

September 22, 2010

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
SEPTEMBER 22, 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

OTHERS PRESENT:

Heather Ohmit	-	Deputy Town Clerk
Cindy Ciesielski	-	Deputy Town Clerk
Lisa Greiner	-	Administrative Assistant
Mark Cavacolli	-	CRA

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:35 P.M.

Pledge of Allegiance:

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

New and Unfinished Business:

1. Water Projects

Mark Cavacolli of CRA presented the Proposed Water System Improvements report to the Town Board. Mr. Cavacolli gave an update on the Shadagee Road project.

MOTION was made by Councilman Krycia to receive and file the Proposed Water System Improvements report; seconded by Councilwoman Pew; All "Ayes", Opposed? - None; Abstain? - None; Motion carried.

Setting Public Hearing on Increase and Improvements of Water Facilities

Supervisor Nellis read the following order:

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
OCTOBER 13, 2010**

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, created the Town of Eden Consolidated Water District and Water District No. 4 (collectively, the "Districts"), and has directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a preliminary engineering map, plan & report for the Districts' water system improvements including the installation of approximately 23,100 linear feet of 8-inch waterline along various Town roads including, but not limited to, Ferrier Road, March Road and Hemlock Road; installation of necessary valves and hydrants, along with customer service taps and lines along developed properties; approximately two creek crossings in which ductile iron pipe will be installed under creek beds; and all of the forgoing to include all necessary site

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work, equipment, apparatus and other improvements and costs incidental thereto, (collectively, the "Water Improvement"); and pursuant to the direction of the Town the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report for said joint increase and improvement of facilities of the Districts; and

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

WHEREAS, the construction of the Water Improvement will 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 (and proposed) districts, the Town Board has determined to allocate approximately 80% (approximately \$2,000,000) of the cost of the Water Improvement to residents in the proposed Water District No. 5 through a separate Town proceeding that has been approved at a vote by the residents in the proposed Water District 5 but has not yet been approved by the Office of the New York State Comptroller; and

WHEREAS, the Districts discussed herein will only be responsible for approximately 20% or an estimated maximum cost of \$550,000, said cost to be financed by the issuance of serial bonds of the Town in the amount of \$550,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York, on October 13, 2010 at 8:30 p.m. o'clock P.M. (prevailing Time) to consider said joint increase and improvement of facilities of the District 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 be it

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 \$550,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources, the amounts so apportioned among the districts, as determined by the Town Board, shall be levied and collected as follows: a) in the case of the Consolidated Water District, such amounts shall be by the assessment, levy and collection from the several lots and parcels of land within the Consolidated Water District for such purpose in the same manner and at the same time as other town charges to pay the principal of and interest on such portion of said bonds as the same shall become due and payable, except as otherwise provided by law and b) in the case of Water District 4, such amounts shall be by the assessment, levy and collection of special assessments from the several lots and parcels of land within such Water District 4, 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 it is hereby

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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

MOTION was made by Supervisor Nellis to set a Public Hearing for the Joint Increase and Improvement of the Town of Eden Consolidated Water District and Water District No. 4 for October 13, 2010 at 8:30 pm; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Approval of outstanding contracts on Water District #5

MOTION was made by Councilman Krycia to approve the outstanding contract on Water District #5 for William J. Trask, Sr., Attorney at Law; seconded by Councilwoman Pew; All “Ayes”; Opposed?-None; Abstain?-None; Motion carried.

2. Setting of date for public hearing on Community Development Block Grant ideas for October 13, 2010 at 8:45p.m.

MOTION was made by Councilwoman Pew to set the public hearing for Community Development Block Grant ideas for October 13th at 8:45 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? –None; Abstain? –None; Motion carried.

3. Proposed engineering contract with CRA to review Beverly subdivision

This item was moved to “Old Business”, to be reviewed and discussed at a future Town Board meeting.

4. Recreation Appointment

MOTION was made by Councilman Krycia to appoint Chris Nellis as Head Swim Coach of the Eden Dolphins Swim Club, for September through August at a pay rate of \$20.00 per hour; seconded by Councilwoman Pew; “Ayes”; Krycia, Pew, Vacco, Ventry; Opposed? - None; Abstain? –Supervisor Nellis; Motion carried.

MOTION was made by Councilwoman Pew to add Malcolm Vankoughnett to the Eden Fire Department active roster, pending physical and background check; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain? - None; Motion carried.

5. Formal resolution on Joint Water Permit from DEC and Corps of Engineers

This item was moved to “Old Business”, to be reviewed and discussed at a future Town Board meeting.

6. Set Public Hearing date for Special Use Permit on 8880 South Main Street for October 27th at 8:00 p.m.

MOTION was made by Supervisor Nellis to set a public hearing date for the special use permit on 8880 South Main Street for October 27th at 8:00 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

7. Set public hearing date for Fire District budget for October 19th at 8:00 p.m.

MOTION was made by Supervisor Nellis to set a public hearing date for the Fire District budget for October 19th at 8:00 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? –None; Abstain? –None; Motion carried.

8. Annual Report-Stormwater Management

MOTION was made by Supervisor Nellis to set a public hearing date for the annual Stormwater Management report for October 27th at 8:15 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? –None; Abstain? –None; Motion carried.

9. Set public hearing date for Preliminary Town Budget for October 27th, at 8:30 p.m.

MOTION was made by Supervisor Nellis to set a public hearing date for the Preliminary Town Budget for October 27th at 8:30 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? –None; Abstain? –None; Motion carried.

Hearing of Visitors:

Larry Huntoon	Ferrier Road
Robin Reed	Sturgeon Point Road

Adjournment:

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

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

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:30 P.M.

Respectfully submitted by,

Heather Ohmit
Deputy Town Clerk