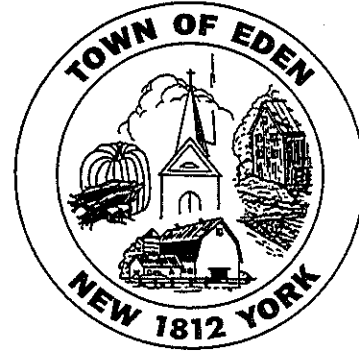


# town of eden



**Resolution No. 21-2018**

**STATE OF NEW YORK** :  
**COUNTY OF ERIE** : ss:  
**TOWN OF EDEN** :

I, Emily Hawkins, Town Clerk of the Town of Eden, Erie County, New York do hereby certify that a Special Meeting of the Town Board of the aforesaid town, held on the 12<sup>th</sup> day of December, 2018 at the Eden Town Hall, 2795 East Church Street, Eden, New York, the following resolution was adopted,

**MOTION** was made by Supervisor Hartman to approve the adoption of the following resolution:

## RESOLUTION OF EDEN TOWN BOARD

December 12, 2018

WHEREAS, the Town of Eden currently owns its municipal water system consisting of easements and rights of ways, pumping stations, standpipes and water towers, transmission lines and appurtenant facilities (hereafter "Water System"); and

WHEREAS, the Town of Eden currently provides water supply to properties serviced by the Water System through a Lease-Management Agreement with the Erie County Water Authority (hereafter "ECWA") under which the Town of Eden remained responsible for the cost of major repairs and capital improvement costs; and

WHEREAS, in 2014, the Town of Eden was awarded a grant from the State of New York to study the feasibility of moving from Lease-Management to a "Direct Service" arrangement with the ECWA, under which the ECWA would assume full responsibility for the Water System; and

WHEREAS, following the completion of the feasibility study, which was undertaken with the participation of the ECWA, the Eden Town Board determined that moving to Direct Service would result in substantial long-term savings to property owners and taxpayers receiving public water service in the Town of Eden; and

WHEREAS, a Memorandum of Understanding ("MOU") with an effective date of September 27, 2017 between the Town of Eden and the ECWA requires the Town of Eden to make certain improvements to the Water System in anticipation of moving from Lease-Management to Direct Service which the ECWA; and

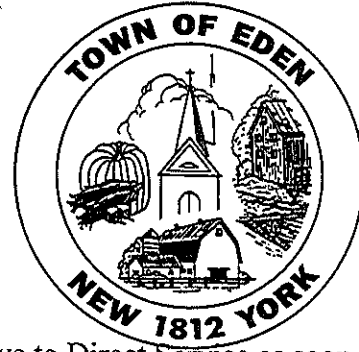
WHEREAS, pursuant to the terms of the MOU, the Town of Eden has undertaken and completed improvements to the Water System required by the MOU at a cost of approximately \$4.2 Million Dollars and the Town of Eden's adopted 2019 Budget anticipated a move to Direct Service effective January, 2019, with the resulting benefits of Direct Service being in effect as of that date; and

WHEREAS, under the terms of the MOU, the Water System facilities are to be transferred to the ECWA in consideration for the ECWA providing Direct Service and the Town of Eden has undertaken proceedings required for said transfer by January 1, 2019, in good faith and consistent with proceedings followed by other towns who are currently receiving Direct Service; and

WHEREAS, the ECWA has recently notified the Town of Eden that it is reviewing the proceedings undertaken by the Town for the transfer of the Water System to the ECWA and, as a result of such review, the move to Direct Service may take place later than January 1, 2019; and

WHEREAS, in recognition of the substantial expenditures undertaken by the Town of Eden

# town of eden



pursuant to the MOU, and the mutual desire to complete the move to Direct Service as soon as possible, it is mutually beneficial for the Town and the ECWA to provide for certain amendments to the MOU and the existing Lease-Management Agreement, as amended, effective January 1, 2019 while the ECWA completes its review of the proceedings required for the transfer of the Water System to the ECWA.

NOW, THEREFORE, it is RESOLVED, that the Town of Eden does hereby request that, in anticipation of and on the condition of the successful completion of all proceedings required for the move to Direct Service being completed by October 5, 2020, the following amendments be incorporated into the MOU and the existing Lease-Management Agreement by ECWA and the Town of Eden:

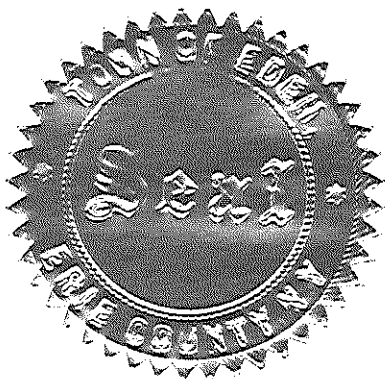
1. The current Lease-Management Agreement shall be amended to provide that the billing and reimbursement provisions contained in Sections 5.1 and 5.2 thereof will no longer be applicable beginning January 1, 2019; and
2. Effective January 1, 2019, Paragraphs 6 and 7 of the MOU are amended to provide that the ECWA acknowledges the completion by the Town of Eden of the improvements required by the MOU and accepts such improvements and the Town of Eden will not be required to undertake any further improvements or "waterline replacement work" prior to the transfer to Direct Service.

Seconded by Councilperson Wilhelm; All "Ayes"; Motion carried.

I do further certify that I have compared the foregoing with the original Minutes of the Town Board Meeting of the Town Board of the said Town held on the 12<sup>th</sup> day of December, 2018 and that the foregoing is a true and correct transcript from said original Minutes and the whole thereof, and that the resolutions duly adopted by the said Town Board are on file in my office.

I do further certify that the members of the Eden Town Board on December 12, 2018 were as follows: Supervisor: Melissa Hartman; Councilperson: Richard Ventry; Councilperson: Susan Wilhelm; Councilperson: Michael Byrnes and Councilperson: Gary Sam.

IN WITNESS WHEREOF; I have hereunto set my hand and seal of the said Town of Eden, Erie County, New York, the 13<sup>th</sup> day of December, 2018.



  
Town Clerk, Town of Eden, New York