

April 19, 2010

**MINUTES**

**SPECIAL TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 19, 2010  
6:00 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN ( <i>absent</i> )
RICHARD S. VENTRY	-	COUNCILMAN

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 6:00 P.M.

**Pledge of Allegiance:**

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

**New and Unfinished Business:**

1. **Resolution – setting May 12, 2010 at 8:00 P.M. as the new Public Hearing date for Proposed Water District No. 5**

Supervisor Nellis read the following Order calling further Public Hearing:

**ORDER CALLING FURTHER PUBLIC  
HEARING TO BE HELD ON  
MAY 12, 2010  
REGARDING THE PROPOSED  
ESTABLISHMENT OF 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 proposed District is bounded and described as follows:

**Town of Eden - Proposed Water District No. 5 (April, 2010-Final)**

All that tract or parcel of land situate in the Town of Eden, County of Erie, State of New York, and lying within Township 8, Range 8, Lot 31, Lot 32, Lot 38, Lot 39, Lot 40, Lot 46, Lot 47, Lot 48, Lot 52, Lot 54, Lot 55, Lot 56, Lot 59, and Lot 64 of the Holland Land Company's survey and consisting of two (2) Sections being further described as follows:

**Eden Water District No. 5-Boundary 5A**

BEGINNING AT THE POINT OF INTERSECTION of the northwest corner of tax parcel no. 207.00-1-1.1 with the north line of the Town of Eden; thence southwesterly along the west line of 207.00-1-1.1 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-1.1 and an extension thereof to a point in the west line of 207.00-1-19; thence southwesterly along the west line of 207.00-1-19 to the southwest corner thereof; thence southeasterly along the south line of 207.00-1-19 to a point in the west line of Route 90 as a varied-width New York State Thruway right-of-way; thence northerly, easterly and then northerly again along the west line of Route 90 as a varied width New York State Thruway right-of way to a point in the south line of Shadagee Road as a 66 foot wide County right-of-way; thence southeasterly along the south line of said Shadagee Road to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwesterly along the east line of said Route 90 to the northeast corner of 207.00-1-6.11; thence southwesterly, southeasterly and southwesterly again along the east line of said Route 90 and the north line of 207.00-1-6.11 to the northwest corner thereof; thence southerly along the west line of 207.00-1-6.11 to the southwest corner thereof, thence easterly along the south line of 207.00-1-6.11, 207.00-1-7.1, 207.00-1-11 and 207.00-1-17 to the northwest corner of 207.00-2-17; thence southerly along the west line of 207.00-2-17 and an extension thereof to a point in the south line of Ferrier Road; thence easterly along the south line of Ferrier Road to the northwest corner of 208.00-6-14; thence southerly along the west line of 208.00-6-14 to the southwest corner thereof and a point in the north line of 222.00-1-25.1; thence westerly along the north line 222.00-1-25.1 to the northwest corner thereof; thence southerly along the west line of 222.00-1-25.1, and the west line of 222.00-1-25.2 and the extension thereof to the northwest corner of 222.00-1-19 and the intersection of the north

line of Derby Road and the south line of March Road; thence easterly along south line of March Road and the north line of 222.00-1-19 to the northwest corner of 222.00-1-20; thence southeasterly along the west line of 222.00-1-20 to the southwest corner thereof; thence northeasterly along the south line of 222.00-1-20 to a point in the south line of 222.00-1-22; thence easterly along the south lines of 222.00-1-22 and 222.00-1-23.1 to the southeast corner of 222.00-1-23.1 and the west line of 223.00-5-1.11; thence southerly along the west line of 223.00-5-1.11 to the southwest corner thereof; thence easterly along the south line of 223.00-5-1.11 to the southeast corner thereof; thence northerly along the east line of 223.00-5-1.11 and 223.00-5-1.2 to the southwest corner of 223.00-5-3; thence easterly along the south line of 223.00-5-3, and 223.00-5-5.112 to a point in the west line of 223.00-5-5.112 and the northeast corner of 223.00-5-4.11; thence southerly along the west line of 223.00-5-5.112 to the southwest corner thereof and the north line of 223.00-5-6.1; thence easterly along the south lines of 223.00-5-5.112, 223.00-5-5.111, and 223.00-5-5.12 to the southeast corner of 223.00-5-5.12; thence northerly along the east line of 223.00-5-5.12 to the southwest corner of 223.00-1-36; thence easterly along the south lines of 223.00-1-36, 223.00-1-35, 223.00-1-33, and 223.00-1-19.111 to a point in the west line of Schreiner Road as a 49.5 foot Town right-of-way; thence northerly along the west line of Schreiner Road to the south line of March Road; thence easterly along the south line of March Road to the northwest corner of 223.00-1-37; thence southerly along the west line of 223.00-1-37 to the southwest corner thereof; thence easterly along the south line of 223.00-1-37, and 223.00-1-25.11 to a point in the west line of 223.00-1-25.11; thence southerly along the west line of 223.00-1-25.11 to a point in the south line thereof and the southeast corner of 223.00-1-29.111; thence easterly along the south lines of 223.00-1-25.11 and 223.00-1-26.21 to the southeast corner of 223.00-1-26.21; thence northerly along the east line of 223.00-1-26.21 to the southwest corner of 223.00-2-7; thence easterly along the south lines of 223.00-2-7 and 223.04-1-26 to a point in the centerline line of Shadagee Road as a 66 foot County right-of-way; thence northwesterly along the centerline of Shadagee Road as a 66 foot County right-of-way to a point in the east line of 223.00-2-7; thence northerly along the east line of 223.00-2-7 to the northeast corner thereof; thence westerly along the north line of 223.00-2-7 to a point in the west line of the railroad right of way also designated as tax parcel 223.00-2-6; thence northeasterly along the west line of 223.00-2-6 to the northeast corner of 223.00-2-3.11; thence westerly along the north line of 223.00-2-3.11, 223.00-2-2.2, 223.00-2-2.111, 223.00-2-2.4, 223.00-2-1.12, 223.00-2-1.112 and 223.00-2-1.111 to a point in the east line of 223.00-1-21.21; thence northerly along the east line of 223.00-1-21.21, 208.00-5-10, 208.00-5-16 and 208.00-5-6.2 to the northeast corner thereof; thence westerly along the north line of 208.00-5-6.2 to the southwest corner of 208.00-5-5; thence northerly along the west lines of 208.00-5-5, 208.00-5-4.2 and 208.00-5-3 to the northwest corner of 208.00-5-3 and the south line of 208.00-2-7; thence westerly along the south lines of 208.00-2-7, 208.00-2-17 and 208.00-2-3 to the southwest corner thereof; thence northerly along the west line of 208.00-2-3 to the northeast corner of 208.00-1-18; thence westerly along the north line of 208.00-1-18 to the northwest corner thereof; thence southerly along the west line of 208.00-1-18 to the northeast corner of 208.00-1-16; thence westerly along the north line of 208.00-1-16 to the southeast corner of 208.00-1-15 and the southwest corner of 208.00-1-13.2; thence northerly along the west line of 208.00-1-13.2 and westerly along the north lines of 208.00-1-22.12, 208.00-1-38 and 208.00-1-39.1 to the northwest corner thereof and the northeast corner of 207.00-1-15; thence westerly along the north lines of 207.00-1-15, 207.00-1-14, 207.00-1-13, 207.00-1-12 and 207.00-1-11 to a point in the east line of Route 90 as a varied-width New York State Thruway right-of-way; thence southwesterly 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.

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

WHEREAS, in addition to the benefits specifically attributable to the residents in the proposed District, the construction of the Water Improvement will also provide the following benefits to all existing (and proposed) water districts and customers: (i) improve the quality of the public water supply; (ii) improve the stability of the entire water supply; (iii) increase transmission capacity by connecting to the existing system and looping the waterlines; (iv) improve fire flow protection; and (v) remove dead end water lines; and

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

WHEREAS, the balance of 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

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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 expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be approximately \$875 (such amount includes construction financing costs (debt service), estimated annual water usage costs and hydrant fees); and each property will also have to provide for service from their home to the property line and internal plumbing modifications to set a meter and valves at an estimated one-time cost of approximately \$1,500.

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Eden Town Hall, 2795 East Church Street, Eden, New York, on **May 12, 2010, at 8:00 o'clock p.m.** (Prevailing Time) to hear all persons interested in the Establishment of the Town of Eden Water District No. 5, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that in the event that the Town offices are closed on May 12, 2010 due to inclement weather (or for any other reason), the public hearing will be held at the Eden Town Hall, 2795 East Church Street, Eden, New York on May 13, 2010 at 8:00 o'clock p.m. (Prevailing Time); and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspapers designated as the official newspapers 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 be it

FURTHER ORDERED, that the Town Clerk may mail by first class mail to any owners of the taxable real property in the District, a copy of this Order, or a summary thereof; and be it

FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

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

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 6:10 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk