

June 9, 2010

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 9, 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 ( <i>Absent</i> )
RICHARD S. VENTRY	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Rich Greeley	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief

**OTHERS PRESENT:**

William Trask	-	Town Attorney ( <i>Absent</i> )
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	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 May 12, 2010; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of May 12, 2010 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 May 21, 2010; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of May 21, 2010 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”:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A1990.4 Contingent Fund	A1320.4 Audit Contractual	Amount owed for Town Audit that is above original budget	\$400.00
A909 Fund Balance	A3120.2 Police Equipment	Police Recorder	\$16,260.00
SF909 Fund Balance	SF9950.9 Transfer to Capital	Expenses for East Eden Bldg. Repair	\$45,540.60
SF2680 Insurance Recovery	SF3410.4 Fire Contractual	Apply insurance money rec'd to date for repair of Eden Fire Hall Damage	\$10,813.73

**MOTION** was made by Councilman Krycia to approve the Budget Transfers/Amendments as presented; seconded by Councilman Ventry; 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	272-339	\$186,995.28
Highway Dept. Fund	142-169	\$24,935.36
Fire Dept. Fund	91-108	\$6,196.75
Recreation Dept. Fund	46-60	\$2,658.57
Refuse and Garbage Fund	--	--
Street Lights Fund	11-12	\$3,538.58
Water Fund	12-13	\$5,376.72
Trust & Agency Fund	--	--
Capital Fund		
H8320.402	3-4	\$287.60
H8320.401	17-19	\$26,170.19
H3410.2	1-2	\$37,061.40
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 May 2010 were presented by Rich Greeley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Dave Johnson, Town Engineer; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

June 9, 2010

Rich Greeley, Eden Fire Chief reported that the Eden Fire Department has applied for a FEMA assist grant for turnout gear, with a 5% matching from the Town and a New York State DEC grant with a 50% matching from the Town.

Ron Maggs, Highway Superintendent requested permission to help with the Corn Festival as needed.

**MOTION** was made by Councilwoman Pew to allow Ron Maggs, Highway Superintendent to assist with the Corn Festival at his discretion; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Pew; Abstain? – Ventry; Oppose? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board for public hearing; 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 increase funding for the Shadagee Road Project; 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**  
**Increased Funding for**  
**Shadagee Road Project**

Stephen Waldvogel, Engineer for CRA and Mary Chappell from Municipal Solutions were available to answer questions and receive comments during the public hearing.

Stephen Waldvogel gave a brief presentation regarding the Shadagee Road Project and how the increase would impact the residents that are currently a part of an existing water district. For a typical home in one of the districts the increase would be an additional \$19.00 per year to all homeowners in an existing water district. That amount may be reduced if assistance is granted through Build American Bonds, which may subsidize the interest of the project.

The following persons spoke and asked questions about the Shadagee Road Project:

Bill Bancroft, Shadagee Road

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8: 10 p.m.

**MOTION** was made by Councilman Krycia to close the Public Hearing and open the Regular Meeting of the Eden Town Board at 8:10 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Resolution opposing State unfounded mandate that all dogs be micro chipped and have complete obedience training**

Supervisor Nellis read the following resolution:

**WHEREAS**, the New York State Department of Agriculture & Markets has proposed in the Governors Budget to remove the licensing of dogs from the State control and turning it over to all municipalities in New York State; and

**WHEREAS**, under Senate Bill S2211 and Assembly Bill A.10330 the legislatures have proposed a requirement that all dogs must be micro chipped and a registry of dogs be created, which the Town of Eden believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions; and

**WHEREAS**, the Senate has also introduced under Bill S2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Eden also believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions;

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Town of Eden opposes Senate Bill S2211 requiring all dogs in NYS to be micro chipped and a registry of dogs to be created and requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions.
2. The Town of Eden opposes Assembly Bill A.10330 requiring all dogs in NYS to be micro chipped and a registry of dogs to be created, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions.
3. The Town Clerk is hereby ordered to send a certified copy of this resolution to the town's local Senate and Assembly representatives and to Governor David Peterson.
4. This resolution shall take effect immediately.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**2. Approval of fire hydrant installation bid on Wepax Road Waterline**

Supervisor Nellis read correspondence from Angiolina Passucci, Vice President of E & R General Construction regarding installation of a new hydrant on Wepax Road. They will supply all material, equipment and labor for complete installation of new hydrant on the existing main as directed by owner at a total job cost of \$5,000.00

**MOTION** was made by Supervisor Nellis to approve the installation of a fire hydrant on Wepax Road by E & R General Construction at a total job cost of \$5,000.00; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**3. Ratification of change order on concrete/drainage work at East Eden Fire Hall**

Supervisor Nellis read correspondence from C. Destro Development Co., Inc. regarding a change order on concrete/drainage work at East Eden Fire Hall at a cost of \$6,675.00.

**MOTION** was made by Supervisor Nellis to approve the cost of the change order in the amount of \$6,675.00; seconded by Councilman Krycia; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**4. Off-Road Drainage Committee Report**

Ron Maggs, Chairman of the Off-Road Drainage Committee recommended the Town Board approve the following projects that the committee has agreed upon:

1. Recommending to approve Project 2010-02 – Miscellaneous mowing at a cost not to exceed \$3,000.00
2. Recommending to approve Project 2010-03 – Cleaning drainage near 2860 Maple Avenue starting at road heading north for approximately 200’ at a cost not to exceed \$2,500.00

**MOTION** was made by Councilman Ventry to approve the above-mentioned projects as recommended by the Off-Road Drainage Committee; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Approval of request to purchase new accounting software**

Councilwoman Pew requested approval to purchase new accounting software for the Town of Eden Bookkeeper, Lisa Winter at a total cost of \$15,710.00. Mrs. Winter has received several quotes and presentations and is recommending Harris Computer Systems. Also, authorization for Supervisor Nellis to sign the agreement is required.

**MOTION** was made by Councilwoman Pew to authorize the purchase of the new accounting software for the Town of Eden Bookkeeper, Lisa Winter to the Harris Computer Systems at a cost of \$15,710.00 and authorize Supervisor Nellis to sign the agreement; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Councilwoman Pew publicly thanked Lisa Winter, Eden Bookkeeper for her assistance in this matter.

**6. Approval of bids on Rt. 62 – Waterline Replacement**

Supervisor Nellis requested this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting based on the recommendation of Stephen Waldvogel from CRA and Bond Council.

**7. Possible Resolution and Bond Resolution on increased funding for Shadagee Road Project**

Supervisor Nellis read the following resolution:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE JOINT INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF EDEN CONSOLIDATED  
WATER DISTRICT AND WATER DISTRICT NOS. 1, 2, 3, 3A AND 4**

WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York on behalf of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4 (collectively, the “Districts”), in the Town, has directed CRA Infrastructure & Engineering, Inc., a subsidiary of Conestoga-Rovers & Associates, a professional engineering firm licensed in New York, to prepare an addendum to the map, plan and report, dated July 2007, and revised May, 2008, for the District water improvements, along Route 62 and Shadagee Road, including but not limited to, the construction of a pump station, the installation of a 16-inch transmission main along Shadagee Road, and the installation of approximately 3,500 feet of 10-inch waterline and 1,000 feet of 12-inch waterline, the replacement of hydrants, service lateral reconnections, and appurtenances, and all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (the “Improvements”); and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such

June 9, 2010

addendum to the map, plan and report for said joint increase and improvement of facilities of the Districts and has estimated the increased total cost thereof to be a maximum amount of \$6,780,000; said increased cost to be financed by the issuance of serial bonds of the Town in the amount of \$6,780,000, offset by any federal, state, county and/or local funds; and

WHEREAS, the project cost has increased from \$5,280,000 to \$6,780,000 due to an increase in bid prices received for the District Improvement and such amended and revised map, plan and report is on file at the office of 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, the Town Board has previously given due consideration to the impact that the joint increase and improvement of the facilities of the Districts may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk.

WHEREAS, the Town Board issued an Order at its May 21, 2010 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on June 9, 2010 at 8:00 o'clock P.M. (prevailing time) to consider said joint increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper 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

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW THEREFORE BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF EDEN, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the Districts as hereinabove described and referred to at the estimated maximum cost of \$6,780,000; and it is hereby

DETERMINED, that the parcels and lots of the Districts shall be benefited by said joint increase and improvement of the facilities of the Districts; and it is hereby

DETERMINED, that all parcels and lots benefited by said joint increase and improvement of the facilities are included in the Districts; and it is hereby

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said joint increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

June 9, 2010

FURTHER ORDERED, that the expense of said joint increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$6,780,000, said amount to be offset by any federal, state, county and/or local funds, and the costs of said joint increase and improvement of facilities shall be annually apportioned among the Districts by the Town Board, and unless paid from other sources, the amounts so apportioned shall be assessed, levied and collected from the several lots and parcels of land within each such District for such purpose in the same manner and at the same time as other Town charges, except as provided by law, and it is hereby

FURTHER ORDERED, that within ten (10) days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Councilwoman Pew read the following resolution:

**A BOND RESOLUTION, DATED JUNE 9, 2010, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), FURTHER AMENDING THE BOND RESOLUTION ADOPTED ON JANUARY 9, 2008 AND AMENDED ON JUNE 25, 2008, AND AUTHORIZING THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN OF EDEN CONSOLIDATED WATER DISTRICT AND WATER DISTRICT NOS. 1, 2, 3, 3A AND 4 AT AN ESTIMATED MAXIMUM COST OF \$6,780,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,780,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, on January 9, 2008 the Town Board of the Town of Eden, Erie County, New York adopted a bond resolution authorizing improvements the Consolidated Water District Nos. 1, 2, 3, 3A and 4 (the "Improvements Project") in an amount of \$4,200,000; and

WHEREAS, on June 25, 2008, the Town Board of the Town of Eden, Erie County, New York adopted an amending bond resolution to increase the estimated maximum cost from \$4,200,000 to \$5,280,000 due to an increase in the size of the transmission main along Shadagee Road Road from 12 inches to 16 inches; and

WHEREAS, the Town Board has determined to amend the June 25, 2008 bond resolution to increase the estimated maximum cost from \$5,280,000 to \$6,780,000 due to an increase in bid prices received for such revised District improvement.

WHEREAS, the Town Board of the Town of Eden, Erie County, New York (the "Town"), has determined to proceed with the Joint Increase and Improvement of Facilities of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4 (the "Improvements Project"); and

WHEREAS, the Town Board desires to undertake District water improvements, along Route 62 and Shadagee Road, including but not limited to, the

construction of a pump station, the installation of a 16-inch transmission main along Shadagee Road, and the installation of approximately 3,500 feet of 10-inch waterline and 1,000 feet of 12-inch waterline, the replacement of hydrants, service lateral reconnections, and appurtenances, and all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Improvements").

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Improvements.

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a water improvements project, as more fully described above, by the joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4 (collectively, the "Districts") in the Town of Eden. The estimated maximum cost of said purpose is \$6,780,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$6,780,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds. The cost of such improvements is to be paid by the issuance of serial bonds, and unless paid from other sources, by the assessment, levy and collection of assessments from the several lots and parcels of land within the Districts which the Town Board shall determine to be especially benefited thereby, so much upon and from each in the same manner and at the same time as other Town charges, except as provided by law, sufficient to pay the principal of said bonds and the interest on such bonds as the same shall become due and payable.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources, there shall be the assessment, levy and collection of assessments from the several lots and parcels of land within each such District in the same manner and at the same time as other Town charges, except as provided by law, sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes



issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date of the January 9, 2008 Bond Resolution) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 14. This Resolution is effective immediately.

SECTION 15. Nothing in this amendment shall affect the validity of the original January 9, 2008 bond resolution or the June 25, 2008 amending bond resolution, or any action taken thereunder and any said actions are hereby ratified.

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

**8. Appointment – Recreation Staff Adjustment**

Supervisor Nellis read correspondence from Susan Brass, Recreation Direction regarding the staff adjustment due to a clerical mistake for Sheila Sickau, from \$7.25 per hour to \$7.75 per hour.

**MOTION** was made by Councilwoman Pew to adjust the pay for Sheila Sickau from \$7.25 per hour to \$7.75 per hour; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**9. Resolution – East Eden Fire Department**

Supervisor Nellis read the following resolution:

**EAST EDEN FIRE HALL IMPROVEMENTS**

**WHEREAS**, the Town Board of the Town of Eden plans to make improvements to their East Eden Fire Hall.

**WHEREAS**, the Town does not have sufficient funds on hand to pay for all improvements necessary to the East Eden Fire Hall.

**WHEREAS**, this project may be eligible for federal government funding through the USDA/Rural Development to construct the improvements to the East Eden Fire Hall.

**WHEREAS**, it is in the interest of the public to obtain low interest loans and/or grants for the construction of the improvements to the East Eden Fire Hall; therefore be it

**RESOLVED** that the Supervisor and Deputy Supervisor of the Town of Eden is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

**BE IT FURTHER RESOLVED** that the Town Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

**MOTION** was made by Supervisor Nellis to adopt the resolution as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- Free Fishing Days – June 26 and June 27, 2010
- Household Hazardous Waste Day – Saturday, June 19, 2010 from 9:00 a.m. – 2:00 p.m at the Erie Community College South Campus.
- Boater Safety Course – June 15 and June 16, 2010 from 5:30 p.m. to 9:30 p.m. (both days) at the Evans Center Fire Hall.

**Hearing of Visitors:**

There were none.

**Adjournment:**

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

June 9, 2010

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