

MEETING NO. 4
REGULAR NO. 4

REGULAR BOARD MEETING

FEB. 17, 2009
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Tuesday February 17, 2009 at 7:00 PM. Supervisor Smith called the Meeting to Order. Councilwoman Cooke led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT:

Ronald Smith, Supervisor
Mary Riddoch, Councilwoman
William Weber, Councilman
Ronald Snyder, Councilman
Arlene Cooke, Councilwoman

RECORDING SECRETARY:

Dorothy L. Bycina, Town Clerk

OTHERS PRESENT:

Jennifer Strong, Town Attorney
Martin Dugan, CEO
Michael Metzger, Town Engineer
Ralph Witt, Planning Board
Debra Crist, Deputy Town Clerk
William Sivecz, Assessor
Colleen Rogers, Ass't to Supervisor
Dawn Kuras, Rural Development
Thomas Wik, ECWA

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of February 2, 2009. Unanimously Carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE AND SECONDED BY COUNCILMAN SNYDER TO WIT;

| ACCOUNT | ABST #1 | ABST #2 | TOTAL |
|-------------------------|------------|---------|------------|
| GENERAL FUND "A" | 62,715.70 | | 62,715.70 |
| HIGHWAY FUND "DA/DB" | 38,972.51 | | 38,972.51 |
| PARTTOWN FUND "B" | 2,134.25 | | 2,134.25 |
| WD#2 FUND "WB" | 375.20 | | 375.20 |
| WD#3 FUND "WC" | 2,063.60 | | 2,063.60 |
| WD#4 FUND "WD" | 66,080.43 | | 66,080.43 |
| SP FIRE PROTECTION "SF" | 58,159.18 | | 58,159.18 |
| SD#2 FUND "SA" | 2,020.26 | | 2,020.26 |
| TRUST & AGACY FUND "T" | 194.00 | | 194.00 |
| SP. REFUSE FUND "SR" | 23,187.90 | | 23,187.90 |
| ST LIGHTING FUND "SL" | 7,853.05 | | 7,853.05 |
| GRANTS | 5,235.46 | | 5,235.46 |
| TOTAL | 268,991.54 | | 268,991.54 |

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO ENTER INTO THE 7:05 PM PUBLIC HEARING re WATER DISTRICT #5. UNANIMOUSLY CARRIED.

SUPERVISOR SMITH CALLED FOR THE TOWN CLERK TO READ THE PUBLIC HEARING NOTICE THAT WAS PUBLISHED IN THE ALDEN ADVERTISER.

Supervisor Smith and Town Engineer Metzger gave an overview of the Proposed Water District. The District would involve 661 Parcels, twenty-six miles of Water Lines – the timetable would be the later part of next year and would take about two years to complete. The estimated cost to be \$10,556,625 –the plan to finance includes the issuance of serial bonds not to exceed this amount. The floor was opened for discussion and the following spoke:

IN FAVOR OF THIS DISTRICT: Joseph Cole, Jennifer Hand, Louise Wruck, Mike Sheehan, Matt Ryan, Meg Ryan and Tom D'arcy.(letter from June Turner)

AGAINST THE DISTRICT: Ron Banis, Linda Brent, Mary Eason, Larry Long, Ray Zielinski, Bruce Weikleenget, Peter Eason, Jim Miller, Eric Chaffee.

(letters from Kevin Raden, Thomas Weisbeck)

QUESTIONS: Robert Meyer, Ryan Winzenried, Donna Snyder, David Powers, Kevin Szieszko, Ronald Gardner, William Harris, Robert Wohlgemuth, Thomas Miller, Polly Justinger.

After all those wishing to be heard were heard Councilman Riddoch moved and Councilman Weber seconded the Motion to adjourn the Public Hearing at 8:53 PM. Unanimously carried.

BUSINESS FROM THE FLOOR

James Guarino/13899 North Road referred to the letter that was sent out to the residents in the Proposed Water District. The amount per year that was listed in the letter was not a one time Fee – he did clarify this with his neighbors that it was per year for the term of the Bond.

COMMUNICATIONS

Councilwoman Riddoch stated that she will discuss the Firemen's Convention at the next Work Session

Councilman Weber discussed some Drainage problems.

Attorney Strong requested the following be placed on the Work Session: Periwinkle Lighting, Generator and Garbage.

Councilman Snyder will be attending the next Association of Erie County Government on February 26th.

Councilwoman Cooke reported on a Drainage problem on Boncliff; questioned if the Town replaces Mail Boxes that the Plows knock down and that she was called re the Plane Crash in Clarence- she ordered all the Johnnie-on-the Spot for the site.

Supervisor Smith reported on the Monthly report from Rural Metro; the February 10th Planning Board Minutes and the Minutes from the Storm Water Coalition.

NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Youth Baseball request. Unanimously carried.

Councilman Weber moved and Councilwoman Riddoch seconded the Motion to approve the renewal of the HOP for Dean Adamski/12120 Westwood Road. Unanimously carried.

Councilman Snyder moved and Councilwoman Cooke seconded the Motion to approve the renewal of the HOP for Stephanie Pautler/12755 North Road. Unanimously carried.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN COOKE WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SNYDER TO WIT;

WHEREAS, the Town of Alden Highway Superintendent has advised the Alden Town Board that the Highway Department is in need of a new 4 x 2 Truck with Dump Body to assist in brush pick-up in the Town of Alden;

WHEREAS, the Procurement Policy & Procedure Guidelines of the Town of Alden require that all estimated equipment purchases over \$10,000.00 shall be formally bid pursuant to General Municipal Law section 103; and

WHEREAS, the Town Board after full and careful review and consideration of the Highway Superintendent's request finds his request to receive bids for a new 4 X 2 Truck with Dump Body as being within the public interest.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby authorizes the Alden Town Clerk to advertise for bids as outlined in the attached Instructions to Bidders;
2. The Town Board hereby authorizes the Town Clerk to publish Notice in the Alden Advertiser. Said Notice must be published more than five (5) days prior to Friday March 13, 2009 and must state the time when and place where the sealed bids will be publicly opened and read by the Town Clerk
3. The Town Board hereby authorizes the Town Clerk to receive sealed bids until 2:00 PM Prevailing time on Friday March 13, 2009. All bids must contain the Non-collusive Bidding Certification.
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote on February 17, 2009 and was Unanimously Adopted.

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Alden Central Schools request to use the Robert O. Smith Park during the ACS Modified Baseball Season Date of 3/2/09 to 6/6/09 – the School will prepare fields and Town will have grass cut. Unanimously carried.

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED FEBRUARY 17, 2009, APPROVING THE
ESTABLISHMENT OF WATER DISTRICT NO. 5, IN SAID
TOWN, AND THE CONSTRUCTION OF A WATER SYSTEM
THEREIN, AND PROVIDING THAT SUCH RESOLUTION
SHALL BE SUBJECT TO A MANDATORY REFERENDUM

Recitals

WHEREAS, the Town Board of the Town of Alden (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, has heretofore duly caused Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed establishment of proposed Water District No. 5, in the Town, and the construction of a water system therein, consisting of the installation and/or upgrading of approximately 139,800 linear feet of waterline, installation of fire hydrants and line valves, railroad and creek crossings, acquisition of water tank capacity and other work required in connection

therewith, including land or rights in land, original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (the “Water Improvement”), which map, plan and report have been duly filed in the office of the Town Clerk of the Town and are available for public inspection; and

WHEREAS, on February 2, 2009, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of said Water Improvement in connection with the establishment of the District, the estimated cost of hook-up fees, if any, the cost of the District to the typical property and, if different, the typical one or two family home, the proposed method of financing to be employed, the Town’s compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk’s office and available for public inspection, and specifying February 17, 2009, at 7:05 o’clock P.M. (Prevailing Time) as the time when, and the Town Hall, 3311 Wende Road, Alden, New York, as the place where, the Town Board would meet to consider proposed establishment 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 in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published, posted and filed pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on the 17th day of February, 2009, commencing at 7:05 o’clock P.M. (Prevailing Time) at the Town Hall, 3311 Wende Road, Alden, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing,
be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the Notice of Public Hearing was published, posted and filed as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Water District No. 5, in the Town of Alden, and shall be bounded and described as follows:

TOWN OF ALDEN WATER DISTRICT 5

Area 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lots 20,21,22,23,24,25,26,27,66,67,68,69,70,73,74, and 113 of Township 10, Range 5 of the Holland Land Company's Survey, and Lots 1,2,3,4,5,6,7,8,9,10,13,14,15,16,19,20,21,22,27,28,33, and 34 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT THE POINT of intersection of the east line of the Town of Alden, being the west line of the Town of Darien with the south line of the Town of Alden, being the north line of the Town of Bennington; thence westerly along the south line of the Town of Alden and the north line of the Town of Bennington to the east line of the Town of Marilla; thence northerly along the west line of the Town of Alden and the east line of the Town of Marilla to the south line of the Town of Alden, being the north line of the Town of Marilla; thence westerly along the south line of the Town of Alden and the north line of the Town of Marilla to the west line of Liber 9856, page 212 being also the easterly line of Alden Water District 4, area 2; thence northerly along the west line of Liber 9856, page 212 and the east line of Alden Water District 4, area 2 to the northwest corner of Liber 9856, page 212; thence easterly along the north line of Liber 9856, page 212 to the westerly line of Liber 8041, page 151; thence northerly along the west line of Liber 8041, page 151 to the northwest corner of Liber 8041, page 151 and the southwest corner of Mapcover 2386; thence northerly along the west line of Mapcover 2386 to the north line of Lot 74 and the northwest corner of said mapcover, being also the southerly line of Alden Water District 4, Area 2; thence easterly along the northerly line of Mapcover 2386 and the southerly line of Alden Water District 4, Area 2 to the westerly line of Liber 8101, page 3; thence northerly along the west line of Liber 8101, page 3 and the northerly extension of Liber 8101, page 3 and along the easterly line of Alden Water District 4, Area 2 to the southerly line of Liber 7082, page 509; thence easterly along the southerly line of Liber 7082, page 509 and the southerly line of Alden Water District 4,

Area 2 to the centerline of Three Rod Road; thence northwesterly along the centerline of Three Rod Road to its intersection with the southerly line of Liber 9499, page 63, thence westerly along the southerly line of Liber 9499, page 63 and the northerly line of Alden Water District 4, Area 2 to a southwest corner of said Liber 9499, page 63, thence northerly along the west line of Liber 9499, page 63 and along the easterly line of Alden Water District 4, Area 2 to an angle point in Liber 9499, page 63; thence westerly along the south line of Liber 9499, page 63 and the northerly line of Alden Water District 4, Area 2 to the southwest corner of Liber 9499, page 63; thence northerly along the westerly line of Liber 9499, page 63 and the easterly line of Alden Water District 4, Area 2 to the northwest corner thereof; thence easterly, southeasterly and northeasterly along the northerly line of Liber 9499, page 63 and the southerly line of Alden Water District 3, Extension 1 to the centerline of Three Rod Road; thence easterly along the northerly line of Liber 8446, page 51, and the southerly line of Alden Water District 3, Extension 1 to the center of Cayuga Creek; thence northwesterly along the centerline of Cayuga Creek as it winds and bends to the northwesterly line of Liber 10914, page 1863; thence northeasterly along the northwesterly line of Liber 10914, page 1863 and the southeasterly line of Alden Water District 3, Extension 1 to the centerline of Cayuga Creek Road; thence southeasterly along the centerline of Cayuga Creek Road and the southwest line of Alden Water District 3, Extension 1 to the north line of Liber 9905, page 273; thence easterly along the south line of Alden Water District 3, Extension 1 and the northerly line of said Liber 9905, page 273 to an angle point therein; thence northerly along the west line of Liber 9905, page 273 and the easterly line of Alden Water District 3, Extension 1 to the northwest corner of Liber 9905, page 273; thence easterly along the northerly line of Liber 9905, page 273 and the southerly line of Alden Water District 3, Extension 1 to the west line of Liber 8875, page 333; thence northerly along the west line of Liber 8875, page 333 and the east line of Alden Water District 3, Extension 1 to the northwest corner of Liber 8875, page 333, being also the south line of Alden Water District 4, Area 1; thence easterly along the north line of Liber 8875, page 333 and the south line of Alden Water District 4, Area 1 to the southwest corner of the Village of Alden; thence easterly along the south line of the Village of Alden to an angle point therein; thence northerly along the east line of the Village of Alden to an angle point therein; thence easterly along the south line of the Village of Alden to the southeast corner thereof; thence continuing easterly along the north line of Liber 10941, page 6893 and Liber 11013, page 6176 to the westerly line of Liber 11049, page 7135; thence northerly along the west lines of Liber 11049, page 7135, Liber 11115, page 9798, Liber 10895, page 5789, and Liber 9276, page 604 to the southerly line of Conrail; thence southwest along the southerly line of Conrail to its intersection with the southerly extension of the west line of Liber 11102, page 4142; thence northerly along the west lines of Liber 11102, page 4142, Liber 9739, page 546 and a portion of the west line of Liber 8724, page 317 to the south line of Liber 10371, page 457; thence west, north and west along the southerly line of Liber 10371, page 457 to the east line of the Village of Alden; thence northerly along the east line of the Village of Alden to the south line of Liber 10920, page 8962; thence easterly along the south line of Liber 10920, page 8962 to the southeast corner thereof; thence northerly along the east line of Liber 10920, page 8962 to the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the Village of Alden; thence northerly along the east line of the Village of Alden to the northeast corner thereof; thence westerly along the north line of the Village of Alden to the northwest corner thereof; thence northerly along the westerly line of Liber 11132, page 971 and the easterly line of Alden Water District 4, Area 1 to the intersection of the centerlines of North Road and Peters Corners Road; thence northerly along the centerline of Peters Corners Road and the east line of Alden Water District 4, Area 1 to its intersection with the centerline of Rundel Road; thence easterly along the centerline of Rundel Road and the southerly line of Alden Water District 4, Area 1 to its intersection with the southerly extension of the east line of Mapcover 2336; thence northerly along the east lines of Mapcover 2336 and Mapcover 2313 and the east line of Alden Water District 4, Area 1 to the north line of Liber 8856, page 362; thence east along the north line of Liber 8856, page 362 and the south line of the Alden Water District 4, Area 1 to the west line of Liber 3373, page 549; thence north along the west line of Liber 3373, page 549 and the east line of Alden Water District 4, Area 1 to the north line of the Lehigh Valley Railroad; thence east and north along the northerly line of the Lehigh Valley Railroad and the southerly line of Alden Water District 4, Area 1 to the south line of Liber 6984, page 373; thence east along the south line of Liber 6984, page 373 and the

southerly line of Alden Water District 4, Area 1 to the southeast corner of Liber 6984, page 373; thence northerly along the east line of Liber 6984, page 373 and the east line of Alden Water District 4, Area 1 to the south line of Liber 10925, page 3448; thence west along the south line of Liber 10925, page 3448 and the northerly line of Alden Water District 4, Area 1 to the southwest corner of Liber 10925, page 3448; thence north along the west line of Liber 10925, page 3448 and the east line of Alden Water District 4, Area 1 to the south line of Conrail; thence southwesterly along the southerly line of Conrail and the northerly line of Alden Water District 4, Area 1 to the centerline of Peters Corners Road; thence northerly along the centerline of Peters Corners Road and the east line of Alden Water District 4, Area 1 to the northerly line of Conrail; thence westerly along the northerly line of Conrail and the northerly line of Alden Water District 4, Area 1 to the northerly right of way line of Reinhardt Road; thence northwesterly along the northerly right of way line of Reinhardt Road and the northerly line of Alden Water District 4, Area 1 to the west line of Liber 6098, page 406; thence northerly along the west line of Liber 6098, page 406 and the easterly line of Alden Water District 4, Area 1 to the centerline of Genesee Street; thence southwesterly along the centerline of Genesee Street and the northerly line of Alden Water District 4, Area 1 to the west line of Liber 11006, page 3056; thence north along the west line of Liber 11006, page 3056 and the east line of Alden Water District 4, Area 1 to the north line of Liber 10991, page 8378; thence westerly along the north line of Liber 10991, page 8378 and the north line of Alden Water District 4, Area 1 to the west line of Liber 11006, page 3056; thence north along the west line of Liber 11006, page 3056 and the east line of Alden Water District 4, Area 1 to the northwest corner of Liber 11006, page 3056; thence easterly along the north lines of Liber 11006, page 3056, Liber 11137, page 9360 and a north line in Liber 10949, page 6337; thence north along the west lines of Liber 10949, page 6337 and Liber 10949, page 2299 to the northwest corner of Liber 10949, page 2299; thence east along the north line of Liber 10949, page 2299 to the northeast corner thereof; thence south along the east line of Liber 10949, page 2299 to the north line of Liber 10949, page 6337; thence east along the north line of Liber 10949, page 6337 to the west line of Liber 6557, page 196; thence north along the west line of Liber 6557, page 196 to the northwest corner thereof; thence east along the north line of Liber 6557, page 196 to the westerly right of way line of South Newstead Road; thence northerly along the west right of way line of South Newstead Road to the north line of the Town of Alden, being the south line of the Town of Newstead; thence easterly along the north line of the Town of Alden and the south line of the Town of Newstead to the centerline of Crittenden Road; thence continuing easterly along the north line of the Town of Alden and the south line of the Town of Newstead to the northerly extension of the east line of Liber 7533, page 49; thence southerly along the east lines of Liber 7533, page 49 and Liber 9546, page 625 to the north line of Liber 7039, page 514 thence east along the north line of Liber 7039, page 514 and the easterly extension of the north line of Liber 7039, page 514 through the lands of Penn Central Railroad to the west line of Liber 9263, page 296; thence south along the west line of Liber 9263, page 296 to the north line of Liber 10919, page 8306; thence east along the north line of Liber 10919, page 8306 to the west line of Liber 7687, page 312, thence south along the west line of Liber 7687, page 312 to the southwest corner thereof; thence northeasterly along the southerly line of Liber 7687, page 312 to the east line of the Town of Alden, being the west line of the Town of Darien; thence south along the east line of the Town of Alden and the west line of the Town of Darien to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 2

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot 119 of Township 10, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the centerline of Cary Road at its intersection with the east line of Liber 10914, page 1875; thence westerly along the centerline of Cary Road to the west line of Liber 10887, page 5808; thence northerly along the west lines of Liber 10887, page 5808 and Liber 10914, page 1875 to the centerline of Cayuga Creek; thence

northeasterly along the centerline of Cayuga Creek as it winds and bends to the east line of Liber 10914, page 1875; thence southerly along the east line of Liber 10914, page 1875 to a north line in Liber 10914, page 1875; thence easterly along said north line to the east line of Liber 10914, page 1875; thence south along the east line of Liber 10914, page 1875 to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 3

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot 173 of Township 10, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the centerline of Cary Road at its intersection with the west line of Liber 11008, page 5803; thence northerly along the west line of Liber 11008, page 5803 to the northwest corner thereof; thence easterly along the north line of Liber 11008, page 5803 to a west line of Liber 11008, page 5803; thence northerly along said west line to the center of Cayuga Creek; thence easterly along the center of Cayuga Creek as it winds and bends to the east line of Liber 11008, page 5803; thence southerly along said east line to a point in the centerline of Cary Road; thence westerly along the centerline of Cary Road to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 4

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lots 41, 42 and 48 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in west line of the Town of Alden at the centerline of Kieffer Road, said west line being also the east line of the Town of Lancaster; thence southerly along the west line of the Town of Alden and the east line of the Town of Lancaster to the north line of Liber 11008, page 7454 being also the south line of Conrail; thence easterly along the south line of Conrail and the north lines of Liber 11008, page 7454 and Liber 11099, page 7408 to the west line of Liber 11076, page 4952; thence northerly along the west line of Liber 11076, page 4952 and the east line of Conrail to the northwest corner of Liber 11076, page 4952; thence easterly along the north line of Liber 11076, page 4952 and the south line of Conrail to the northeast corner of Liber 11076, page 4952; thence south along the east line of Liber 11076, page 4952 to the south line of Lot 48 and the north line of Alden Water District 3, Extension 1; thence easterly along the south line of Lot 48 and the north line of Alden Water District 3, Extension 1 to the southeast corner of Liber 9456, page 668; thence northerly along the east line of Liber 9456, page 668 and the west line of Alden Water District 3, Extension 1 to the southerly line of Conrail; thence southeasterly along the southerly line of Conrail and the northerly line of Alden Water District 3, Extension 1 to the east line of Liber 10948, page 3022; thence northerly along the northerly extension of said east line of Liber 10948, page 3022 to the centerline of Kieffer Road; thence northerly along the centerline of Kieffer Road to the southeast corner of Liber 11076, page 196; thence north along the east line of Liber 11076, page 196 to the south line of Liber 11013, page 3505; thence west along the south line of Liber 11013, page 3505 to the southwest corner thereof; thence north along the west line of Liber 11013, page 3505 to the south line of Alden Water District 3, Extension 1, said south line being distant 300 feet from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the east line of Liber 10992, page 6147; thence southerly along the east line of Liber 10992, page 6147 to the southeast corner thereof; thence west along the south line of Liber 10992, page 6147 to the east line of Liber 11070, page 4310; thence south along the east line of Liber 11070, page 4310 to the southeast corner thereof: thence west along the

south line of Liber 11070, page 4310 to the southwest corner thereof; thence northwesterly along the westerly line of Liber 11070, page 4310 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the east line of Liber 10736, page 254; thence south along the east line of Liber 10736, page 254 to the southeast corner thereof; thence west along the south lines of Liber 10736, page 254, Liber 10024, page 288 and Liber 6551, page 589 to the east line of Liber 9324, page 240; thence south along the east line of Liber 9324, page 240 to the southeast corner thereof; thence west along the south lines of Liber 9324, page 240 and Liber 7978, page 171 to the southwest corner of Liber 7978, page 171; thence north along the west line of Liber 7978, page 171 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence west along the south line of Alden Water District 3, Extension 1 to the east line of Liber 11154, page 111; thence south along the east line of Liber 11154, page 111 to the southeast corner thereof; thence west along the south lines of Liber 11154, page 111 and Liber 11154, page 114 to the southwest corner of Liber 11154, page 114; thence north along the west line of Liber 11154, page 114 to the south line of Liber 11126, page 7949; thence west along the south line of Liber 11126, page 7949 to the southwest corner thereof; thence north along the west line of Liber 11126, page 7949 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the west line of Liber 11140, page 4675; thence south along the west line of Liber 11140, page 4675 to the north line of Liber 10334, page 703; thence west along the north line of Liber 10334, page 703 to the west line of the Town of Alden, being also the east line of the Town of Lancaster; thence south along the west line of the Town of Alden and the east line of the Town of Lancaster to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 5

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot 45 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the centerline of Zoeller Road at the southeast corner of Liber 10047, page 31; thence westerly along the south line of Liber 10047, page 31 to the southwest corner thereof; thence northerly along the westerly line of Liber 10047, page 31 to the south line of Liber 10995, page 1828; thence westerly along the south line of Liber 10995, page 1828 to the southwest corner thereof; thence northerly along the west lines of Liber 10995, page 1828, Liber 11080, page 2335, Liber 8340, page 225, Liber 10939, page 706, Liber 10926, page 1601, Liber 8693, page 287, Liber 11009, page 8034, Liber 10887, page 4537, Liber 10893, page 413, Liber 10933, page 7238, Liber 6886, page 432, Liber 9721, page 633, Liber 10227, page 777, Liber 10932, page 7898, Liber 10890, page 7465, Liber 8248, page 517, Liber 8453, page 83, Liber 11121, page 7063 and Liber 9307, page 477 to the center of Ellicott Creek being the southerly line of Alden Water District 4, Area 5; thence northeasterly along the centerline of Ellicott Creek as it winds and bends and along the southerly line of said Alden Water District 4, Area 5 to the centerline of Zoeller Road, which point is a southeasterly corner in said Alden Water District 4, Area 5 and also a southwesterly corner in Alden Water District 2; thence southerly, easterly and northerly along the centerline of Ellicott Creek as it winds and bends and also along the southerly line of said Alden Water District 2 to the east line of Liber 9289, page 149, thence southerly along the east line of Liber 9289, page 149 to the southeast corner thereof; thence westerly along the south line of Liber 9289, page 149 to the southeast corner of Liber 10977, page 9028; thence westerly along the south line of Liber 10977, page 9028 to the centerline of Zoeller Road; thence southerly along the centerline of Zoeller Road to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 6

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lots 51 and 52 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the west line of the Town of Alden and the east line of the Town of Lancaster, said point being in the centerline of Town Line Road at the south line of Liber 10965, page 9532; thence north along the west line of the Town of Alden and the east line of the Town of Lancaster to the center of Ellicott Creek; thence northeasterly, easterly and southeasterly along the centerline of Ellicott Creek as it winds and bends and along the south line of Alden Water District 4, Area 5 to the north line of Liber 10965, page 9532; thence east along the north line of Liber 10965, page 9532 to the northeast corner thereof; thence south along the east line of Liber 10965, page 9532 to the center of Ellicott Creek; thence southeasterly along the center of Ellicott Creek to the east line of Liber 10965, page 9532; thence south along the east line of Liber 10965, page 9532 to the southeast corner thereof; thence west along the south line of Liber 10965, page 9532 to the southwest corner thereof; thence north along the west line of Liber 10965, page 9532 to an angle point; thence west along the north line of Liber 10965, page 9532 to the west line of Liber 10965, page 9532; thence north along the west line of Liber 10965, page 9532 to an angle point; thence west along the south line of Liber 10965, page 9532 to point of beginning.

TOWN OF ALDEN WATER DISTRICT 5

Area 7

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York, being part of Lot 26 of Township 11, Range 5 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the centerline of Uebelhoer Road at its intersection with the west line of Liber 10911, page 2325; thence south along the west line of Liber 10911, page 2325 to the north line of the Erie Lackawanna Railroad; thence easterly along the north line of said railroad to the east line of Liber 11053, page 1320; thence north along the east line of Liber 11053, page 1320 to the centerline of Uebelhoer Road; thence westerly along the centerline of Uebelhoer Road to the east line of Liber 11079, page 2140; thence north along the east line of Liber 11079, page 2140 to the northeast corner thereof; thence southwesterly along the north line of Liber 11079, page 2140 to a northwesterly corner therein; thence south along the west line of Liber 11079, page 2140 to the north line of Liber 11079, page 2140; thence west along the north line of Liber 11079, page 2140 to the northwest corner thereof; thence south along the west line of Liber 11079, page 2140 to the north line of Liber 10006, page 41; thence west along the north line of Liber 10006, page 41 to a northwest corner therein; thence south along the west line of Liber 10006, page 41 to the north line of Liber 10006, page 41; thence west along the north lines of Liber 10006, page 41, Liber 8203, page 221 and Liber 6702, page 641 to the northwest corner of Liber 6702, page 641; thence south along the west lines of Liber 6702, page 641 and Liber 11063, page 2152 to the centerline of Uebelhoer Road; thence westerly along the centerline of Uebelhoer Road to the point of beginning.

Section 3. The maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement is estimated to be \$10,556,625, and the plan of financing includes the issuance of not to exceed

\$10,556,625 serial bonds of the Town to finance said cost, and the assessment, levy and collection of 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.

Section 4. The Town Clerk of the Town is hereby authorized and directed, within ten (10) days after adoption of the final resolution or order authorizing the establishment of the District, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by said Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of said Town Law, and such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

Section 5. This resolution shall be subject to a mandatory referendum in the manner provided by law.

* * *

The adoption of the foregoing resolution was offered by Supervisor Smith and Seconded by Councilman Snyder and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Smith, Councilwoman Riddoch, Councilman Weber,
Councilman Snyder, Councilwoman Cooke.

NOES:

The resolution was declared adopted.

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED FEB RUARY 17, 2009, PROVIDING FOR

SUBMISSION OF A PROPOSITION AT A SPECIAL
ELECTION TO BE HELD ON APRIL 7, 2009, TO APPROVE
OR DISAPPROVE THE RESOLUTION HERETOFORE
ADOPTED BY THE TOWN BOARD OF SAID TOWN ON
FEBRUARY 17, 2009, SUBJECT TO A MANDATORY
REFERENDUM.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A Special Election shall be held on April 7, 2009, at the Town Hall, 3311 Wende Road, Alden, New York, at 9:00 o'clock A.M. (Prevailing Time) and the polls shall remain open until 8:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes.

Section 2. The Town Clerk shall cause the Notice of such Special Election to be published at least once in the "*Alden Advertiser*," a newspaper having a general circulation in the Town and designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Special Election.

Section 3. The Town Clerk is hereby authorized and directed to include in the Notice of Special Election, notice that the Town Board will submit at the said Special Election, a Proposition for approval or disapproval of the Resolution hereinafter referred to in such Notice.

Section 4. At said Special Election, the vote upon the said Proposition shall be by separate ballot on voting machines and the only persons qualified to vote upon said Proposition shall be the owners of taxable real property situate in the proposed Water District No. 5 as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation.

Section 5. Said Notice shall be in substantially the following form:

TOWN OF ALDEN, NEW YORK

NOTICE OF SPECIAL ELECTION

APRIL 7, 2009

NOTICE IS HEREBY GIVEN that a Special Election will be held on April 7, 2009, in the Town of Alden, in the County of Erie, New York, at the Town Hall, 3311 Wende Road, Alden, New York, and voting will be limited to owners of taxable real property situate in the proposed Water District No. 5 as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation, and the polls shall remain open from 9:00 o'clock A.M. (Prevailing Time) to 8:00 o'clock P.M. (Prevailing Time), or for such longer period of time as may be necessary to enable the voters then present to cast their ballots.

At said Special Election the following Proposition is to be voted upon:

PROPOSITION

SHALL the resolution entitled: "Resolution of the Town of Alden, New York, adopted February 17, 2009, approving the establishment of Water District No. 5, in said Town, and the construction of a water system therein, and providing that such resolution shall be subject to a mandatory referendum," BE APPROVED?

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Alden ("Town Board" and "Town", respectively), New York, has heretofore duly caused the preparation of a map, plan and report for the establishment of proposed Water District No. 5, in the Town and the construction of a water system therein, consisting of the installation and/or upgrading of approximately 139,800 linear feet of waterline, installation of fire hydrants and line valves, railroad and creek crossings, acquisition of water tank capacity and other work required in connection therewith, including land or rights in land, original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work (the "Water Improvement"); which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was duly adopted by said Town Board on February 2, 2009, reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of said Water Improvement in connection with the establishment of the District, the estimated cost of hook-up fees, if any, the cost of the District to the typical property and, if different, the typical one or two family home, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's office and available for public inspection, and specifying February 17, 2009, at 7:05 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, 3311 Wende Road, Alden, New York, as the place where, the Town Board would meet to consider proposed establishment of the District, and to hear all persons interested in the subject thereof; that certified copies of such Order were duly published, posted and filed, and that such hearing was duly held on February 17, 2009, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of Public Hearing was published, posted and filed as required by law, and is otherwise sufficient; (b) all the property and property owners included within the proposed District are benefited thereby; (c) all the property and property owners benefited are included

within the limits of said proposed District; and (d) it is in the public interest to establish the District;

THIRD: APPROVING the District and the construction of improvements therein as described; DESIGNATING the District as Water District No. 5, in the Town of Alden; DESCRIBING the District in a manner sufficient to identify the lands included therein;

FOURTH: RESOLVING that the maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement is estimated to be \$10,556,625, and the plan of financing includes the issuance of not to exceed \$10,556,625 serial bonds of the Town to finance said cost, and the assessment, levy and collection of 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;

FIFTH: RESOLVING that the Town Clerk of the Town is 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 at Albany, New York, together with an application by said Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of said Town Law, and that such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town; and

SIXTH: STATING that the resolution shall be subject to a mandatory referendum.

By Order of the Town Board of the
Town of Alden, in the County of
Erie, New York
Dated: February 17, 2009

Section 6. Forthwith after the Special Election is held, pursuant to Section 209-e (4)(b) of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said Section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of Erie County, and in the office of the department of audit and control at Albany, New York.

Section 7. This resolution shall take effect immediately.

The adoption of the foregoing resolution was offered by Councilman Weber, seconded
By Councilwoman Riddoch and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Smith, Councilwoman Riddoch, Council Weber,
Councilman Snyder, Councilwoman Cooke

NOES:

The resolution was declared adopted.

The adoption of the foregoing resolution was seconded by

_____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I Dorothy L. Bycina, Town Clerk of the Town of Alden, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed abstract from the minutes of a meeting of the Town Board of said Town duly called and held on February 17, 2009, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Alden this
17th day of February, 2009.

(SEAL)

Dorothy L. Bycina, Town Clerk
Town of Alden

COUNCILWOMAN RIDDOCH MOVED AND COUNCILMAN WEBER SECONDED THE MOTION TO TABLE THE RESOLUTION DESIGNATING ELECTION INSPECTORS AND BALLOT CLERKS. UNANIMOUSLY CARRIED.

Supervisor Smith polled the Board and with no objection the following was added to the Agenda.

Supervisor Smith moved and Councilman Weber seconded the Motion to transfer \$2,945.11 from DB5111.433 to DB5142.431 to cover the Alden Central Fuel Bill for the Year 2008. Unanimously carried.

Supervisor Smith moved and Councilman Weber seconded the Motion to approve the HOP for Dennis Nichols/3025 Peters Corners Rd. Unanimously carried.

UNFINISHED & TABLED BUSINESS

REMOVED FROM THE AGENDA THE RESOLUTION re TOBACCO POINT OF PURCHASE.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Councilwoman Cooke gave a report on the recent Airplane Crash in Clarence – she was very impressed with the Memorial Services.

Planning Board Chairman Witt requested Private Roads be put on the work Session.

Supervisor Smith adjourned the Meeting at 9:28 P.M. with a Minute's silence in Memory of Frances Krygier, Anthony Agone, Richard Pych, and all the Victims of Flight 3407.

DOROTHY L. BYCINA
TOWN CLERK