

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 29, 2010
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Mary Jo Hultquist - Town Clerk
 Lisa Greiner - Administrative Assistant
 Mark Cavacolli - CRA

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.

Budget Transfers/Amendments:

Supervisor Nellis read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A1990.4 Contingent Fund	A1110.1 Assessors Contractual	Overbudget on Court Personal	\$2,310.00
A1990.4 Contingent Fund	A1220.1 Supervisor Personal	Overbudget on Personal due to Retirement Sick/Vac	\$8,500.00
A1355.1 Assessor Personal	A1355.4 Assessors Contractual	Overbudget on Contractual	\$800.00
A1990.4 Contingent Fund	A1355.4 Assessors Contractual	Overbudget on Contractual	\$200.00
A1410.4 Town Clerk Contractual	A1410.1 Town Clerk - Personal	Overbudget on Personal due to Sick Time taken	\$400.00
A1990.4 Contingent Fund	A1680.4 Central Data Processing Contractual	Overbudget - New Accounting Software	\$1,500.00
A1990.4	A3120.4	Overbudget	\$650.00

Contingent Fund	Police Contractual		
A3640.4 Civil Defense	A3120.4 Police Contractual	Contribution to Police Radios	\$200.00
A1990.4 Contingent Fund	A5010.1 Hwy Supt - Personal	Overbudget on Personal	\$100.00
A1990.4 Contingent Fund	A5010.4 Hwy Supt - Contractual	Overbudget - emergency hard drive replacement	\$76.00
A2070 Contributions - Youth	A7110.4 Parks & Grounds	To apply Tennessee Gas donation for recreation	\$500.00
A7150.1 Special Rec - Personal	A7150.4 Special Rec - Contractual	Transfer Balance Left in Payroll to encumber for Spring Pool Project	\$4,500.00
A7140.1 Playground-Personal	7110.1 Parks & Ground - Personal	Overbudget	\$1,300.00
A7140.4 Playground-Contractual	A7150.4 Special Rec - Contractual	Transfer Balance in Playground to Special Rec for Spring Pool Project	\$650.00
A1990.4 Contingent Fund	A7510.4 Town Historian Contractual	Overbudget	\$65.00
A7510.1 Town Historian Personal	A7510.4 Town Historian Contractual	Correct Account Classification for Town Historian	\$2,000.00
SF909 Fire Fund Balance	SF9950.9 Transfer to Capital	Bond Resolution Ad for East Eden Fire Hall & 1/2 Legal Services	\$6,055.24
SF909 Fire Fund Balance	SF3410.2 Fire - Equipment	Air Conditioning Eden Fire Hall	\$11,900.00
SF2680 Insurance Recovery Fire	SF3410.2 Fire - Equipment	Final Insurance Payment Received for Accident at Eden Fire	\$4,186.00
SF909 Fire Fund Balance	SF3410.2 Fire - Equipment	Amount not covered by insurance for accident at fire hall	\$850.00

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

Supervisor Nellis read the following 2010 Encumbrances:

**Town of Eden
Encumbrances 2010**

SF3410.2
Fire Equipment 10,350.00 Vehicle Repairs/Radios

A3620.4
Safety Inspection - Contractual 425.00 Code Books

A7110.4
Parks & Grounds Contractual 4,590.00 Gorcica Field Work

A7150.4
Special Recreation Facilities Contractual 8,300.00 Watson Pool - Fix Leak

A7610.4
Adult Recreation 480.00 Deposit on Trip

A8540.4
Drainage 619.03 Finish Drainage Project 2010-09

MOTION was made by Councilman Ventry to approve the 2010 Encumbrances as presented; seconded by councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Highway Transfers:

DATE	FROM	TO	DESCRIPTION	AMOUNT
12/29/10	D909	D5110.4	FEMA Expenses*	\$4,757.64
12/29/10	D5130.2	D5130.4	Shop Supplies*	\$4,052.70
12/29/10	D5120.2	D5110.4	Road Materials*	\$ 986.57
12/29/10	D5120.2	D5130.4	Shop Supplies	\$ 5,013.43
12/29/10	D5120.4	D5130.4	Equipment Maintenance	\$ 2,000.00

MOTION was made by Councilman Ventry to approve the Highway Transfers 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	734-796	\$34,242.83
Highway Dept. Fund	364-406	\$46,293.45
Fire Dept. Fund	239-262	\$26,775.54
Recreation Dept. Fund	153-163	\$2,326.04
Refuse and Garbage Fund	18	\$47,660.60
Street Lights Fund	32	\$36.21
Water Fund	29	\$10.71
Trust & Agency Fund	--	--
Capital Fund		
H3410.4	21-22	\$12,005.24
H8320.401	41-54	\$100,012.35
H8320.402	13-17	\$194,775.00

Community Development	--	--
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MOTION was made by Councilman Vacco to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Eden Highway Association Collective Bargaining Agreement

Supervisor Nellis requested approval of the 3-year Eden Highway Association Collective Bargaining Agreement.

MOTION was made by Councilman Vacco to approve the 3-year Eden Highway Association Collective Bargaining Agreement; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Resolution – Water District No. 5

a. Fire Hydrants

Supervisor Nellis read the following resolution:

RESOLUTION – WATER DISTRICT NO. 5 FIRE HYDRANTS

WHEREAS, the creation of Water District No. 5 in the Town of Eden was approved by a special referendum vote of property owners within the proposed water district on August 3, 2010; and

WHEREAS, installation of 65 new fire hydrants will be included with the construction of the new water lines;

NOW, THEREFORE BE IT RESOLVED that the Town of Eden agrees to pay the Erie County Water Authority the standard monthly hydrant fees, as billed , for the new hydrants which will be installed on Shadagee, March, Ferrier and Hemlock Roads in the Town of Eden as part of the Water District No. 5 construction project.

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

b. Bond Resolution

Supervisor Nellis read the following resolution:

**FINAL ORDER, DATED DECEMBER 29, 2010,
ESTABLISHING THE 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, an amendment to such original map, plan and report was made by CRA Infrastructure & Engineering, Inc. to account for all the benefited properties, and only such benefited 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: (1) improve the quality of the public water supply; (2) improve the stability of the entire water supply; (3) increase transmission capacity by connecting to the existing system and looping the waterlines; (4) improve fire flow protection; and (5) 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 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 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 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.

WHEREAS, the Town Board had given due consideration to the impact that the Water Improvement 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; and

WHEREAS, following said public hearing, the Board approved a resolution, calling for a mandatory referendum on the establishment of the proposed District and stating that such approval would also be subject to approval of the NYS Comptroller; and

WHEREAS, such June 2, 2010 resolution was approved by the voters in the proposed District at a special referendum held on August 3, 2010; and

WHEREAS, subsequent to such voter approval in favor of the establishment of the proposed District, the Town Supervisor, assisted by engineers for the Town, Town Attorney, and Bond Counsel, prepared an application to the State Comptroller for approval of the creation of the District in the Town.

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of Districts, as computed by the State Comptroller, and the Town submitted an application to the office of the State Comptroller, Department of Audit and Control; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on December 14, 2010, the State Comptroller issued an order that such application of the Town Board of the Town of Eden for permission to establish the District was approved and permitted the establishment of the District in accordance with the description referred to in a resolution of June 2, 2010, at a cost not to exceed \$2,550,000.

NOW, THEREFORE, BE IT

ORDERED, that the establishment of the District is hereby approved, in the Town of Eden, to be known as Water District No. 5 in the Town of Eden, situate wholly outside of any incorporated village or city, and bounded and described as follows:

Town of Eden - Water District No. 5 (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

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:

ORDERED, that District hereinabove referred to shall be constructed as set forth in the Order Calling Further Public Hearing (dated May 12, 2010) and the resolution (adopted on June 2, 2010), at a total cost not to exceed \$2,550,000, and the plan of financing attributable to the residents in the new District is by the issuance of serial bonds in an amount not to exceed \$2,000,000, said amount to be offset by the receipt of any federal, state, county and/or local funds and the balance of the costs will be assessed by the assessment, levy and collection of the special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and be it further

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

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk.

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

AYES: Glenn R. Nellis, Supervisor
Edward Krycia, Jr., Councilperson
Vincent Vacco, Councilperson
Richard Ventry, Councilperson

NOES: None

ABSENT: Mary Lou Pew, Councilperson

The foregoing order was thereupon declared duly adopted.

A BOND RESOLUTION, DATED DECEMBER 29, 2010, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ESTABLISHMENT OF THE WATER DISTRICT NO. 5 AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$2,550,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Eden, Erie County, New York (the "Town"), pursuant to Article 12-A of the Town Law, created a water district designated and known as the "Water District No. 5" (the "District"); and

WHEREAS, the Town Board desires to undertake a project (the "Project") consisting of the construction of the infrastructure for the District and the undertaking of a capital project in the District comprising a water system to be installed along roadways and within right-of-ways previously disturbed by the construction of roads, ditches and utilities and the construction of 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; and

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

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant effect on the environment under Article 8 of the

Environmental Conservation Law, (d) determined that the requirements of Article 12-A of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project and (e) received permission to establish the District from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of the Project;

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 the Project. The estimated maximum total cost of said purpose is \$2,550,000.

SECTION 2: The Town Board plans to finance the estimated maximum cost of said purpose (attributable to the residents in Water District No. 5) by the issuance of serial bonds in an amount not to exceed \$2,000,000 of the Town, said amount to be offset by the receipt of any federal, state, county and/or local funds, and, unless paid from other sources, the costs of said purpose shall be paid by 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.

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 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 such bonds or notes as the same become due and payable, except as provided by law.

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 hereof) 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:

c. Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

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

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

SECTION 13: This resolution is effective immediately.

SECTION 14: 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 the Town and hereby designated as the official newspaper of the Town for such publication

d. Increase and Improvements of Water Facilities

Councilman Krycia 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 NO. 4**

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 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: (1) improve the quality of the public water supply; (2) improve the stability of the entire water supply; (3) increase transmission capacity by connecting to the existing system and looping the waterlines; (4) improve fire flow protection; and (5) 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 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 (on August 3, 2010) and approved by the Office of the New York State Comptroller (on December 14, 2010); and

WHEREAS, the Districts discussed herein will only be responsible for approximately 20% (approximately \$550,000) of the estimated total project cost, said \$550,000 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.

WHEREAS, the Town Board has given due consideration to the impact that the Water Improvement 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 September 22, 2010 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on October 13, 2010 at 8:30 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 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 undertake the Project as hereinabove described and referred to at the estimated maximum cost of \$2,550,000; 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

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 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.

The adoption of the foregoing Resolution Approving the Joint Increase and Improvement of Facilities of the Town of Eden Consolidated Water District and Water District No. 4 was duly put to a vote on roll call, which resulted as follows:

AYES: Glenn R. Nellis, Supervisor
 Edward Krycia, Jr., Councilperson
 Vincent Vacco, Councilperson
 Richard Ventry, Councilperson

NOES: None

ABSENT: Mary Lou Pew, Councilperson

The Resolution approving the joint increase and improvement of facilities of the Water District was declared adopted.

The following resolution was offered by Supervisor Nellis, seconded by Councilman Krycia, to wit;

A BOND RESOLUTION, DATED DECEMBER 29, 2010, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN OF EDEN CONSOLIDATED WATER DISTRICT AND WATER DISTRICT NO. 4 AT AN ESTIMATED MAXIMUM COST OF \$2,550,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$550,000, 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, the Town Board of the Town of Eden, Erie County, New York (the "Town") desires to undertake the construction of an improvement project 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; and all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Project"); and

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

NOW THEREFORE, 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:

The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the construction of the Project in the Town. The estimated maximum cost of said purpose is \$2,550,000.

The construction of the Project will provide the following benefits to all existing (and proposed) water districts and customers: (1) improve the quality of the public water supply; (2) improve the stability of the entire water supply; (3) increase transmission capacity by connecting to the existing system and looping the waterlines; (4) improve fire flow protection; and (5) remove dead end water lines; and

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 Project to residents in the Water District No. 5 through a separate Town proceeding that has been approved at a vote by the residents in the Water District 5 (on August 3, 2010) and approved by the Office of the New York State Comptroller (on December 14, 2010).

The Districts discussed herein will only be responsible for approximately 20% (approximately \$550,000) of the estimated total project cost, said \$550,000 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.

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.

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.

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.

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

The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on 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 becoming due and payable in such year. Unless paid from other sources, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby in accordance with law.

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.

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 hereof) with the proceeds of the bonds authorized by Section 4 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 1 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

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.

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.

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.

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:

e. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

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

This Resolution is effective immediately.

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.

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

AYES: Glenn R. Nellis, Supervisor
Edward Krycia, Jr.
Vincent Vacco
Richard Ventry

NOES: None

ABSENT: Mary Lou Pew

The foregoing resolution was thereupon declared duly adopted.

MOTION was made by Supervisor Nellis to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:00 P.M.
Public Hearing
Renewal of Special Use Permit
Schreiber’s Coin Operated Laundromat at
8750 S. Main Street

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

There were no comments.

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

3. Approve Special Use Permits

a. Schreiber’s Coin Operated Laundromat

MOTION was made by Councilman Ventry to approve the Special Use Permit for Schreiber’s Coin Operated Laundromat for a 3-year permit; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

b. SBA Towers

MOTION was made by Councilman Vacco to approve the Special Use Permit for SBA Towers located at 8174 N. Main Street; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

c. Crown Castle

MOTION was made by Councilman Vacco to approve the Special Use Permit for Crown Castle located at 8635 East Eden Road; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Approve Local Law #3-2010 – Licensing and control of dogs in the Town of Eden

MOTION was made by Supervisor Nellis to approve Local Law #3-2010 Licensing and control of dogs in the Town of Eden; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Approve schedule of fees with regard to Dog Control Law

Supervisor Nellis read the following resolution:

Dog Fees to be added to the Standard Schedule of Fees

WHEREAS, New York State has turned over to each local Town control of dogs and dog licenses; and

WHEREAS, the Town of Eden has adopted a new dog law, effective January 2, 2011, governing added municipal responsibility; and

WHEREAS, there is a need for the Town Board to add various dog fees t its Standard Schedule of Fees,

NOW, THEREFORE THE FOLOWING SCHEDULE OF FEES IS APPROVED:

Spayed/Neutered	\$5.00
Unspayed/Unneutered	\$13.00
Dog Redemption	\$25.00
Purebred License	\$25.00 – up to 10 dogs
	\$50.00 – 10 to 25 dogs
	\$100.00 – more than 25 dogs

MOTION was made by Councilman Krycia to approve the dog fees to be added to the Standard Schedule of Fees; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain?- None; Motion carried.

6. Procurement and Investment Policies

Supervisor Nellis stated that minor changes have been made the Procurement and Investment Policies of the Town of Eden and available upon request.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:00 P.M.

MOTION was made by Councilman Vacco to open the 2011 Re-organizational Meeting of the Eden Town Board; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

Supervisor Nellis opened the 2011 Reorganization Meeting of the Eden Town Board at 9:00 p.m.

REORGANIZATIONAL MEETING

FOR THE YEAR 2011

TOWN OF EDEN

Supervisor Nellis began the Re-organizational Meeting by reading the following items:

1. Regular meetings of the Eden Town Board will be held on the second Wednesday of each month starting at 7:30 P.M. Additional meetings will be held on the fourth Wednesday of each month as needed.
2. The official newspaper of the Town of Eden will be "The Sun" located in Hamburg, New York.
3. Surety Bonds will be carried as follows:

\$490,000.00 – Tax Collector
\$40,000.00 Supervisor
\$24,000.00 – All Others
4. Mileage reimbursement will be \$.45 per mile while using personal vehicles on Town business, authorized in advance.
5. Copies of adopted minutes will be on file at the Eden Library and the Town Clerk's office.
6. Appoint HSBC, M & T, Evans National & Bank of America and other institutions as deemed appropriate by the Board, as banks for deposits, checking and investments.

MOTION was made by Supervisor Nellis to accept and approve Items Nos. 1 thru 6 as presented; seconded by Councilman Ventry; All "Ayes; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then read the Salaries of Elected Officials as follows:

Salaries of Elected Officials:

1. Town Board Members \$9,798.00 yearly to be paid monthly.
2. Justices Michael Cooper and Melissa Zittel at \$14,672.00 each yearly to be paid monthly.
3. Supervisor Glenn R. Nellis at \$36,048.00 yearly to be paid bi-weekly.
4. The Head Assessor will receive \$17,464.00 yearly, to be paid monthly and the other two assessors \$13,587.00 each yearly, to be paid monthly.
5. Town Clerk, Mary Jo Hultquist \$34,206.00 yearly, to be paid bi-weekly. The Town Clerk will also receive \$6,814.00 as school tax collector for the 2011-2012 school year.
6. Highway Superintendent, Ronald Maggs at \$65,443.00 yearly, to be paid bi-weekly.

Discussion: Councilman Ventry objected to the salary of Robert Pietrocarlo as Head Assessor unless he attends at least 8 out of 12 Town Board Meetings. After much discussion the following motion was offered:

MOTION was made by Councilman Krycia to approve the above salaries; seconded by Councilman Vacco; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis then read the Appointments and Salaries as follows:

Appointments and Salaries:

Appoint Teresa Baskerville full-time Court Clerk at \$30,295.00 yearly to be paid bi-weekly.

Appoint Bettyann Neifer part-time Court Clerk at \$14.24/hr. for up to 300 hours per year and Cynthia Ciesielski at \$10.72/hr. for up to 20 hours per month.

The salary of the full-time Code Enforcement Officer will be \$58,346.00 yearly, to be paid bi-weekly.

The salary of the full-time Bookkeeper will be \$32,053.00 yearly, to be paid bi-weekly.

The rate of pay for part-time highway employees will be \$11.50 per hour, to be paid bi-weekly.

Appoint position of Fire Inspector for structural fires at \$68.00 per occurrence.

Appoint Diane Herzog part-time secretary to the Building Inspector for five (5) hours per week at \$12.26/hr. to be paid bi-weekly.

MOTION was by Councilman Vacco to approve the above appointments; seconded by Councilman Krycia; All "Ayes" - Opposed? – None; Abstain? – None; Motion carried.

Appoint Cynthia Allen part-time secretary to the Assessors for 19 hours per week at the rate of \$11.06/hr., to be paid bi-weekly.

The Chairman of the Zoning Board of Appeals is to be paid \$500.00 yearly.

The Chairman of the Assessment Board of Review is to be paid \$125.00 yearly and the other members of the Assessment Board to be compensated \$85.00 each yearly. A secretary, if needed, will be compensated \$200.00 per year.

Deputy Town Clerk Heather Ohmit will be paid \$11.40 per hour. Deputy Town Clerk Cynthia Ciesielski will be paid \$11.06 per hour. The hours and salaries of the Town Clerk's office shall not exceed a total of 1,509 Deputy Clerk hours or \$17,028.00 for the year.

Appoint Mary Jo Hultquist, Registrar, at a rate of \$3,352.00 yearly, to be paid monthly.

Appoint William Sickau part-time custodian at 40 hours per month at \$13.27/hr. to be paid monthly.

Appoint Raymond Zabron, part-time Dog Control Officer, at an annual salary of \$13,738.00, to be paid monthly.

Appoint Maureen Zabron, part-time Dog Control Officer's secretary at an annual salary of \$2,925.00, to be paid monthly.

Appoint Susan Brass, Recreation Director at \$20,638.00 yearly, to be paid monthly.

Appoint Scot Christiansen, Recreation Working Crew Chief, at \$22.50/hr., to be paid bi-weekly.

Appoint Cynthia Kugler, secretary to the Highway Superintendent at \$12.92 per hour for 40 hours per week, to be paid bi-weekly.

Appoint Michael Kobiolka, Town Prosecutor, at annual salary of \$5,801.00, to be paid monthly.

Appoint William J. Trask, Sr., Town Attorney to provide legal services for the Town at an annual compensation of \$27,400.00, to be paid monthly.

Reappoint Nussbaumer & Clarke, Inc. Town Engineers.

Kim Soda, Full-Time Police Dispatcher will be compensated \$40,106.00 for the year, to be paid bi-weekly.

Part-time Police Officers will be paid \$17.14 per hour for Day Shifts, not to exceed 1768 hours and \$30,304.00 and \$18.22 per hour for Night Shifts, not to exceed 1000 hours and \$18,220.00 not to exceed a total expenditure of \$48,524.00 for all part-time officers for the year.

Part-time public safety dispatchers with 1-5 years experience will be paid \$10.24 per hour, with 6-10 years experience \$10.76 per hour and with over 10 years the rate will be \$11.27 per hour. Jane Henry, who will be compensated \$12.36 per hour. Total dispatching allotment shall not to exceed the budgeted authorization of \$40,000.00 for the year.

Appoint Thomas Jones, Rose Nadrich, Julie Boedo, Justin Miller, Donald Ambrose, Christopher Murace and Jane Henry part-time Public Safety Dispatchers; Joseph Flynn, Jeffrey DeVinney, Mark Baltes, Ian Hodkin, Nathan Miller, Timothy McDonald, James Pierce, Richard Rogers, Michael Rich and Michael Rakiecki Part-time Police Officers.

MOTION was made by Councilman Vacco to approve the above appointments and salaries as stated; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Pew; Opposed? - Vacco, Ventry; Abstain? – None; Motion carried.

Supervisor Nellis read the following appointments:

Appoint Diane Herzog, Planning Board Secretary at \$90.00 per occasion.

Appoint Stacey Callinan secretary to the Historic Review Board to be compensated \$77.00 per meeting and Zoning Board secretary at the rate of \$82.00 per hearing plus \$12.50/hr. for reconvened hearings.

Appoint Police Chief the inspection official for games of chance at no pay.

Appoint Police Chief Bingo Inspector at no pay.

Appoint the Town Clerk as Affirmative Action Officer at no pay.

The Eden and East Eden Fire Chiefs will receive an annual stipend of \$1,200.00 each.

The Director of Operations for the Eden Emergency and Rescue Squad will receive an annual stipend of \$1,200.00.

MOTION was by Councilman Ventry to approve the above appointments and salaries; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Appointments of the Supervisor:

Supervisor Nellis read the following appointments:

Appoint Lisa J. Greiner, Administrative Assistant and Confidential Secretary to the Supervisor at \$32,960.00 yearly, to be paid bi-weekly.

Appoint Diane Herzog, part-time secretary to the Supervisor at \$12.26 per hour for 14 hours per week, to be paid bi-weekly.

Appoint Anna Mae Knack part-time secretary at \$19,275.00 yearly, to be paid bi-weekly.

Appoint Sue Minekime and R. Ferris Randall Town Historian at \$1,030.00 each for the year.

Appoint Glenn Nellis, Director of Civil Defense, at no salary.

Appoint Joseph Flynn, Captain of the Reserve Police, at no salary.

MOTION was made by Supervisor Nellis to approve the appointments and salaries as stated: seconded by Councilman Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following appointments:

Appoint Mary Lou Pew Deputy Town Supervisor at no salary.

Appoint Robert Pietrocarlo as Head Assessor, with conditions as previously stated.

MOTION was made by Supervisor Nellis to approve the appointments; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Nellis made the following appointments as Town Board Liaisons to the various Town Boards/Committees:

Mary Lou Pew	Code Review Committee
Vincent V. Vacco & Rich Ventry	Recreation Advisory Board
Edward Krycia, Jr.	Eden Chamber of Commerce
Edward Krycia, Jr.	Historic Preserv Board/Local History Comm
Edward Krycia, Jr. & Rich Ventry	Economic Development Committee
Edward Krycia, Jr.	Conservation Advisory Board
Mary Lou Pew	Zoning Board of Appeals
Edward Krycia, Jr.	Library Board
Mary Lou Pew & Rich Ventry	Emergency Squad
Vincent V. Vacco	Street Lights
Edward Krycia, Jr. & Rich Ventry	Planning Board
Mary Lou Pew & Rich Ventry	Fire Departments
Rich Ventry	Assessment Board of Review
Edward Krycia & Vincent V. Vacco	Agricultural Advisory Board
Vincent V. Vacco/Nellis	Drainage Committee
Mary Lou Pew	Technology Committee
Mary Lou Pew/Ventry	Emergency Preparedness Committee
Edward Krycia, Jr. & Mary Lou Pew	Hamlet Revitalization Committee
Glenn R. Nellis	Association of Erie County Governments
Glenn R. Nellis	NEST- Solid Waste
Glenn R. Nellis	Southtowns Water Consortium
Glenn R. Nellis	Community Development Block Grant
Glenn R. Nellis	Rural Transit Service Advisory Board
Glenn R. Nellis & Rich Ventry	Southtowns Community Enhancement Coalition
Mary Lou Pew & Ed Krycia	2012 Bi-Centennial Planning Committee

MOTION was made by Councilman Ventry to approve the appointments of Town Board Liaisons; seconded by Councilman Vacco - “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Advisory Board Appointments/Reappointments:

Supervisor Nellis stated all Committee/Board members whose terms were due to expire December 31, 2010 were notified and requested to fill out a new application if they wished to be considered for reappointment. Board Chairs were also asked to supply a

recommendation for reappointment and appointments to their various boards. Based on the recommendations received to date:

Appoint William Zittel and Susan Minekime Co-Chairman of the 2012 Bi-Centennial Planning Committee.

Reappoint Donald Suchan, Thomas Zelasko, Michael Byrnes and Russell Barton to two-year terms on the Conservation Advisory Board.

Reappoint Lamont Beers Chairman of the Conservation Advisory Board.

Appoint Thomas Zelasko and reappoint Lucille Kaminski to five-year terms on the Zoning Board of Appeals and reappoint Lucille Kaminski Zoning Board Chairman.

Reappoint Ronald Maggs and Michael Damasiewicz to three-year terms on the Off-Road Drainage Committee.

Reappoint Marilyn Antos to five-year terms on the Eden Library Board.

Reappoint Michael Best to a five-year term on the Eden Recreation Board.

Reappoint Gary Nobbs, Carl Modica, Robert Stievater, Janice Wightman, Gary Eye, R. Colin Campbell, Edward Krycia to two staggered terms to the Historic Review Board/Local History Committee and Sue Minekime and R. Ferris Randall as Ex-Officio Members.

MOTION was made by Councilman Vacco to approve the Advisory Board reappointments/appointments as presented; seconded by Councilman Ventry; “Ayes”; Nellis, Pew, Vacco, Ventry; Opposed? – None; Abstain? – Krycia; Motion carried.

Renewal of Independent Service Provider Contracts:

MOTION was made by Supervisor Nellis to renew a one-year contract with Michael Bolo (Peak Performance) as an Independent Economic Development Specialist Provider for the Town of Eden for the year 2010 at an annual stipend of \$4,800, to be compensated \$400 monthly upon receipt of a statement of services rendered for that month. Seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Vacco to renew a one-year contract with Charles Dias as an Independent Computer Technology Service Provider for the Town of Eden for the year 2009 at an annual stipend of \$4,800, to be compensated \$400 monthly upon receipt of statement for services rendered for that month. Seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Krycia to enter into a contract with Drescher and Malecki to serve as independent accountants and auditors for the Town for the year ending December 31, 2010 and to authorize Supervisor Nellis to execute said contract as prepared by Drescher and Malecki; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Reaffirmation of the Town’s Procurement and Investment Policies:

MOTION was made by Councilman Ventry to adopt the Procurement Policy as amended December 29, 2010, and to adopt the Investment Policies and Guidelines of the Town of Eden, as amended on December 29, 2010. Both are on file in the Town Clerk’s office; seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

December 29, 2010

Reaffirm daily meal allowance for annual Association of Towns Meeting held in New York City at \$40.00 a day and limit hotel stay to two nights or three nights at the discretion of the Town Board for this annual meeting.

MOTION was made by Councilman Ventry to reaffirm the daily meal allowance for annual Association of Towns Meeting held in New York City at \$40.00 a day and limit the hotel stay to two nights only, or 3 nights at the discretion of the Town Board; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried

Adjournment:

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

Supervisor Nellis adjourned the Re-organizational Meeting of the Eden Town Board at 9:30 p.m.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk