	Voting ___ "Aye"
Richard Ventry, Councilman	Voting ___ "Aye"

Councilwoman Pew read the following Resolution Approving The Establishment Of The Town of Eden Water District No.5, Subject To Mandatory Referendum And Approval of the State Comptroller:

**RESOLUTION APPROVING THE ESTABLISHMENT OF
THE TOWN OF EDEN WATER DISTRICT NO. 5,
SUBJECT TO MANDATORY REFERENDUM
AND APPROVAL OF THE STATE COMPTROLLER**

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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, an amendment to such original map, plan and report was made by CRA Infrastructure & Engineering, Inc. to account for all the benefitted properties, and only such benefitted properties, to be included in the proposed District and such amended map, plan and report is on file at the Town Clerk, and available for public inspection at said location; and

WHEREAS, such amended map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above; 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 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 cost of the Water Improvement attributable to the residents in the proposed new District is \$2,000,000, which amount is to be 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 benefitted 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 Town Board has pursuant to an Order Calling for a Further Public Hearing, which Order was duly posted and published, held a public hearing on June 2, 2010 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

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NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN EDEN as follows:

The Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.
2. That all properties and property owners benefited by the improvements are included in the District.
3. That all properties and property owners included in the District are benefited thereby.
4. That it is in the public interest to establish the Town of Eden Water District No. 5.
5. That in the opinion of the Board, none of the properties included in the District will be unduly burdened by the creation of the District.

RESOLVED that the Town Board hereby approves the creation of the Town of Eden Water District No. 5 and shall be bounded and described as follows:

Town of Eden - Proposed Water District No. 5 (March 23, 2010-Final)

All that tract or parcel of land situate in the Town of Eden, County of Erie, State of New York, and lying within Township 8, Range 8, Lot 31, Lot 32, Lot 38, Lot 39, Lot 40, Lot 46, Lot 47, Lot 48, Lot 52, Lot 54, Lot 55, Lot 56, Lot 59, and Lot 64 of the Holland Land Company's survey and consisting of two (2) Sections being further 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, 207.00-1-7.1, 207.00-1-11 and 207.00-1-17 to the northwest corner of 207.00-2-17; thence southerly along the west line of 207.00-2-17 and an extension thereof to a point in the south line of Ferrier Road; thence easterly along the south line of Ferrier Road to the northwest corner of 208.00-6-14; thence southerly along the west line of 208.00-6-14 to the southwest corner thereof 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 south line of March Road; thence easterly along south line of March Road and the north line of 222.00-1-19 to the northwest corner 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 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 and 223.00-1-26.21 to the southeast corner of 223.00-1-26.21; thence northerly along the east line of 223.00-1-26.21 to the southwest corner of 223.00-2-7; thence easterly along the south lines of 223.00-2-7 and 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 southwestwesterly 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 207.00-1-7.1; thence westerly along the north lines of 207.00-1-7.1, 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

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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 and 238.00-5-37, to the southeast corner of 238.00-5-37; thence northerly along the east line of 238.00-5-37 to the centerline of Hemlock Road as a 66 foot wide Town right-of-way; thence easterly 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 238.00-5-9; thence northerly along the east line of 238.00-5-9 and the east line of 238.00-5-8 to the northeast corner of 238.00-5-8; thence westerly along the north line of 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.

AND BE IT FURTHER RESOLVED, that the cost of the Water Improvement attributable to the residents in the proposed new District is \$2,000,000, which amount is to be financed by the issuance of serial bonds in an amount not to exceed \$2,000,000, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Erie, and/or local funds 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 be it

FURTHER RESOLVED, 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; and be it

FURTHER RESOLVED that this resolution is subject to a mandatory referendum in the manner provided by law; and be it

FURTHER RESOLVED, that the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York, and be it

FURTHER RESOLVED, that a Special Election shall be held on August 3, 2010, at the Eden Town Hall located at 2795 East Church Street, in said Town, at 10:00 o'clock A.M. (Prevailing Time) and the polls shall remain open until 8:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes; and be it

FURTHER RESOLVED, that the Town Clerk shall cause the Notice of such Special Election to be published at least once in each official newspaper of the Town designated for such purpose, and to be posted on the sign board of the Town maintained

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pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Special Election; and be it

FURTHER RESOLVED, the Town Clerk is hereby authorized and directed to include in the Notice of Special Election, notice that the Town Board will submit at the said Special Election, a proposition for approval or disapproval of the resolution hereinafter referred to in such Notice; and be it

FURTHER RESOLVED, at said Special Election, the vote upon the said proposition shall be by separate ballot by paper ballots, and unless otherwise permitted by law, the only persons qualified to vote upon said proposition shall be the owners of taxable real property situated in the proposed Water District No. 5 as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation; and be it

FURTHER RESOLVED, that said Notice shall be in substantially the following form:

TOWN OF EDEN, ERIE COUNTY, NEW YORK

NOTICE OF SPECIAL ELECTION

AUGUST 3, 2010

NOTICE IS HEREBY GIVEN that a Special Election will be held on August 3, 2010, in the Town of Eden, in the County of Erie, New York, at the Eden Town Hall, 2795 East Church Street, in said Town, and unless otherwise permitted by law, voting will be limited to owners of taxable real property situate in the proposed Town of Eden Water District No. 5, as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation, and the polls shall remain open from 10:00 o'clock A.M. (Prevailing Time) to 8 o'clock P.M. (Prevailing Time), or for such longer period of time as may be necessary to enable the voters then present to cast their ballots.

At said Special Election the following Proposition is to be voted upon:

PROPOSITION

SHALL the resolution entitled: "Resolution approving the establishment of Water District No. 5, in the Town of Eden, subject to mandatory referendum and approval of State Comptroller," BE APPROVED?

An abstract of said proposition is as follows:

FIRST: 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"), in the Town, with proposed improvements consisting of the installation of a water system 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"); the improvements will be constructed pursuant to a map, plan and report that has been duly filed in the office of the Town Clerk of The Town for inspection; that an Order was adopted on May 12, 2010,

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reciting a description of the boundaries of the proposed Water Improvements in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum proposed to be expended therefore, the proposed method of financing, the fact that a map, plan and report describing the same is on file in the office of the Town Clerk for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted; that all environmental laws and regulations have been complied with; and that such hearing has been duly held on June 2, 2010, at the time and place specified;

SECOND: Resolving and determining that (a) the Notices of Public Hearing were published and posted as required by Law and are otherwise sufficient; (b) all the property and property owners included within the proposed establishment of the District are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed establishment of the District; and (d) that it is in the public interest to establish the District;

THIRD: Approving the establishment of the District and the construction of improvements therein as described; Designating the District as Water District No. 5, in the Town of Eden; and describing the District in a manner sufficient to identify the lands included therein;

FOURTH: Resolving the maximum amount proposed to be expended for the Water Improvement is estimated to be \$2,550,000 and the cost of the Water Improvement attributable to the residents in the proposed new District is \$2,000,000, which amount is to be 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 benefitted 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;

FIFTH: Further resolving that the Town Clerk shall, within ten days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by said Town Board for permission to establish the District and that such application shall be executed by the Town Supervisor; and

SIXTH: Stating that this resolution shall be subject to a mandatory referendum and approval of State Comptroller.

and be it

FURTHER RESOLVED, that forthwith after the Special Election is held, pursuant to Section 209-e of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said Section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of Erie County and in the office of the Department of Audit and Control in Albany; and be it

FURTHER RESOLVED, that upon affirmative vote of a proposition submitted, the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the office of the State Comptroller, Department of Audit and Control for approval for the formation of the District.

FURTHER RESOLVED, that this resolution shall take effect immediately as respects that portion thereof which provides for the Special Election to be held on August 3, 2010 and shall be otherwise effective as provided by law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

June 2, 2010

AYES: Hon. Glenn R. Nellis, Supervisor
Hon. Mary Lou Pew, Councilwoman
Hon. Edward Krycia, Jr., Councilman
Hon. Vincent Vacco, Councilman
Hon. Richard Ventry, Councilman

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

The Special Election will be held on August 3, 2010, at the Eden Town Hall, 2795 East Church Street.

The foregoing resolution was put to a roll call vote, which resulted as follows:

Supervisor Nellis	-	Voting "Aye"
Councilwoman Pew	-	Voting "Aye"
Councilman Krycia	-	Voting "Aye"
Councilman Vacco	-	Voting "Aye"
Councilman Ventry	-	Voting "Aye"

Opposed?-None; Abstain?-None; Motion carried.

Adjournment:

MOTION was made by Councilwoman Pew to adjourn the meeting of the Eden Town Board; seconded by Councilman Vacco; All-"Ayes" ;Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis adjourned the Meeting of the Eden Town Board at 8:15 P.M.

Respectfully submitted by,

Heather Ohmit
Deputy Town Clerk

June 2, 2010