

February 14, 2018

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
FEBRUARY 14, 2018  
7:00 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

MELISSA HARTMAN	-	SUPERVISOR
RICHARD S. VENTRY	-	COUNCILPERSON
MICHAEL BYRNES	-	COUNCILPERSON
SUSAN WILHELM	-	COUNCILPERSON
GARY SAM	-	COUNCILPERSON

**DEPARTMENT HEADS PRESENT:**

Ronald C. Maggs	-	Superintendent of Highways
Mike Hart	-	Eden Fire Chief
Rick Kirst	-	East Eden Fire Chief
Amy Porter	-	Recreation Director

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Debbie Gregoire	-	Administrative Assistant
Lisa Winter	-	Bookkeeper

**Call to Order:**

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:00 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag. A moment of silence was observed for the deceased members of the community for the month of January 10, 2018, Stella Goodrich (99), Sharon Murphy, Eugene “Jeep” Winter, Thom Zelasko, Albert Rauth, James Gearin, Jr., Jane Krasuski, Walter J. Cork, James Landon, Rita VanHoesen and Mary Josephine Andolina.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of January 10, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of January 10, 2018 as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of January 24, 2018; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of January 24, 2018 as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Hartman read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A1440.4 Engineering Contract	A1440.401 Engineering Contract Personal	Adjustment in Invoice Distribution	\$840.00
A3120.4 Police Contractual	A3120.1 Police Personal	Additional Needed for Year End Payroll Accrual	\$50.00
A899.1 Revenue Recovery Reserve	A4540.4 Ambulance – Contractual	Year End Payables	\$810.00
A2115 Planning Board Permit Fees	A8020.4 Planning Contractual	Permit fees collected for Engineering Review	\$300.00
SW8320.401 Wepax Water Maint.	Sw8320.402 Wepax Water – Farnham	Year End Payables	\$3.00

**MOTION** was made by Councilperson Ventry to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Audit Bills:**

Supervisor Hartman 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.

**2017 Payables**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	884-903	\$15,577.56
Highway Dept. Fund	335-340	\$10,101.55
Fire Dept. Fund	274-290	\$7,294.54
Recreation Dept. Fund	195-199	\$942.77
Refuse and Garbage Fund	23-24	\$39,326.77
Street Lights Fund	34-36	\$5,718.62
Water Fund	30	\$379.31
Trust & Agency Fund	--	--
Capital Fund		
H8320.405	25	\$18,510.22
H8320.407	4	\$543.40
Community Development	--	--

**2018**

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	13-94	\$64,340.13
Highway Dept. Fund	6-32	\$31,448.06
Fire Dept. Fund	2-30	\$12,420.17
Recreation Dept. Fund	2-11	\$4,037.23
Refuse and Garbage Fund	1-2	\$42,290.50
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund		

H8320.405	1	\$186,008.86
H8320.406	1	\$2,310.40
H8320.407	1-2	\$224.00
Community Development	--	--

**MOTION** was made by Supervisor Hartman to approve the Audit of Bills as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of January 2018 were presented by Mike Hart for Joe Hart, Eden Fire Chief; Rick Kirst, East Eden Fire Chief; Supervisor Hartman for Michael Felschow, Eden Police Chief; Supervisor Hartman for Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Hartman for Jesse Baker, Zoning Code Enforcement Officer; Amy Porter, Recreation Director; Supervisor Hartman for Robert Pietrocarlo, Chairman Board of Assessors and Supervisor Hartman for Joe Ghosen, GIS Consultant. All reports are on file in the Town Clerk’s office.

Rick Kirst, East Eden Fire Chief requested approval of the Town Board as he was elected to the position of Chief during the February monthly meeting to replace Scott Hunter.

**MOTION** was made by Supervisor Hartman to appoint Rick Kirst, East Eden Fire Chief; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, East Eden Fire Chief requested removing Jennifer Cylka for the active roster of the East Eden Fire Company, Inc.

**MOTION** was made by Supervisor Hartman to remove Jennifer Cylka from the active roster of the East Eden Fire Company, Inc.; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Rick Kirst, East Eden Fire Chief requested adding Aaron Brind’Amour and Shauna McCarthy to the active roster of the East Eden Fire Company, pending background check and physical.

**MOTION** was made by Supervisor Hartman to add Aaron Brind’Amour and Shauna McCarthy to the active roster of the East Eden Fire Company, pending background check and physical; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mike Hart, Eden Fire Department requested removing Chuck Mohr from the active roster of the Eden Fire Department.

**MOTION** was made by Councilperson Wilhelm to remove Chuck Mohr from the active roster of the Eden Fire Department, with thanks and appreciation; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Mary Jo Hultquist, Town Clerk reported that the Town Clerk and Tax Collector checking accounts have been closed at Key Bank and moved to Evans Bank, as a monthly savings to the Town of Eden.

Supervisor Hartman stated that she received 2017 annual reports from the Senior Transportation, Building Department, East Eden Fire Incident Report and Eden Fire Incident Report.

**New and Unfinished Business:**

1. Set Public Hearing: Master Plan

**MOTION** was made by Supervisor Hartman to set a Public Hearing for Wednesday, March 28, 2018 at 7:00 p.m. for the Eden's Draft Comprehensive Plan; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Eden Conservation Board – Re-appointments

The Conservation Board recommends the following members for re-appointment to this Board for a two-year period beginning on 2/1/18 and ending on 12/31/20.

Russell Barten, Lamont Beers, Mary Jane Bolo, Kenneth Foltyniak, Greg Genco, Barbara Huntoon and Judith Striebich.

**MOTION** was made by Supervisor Hartman to approve the re-appointments as presented; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Lamont Beers, Chairman, Eden Conservation Board stated that Wayne Schacher will not continue on the board, which leaves a vacancy.

The Town Board thanked Wayne Schacher for his service the town.

The Conservation Board requested the re-appointment of Lamont Beers to serve another year as Chairman.

**MOTION** was made by Supervisor Hartman to re-appoint Lamont Beers as Chairman of the Eden Conservation Board for another year; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Acknowledge SASI request for a Community Residence

Supervisor Hartman received correspondence on January 16, 2018 from Karen Gustina, Executive VP, Operations and Day Services, SASI. In accordance with Section 41.34 of the New York State Mental Hygiene Law, the letter was formal notification of their intent to develop a Community Residence for people with developmental disabilities at 8695 S. Main Street, Eden, NY. The residence will become the home for eight (8) adults, assisted by trained staff on a 24-hour per day basis.

Karen Gustina was present at the meeting.

After much discussion, William Trask, Town Attorney stated that the Town Board has 40 days to respond, with approval of this site or another site.

**MOTION** was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilperson Wilhelm; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**7:30 p.m.  
Public Hearing  
Increase and Improvement of Facilities of the  
Town of Eden Garbage and Refuse District**

Supervisor Hartman explained the reasoning behind the purchase of the totes, the refuse contract and savings to the town by purchasing the totes. She stated that the town has applied for a grant that, if granted, would pay for 50% of the cost of the totes, however, notification of the award of the grant could take up to 5 years.

Supervisor Hartman asked if there were any comments:

Glenn McLaughlin, 8679 Hammond Drive stated it was hard to find information on the process of the garbage totes, with the absence of the agenda in the Eden Pennysaver. He stated that the totes are difficult for residents in East Eden. He then stated that with an elderly population and poor internet access it's very difficult to get information. Supervisor Hartman stated the cost savings is \$7,200 per year by not putting the agenda in the Pennysaver. The agenda is on the Town of Eden web-site and available in the Town Clerk's office prior to the meeting.

Dave Schreiber, 4031 Hardt Road, asked if the meetings could be recorded on-line? Supervisor Hartman stated the town board would look into that as an option.

Barb Proudman, 8295 Jennings Road, asked if the cost would be lower with the bigger totes? Supervisor Hartman stated that it is the hope that over time the cost will be reduced, but the cost of re-cycling has increased.

**All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:08 p.m.**

**MOTION** was made by Supervisor Hartman to close the Public Hearing and return to the Regular Meeting of the Eden Town Board at 8:08 p.m.; seconded by Councilperson Wilhelm; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

4. Approve Municipal Solutions two-year contract

**MOTION** was made by Supervisor Hartman to approve the two-year contract with Municipal Solutions, an additional fee of \$2,000.00; seconded by Councilperson Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Approval - MOU for the Erie County Fire Mutual Aid Plan

**MOTION** was made by Supervisor Hartman to approve the Memorandum of Understanding for Local Emergency Management Mutual Aid Assistance; seconded by Councilperson Sam; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Set Bid Opening Date – Motor Fuels and Related Services

Ron Maggs, Highway Superintendent, requested the Town Board set a bid opening date for Motor Fuels and Related Services for Thursday, March 1<sup>st</sup>, 2018 at 10:00 am. in the Town Clerk's Office.

**MOTION** was made by Supervisor Hartman to set the bid opening date for Motor Fuels and Related Services for Thursday, March 1<sup>st</sup>, 2018 at 10:00 am. in the Town Clerk's office; seconded by Councilperson Byrnes; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried

7. Request to purchase new Main Plow Truck – subject to Permissive Referendum

Supervisor Hartman read the following resolution:

**RESOLUTION**

RESOLUTION AUTHORIZING SUPERVISOR HARTMAN M. HARTMAN TO EXPEND FUNDS FROM THE HIGHWAY DEPARTMENT RESERVE FUND OF THE TOWN OF EDEN SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in a regular session, does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$190,000 from the Equipment Reserve Account No. D878.2 of the Town of Eden for the purpose of purchasing a new and unused main line plow truck.

This resolution shall be subject to Permissive Referendum, as permitted by law.

**MOTION** was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Approval – DWI Revenue

Supervisor read the following resolution:

**TOWN OF EDEN RESOLUTION  
ERIE COUNTY STOP-DWI PROGRAM**

**WHEREAS,** Erie County has established a special traffic options program for Driving while Intoxicated; the STOP-DWI PROGRAM; and

**WHEREAS,** this program, in coordination with the County, Towns, Cities and Villages, is an effort to reduce alcohol-related traffic injuries and fatalities; and

**WHEREAS,** the Town of Eden has applied to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period of January 1, 2017 to December 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED:** that Supervisor Melissa M. Hartman be authorized to sign this contract covering the January 1, 2017 through December 31, 2017.

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

9. Recreation Board Appointments/Food Drive Request

Town of Eden Recreation Board recommended the following staff appointment:

Ivy Schrecengost as a lifeguard as needed at a rate of pay of \$10.40 for lap swim and \$10.50 for family night swim.

**MOTION** was made by Supervisor Hartman to approve the staff appointment for Ivy Schrecengost as a lifeguard as needed at a rate of pay of \$10.40 for lap swim and \$10.50 for family night swim; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Town of Eden Recreation Board recommended appointing Cheryl Carpenter to the Recreation Board for a five-year term.

**MOTION** was made by Councilperson Byrnes to appoint Cheryl Carpenter to the Recreation Board for a five-year term; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Town of Eden Recreation Board received the resignation of Nancy Carpenter from the Eden Recreation Board. The Town Board accepted the resignation with thanks and appreciation.

Town of Eden Recreation Board announced a Food Drive during the 2018 Winter Classic Kickball Tournament to benefit the Eden North Collins Food Pantry.

10. Approve Police Contract

**MOTION** was made by Supervisor Hartman to approve the Police Contract; seconded by Councilperson Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

11. Resolution & Order approving increase in improvement of facilities of the garbage and refuse districts

Supervisor Hartman read the following resolution:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE GARBAGE AND REFUSE DISTRICT**

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 Garbage and Refuse District (the “District”); and

WHEREAS, the Town Board has a report outlining the cost associated with an acquisition project for the District; and

WHEREAS, such project will generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report referred to above, all of the forgoing to include all equipment, apparatus and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, such report for such increase and improvement of facilities of the District has been filed at the Town and the Town Board has estimated the total cost thereof to be at an estimated maximum amount of \$315,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$315,000, offset by any available funds and by any federal, state, county and/or local funds received.

WHEREAS, the Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required; and

WHEREAS, the Town Board issued an Order at its January 24, 2018 meeting calling for a public hearing to be held at the Town Hall, Eden, New York, on February 14, 2018 at 7:30 o’clock p.m. (prevailing time) or shortly thereafter to consider said 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 nor more than 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 District as hereinabove described and referred to at the estimated maximum cost of \$315,000; and it is hereby

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

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

ORDERED, that the facilities of the District 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 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 the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$315,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities 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; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will 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 Hartman to approve the resolution as presented; seconded by Councilperson Wilhelm.

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

AYES: Supervisor Hartman  
Councilperson Wilhelm  
Councilperson Byrnes  
Councilperson Sam

NOES: Councilperson Ventry

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

12. Bond Resolution

Supervisor Hartman read the following resolution:

**A BOND RESOLUTION, DATED FEBRUARY 14, 2018, OF THE TOWN BOARD OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING AN ACQUISITIONS PROJECT WITHIN THE TOWN OF EDEN GARBAGE AND REFUSE DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$315,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$315,000 OF THE TOWN, 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"), has established the Town of Eden Garbage and Refuse District (the "District"); and

WHEREAS, the Town Board has determined by resolution to undertake a certain acquisition project within the District, such work to generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report referred to above, all of the forgoing to include all equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

WHEREAS, the Town Board has determined to proceed with 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:

SECTION 1. The Town is hereby authorized to undertake an acquisition project within the District, such work to generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report referred to above, all of the forgoing to include all equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$315,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$315,000 of the 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 received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and 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 such bonds as the same 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 6 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten 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 said 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 or charges, the cost of the project 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 such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax 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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 details 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. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes 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 earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 (or reaffirmation) 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 may 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) 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 hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. 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 the Town is not authorized to expend money, or

(b) 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 20 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 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 designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

**MOTION** was made by Councilperson Wilhelm; seconded by Councilperson Byrnes.

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

AYES: Supervisor Hartman  
Councilperson Wilhelm  
Councilperson Byrnes  
Councilperson Sam

OPPOSED: Councilperson Ventry

ABSENT: None

13. Disposal of Town Hall Ovens

**MOTION** was made by Supervisor Hartman to dispose of the Town Hall Ovens (2) and declare them surplus; seconded by Councilperson Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

14. Correct Error in Reorganizational Meeting

**MOTION** was made by Supervisor Hartman to correct the Reorganizational Minutes for Recreation Administrator Amy Porter rate of pay, from \$20.40 to \$21.77 per hour as per the 2018 Town of Eden Budget; seconded by Councilperson Sam; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor's Report:**

- February 28, 2018 – Present Draft of Comprehensive Plan
- March 28, 2018 – Public Hearing- Draft of Comprehensive Plan
- Friends of Eden Library – STEAM Program – well attended.
- March 6, 2018 – Invention Convention at Eden Schools
- There is a opening on the Drainage Committee

**Hearing of Visitors:**

There were none.

February 14, 2018

**Adjournment:**

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:53 P.M.

**Executive Session:**

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:45 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk