

THOMAS P. DiNAPOLI
STATE COMPTROLLER



NANCY G. GROENWEGEN
COUNSEL TO THE COMPTROLLER

HELEN M. FANSHAWE
DEPUTY COUNSEL

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

June 25, 2013

Mr. Robert M. Graber
Clerk, Erie County Legislature
County of Erie
92 Franklin Street - 4th Floor
Buffalo, New York 14202

Re: Town of Alden;
Establishment of Zoeller
Road Water District
File No. 2013-13

Dear Mr. Graber:

The duplicate copy of the application of the Town Board referred to above is hereby filed in your office pursuant to Town Law §194(3)(b).

Kindly sign, date and return the copy of this letter as a receipt in the enclosed envelope.

Very truly yours,

Mitchell S. Morris
Associate Counsel

MSM:jw
Enclosure
(518) 486-1127
cc: Jennifer L. Strong, Esq.

Filed: _____ day of _____

Clerk

NEILL & STRONG, PLLC
ATTORNEYS AND COUNSELORS

NATHAN S. NEILL
JENNIFER L. STRONG

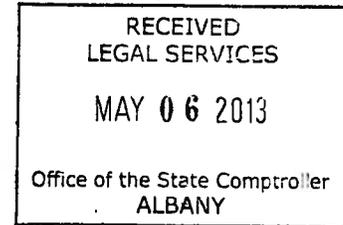
LEGAL ASSISTANTS:
K. PATRICIA STRONG
MEGHAN SEITZ

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(NOT FOR SERVICE OF PROCESS)
JLSTRONG@NEILLSTRONG.COM
MJSEITZ@NEILLSTRONG.COM

May 2, 2013

VIA PRIORITY MAIL

Comptroller of the State of New York
Division of Legal Services
Attention: Jennifer Wade, Esq.
110 State Street , 14th floor
Albany, New York 12236



Re: Town of Alden – Zoeller Road Water District

Dear Attorney Wade:

As anticipated by your promised forthcoming letter enclosed herewith please find the following additional information for this District (for your convenience I will follow the numbering used in your April 4, 2013 Letter regarding the Exchange Street Water District):

1. Two (2) original verifications executed by the Town Supervisors verified before a Notary Public.
- 2a. An original duplicate of the application and accompanying documents.
- 2b. Two (2) original Affidavits from the Town Assessor confirming that the Petition contains the required number of signatures.
3. Two (2) originals of my Opinion letter dated even herewith.
4. Two (2) color maps delineating the boundaries of the proposed district (this is the same map contained in the previously submitted Map Plan and Report, just a color version).
5. Two (2) photocopies of the Letter of the Town Engineer dated April 24, 2013.
6. Two (2) statements further explaining the need for the district.
7. Original and photocopy of the Letter from the Town's Financial Advisor dated April 19, 2013.

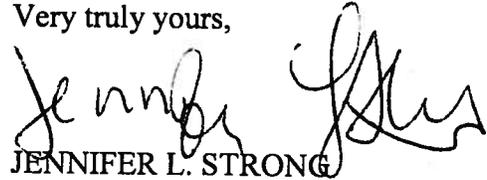
8. Please see Letter of the Town Engineer dated April 24, 2013.

9 and 10. Two (2) original Affidavits of the Town Attorney.

11. Please see my Opinion letter dated even herewith.

Thank you for your cooperation in regard to this matter. If you have any questions or should you require any further information feel free to contact the undersigned. We look forward to receiving your Office's approval of this District.

Very truly yours,



JENNIFER L. STRONG
TOWN ATTORNEY,
TOWN OF ALDEN

JLS/

Enclosures.

cc: Supervisor Milligan
Robert P. Smith, Esq.

In the Matter
of
The Creation of the Zoeller Road Water District
in the Town of Alden, Erie County, New York.

AFFIDAVIT

STATE OF NEW YORK)

COUNTY OF ERIE) ss.:

William P. Sivecz, IAO being duly sworn, deposes and says that he is the Assessor of the Town of Alden, the municipality named in the above entitled action.

The Petition of Property Owners for the Establishment of the Zoeller Road Water District in the Town of Alden, County of Erie, State of New York submitted to the Town of Alden contains signatures representing owners of more than 50% of the total assessed valuation of all taxable real property with the proposed District and the signatures of the resident owners who own more than 50% of the assessed value of taxable real property held by resident owners in the proposed District.



William P. Sivecz

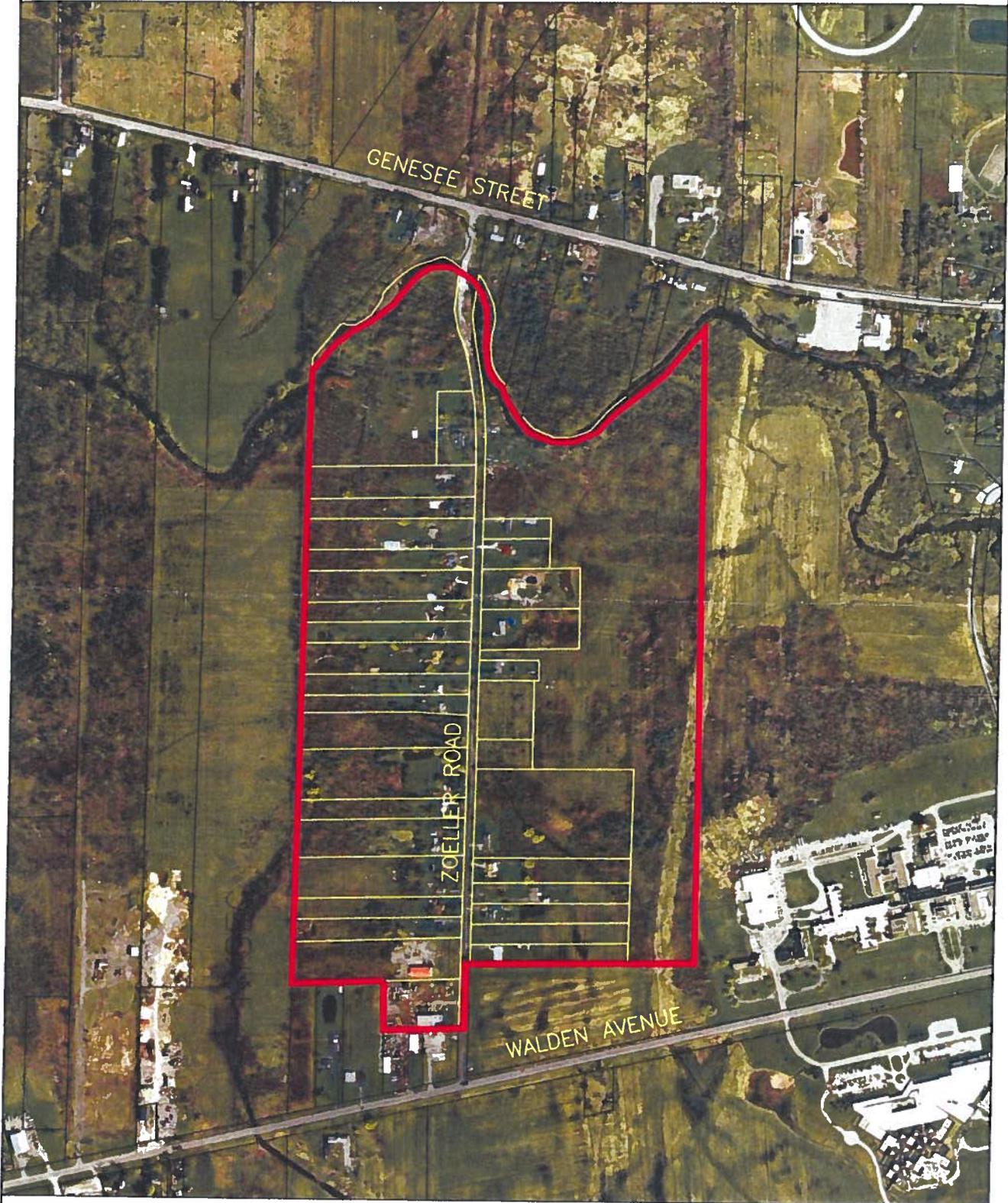
Sworn to before me this 12th
Day of April, 2013.



Notary Public, State of New York

COLLEEN ROGERS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 4/30/20 15

PROPOSED ZOELLER ROAD WATER DISTRICT



**TOWN OF
ALDEN, NY**



**METZGER
CIVIL
ENGINEERING**

Comm 13M-7

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METZGER CIVIL ENGINEERING, PLLC

dup

June 7, 2013

Town Board
Town of Alden
3311 Wende Road
Alden, NY 14004

Re: Zoeller Road Water District

Honorable Board Members:

It is my understanding that the New York State Comptroller's office, in their review of our documentation for the proposed district, has questioned an item from our Map, Plan and Report as it relates to an item shown in the Audit and Control application. Page 6 of the Map, Plan and Report shows an annual cost of \$1,447. to the Erie County Water Authority for fire hydrants. That is their annual charge of \$160.80 per hydrant for maintenance and operation for the nine new hydrants within the district. This is a part of the annual cost to be assessed to the entire district which, when added to the capital cost to satisfy the bond, will be the total district cost for one year.

In the application, item #22 discusses annual cost for a typical property owner within the district. This shows a capital cost to satisfy the bond or debt service of \$800.04 plus an annual hydrant operation and maintenance cost of \$42.55 for a total annual cost to a typical property owner within the district of \$842.59. Both the \$1,447. cost and the \$42.55 cost are for the same thing. One is for the entire district and the other is the portion of that amount the typical property owner would be paying. By doing the math, one can see that they both amount to 5.05% of the total annual cost.

Hopefully, this answers the State Comptroller's office question. Should you require any further assistance, please let me know.

Yours truly,



Michael J. Metzger, P.E.
Town Engineer

MJM:d

CC. Jennifer Strong, Esq.

z:\mce\m0001 (1) alden\zoeller & exchange water districts\letters\townboard zoeller 06-07-2013 let.doc

8560 Main Street, Suite 3, Williamsville, NY 14221

Phone 716-633-2601/Fax 716-633-2704

METZGER CIVIL ENGINEERING, PLLC

April 24, 2013

Harry Milligan, Supervisor, and
Members of the Town Board
Town of Alden
3311 Wende Road
Alden, NY 14004

Re: Zoeller Road Water District

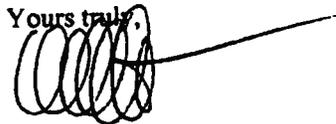
Dear Superintendent Milligan and Honorable Board Members:

In answer to the questions raised by the New York State Comptroller's Office, Division of Audit and Control, please accept the following:

1. Attached you will find an Opinion of Expected Project Costs for the project, which was recently modified to provide more detail on the construction cost estimates.
2. The average annual cost to a property owner for operation and maintenance of the water district of \$170/year is a number provided to us by the Erie County Water Authority. As you may know, the water bill charged to a property owner in an area either supplied directly by the Erie County Water Authority (ECWA) or through a Lease Management agreement with the Erie County Water Authority does not only include the water use; it also includes day to day operation and maintenance of the system. Therefore, the average user within the Town of Alden paying an average \$170/year water bill pays for operation and maintenance in this fashion. Lastly, the water rates charged by the Erie County Water Authority to users within the district are stipulated in the ECWA Operating Tariff established by the ECWA working under the guidance of the New York State Public Service Commission.

Should you have any questions, please contact the undersigned.

Yours truly,



Michael J. Metzger, P.E.
Town Engineer

MJM:d

CC. Jennifer Strong, Esq.
Ralph Witt

8560 Main Street, Suite 3, Williamsville, NY 14221

Phone 716-633-2601/Fax 716-633-2704

ZOELLER ROAD WATER DISTRICT
OPINION OF EXPECTED PROJECT COSTS

A.	Construction \$60.19/lf for 4,300' of 8" waterline + \$225/lf for 300' of creek crossing =	326,317.
B.	Technical Services @ estimated 25% (design, regulatory permitting, topographical survey, boundary survey, construction administration, bidding process, construction inspection, SEQR process)	81,579.
C.	Legal	10,000.
D.	Bond Counsel	15,000.
E.	Net Interest/SRF Issuance Fees (see note ¹)	0
F.	Borrowing – Short Term Notes	10,000.
G.	Fiscal Coordination and Reporting to Agencies	10,000.
H.	Grant Writing/Administration (see note ¹)	0
I.	Lands right-of-way	7,500.
J.	Archaeological Survey	7,500.
K.	Miscellaneous (legal ads, postage, permits, etc.)	5,000.
L.	Soil Borings	7,500.
M.	Survey/easements	7,500.
N.	Construction contingency @ 10%	<u>32,632.</u>
	TOTAL PROJECT COST	520,528.

Notes: ¹ These items are estimated zero as it is currently not anticipated that state or federal grants or loans will be available for this project. Should state or federal monies become available, it is assumed that interest savings and cost reductions will more than cover these costs.

² The basis for many of these anticipated costs comes from a similar analysis done for a prior water district.

c:\my documents\miscellaneous\zoellerroad.expectedcosts.04-23-13.misc.doc

April 23, 2013

SUMMARY STATEMENT OF NEED FOR PROPOSED DISTRICT

May 2, 2013

The attached 2009 Property Survey (which was distributed as part of the failed Town of Alden Water District # 5 project) was used to determine what smaller areas of the Town were in dire need of public water. The highlighted areas show Zoeller Road resident responses to why they need public water.

The attached letter of the Erie County Health Department, with media articles, proves the poor water quality in Alden.

The attached Zoeller Road (only) resident survey shows the dire need of public water on Zoeller Road.

All of the attachments show the poor water quality and quantity and therefore the need for the proposed district.

It is important to remember that this District is being created based upon resident petition.

2009 Proposed Water District # 5 Property Survey - Improved Properties

2009 Water District # 5 Survey: Districtwide Improved

Question	Number Parcels	Number Responses	Yes/Quantity	No/Quantity	Both/NA	Percent Responding	Percent Yes/Quantity	Percent No/Quantity	Percent Both/NA
Q1: Do you have problems with the current well water supply to your residence?	574	319	146	171		55.6%	45.8%	53.6%	
Q2: If answer to Question 1 is yes, are problems with:	574	159	Q2A3. 11	Q2B1. 93	Q2C1. 50	27.7%	6.9%	58.5%	31.4%
Q3: Has your well ever run out of water?	574	321	57	263		55.9%	17.8%	81.9%	
Q4: Do you or your family drink the water from your well?	574	319	179	140		55.6%	56.1%	43.9%	
Q5: Would you be in favor of being served by public water?	574	318	191	128		55.4%	60.1%	40.3%	
Q7: If you voted against the recent water district proposal, was the cost the major factor?	574	294	144	26	117	51.2%	49.0%	8.8%	39.8%
Q8: If cost was a factor in your no vote, what annual water district tax would allow you to vote yes if a future referendum is held?	574	81	Price Range \$0 - \$1500			14.1%			
Q9: Do you own multiple parcels located within the proposed water district?	574	317	43	274		55.2%	13.6%	86.4%	

UF DATE 0
Preliminary Tabulations

2009 Proposed Water District # 5 Property Survey - Improved Properties

Preliminary Tabulations

Q1: Do you have problems with the current well water supply to your residence?

Street	Number Parcels	Number Responses	Yes	No	Percent Responding	Percent Yes	Percent No
BROADWAY	16	5	5	0	31.3%	100.0%	0.0%
CARY	6	5	1	4	83.3%	20.0%	80.0%
CAVUGA CRK	26	11	6	5	42.3%	54.5%	45.5%
COUNTYLINE	48	26	10	16	54.2%	38.5%	61.5%
Denington Line to Heasler	7	5	5	2	71.4%	40.0%	60.0%
Heasler to Broadway	15	7	3	4	46.7%	42.0%	57.1%
Broadway to North	21	12	5	7	57.1%	41.7%	58.3%
North to Darlen line	5	2	0	2	40.0%	0.0%	100.0%
CRITTENDEN	104	59	23	36	56.7%	39.0%	61.0%
Village Line to North	29	17	7	10	58.6%	41.2%	58.8%
North to Genesee	63	38	14	24	60.3%	36.8%	63.2%
Genesee to Newstead line	13	4	2	2	33.3%	50.0%	50.0%
EXCHANGE	30	20	8	12	66.7%	40.0%	60.0%
Marilla Line to Heasler	15	10	4	6	66.7%	40.0%	60.0%
Heasler to Village Line	15	10	4	6	66.7%	40.0%	60.0%
GENESEE	70	47	24	22	67.1%	51.1%	46.8%
Walden to So Newstead	16	11	7	4	68.8%	63.6%	36.4%
So Newstead to Crittenden	33	22	15	11	81.8%	55.6%	40.7%
Crittenden to Darlen Line	21	9	2	7	42.9%	22.2%	77.8%
HENSKEE	37	27	13	14	73.0%	48.1%	51.9%
Exchange to Sullivan	17	12	5	7	70.6%	41.7%	58.3%
Sullivan to Countyline	20	15	8	7	75.0%	53.3%	46.7%
KIEFFER	24	10	4	6	41.7%	40.0%	60.0%
NORTH	38	23	8	15	60.5%	34.8%	65.2%
Peters Corner to Crittenden	10	5	0	5	50.0%	0.0%	100.0%
Crittenden to Countyline	28	18	8	10	64.3%	44.4%	55.6%
PETERS CORNERS	6	2	1	1	33.3%	50.0%	50.0%
RUNDEL	9	5	2	2	55.6%	40.0%	40.0%
SEHL	1	1	0	1	100.0%	0.0%	100.0%
SO NEWSTEAD	28	10	2	8	35.7%	20.0%	80.0%
SULLIVAN	25	19	13	6	76.0%	68.4%	31.6%
Marilla Line to Heasler	19	12	7	5	63.2%	58.3%	41.7%
Heasler to Village Line	12	7	6	1	58.3%	85.7%	14.3%
THREE ROD	36	18	10	8	50.0%	55.6%	44.4%
TOWNLINE	8	1	0	1	12.5%	0.0%	100.0%
TWO ROD	9	9	9	0	100.0%	100.0%	0.0%
UEBELHOER	17	10	2	8	58.8%	20.0%	80.0%
WENDE	1	1	0	1	100.0%	0.0%	100.0%
ZOELLER	35	21	14	7	60.0%	66.7%	33.3%
DISTRICT TOTAL	574	319	146	171	55.6%	45.8%	53.6%

2009 Proposed Water District # 5 Property Survey - Improved Properties

Preliminary Tabulations

Q2: If answer to Question 1 is yes, are problems with:

Street	Number Parcels	Number Responses	Quantity	Quality	Both	Percent Responding	Percent Quantity	Percent Quality	Percent Both
BROADWAY	16	4	1	1	3	25.0%	25.0%	25.0%	75.0%
CARY	6	1	1	0	0	16.7%	0.0%	0.0%	0.0%
CAYUGA CRK	26	7	2	1	4	26.9%	28.6%	14.3%	57.1%
COUNTYLINE	48	10	0	8	2	20.8%	0.0%	80.0%	20.0%
Bennington Line to Henkees	7	2	0	1	1	28.6%	0.0%	50.0%	50.0%
Henkees to Broadway	15	3	0	3	0	20.0%	0.0%	100.0%	0.0%
Broadway to North	21	3	0	3	0	14.3%	0.0%	100.0%	0.0%
North to Darlen line	5	0	0	0	0	0.0%	0.0%	0.0%	0.0%
CRITTENDEN	104	25	0	16	9	24.0%	0.0%	64.0%	36.0%
Village Line to North	29	7	0	7	0	24.1%	0.0%	100.0%	0.0%
North to Genesee	63	16	0	8	8	25.4%	0.0%	50.0%	50.0%
Genesee to Newstead line	12	2	0	1	1	16.7%	0.0%	50.0%	50.0%
EXCHANGE	30	10	0	6	4	33.3%	0.0%	60.0%	40.0%
Marilla Line to Henkees	15	4	0	2	0	26.7%	0.0%	50.0%	0.0%
Henkees to Village Line	15	6	0	4	0	40.0%	0.0%	66.7%	3.3%
GENESEE	70	31	0	17	8	44.3%	0.0%	54.8%	25.8%
Walden to So Newstead	16	11	0	3	4	68.8%	0.0%	37.3%	36.4%
So Newstead to Crittenden	33	27	0	12	3	81.8%	0.0%	44.4%	11.1%
Crittenden to Darlen Line	21	9	0	2	1	42.9%	0.0%	22.2%	11.1%
HENSKEE	37	14	1	9	4	37.8%	7.1%	64.3%	28.6%
Exchange to Sullivan	17	6	0	4	0	35.3%	0.0%	66.7%	0.0%
Sullivan to Countyline	20	8	1	7	0	40.0%	12.5%	87.5%	0.0%
KIEFFER	24	4	0	2	2	16.7%	0.0%	50.0%	50.0%
NORTH	38	8	1	5	2	21.1%	12.5%	62.5%	25.0%
Peters Corners to Crittenden	10	0	0	0	0	0.0%	0.0%	0.0%	0.0%
Crittenden to Countyline	28	8	1	5	0	28.6%	0.0%	0.0%	0.0%
PETERS CORNERS	6	1	0	1	0	16.7%	0.0%	100.0%	0.0%
RUNBEL	9	3	0	3	0	33.3%	0.0%	100.0%	0.0%
SIEHL	1	0	0	0	0	0.0%	0.0%	0.0%	0.0%
SO NEWSTEAD	28	2	0	0	2	7.1%	0.0%	0.0%	100.0%
SULLIVAN	25	14	1	9	4	56.0%	7.1%	64.3%	28.6%
Marilla Line to Henkees	19	7	1	4	2	36.8%	14.3%	57.1%	28.6%
Henkees to Village Line	12	7	0	5	2	58.3%	0.0%	71.4%	28.6%
THREE ROD	36	9	3	4	2	25.0%	33.3%	44.4%	22.2%
TOWNLINE	8	0	0	0	0	0.0%	0.0%	0.0%	0.0%
TWO ROD	9	0	0	0	0	0.0%	0.0%	0.0%	0.0%
USBELHOER	17	2	0	2	0	11.8%	0.0%	100.0%	0.0%
WENDE	1	0	0	0	0	0.0%	0.0%	0.0%	0.0%
ZOELLER	35	14	1	9	4	40.0%	7.1%	64.3%	28.6%
DISTRICT TOTAL	574	159	11	93	50	27.7%	6.9%	58.5%	31.4%

2009 Proposed Water District # 5 Property Survey - Improved Properties

Preliminary Tabulations

Q3: Has your well ever run out of water?

Street	Number Parcels	Number Responses	Yes	No	Percent Responding	Percent Yes	Percent No
BROADWAY	16	5	2	3	31.3%	40.0%	60.0%
CARY	6	5	1	4	83.3%	20.0%	80.0%
CAYUGA CRK	26	11	5	6	42.3%	45.5%	54.5%
COUNTYLINE	48	26	4	22	54.2%	15.4%	84.6%
Bannington Line to Heneske	7	5	1	4	71.4%	20.0%	80.0%
Heneske to Broadway	15	7	1	6	46.7%	14.3%	85.7%
Bradway to North	21	12	1	11	57.1%	8.3%	91.7%
North to Durfen line	5	2	0	2	40.0%	0.0%	100.0%
CRITTENDEN	104	59	7	52	56.7%	11.9%	88.1%
Village Line to North	29	17	0	17	58.6%	0.0%	100.0%
North to Genesee	63	38	5	33	60.3%	13.2%	86.8%
Genesee to Newstead line	12	4	2	2	33.3%	50.0%	50.0%
EXCHANGE	30	20	4	16	66.7%	20.0%	80.0%
Marilla Line to Heneske	15	10	3	7	66.7%	30.0%	70.0%
Heneske to Village Line	15	10	1	9	66.7%	10.0%	90.0%
GENESEE	70	47	8	38	67.1%	17.0%	80.9%
Walden to So Newstead	16	11	2	9	68.8%	18.2%	81.8%
So Newstead to Crittenden	33	27	5	21	81.8%	18.5%	77.8%
Crittenden to Durfen Line	21	9	1	8	42.9%	11.1%	88.9%
HENESKE	37	27	4	23	73.0%	14.8%	85.2%
Exchange to Sullivan	17	12	1	11	70.6%	8.3%	91.7%
Sullivan to Genesee line	20	15	3	12	75.0%	20.0%	80.0%
KIEFFER	24	10	0	10	41.7%	0.0%	100.0%
NORTH	38	24	5	19	63.2%	20.8%	79.2%
Peters Corners to Crittenden	10	6	0	6	60.0%	0.0%	100.0%
Crittenden to Countyline	28	18	0	13	64.3%	0.0%	71.2%
PETERS CORNERS	6	2	0	2	33.3%	0.0%	100.0%
RUNDEL	9	5	0	5	55.6%	0.0%	100.0%
SIEHL	1	1	0	1	0.0%	0.0%	100.0%
SO NEWSTEAD	28	10	0	10	35.7%	0.0%	100.0%
SULLIVAN	25	19	4	15	76.0%	21.1%	78.9%
Marilla Line to Heneske	19	12	4	8	63.2%	33.3%	66.7%
Heneske to Village Line	12	7	0	7	58.3%	0.0%	100.0%
THREE ROD	36	19	8	11	52.8%	42.1%	57.9%
TOWNLINE	8	1	0	1	12.5%	0.0%	100.0%
TWO ROD	9	1	0	1	0.0%	0.0%	100.0%
UEBELHOER	17	11	0	11	64.7%	0.0%	100.0%
WENDE	1	1	0	1	0.0%	0.0%	100.0%
ZOELLER	35	20	5	15	57.1%	25.0%	75.0%
DISTRICT TOTAL	574	321	57	263	55.9%	17.8%	81.9%

2009 Proposed Water District # 5 Property Survey - Improved Properties

Preliminary Tabulations

Q4: Do you or your family drink the water from your well?

Street	Number Parcels	Number Responses	Yes	No	Percent Responding	Percent Yes	Percent No
BROADWAY	16	5	1	4	31.3%	20.0%	80.0%
CARY	6	5	4	1	83.3%	80.0%	20.0%
CAYUGA CRK	26	11	6	5	42.3%	54.5%	45.5%
COUNTYLINE	48	26	17	9	54.2%	65.4%	34.6%
Bearington Line to Henlee	7	4	3	2	57.1%	75.0%	50.0%
Henlee to Broadway	15	7	5	2	46.7%	71.4%	28.6%
Broadway to North	21	12	7	5	57.1%	58.3%	41.7%
North to Darien line	5	2	2	0	40.0%	100.0%	0.0%
CRITTENDEN	104	59	29	30	56.7%	49.2%	50.8%
Village Line to North	29	17	7	10	58.6%	41.2%	58.8%
North to Genesee	63	38	20	18	60.3%	52.6%	47.4%
Genesee to Newstead line	12	4	2	2	33.3%	50.0%	50.0%
EXCHANGE	30	20	10	10	66.7%	50.0%	50.0%
Merrill Line to Henlee	15	10	7	3	66.7%	70.0%	30.0%
Henlee to Village Line	15	10	3	7	66.7%	30.0%	70.0%
GENESEEE	70	47	20	27	67.1%	42.6%	57.4%
Walden to So Newstead	16	11	3	8	68.8%	27.3%	72.7%
So Newstead to Crittenden	33	27	14	13	81.8%	51.9%	48.1%
Crittenden to Darien Line	21	9	3	6	42.9%	33.3%	66.7%
HENSKER	37	27	17	10	73.0%	63.0%	37.0%
Exchange to Sullivan	17	12	9	3	70.6%	75.0%	25.0%
Sullivan to Countyline	20	15	8	7	75.0%	53.3%	46.7%
KIEFFER	24	10	7	3	41.7%	70.0%	30.0%
NORTH	38	24	18	6	63.2%	75.0%	25.0%
Peters Corners to Crittenden	10	6	6	0	60.0%	100.0%	0.0%
Crittenden to Countyline	28	18	12	6	64.3%	66.7%	33.3%
PETERS CORNERS	6	2	1	1	33.3%	50.0%	50.0%
RUNDEL	9	5	2	3	55.6%	40.0%	60.0%
SIEHL	1	1	1	0	100%	100.0%	0.0%
SO NEWSTEAD	28	10	10	0	35.7%	100.0%	0.0%
SULLIVAN	25	18	11	7	72.0%	61.1%	38.9%
Merrill Line to Henlee	19	12	8	4	63.2%	66.7%	33.3%
Henlee to Village Line	17	6	3	3	50.0%	50.0%	50.0%
THREE ROD	36	19	11	8	52.8%	57.9%	42.1%
TOWNLINE	8	1	1	0	12.5%	100.0%	0.0%
TWO ROD	9	11	9	2	64.7%	81.8%	18.2%
UEBELHOER	17	11	9	2	64.7%	81.8%	18.2%
WENDE	1	1	1	0	100%	100.0%	0.0%
ZOELIER	35	19	5	14	54.3%	26.3%	73.7%
DISTRICT TOTAL	574	319	179	140	55.6%	56.1%	43.9%

Q6: Would you be in favor of being served by public water?

Street	Number Parcels	Number Responses	Yes	No	Percent Responding	Percent Yes	Percent No
BROADWAY	16	5	5	0	31.3%	100.0%	0.0%
CARY	6	5	5	1	83.3%	100.0%	20.0%
CAVUGA CRK	26	11	6	5	42.3%	54.5%	45.5%
COUNTYLINE	48	26	10	16	54.2%	38.5%	61.5%
Beamington Line to Heasler	7	5	2	3	71.4%	40.0%	60.0%
Heasler to Broadway	15	7	3	4	46.7%	42.9%	57.1%
Broadway to North	21	12	5	7	57.1%	41.7%	58.3%
North to Darlen line	5	2	0	2	40.0%	0.0%	100.0%
CRITTENDEN	104	58	30	28	55.8%	51.7%	48.3%
Village Line to North	29	17	12	5	58.6%	70.6%	29.4%
North to Genesee	63	38	16	22	60.3%	42.1%	57.9%
Genesee to Newstead line	12	4	3	1	33.3%	75.0%	25.0%
EXCHANGE	30	20	10	10	66.7%	50.0%	50.0%
Marilla Line to Heasler	15	10	5	5	66.7%	50.0%	50.0%
Heasler to Village Line	15	10	5	5	66.7%	50.0%	50.0%
GENESEE	70	47	31	16	67.1%	66.0%	34.0%
Wallen to So Newstead	16	11	9	2	68.8%	81.8%	18.2%
So Newstead to Crittenden	33	27	20	7	81.8%	74.1%	25.9%
Crittenden to Darlen Line	21	9	2	7	42.9%	22.2%	77.8%
HEENSKEE	37	27	15	12	73.0%	55.6%	44.4%
Exchange to Sullivan	17	12	7	5	70.6%	58.3%	41.7%
Sullivan to Countyline	20	15	8	7	75.0%	53.3%	46.7%
KIEFFER	24	10	5	5	41.7%	50.0%	50.0%
NORTH	38	22	14	8	57.9%	63.6%	36.4%
Peters Corners to Crittenden	10	5	4	1	50.0%	80.0%	20.0%
Crittenden to Countyline	28	17	10	7	60.7%	58.8%	41.2%
PETERS CORNERS	6	2	1	1	33.3%	50.0%	50.0%
RUNDEL	9	5	3	2	55.6%	60.0%	40.0%
SIEHL	1	1	1	0	100%	0.0%	0.0%
SO NEWSTEAD	28	10	3	7	35.7%	30.0%	70.0%
SULLIVAN	25	19	13	6	76.0%	68.4%	31.6%
Marilla Line to Heasler	19	12	8	4	63.2%	66.7%	33.3%
Heasler to Village Line	12	7	4	2	58.3%	57.1%	28.6%
THREE ROD	36	18	13	5	50.0%	72.2%	27.8%
TOWNLINE	8	1	0	1	12.5%	0.0%	100.0%
TWO ROD	9	11	9	2	64.7%	81.8%	18.2%
UEBELHOER	17	11	9	2	64.7%	81.8%	18.2%
WENDE	1	1	1	0	100%	0.0%	0.0%
ZOELLER	35	21	18	3	60.0%	85.7%	14.3%
DISTRICT TOTAL	574	318	191	128	55.4%	60.1%	40.3%

Delete, in DIST #4

2009 Proposed Water District # 5 Property Survey - Improved Properties

Preliminary Tabulations

Q7: If you voted against the recent water district proposal, was the cost the major factor?

Street	Number Parcels	Number Responses	Yes	No	N/A	Percent Responding	Percent Yes	Percent No	Percent N/A
BROADWAY	16	3	0	2	1	18.8%	0.0%	66.7%	33.3%
CARY	6	5	2	0	3	83.3%	0.0%	0.0%	0.0%
CAVUGA CRK	26	11	5	2	4	42.3%	45.5%	18.2%	36.4%
COUNTYLINE	48	24	17	0	7	50.0%	70.8%	0.0%	29.2%
Beauregard Line to Henke	7	5	2	0	3	71.4%	40.0%	0.0%	60.0%
Henke to Broadway	15	7	4	0	3	46.7%	57.1%	0.0%	42.9%
Broadway to North	21	12	10	0	2	57.1%	83.3%	0.0%	16.7%
North to Darlen line	5	2	2	0	0	40.0%	100.0%	0.0%	0.0%
CRITTENDEN	104	50	25	9	16	48.1%	50.0%	18.0%	32.0%
Village Line to North	29	17	6	3	8	58.6%	35.3%	17.6%	47.1%
North to Genesee	63	29	18	6	5	46.0%	62.1%	20.7%	17.2%
Genesee to Newstead line	12	4	1	0	3	33.3%	25.0%	0.0%	75.0%
EXCHANGE	30	20	8	2	10	66.7%	40.0%	10.0%	50.0%
Merilla Line to Henke	15	10	4	1	5	66.7%	40.0%	10.0%	50.0%
Henke to Village Line	15	10	4	1	5	66.7%	40.0%	10.0%	50.0%
GENESEE	70	47	15	2	23	67.1%	31.9%	4.3%	48.9%
Walden to So Newstead	16	11	1	0	0	68.8%	9.1%	0.0%	0.7%
So Newstead to Crittenden	33	27	8	2	0	81.8%	29.6%	7.4%	0.4%
Crittenden to Darlen Line	21	9	6	0	0	42.9%	66.7%	0.0%	0.3%
HENESKEE	37	23	14	1	8	62.2%	60.9%	4.3%	34.8%
Exchange to Sullivan	17	9	5	1	1	52.9%	55.6%	11.1%	0.3%
Sullivan to Countyline	20	14	9	0	0	70.0%	64.3%	0.0%	0.4%
KIEFFER	24	10	7	0	3	41.7%	70.0%	0.0%	30.0%
NORTH	38	24	9	4	11	63.2%	37.5%	16.7%	45.8%
Peters Corners to Crittenden	10	6	4	1	1	60.0%	66.7%	16.7%	16.7%
Crittenden to Countyline	28	18	5	3	10	64.3%	27.8%	16.7%	55.6%
PETERS CORNERS	6	2	1	0	1	33.3%	50.0%	0.0%	50.0%
RUNDEL	9	5	4	0	1	55.6%	80.0%	0.0%	20.0%
SIEHL	1	1	0	0	1	0.0%	0.0%	0.0%	0.0%
SO NEWSTEAD	28	10	9	0	1	35.7%	90.0%	0.0%	10.0%
SULLIVAN	25	16	9	0	7	64.0%	56.3%	0.0%	43.8%
Marilla Line to Henke	19	12	6	0	6	63.2%	50.0%	0.0%	50.0%
Henke to Village Line	12	4	3	0	1	33.3%	75.0%	0.0%	0.0%
THREE ROD	36	16	7	1	8	44.4%	43.8%	6.3%	50.0%
TOWNLINE	8	1	1	0	0	12.5%	0.0%	0.0%	0.0%
TWO ROD	9	9	0	0	0	0.0%	0.0%	0.0%	0.0%
UEBELHOER	17	9	7	0	2	52.9%	77.8%	0.0%	22.2%
WENDE	1	1	0	0	0	0.0%	0.0%	0.0%	0.0%
ZOELLER	35	18	4	3	11	51.4%	22.2%	16.7%	61.1%
DISTRICT TOTAL	574	294	144	26	117	51.2%	49.0%	8.8%	39.8%

Q8: If cost was a factor in your no vote, what annual water district tax would allow you to vote yes if a future referendum is held?

Street	Number Parcels	Number Responses	Price Range	Percent Responding
BROADWAY	16	0		0.0%
CARY	6	0		0.0%
CAYUGA CRK	26	5	\$0 - \$300	19.2%
COUNTYLINE	48	4	\$0 - \$500	8.3%
Bennington Line to Henske	7	1	\$0 - \$50	14.3%
Henske to Broadway	15	0	\$0 - \$0	0.0%
Broadway to North	21	2	\$200 - \$500	9.5%
North to Darten line	5	1	\$0 - \$0	20.0%
CRITTENDEN	104	15	\$0 - \$500	14.4%
Village Line to North	29	2	\$0 - \$500	6.9%
North to Genesee	63	10	\$0 - \$500	15.9%
Genesee to Newstead line	12	3	\$0 - \$0	25.0%
EXCHANGE	30	5	\$200 - \$500	16.7%
Marville Line to Henske	15	3	\$0 - \$300	20.0%
Henske to Village Line	15	2	\$0 - \$500	13.3%
GENESEE	70	9	\$0 - \$600	12.9%
Walden to So Newstead	16	0	\$0 - \$0	0.0%
So Newstead to Crittenden	33	4	\$0 - \$500	12.1%
Crittenden to Darten Line	21	5	\$0 - \$600	23.8%
HENSKEE	37	7	\$0 - \$1000	18.9%
Exchange to Sullivan	17	4	\$0 - \$500	23.5%
Sullivan to Countyline	20	3	\$0 - \$1000	15.0%
KIEFFER	24	4	\$300 - \$1000	16.7%
NORTH	38	7	\$0 - \$800	18.4%
Petra Corners to Crittenden	10	3	\$100 - \$300	30.0%
Crittenden to Countyline	28	4	\$0 - \$800	14.3%
PETERS CORNERS	6	1	\$0 - \$0	16.7%
RUNDEL	9	2	\$100 - \$100	22.2%
SIEHL	1			0.0%
SO NEWSTEAD	28	6	\$0 - \$600	21.4%
SULLIVAN	25	5	\$0 - \$1000	20.0%
Marilla Line to Henske	19	5	\$0 - \$1000	26.3%
Henske to Village Line	12	0	\$0 - \$0	0.0%
THREE ROD	36	3	\$0 - \$500	8.3%
TOWNLINE	8	1	\$0 - \$300	12.5%
TWO ROD	9			0.0%
UEBELHOER	17	5	\$100 - \$800	29.4%
WENDE	1			0.0%
ZOELLER	35	2	\$500 - \$1500	5.7%
DISTRICT TOTAL	574	81	\$0 - \$1600	14.1%

Q9: Do you own multiple parcels located within the proposed water district?

Street	Number Parcels	Number Responses	Yes	No	Percent Responding	Percent Yes	Percent No
BROADWAY	16	5	1	4	31.3%	20.0%	80.0%
CARY	6	5	1	4	83.3%	20.0%	80.0%
CAVUGA CRK	26	11	1	10	42.3%	9.1%	90.9%
COUNTYLINE	48	26	4	22	54.2%	15.4%	84.6%
Bannington Line to Henkees	7	5	0	5	71.4%	0.0%	100.0%
Henkees to Broadway	15	7	1	8	46.7%	14.3%	114.3%
Broadway to North	21	10	2	10	47.6%	20.0%	100.0%
North to Darlen line	5	2	1	1	40.0%	50.0%	50.0%
CRITTENDEN	104	58	10	48	55.8%	17.2%	82.8%
Village Line to North	29	17	2	15	58.6%	11.8%	88.2%
North to Genesee	63	38	9	29	60.3%	23.7%	76.3%
Genesee to Newstead line	12	4	0	4	33.3%	0.0%	100.0%
EXCHANGE	30	20	2	18	66.7%	10.0%	90.0%
Marilla Line to Resnikes	15	10	1	9	66.7%	10.0%	90.0%
Henkees to Village Line	15	10	1	9	66.7%	10.0%	90.0%
GENESEE	70	47	4	43	67.1%	8.5%	91.5%
Walden to So Newstead	16	11	1	10	68.8%	9.1%	90.9%
So Newstead to Crittenden	33	27	3	24	81.8%	11.1%	88.9%
Crittenden to Darlen Line	21	9	0	9	42.9%	0.0%	100.0%
HENSKEE	37	25	1	24	67.6%	4.0%	96.0%
Exchange to Sullivan	17	11	1	10	64.7%	9.1%	90.9%
Sullivan to Countyline	20	14	0	14	70.0%	0.0%	100.0%
KIEFFER	24	9	2	7	37.5%	22.2%	77.8%
NORTH	38	24	4	20	63.2%	16.7%	83.3%
Peters Corners to Crittenden	10	6	1	5	60.0%	16.7%	83.3%
Crittenden to Countyline	28	18	3	15	64.3%	16.7%	83.3%
PETERS CORNERS	6	2	0	2	33.3%	0.0%	100.0%
RUNDEL	9	5	3	2	55.6%	60.0%	40.0%
SEIHL	1				0.0%	0.0%	0.0%
SO NEWSTEAD	28	10	1	9	35.7%	10.0%	90.0%
SULLIVAN	25	19	4	15	76.0%	21.1%	78.9%
Marilla Line to Henkees	19	12	4	8	63.2%	33.3%	66.7%
Henkees to Village Line	12	7	0	7	58.3%	0.0%	100.0%
THREE ROD	36	19	1	18	52.8%	5.3%	94.7%
TOWNLINE	8	1	0	1	12.5%	0.0%	100.0%
TWO ROD	9				0.0%	0.0%	0.0%
UEBELHOER	17	11	3	8	64.7%	27.3%	72.7%
WENDE	1				0.0%	0.0%	0.0%
ZOELLER	35	20	1	19	57.1%	5.0%	95.0%
DISTRICT TOTAL	574	317	43	274	55.2%	13.6%	86.4%

2009 Proposed Water District #5 Survey

Preliminary Tabulation

Q5: If answer to Question #4 is no, why do you not drink the water?

<p>Broadway:</p> <ol style="list-style-type: none"> 1 Bacteria, poor quality 2 Bad taste 3 Water tastes awful - smells, I hate to bathe in it, water is not good for washing hair & clothes 4 Taste of sulfur and heavy salt taste and it smells
<p>Cary Road:</p> <ol style="list-style-type: none"> 1 The water has iron in it. We prefer drinking bottled water
<p>Cayuga Creek Road:</p> <ol style="list-style-type: none"> 1 I don't like the taste of the water & there isn't enough of it. 2 Extremely high iron, mineral content 3 Have water system in house, but don't have a problem with it. 4 smell & quality. 5 High salt content, balck odor.
<p>Countyline Road:</p> <ol style="list-style-type: none"> 1 Do not like taste of water 2 We drink it only after it is filtered because of the sulfur taste & smell - even with an extensive softening system. 3 Our water is sulfur water and has that odor & usually comes out with a black tint. 4 Well was contaminated in the past. 5 Taste - not as good as bottled. 6 Water comes out blackish. Water eats away brass and copper fittings. Water eats away soldered joints. Water makes white clothes gray. We do not take a chance of what our water would do to our insides. We live near farms who use chemicals and pesticides and am sure they leach into our water. 7 High mineral content 8 Very bad black water, very bad smell, even with a water system. 9 The smell and taste is awful 10 Don't like the taste. 11 I don't like the taste of well water.

Q5: If answer to Question #4 is no, why do you not drink the water?

Crittenden Road:

- 1 I don't like well water, I think it is unsafe.
- 2 High iron content, sulfur smell, use just for ice.
- 3 County inspector informed us of bacteria levels in water from our well being unsafe. Also, taste is unbearable.
- 4 Taste and high bacteria.
- 5 Smell, color, taste - have to add bleach and salt tablets that makes water unable to drink.
- 6 I have sulfur water and have to use chlorine and it makes water taste bad.
- 7 Brown in color, sulfur smell sometimes small pieces of gravel come out.
- 8 Taste and smell bad and I have a water system and that does not take the smell out of the water.
- 9 Untreated - tastes hard like iron and smells terrible. Treated - it tastes like it has been treated. We pay to have bottled water delivered. That is the only water we typically drink.
- 10 We installed an Anderson water system because the water was so bad (color & taste).
- 11 Heavy mineral taste
- 12 E coli concentration was high when we purchased the house. They got it down enough to pass
- 13 Not good water.
- 14 Not good water.
- 15 The water smells horrible, it has gotten very sulphury in the last 1 - 2 years. It is very cloudy
- 16 I have a peroxide tank on my well which enables me to drink, along with a water softener.
- 17 I drink it, some other people won't taste.
- 18 No well, I'm waiting for city water lines
- 19 We rather drink spring water, we can drink our water but it tastes like sulfur
- 20 Tastes Bad. 10 years ago it was very good, I believe the quarry has affected the water quality.
- 21 We have a water softener that treats our well water. The hardness of the well water is so high the water softener puts large amounts of salt into the water to soften it. This gives the water a
- 22 With chlorinator and filtration systems.
- 23 Tested positive for ecoli, first well tested with giardia

Q5: If answer to Question #4 is no, why do you not drink the water?

Exchange Street:

- 1 The water has a strong sulfuric smell to it and the taste is no good either. We were told that there are certain levels of chemicals in the water that forbid us from drinking the water. We had it tested one year ago.
- 2 Taste is bad, sulfur, iron; smells bad too!
- 3 We use our water for cooking and the household but we do have a water cooler and use bottled spring water for drinking. Just like it that way.
- 4 High salt and sulfur.
- 5 Sulfur, black at times; gross!
- 6 Sometimes grayish.
- 7 Iron & sulfur content. Water would not pass EC water test.
- 8 Taste bad, smells bad; has natural gas in it. Has many minerals.
- 9 Not drinkable, not tasty at all, comes out black at times. You never know what you'll get when you turn on the water. Can not get any type of system to improve the water because it will break. Had to make the decision for bottled water which is very costly. Can not even cook with this water {well.}

Genesee Street:

- 1 Shop is a small business.
- 2 I had to invest in a commercial grade filtration system in order to make the water potable for my tenants who rent from me. Nevertheless, the water still remains highly mineralized causing discoloration of sinks, tubs, toilets, clothes, etc.
- 3 We use sulex in our water system and don't feel it is safe to drink.
- 4 Color of water is gray, smell of sulfur, probably cow manure in it.
- 5 We have a water softener and think the water is a bit salty going through the salt brine when it regenerates. Have a Culligan water cooler for our drinking water.
- 6 If it rots the pipes and fixtures what does it do to you?
- 7 the water tastes awful and has a high concentration of iron.
- 8 We do drink the water.
- 9 Bad taste and smell.
- 10 Tastes bad and is discolored.
- 11 Because it tastes bad and any time the ground water level rises because of heavy rains for a period of time there is a bacteria, moldy smell to the water.

Q5: If answer to Question #4 is no, why do you not drink the water?

Genesee Street con't:

- 12 Bad taste - odor from sulfur, high iron content - destroys coffee pots, ruins clothes. Black residue/grit in water.
- 13 Bad taste
- 14 Too much iron and minerals, tastes awful.
- 15 The water tastes terrible and it smells. I won't even cook with it.
- 16 Tastes awful, texture, smell.
- 17 It is orange and not safe
- 18 It is nasty, iron bacteria - has an odor.
- 19 The drinking water does not taste good and it probably not good for you.
- 20 It has iron and tastes bad.
- 21 High iron, some sulfur smell. For consumption I use it incooking since it is boiled, If it stains my clothes & appliances, what does it do to my insides?
- 22 Downhill from the cemetery in the backyard. Smell and taste.
- 23 Not safe, high iron.

Henskee Road:

- 1 The water is highly sulfuric. We have a chlorinator, softener, filter and salt tabs to the system. I'm not drinking that! We never drank the water since moving here.
- 2 Quality of water - 3 filters within the plumbing plus a Brita filter in pitcher. Our guests do not drink it.
- 3 Gross, black water out of the faucet, smells tastes horrible.
- 4 Tastes, sulfur
- 5 Sulfur
- 6 Quality of water is not acceptable for drinking.
- 7 Its black water and its sulfur water.
- 8 Awful taste.
- 9 Taste is very salty.
- 10 We have had our water tested several times and it was deemed unsafe to drink. It has tested positive for Ecoli and other bacteria, then we had to treat with chemicals making it unsafe to drink
- 11 Because of the sulfur taste and severe odor.
- 12 Prefer spring water and wouldn't drink polluted lake erie water either. It is disgusting that they lie and say it's safe to drink.

Q5: If answer to Question #4 is no, why do you not drink the water?

<p>Kieffer Road:</p> <ol style="list-style-type: none"> 1 Smells and tastes funny 2 Increased sodium 3 Not Michelob.
<p>North Road:</p> <ol style="list-style-type: none"> 1 Concern over contaminants 2 Taste, it also turns black. 3 Taste 4 Taste, turns black. 5 High sulfur content. 6 Many times when creek levels are high - creek water spills over into our well and creek water in not potable drinking water. 7 Even with a softener system it sometimes smells a bit "off" and tastes a bit "off". It turns the toilets and sinks pink - so I figure it's probably not good to drink it.
<p>Peters Corners Road</p> <ol style="list-style-type: none"> 1 High iron, iron bacteria content. Unpleasant smell and taste. Heavy sediment at various times during the year even though I have invested in a filter and softener system.
<p>Rundel Road:</p> <ol style="list-style-type: none"> 1 Prefer to drink filtered water, no chemicals. 2 Prefer to drink filtered water, no chemicals. 3 Poor quality, do not trust my chlorinator is killing all bacteria in water.
<p>Sullivan Road:</p> <ol style="list-style-type: none"> 1 Taste and fear of contaminants. 2 Because the water is black, has bacteria and sulfur. 3 Sulfur, iron, tastes terrible. 4 Skunky, black, sulfur, iron. 5 Sulfur and sodium. 6 Has bad taste, loaded with salt. 7 Very poor taste, also has odor and concerned about if it is really safe. 8 Very poor water, is not acceptable to drink. 9 The water has a lot of calcium present and although it isn't really bad as we use a water softener. I use water from a friends well that is a natural spring.

Q5: If answer to Question #4 is no, why do you not drink the water?

<p>Three Rod Road:</p> <ol style="list-style-type: none"> 1 Very poor water, is not acceptable to drink. 2 Water is black and smells and even though UV light filter is on, not comfortable knowing will has bacteria. 3 Drink distilled. 4 Sulfur taste. 5 We do drink the water but we run it through a distiller first and then through two filters. We also run all the water through a softener. 6 Sometimes water has a bit of a sulfur in it and can be a bit on the black color. 7 Salt well taste, ruins faucets {changing every four months}, washing machine, dishwasher, toilets. Can wash cars or water plants. 8 Taste and quality. 9 Heavy sediment, chlorination which I am allergic to. <p>Uebelhoefer Road:</p> <ol style="list-style-type: none"> 1 There is a strong sulfur smell and the taste is horrible. There is high iron in the water.
<p>Zoeller Road:</p> <ol style="list-style-type: none"> 1 Smells, tastes bad, black sometimes. 2 Smells 3 Taste, smell 4 Water has to be filtered and boiled before use. 5 Because its black most of the time. Very hard sulfur water. Smells horrible. The water is never clear - either black or brown with black dirt solid in it! 6 Terrible taste and smell 7 Because my water is black. 8 The water smells and tastes like sulfur, It is disgusting! 9 Its disgusting and stinks to high heaven, {well it was until we just bought Anderson system}. 10 Dark and has a smell. 11 When we purchased the house there was a high bacterial level in the water. We tried to remedy this with bleach but we still feel it is not suitable to drink, Also we get a lot of black sediment and terrible sulfur odor. 12 Its well water - unsure of safety, also very hard water.

2009 Proposed Water District #5 Survey

Preliminary Tabulation

Q5: If answer to Question #4 is no, why do you not drink the water?

Zoeller Road con't:

13 We had it tested years ago for our water treatment system {which did not last one year, my dishwasher lasted six months}, and the testor person said "do not drink this water!"

14 Bad smell.



County of Erie

OHRIS COLLINS
COUNTY EXECUTIVE

ANTHONY J. BILLITTIER IV, M.D., FACEP
COMMISSIONER OF HEALTH

DEPARTMENT OF HEALTH

January 23, 2008

USDA
Rural Development
8 Martha Street
Ellicottville, New York, 14731

Attn: Thomas Dankert

Re: Town of Alden
Proposed Water District #5
Health Factor Based Need

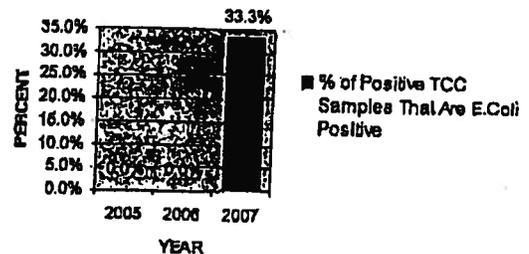
Dear Mr. Dankert,

The Erie County Health Department is responsible for working to ensure that the residents in Erie County have available safe and healthy drinking water. Our routine work requires us to sample all homes offered for sale prior to the transfer of property to insure that the private water supply is adequate and coliform bacteria free. Our complaint management program allows us to recognize areas of decreased quantity or quality. Our Division of Epidemiology allows us to monitor for potential water borne outbreaks and individual cases of reportable illness. Available information from these programs has been analyzed to document the following trends and associated problems. The data and trends show a marked increase in drinking water quantity and quality problems over the past year, 2007. The data indicate there is a very serious need for improved water supplies for the residents of the proposed Town of Alden Water District 5 and other areas of the town not served by public water.

Quality Deterioration – Property Sales Data

For each residential property transfer where a well is present we sample for total coliform bacteria. If this is positive we then test for E. Coli. The 2007 percentage of the samples that was positive for total coliform was above average at 30% however of significant concern was the percent of these that tested positive for E. Coli. After being zero for the two prior years 33% were positive for

ECHD E COLI SAMPLING DATA FOR PRIVATE WELLS IN THE PROPOSED ALDEN WATER DISTRICT # 6 FROM 2005-2007



E. coli as shown on the graph. We suspect this may be in part due to deeper drawdowns to obtain water and an associated larger zone of influence during drought conditions.

Quantity and Quality Complaints

Water quality and quantity complaints from private water supplies in this area were reviewed. The complaints listed on the attached table indicate numerous water quantity and quality concerns such as, water being used solely for toilet flushing, residents periodically completely out of water, using pond water to flush toilets, severe acidic and sulfur water quality, wells plugging with sulfur flakes, extensive sulfur and iron bacteria problems, and others. Although we have received many complaints of water quality and quantity problems in this area, it is our experience that these types of complaints are underreported and many private water quantity and quality problems go unrecognized by regulatory officials for two reasons. One, individuals selling their homes prefer that any well problems not be known at the time of sale due to immediate sale problems, and second, poor well water quantity or quality can lead to a reduced house value.

Quality- Epidemiology Department

Our Epidemiology Department keeps statistics of numerous reportable illnesses. Research for Cryptosporidiosis incidents within this geographic area indicated one case in the proposed Alden Water District #5 area in 2005 (there were a total of four cases in Erie County in 2005). The specific source of the infection was not found, but there is a potential that a contaminated private well water supply could have been the cause.

All of these quantity and quality problems impact the public health of this community. When water quality problems arise, it can lead to increased positive bacteriological sample results as evident in the Alden property transfer sample data. Quality and quantity problems can force some residents to seek alternate sources which, in some cases, can be unprotected surface water sources that are likely to be contaminated with pathogenic organisms.

In conclusion, the increasing trend of positive E.Coli test results in private wells over the last three years, the known quantity and quality complaints, and the known epidemiological statistics in this area indicate that the existing private water quality and quantity problems constitute significant public health concerns. A public water supply would eliminate these health concerns.

Please feel free to contact us at 716.858.6099 if you have any questions.

Sincerely,



CC:
Ron Smith, Town of Alden Supervisor
David Rowley, P.E., NYSDOH

**FRANK COUNTY HEALTH DEPARTMENT
 COMPLAINT SUMMARY AND SANITARY DEFICIENCIES AT PRIVATE WELL SUPPLIES
 TOWN OF ALDEN
 WITHIN PROPOSED TOWN OF ALDEN WATER DISTRICT'S**

ADDRESS	TOWN	SANITARY CONCERN
435 Cayuga Creek Rd	ALDEN	Primary well out of water, flush only with very poor quality, low quantity, secondary backup well
420 Exchange St.	ALDEN	desperate, drilled new well 3 years ago -\$3,800 new well had e-coli requiring activated carbon treatment and chlorine for e-coli Well driller with 50 years experience has never seen a well plug up so fast with sulfur flakes, Must be cleaned every year-\$1200 When drill deeper water is awful
13959 Henske Rd.	ALDEN	Went through 2 water systems not drinkable w/o 3 filters buy water at store
72 Sullivan Rd.	ALDEN	Severe Sulfur, iron bacteria, took 6 times to pass Property Transfer In 12/08
75 Sullivan Rd.	ALDEN	Very low quantity and quality. Water is black, when have. Buy drinking water Buckets from pond to flush Wash/shower at relatives
611 Sullivan Rd.	ALDEN	Sulfur for 30 years Sodium for 6 years
1648 County Line Rd.	ALDEN	Contaminated well Quantity and quality problems
3314 Zoeller Rd.	ALDEN	runs out 3-4 times/year, low quantity. conserve all the time acidic-black, sometimes light oil film drilled well 3 year ago, black now can't do laundry or drink, bring in water
3358 Zoeller Rd.	ALDEN	Quality Very Poor
1848 County Line Road	ALDEN	Poor Quality and Quantity, Well goes dry, water awful. drink only bottled water. Water smells of sardines and sulfur- Very bad water. 46' well-1976
3596 Crittenden Road	ALDEN	Run out occasionally, can't drink Past 6 months much worse, smells like rotten eggs, very orange, water stinks, can't use for clothes anymore, now have bottled water delivered,. Orange full of Iron, chunks of iron from pvc pipe,
676 Sullivan	ALDEN	Cannot drink untreated out of faucet. Very black water. High Sulfur, salt and iron. Extensive conditioning and R.O. for tap water



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E. Coli in Alden well water



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Mike's Weather Guests

More Weather

Story Published: Oct 17, 2007 at 7:30 PM EDT
Story Updated: Oct 17, 2007 at 7:30 PM EDT

By Melanie Pritchard

Watch the story

Water quality and water quantity. Two issues that have been facing alden residents for quite some time. Officials hope these latest reports of E. coli in well water will help the town get the funding it needs to tap into the public system.

This is what the water looks like when it comes directly from Ed Kazmark's well. It's black. Not exactly thirst quenching. "We spend a lot of time and money trying to make it better."

Kazmark spends \$1,500 to \$2,000 a year treating his well water - including a reverse osmosis system for just kitchen needs. His well has been tested before and he says he wouldn't be surprised if the water had E. Coli. "It's here. It's part of our life now and it has to be dealt with."

A letter from Erie County says there's a very serious need to improve the water supply in Alden. In the last eight years, 13 wells tested positive for E. Coli. This data's been sent to the U.S. Department of Agriculture as the town works on getting federal and state grants to connect to a public water system. A engineer hired by the town tells 7 News it could cost at least 10 million dollars.

AP Video

- Co-Defendant, O.J.'s Idea to Bring Guns
- Staph Infections More Dangerous Than AIDS?
- Report Out on Deadly Furniture Store Fire



Experiential
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of the month

Robert Dersam isn't sure if he wants public water or not. "I want to hear the story because sometimes it's overpriced." He says his well runs dry when he waters the garden in the summer but other than that, he likes his water. But he admits, reports of E. Coli are worrisome. "Sure it concerns you with all the bad food and all the E coli in everything that we buy today."

The town is surveying residents about their water problems. Ed Kazmark is looking forward to the day when public water is flowing through his faucets. "Absolutely we're all signed up and hoping and praying something comes through."

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S&P 500
1534.55 6.69 (-0.4%)

NYSE Composite
10137.19 28.11 (-0.3%)

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Stock Movement Analysis

**TOWN OF ALDEN
WATER SURVEY**

Thank you for taking the time to complete this simple water survey. This information will remain confidential and will be used for the purpose of gauging needs throughout the town for public water and to help secure state and federal funding for any water distribution project that may result.

Please only complete this form if your water supply is through a well and not public waterline.

1. How do you rate the present quantity of water?
 Good Average Poor
2. Do you ever run out of water?
 Yes No
3. How do you rate the quality of your water?
 Good Average Poor
4. Are there objectionable odors or taste (ex. sulfur)?
 Yes No
5. Have you ever had your well tested for quality?
 Yes No
6. Were poor quality issues identified?
 Yes No
7. If so, what were they?
8. Has the Health Department ever suggested against or rejected your well for household use?
 Yes No
9. Would you be interested in having the Health Department test your well at a cost to you of \$10.20?
 Yes No
10. Would you be in favor of being served by public water?
 Yes No

Please either drop this form off at the Town Supervisor's office or mail to:

Water Committee
Town of Alden
3311 Wende Road
Alden, NY 14004

Name: *Frank P. Nosal*
Address: *3250 Zueller Rd.*
Phone: *Alden N.Y. 14004*

716 - 937 - 0052

TOWN OF ALDEN
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 Yes No
3. How do you rate the quality of your water?
 Good Average Poor
4. Are there objectionable odors or taste (ex. sulfur)?
 Yes No
5. Have you ever had your well tested for quality?
 Yes No 30 YEARS AGO
6. Were poor quality issues identified?
 Yes No
7. If so, what were they? - SULFUR / HARD / IRON /
8. Has the Health Department ever suggested against or rejected your well for household use?
 Yes No
9. Would you be interested in having the Health Department test your well at a cost to you of \$10.20?
 Yes No
10. Would you be in favor of being served by public water?
 Yes No

Please either drop this form off at the Town Supervisor's office or mail to:

Water Committee
Town of Alden
3311 Wende Road
Alden, NY 14004

Name: Tom + GLORIA CREIST
Address: 3198 ZOLLNER RD
Phone: 937-3545

RECEIVED

MAY 21 2007

SUPERVISOR
TOWN OF ALDEN



Mr. Richard Lotz
3282 Zoeller Rd
Alden NY 14004-9690

TOWN OF ALDEN WATER SURVEY

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 Yes No
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7. If so, what were they?
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 Yes No
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 Yes No
10. Would you be in favor of being served by public water?
 Yes No

Please either drop this form off at the Town Supervisor's office or mail to:

Water Committee
Town of Alden
3311 Wende Road
Alden, NY 14004

Richard Lotz
3282 Zoeller Road
Alden, NY 14004 9690

Called
9/20/2007
Tom Casey

TOWN OF ALDEN
WATER SURVEY

Thank you for taking the time to complete this simple water survey. This information will remain confidential and will be used for the purpose of gauging needs throughout the town for public water and to help secure state and federal funding for any water distribution project that may result.

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 Good Average Poor
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 Yes No
3. How do you rate the quality of your water?
 Good Average Poor
4. Are there objectionable odors or taste (ex. sulfur)?
 Yes No
5. Have you ever had your well tested for quality?
 Yes No
6. Were poor quality issues identified?
 Yes No
7. If so, what were they?
8. Has the Health Department ever suggested against or rejected your well for household use?
 Yes No
9. Would you be interested in having the Health Department test your well at a cost to you of \$10.20?
 Yes No
10. Would you be in favor of being served by public water?
 Yes No

Please either drop this form off at the Town Supervisor's office or mail to:

Water Committee
Town of Alden
3311 Wende Road
Alden, NY 14004

Name: Joseph D Wilczak
Address: 3298 Zoeller RD
Phone: 289-1190

Barbara Johnson
3131 Zoeller Rd.
Alden, N.Y. 14004
716-803-5583

Dear Water Committee;

I felt that filling out just the survey wasn't enough so I decided to attach a letter with more detail of our situation. My family and I have lived in Alden our whole lives, and in this specific home for around 21 years. The water here has always been terrible. We can't cook with it, drink it, wash whites, nothing of that nature. The slight and smell alone is nauseating. I've enclosed recent pictures of some of the things I'm talking about. It's impossible to keep our toilet and shower clean, there is so much rust. Its ridiculous that we own our home and can't even do our laundry here, we have to go to the laundry mat every week. Which if you've ever done it, it gets very expensive. We go through about 10 gallons of water a week from the store, and at about \$.89 a gallon, that gets very expensive through a year let alone 21 years. I have grandchildren and last year we tried to fill a little kiddie pool for the kids and it was discusting. It was slippery and slimy the whole summer. We had to take it down because nobody in their right mind would let their kids play in that. I think that this is very unfair. We pay taxes just like everybody else, and its ridiculous that were limited to what we can do here, while everybody else just takes it for granted that they have "clean" water to drink. Its 2007 now, theres no excuse for this. Try waking up every morning and having to brush your teeth with this water, its terrible. Not to mention when you take a shower the whole house smells like rotten eggs and comes out white until you let it settle.

I'm so embarrassed about this that I don't even like having company at my house. I'm supposed to let people come into my house and see big, dark rust stains all over my sinks and the toilet and the shower. Then I have to serve them food off of plates, silverware and cups that have permanant rust stains on them. Its absolutly not fair that we have to live like this.

We tried getting a water softner to make it somewhat better, and the water was so bad that it rusted the whole machine up within a year. And as far as thoughts water purifiers go, they won't even phase our water.

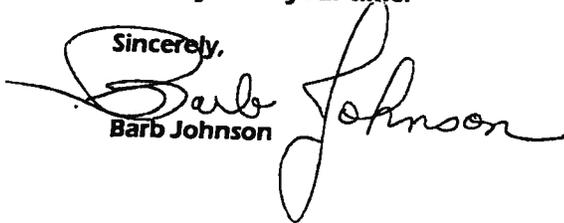
We are trying to remodel parts of our house, but its pointless to touch the bathroom because it will look the same way after one month. Were all hoping that something will be done soon beacuse its really not fair to make a family live like this.

Please do what you can to help all of us. Contact me if anything further is needed.

Thank you for your time.

Sincerely,

Barb Johnson



TOWN OF ALDEN
WATER SURVEY

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 Good Average Poor
2. Do you ever run out of water?
 Yes No
3. How do you rate the quality of your water?
 Good Average Poor * Horrible
4. Are there objectionable odors or taste (ex. sulfur)?
 Yes No
5. Have you ever had your well tested for quality?
 Yes No
6. Were poor quality issues identified?
 Yes No
7. If so, what were they? 8 different minerals.
8. Has the Health Department ever suggested against or rejected your well for household use?
 Yes No
9. Would you be interested in having the Health Department test your well at a cost to you of \$10.20?
 Yes No
10. Would you be in favor of being served by public water?
 Absolutely! Yes No

Please either drop this form off at the Town Supervisor's office or mail to:

Water Committee
Town of Alden
3311 Wende Road
Alden, NY 14004

Name: Barb Johnson
Address: 3131 Zoeller Rd.
Phone: 803-5583

**Municipal
Solutions, Inc.**
Municipal Financial Advisors

June 12, 2013

Harry F. Milligan, Supervisor
Town of Alden
3311 Wende Road
Alden, New York 14004

Re: Zoeller Road Water District Financing Alternatives

Dear Supervisor Milligan:

I have had the opportunity to review several financing alternatives available to the Town to finance the Town's proposed Zoeller Road Water District.

The most viable financing alternative available to the Town at this time is to finance the project using Bond Anticipation Notes (BANs) renewed on an annual basis with banks and underwriters in the conventional bond market and converting the project into a long-term 17 - 20 year bond issue when the remaining unpaid principal balance has been reduced to a level that can be easily amortized by the District residents at a time when long-term interest rates are at favorable levels.

I am attaching an analysis that looks at the projected costs associated with financing the project using BANs and converting the issue to a 17 year conventional bond issue.

I have included a BAN rate history from 1977 to the present that shows over the last 10 years the average interest rates on BANs has been 2.10% and for the last 20 years the average rate has been 2.76% - a very low interest rate compared to long term financing. Since the Water District's debt will be issued as an assessable improvement, the Town can renew BANs for up to the entire life of the project.

The map, plan and report prepared for the proposed district estimates that a \$520,528 capital project will result in an annual debt service charge to the District users of \$27,233. I recommend this amount, adjusted for the actual final project costs, be collected by the Town for debt service payments. In those years when BAN rates are below the estimated interest rates in the attached debt service schedule projection, extra principal payments could be made against the outstanding BAN principal, thereby reducing future debt service payments and lowering the net debt service interest costs to the users.

Municipal Solutions, Inc. is a Member of the National Association of Independent Public Financial Advisors

83 Myrtle Street, LeRoy, NY 14482 Phone: 585-768-2136 Fax: 585-768-2133
2528 State Route 21, Canandaigua, NY 14424 Phone: 585-394-4090 Fax: 585-394-4092
www.municipalsolution.com

Page 2.

Harry F. Milligan, Supervisor

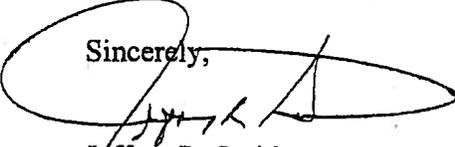
June 12, 2013

I also recommend the Town budget enough money in the water district's future annual operation and maintenance budgets to allow for the accumulation of sufficient fund balance which could be utilize possible to help offset possible future BAN interest costs that could occur sometime in the future if interest rates increase above the estimated rates contained in the attached debt service schedule.

I feel the Town should begin financing the water project using conventional BANs for a number of years while monitoring the long-term bond market to determine if long term financing will become available at attractive rates sometime in the future.

I would be available to speak to you in more detail on various approaches to financing this project anytime. Feel free to give me a call at 716-560-0688 if you would like to arrange a meeting.

Sincerely,



Jeffrey R. Smith
President
Municipal Solutions, Inc.

Enc.

April 20, 2013

Harry F. Milligan, Supervisor
Town of Alden
3311 Wende Road
Alden, New York 14004

Re: Zoeller Road Water District Financing Alternatives

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I have included a BAN rate history from 1977 to the present that shows over the last 10 years the average interest rates on BANs has been 2.10% and for the last 20 years the average rate has been 2.76% - a very low interest rate compared to long term financing. Since the Water District's debt will be issued as an assessable improvement, the Town can renew BANs for up to the entire life of the project.

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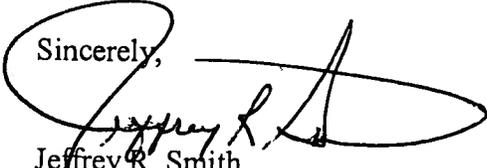
Page 2.
Harry F. Milligan, Supervisor
April 20, 2013

lowering the net debt service interest costs to the users or a portion of the extra debt service collected could be placed in a reserve for debt account to prepare for years when additional interest might be due should future BAN interest rates increase above the estimated rates contained in the schedule.

I feel the Town should begin financing the water project using conventional BANs for a number of years while monitoring the long-term bond market to determine if long term financing will become available at attractive rates sometime in the future.

I would be available to speak to you in more detail on various approaches to financing this project anytime. Feel free to give me a call at 716-560-0688 if you would like to arrange a meeting.

Sincerely,



Jeffrey R. Smith
President
Municipal Solutions, Inc.

Enc.

TOWN OF ALDEN - ZOELLER ROAD WATER DISTRICT
 \$520,528 CONVENTIONAL 38 YEAR BORROWING
 Assumes BANs for First 22 Years and 17 Year BOND ISSUE
 INTEREST RATE ON BANS VARIES WITH 17 YEAR BOND @ 4.20%

FISCAL YEAR	PRINCIPAL PAYMENT	INTEREST PAYMENT	INTEREST PAYMENT	TOTAL INTEREST	TOTAL DEBT SERVICE	UNPAID PRINCIPAL
ENDING	DUE JULY 15	DUE JAN. 15	DUE JULY 15			END OF YEAR
2015	\$16,528.00		\$6,246.34	\$6,246.34	\$22,774.34	\$504,000.00
2016	\$16,000.00		\$6,048.00	\$6,048.00	\$22,048.00	\$488,000.00
2017	\$15,000.00		\$6,832.00	\$6,832.00	\$21,832.00	\$473,000.00
2018	\$15,000.00		\$6,622.00	\$6,622.00	\$21,622.00	\$458,000.00
2019	\$11,000.00		\$11,404.20	\$11,404.20	\$22,404.20	\$447,000.00
2020	\$11,000.00		\$11,130.30	\$11,130.30	\$22,130.30	\$436,000.00
2021	\$11,000.00		\$10,856.40	\$10,856.40	\$21,856.40	\$425,000.00
2022	\$12,000.00		\$10,582.50	\$10,582.50	\$22,582.50	\$413,000.00
2023	\$12,000.00		\$10,283.70	\$10,283.70	\$22,283.70	\$401,000.00
2024	\$12,000.00		\$9,984.90	\$9,984.90	\$21,984.90	\$389,000.00
2025	\$8,000.00		\$14,315.20	\$14,315.20	\$22,315.20	\$381,000.00
2026	\$9,000.00		\$14,020.80	\$14,020.80	\$23,020.80	\$372,000.00
2027	\$9,000.00		\$13,689.60	\$13,689.60	\$22,689.60	\$363,000.00
2028	\$9,000.00		\$13,358.40	\$13,358.40	\$22,358.40	\$354,000.00
2029	\$9,000.00		\$13,027.20	\$13,027.20	\$22,027.20	\$345,000.00
2030	\$9,000.00		\$12,696.00	\$12,696.00	\$21,696.00	\$336,000.00
2031	\$10,000.00		\$12,364.80	\$12,364.80	\$22,364.80	\$326,000.00
2032	\$11,000.00		\$11,996.80	\$11,996.80	\$22,996.80	\$315,000.00
2033	\$11,000.00		\$11,592.00	\$11,592.00	\$22,592.00	\$304,000.00
2034	\$12,000.00		\$11,187.20	\$11,187.20	\$23,187.20	\$292,000.00
2035	\$12,000.00		\$10,745.60	\$10,745.60	\$22,745.60	\$280,000.00
2036	\$12,000.00		\$10,304.00	\$10,304.00	\$22,304.00	\$268,000.00
2037	\$11,000.00	\$5,628.00	\$5,628.00	\$11,256.00	\$22,256.00	\$257,000.00
2038	\$12,000.00	\$5,397.00	\$5,397.00	\$10,794.00	\$22,794.00	\$245,000.00
2039	\$13,000.00	\$5,145.00	\$5,145.00	\$10,290.00	\$23,290.00	\$232,000.00
2040	\$13,000.00	\$4,872.00	\$4,872.00	\$9,744.00	\$22,744.00	\$219,000.00
2041	\$13,000.00	\$4,599.00	\$4,599.00	\$9,198.00	\$22,198.00	\$206,000.00
2042	\$14,000.00	\$4,326.00	\$4,326.00	\$8,652.00	\$22,652.00	\$192,000.00
2043	\$14,000.00	\$4,032.00	\$4,032.00	\$8,064.00	\$22,064.00	\$178,000.00
2044	\$15,000.00	\$3,738.00	\$3,738.00	\$7,476.00	\$22,476.00	\$163,000.00
2045	\$15,000.00	\$3,423.00	\$3,423.00	\$6,846.00	\$21,846.00	\$148,000.00
2046	\$16,000.00	\$3,108.00	\$3,108.00	\$6,216.00	\$22,216.00	\$132,000.00
2047	\$17,000.00	\$2,772.00	\$2,772.00	\$5,544.00	\$22,544.00	\$115,000.00
2048	\$17,000.00	\$2,415.00	\$2,415.00	\$4,830.00	\$21,830.00	\$98,000.00
2049	\$18,000.00	\$2,058.00	\$2,058.00	\$4,116.00	\$22,116.00	\$80,000.00
2050	\$19,000.00	\$1,680.00	\$1,680.00	\$3,360.00	\$22,360.00	\$61,000.00
2051	\$20,000.00	\$1,281.00	\$1,281.00	\$2,562.00	\$22,562.00	\$41,000.00
2052	\$20,000.00	\$861.00	\$861.00	\$1,722.00	\$21,722.00	\$21,000.00
2053	\$21,000.00	\$441.00	\$441.00	\$882.00	\$21,882.00	\$0.00
Sum:	\$520,528.00	\$55,776.00	\$295,063.94	\$350,839.94	\$871,367.94	

Assumes:

- BAN Borrowings for 2015 & 2016 Years Estimated at 1.20% Interest
- BAN Borrowings for 2017 & 2018 Years Estimated at 1.40% Interest
- BAN Borrowings for Years 2019 - 2024 Estimated at 2.49% Interest
- BAN Borrowings for Years 2025 - 2036 Estimated at 3.68% Interest
- \$682,000 Bonds Dated June 15, 2036/53 @ 4.20% Interest

MUNICIPAL SOLUTIONS, INC.
4/20/2013

BAN INTEREST RATE SUMMARY HISTORY - 1976 - 2014

<u>DATE</u>	<u>RATE</u>	
6/10/1977	5.50%	
6/9/1978	6.00%	
6/15/1979	6.00%	
6/13/1980	6.75%	
6/12/1981	7.00%	
6/11/1982	9.45%	
6/10/1983	9.45%	
6/8/1984	6.25%	
6/7/1985	7.15%	
6/6/1986	5.59%	
6/5/1987	4.74%	
6/3/1988	5.09%	
6/2/1989	6.50%	
6/1/1990	7.15%	
5/31/1991	6.35%	
5/29/1992	2.90%	
5/28/1993	3.37%	
9/13/1994	4.45%	
6/5/1995	4.03%	
6/19/1996	3.93%	
2/27/96-5/27/97	3.75%	
5/27/97-4/15/98	4.09%	
4/15/98-4/15/99	3.79%	
4/15/99-4/15/00	3.19%	
4/15/00-4/12/01	4.61%	
4/12/01-4/11/02	3.18%	
4/11/02-4/10/03	2.43%	
4/10/03-4/08/04	1.24%	
4/08/04-4/07/05	1.08%	
4/07/05-4/06/06	2.84%	
4/06/06-4/07/07	3.74%	
4/07/07-4/03/08	3.68%	
4/03/08-4/02/09	2.30%	
4/02/09-4/01/10	2.10%	
4/01/10-4/01/11	1.46%	
3/30/11-3/29/12	1.45%	
3/29/12-3/27/13	1.73%	
3/27/13-3/27/14	0.64%	
Average Rate =	4.34%	All 38 Years
	4.06%	Without 1982 & 1983
	4.25%	Without 1982 & 1983 and 2003 & 2004
Average Rate =	2.10%	Last 10 Years
Median Rate =	1.92%	Last 10 Years
Average Rate =	2.76%	Last 20 Years
Median Rate =	3.01%	Last 20 Years

In the Matter
of
The Creation of the Zoeller Road Water District
in the Town of Alden, Erie County, New York.

AFFIDAVIT

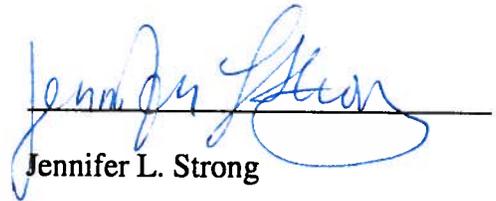
STATE OF NEW YORK)

COUNTY OF ERIE) ss.:

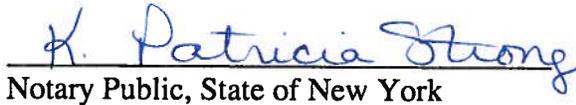
Jennifer L. Strong, being duly sworn, deposes and says that she is an attorney duly licensed by and in the State of New York and currently is the Town Attorney of the Town of Alden, the municipality named in the above entitled action.

That she has examined the property tax rolls for the above captioned proposed District and verifies that there are no state lands within the proposed district.

That using the average household population data provided by the US Census Bureau, which states that the average US household contains 2.55 person; she estimates that the approximate population within the proposed district (consisting of 31 residential buildings) is 79.05 persons.


Jennifer L. Strong

Sworn to before me this 16th
Day of April, 2013.


Notary Public, State of New York

K. PATRICIA STRONG
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug. 28, 2014

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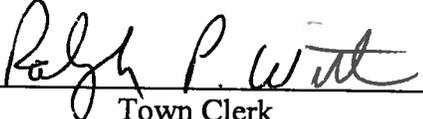
AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :SS
COUNTY OF ERIE)

Ralph P. Witt, being duly sworn upon his oath deposes and says:

That he is and at all the times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Alden, in the County of Erie, New York;

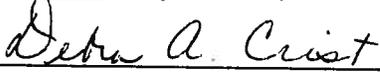
That on the 10th day of June, 2013 he caused to be conspicuously posted and fastened up a certified copy of the Resolution Of The Town Of Alden, New York, Adopted March 4, 2013, Approving The Establishment Of The Zoeller Road Water District And Construction Of A Water System Therein, At The Estimated Maximum Cost Of \$520,528, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law and on the official Town of Alden Website.



Town Clerk

Subscribed and sworn to before me

this 17th day of June, 2013.



Notary Public, State of New York

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Alden, in the

County of Erie, New York

June 17, 2013

* * *

A meeting of the Town Board of the Town of Alden, in the County of Erie, New York, was held at the Town Hall, 3311 Wende Road, Alden, New York, on June 17, 2013.

There were present: Harry F. Milligan, Supervisor; and

Boardmembers: Mary Riddoch
William Weber

There were absent: none

Also present: Ralph P. Witt, Town Clerk

* * *

Councilwoman Riddoch offered the following resolution and moved its
adoption: Seconded by Weber

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED JUNE 17, 2013, RATIFYING THE APPLICATION TO
NEW YORK STATE COMPTROLLER FOR THE
ESTABLISHMENT OF THE ZOELLER ROAD WATER
DISTRICT

Recitals

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, which report is dated July 2012 and was prepared for the proposed establishment of the Zoeller Road Water District, in the Town, and construction of a water system therein, consisting of the construction and installation of approximately 6,600 feet of 8-inch and 12-inch waterlines along Zoeller Road, installation of fire hydrants and line valves, and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and

WHEREAS, pursuant to the Order duly adopted on February 4, 2013, the Town Board determined to proceed with the proposed establishment of the District and the construction of the Water Improvement, 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 such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying February 19, 2013, at 7:15 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and construction of the Water Improvement, 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 and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 19th day of February, 2013, commencing at 7:15 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 establishment of the District and the construction of the Water Improvement; and

WHEREAS, the map, plan and report dated July 2012 has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and the Town Board has reviewed a Long

Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts and the Town Board has adopted a Negative Declaration;

WHEREAS, the New York State Comptroller's Office has requested this supplemental resolution be adopted;

NOW, THEREFORE, as a supplement to the Resolution of the Town Board of March 4, 2013, establishing the Zoeller Road Water District and authorizing the filing of the Application for the approval thereof with the New York State Comptroller, be it

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

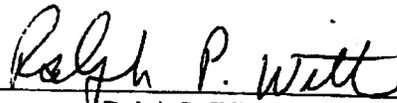
1. THAT the Application for the Establishment of the Zoeller Road Water District submitted March 12, 2013, was prepared and filed at the direction of this Town Board;
2. THAT, in addition to the Supervisor's verification of the truthfulness of the Application, the Town Board believes the contents of the Application to be accurate;
3. THAT the Town Board believes that establishing the Zoeller Road Water District will not create any undue burden on those in the proposed Zoeller Road Water District.
4. THAT all of the real property contained in the proposed Zoeller Road Water District will be benefitted by the proposed improvement and no benefitted property has been omitted.
5. This resolution shall take effect immediately.

CERTIFICATE

I, Ralph P. Witt, Town Clerk of the Town of Alden, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 17, 2013, 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 this 18th day of June, 2013.

(SEAL)



Ralph P. Witt, Town Clerk
Town of Alden

In the Matter
of
The Creation of the Zoeller Road Water District
in the Town of Alden, Erie County, New York.

To the Comptroller of the State of New York
A.E. Smith Office Building
6th Floor
Albany, New York 12236

Sirs/Madams:

The petition of the Town Board of the Town of Alden, Erie County, New York, for permission to create a water district to be known and designated as "Zoeller Road Water District" in said Town, hereinafter "District," pursuant to Article 12 of the Town Law of the State of New York, respectfully shows:

1. This application is made pursuant to the resolution of the Town Board of the Town of Alden (the "Board"), adopted at the regular meeting thereof held in said Town on March 4, 2013, a certified copy of which is hereto annexed as Exhibit A and made a part hereof, wherein your petitioner was duly authorized and directed to make this application for permission to create said District in compliance with the statutes in such cases made and provided.

2. The Board believes the contents of this application to be accurate.

3. The Board has determined in the attached resolution adopted at a regular meeting thereof held in said Town on March 4, 2013, a certified copy of which is hereto annexed as Exhibit A and made a part hereof, that:

a. The District for which this permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

b. In that the cost of the proposed improvements is to be assessed in whole or in part against a benefited area, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded.

4. On March 4, 2013 the Town Board duly adopted:

"A resolution authorizing the establishment of the Zoeller Road Water District of the Town of Alden
pursuant to Article 12 of the Town Law
of the State of New York."

a certified copy of which is hereto annexed as Exhibit A and made a part hereof. Said resolution provided among other things that:

"(a) It is in the public interest to assess all expenses of the District, including all extensions hereafter established, as a charge against the entire area of the District."

“(b) That all future costs of operation, maintenance and improvements will be financed on a benefit basis.”

5. The proposed District would extend water facilities on Zoeller Road from the Walden Avenue to or near Genesee Street approximately 4,300 feet, encompassing approximately 35 parcels of property, as described in an Engineering Report (the “Engineering Report”) dated July 2012 prepared by Metzger Civil Engineering, PLLC, a copy of which is hereto annexed as Exhibit B and made a part hereof.

6. The maximum cost of the proposed improvements as outlined in said Engineering Report is \$520,528.00, which will be allocated on a formula based upon a unit charge, ad valorem charge and a frontage charge over the proposed District at a yearly cost of approximately \$842.59 per year per benefit unit (i.e., a single-family residence having 192 feet of road frontage) depending upon interest rate(s) and schedule of bond maturities when the bond issue is sold.

7. In making its determination that the proposed District is in the public interest, the Board considered the fact that private wells presently serving the District area have evidenced ever-decreasing water tables.

8. The maps attached to the Engineering Report (Exhibit B) as Exhibit A thereof demonstrate that the benefited area involved has been completely included within the proposed District and that all properties included therein will benefit from this improvement and all benefited properties have been included.

9. The proposed financing of this improvement as described in the Report will amortize the construction costs over approximately 38 years at an estimated interest rate of 4 1/8% as follows:

<u>Bond Cost (Rate & Years)</u>	<u>Yearly Cost</u>	<u>Unit Cost</u>
\$520,528.00 at 4 1/8 % for 38 years	\$28,680.00	\$842.59

The Town’s official depository has advised the Board that the proposed financing is reasonable under current market conditions.

10. The Town Engineer advises that the project is not eligible for any existing federal or state aid.

11. The Engineering Report (Exhibit B) states at page 10 thereof that the annual operating and maintenance charges for the District are \$170.00 per benefit unit in 2012. The additional benefit units of the proposed District will pay the same amount per benefit unit for operation and maintenance costs of the District as are and will be paid in the future by the District.

12. The costs of debt service and fire hydrant operation and maintenance will be assessed on a formula based upon unit charge, ad valorem charge, fire hydrant and a frontage charge. A copy of that formula may be found at pages 4-8 of Exhibit B.

13. The user charges, i.e., rates for metered water consumed, that will be imposed on the District are set forth at page 9 of Exhibit B, as determined by the Erie County Water Authority.

14. The aggregate assessed value of the taxable real property in the District as shown on the latest completed assessment roll is \$2,250,700.00.

15. The average full valuation of the taxable real property of the District computed pursuant to the first paragraph of subdivision 7-a of section 2 of the Local Finance Law is \$4,428,980.00.

16. There is outstanding bonded indebtedness of \$595,000.00 as of the date of this application for all Town purposes. Said amount relates to the issuance of bonds pursuant to a bond resolution adopted January 18, 1994 and amended on December 5, 1996, for Water District Improvements. The bonds have been refunded pursuant to a refunding bond resolution adopted by the Board on October 4, 2010, authorizing the issuance of \$800,000.00 serial bonds for the refinancing of District No. 4, a certified copy of which is attached hereto as Exhibit C. This Bond was purchased by Roosevelt & Cross, Inc., with various interest rates from 2.00% to 4.25% and will be paid off in 2030. In that the construction of said project is complete and all bills relating thereto have been paid, the Town will not be issuing any further bond anticipation notes or additional bonds pursuant to said bond resolution.

On December 19, 2011 the Town of Alden authorized the issuance of \$250,000.00 serial bonds for various capital projects in the Town. This BAN was paid down and renewed on January 24, 2013 for a total amount of \$62,300.00 with the Alden State Bank for a one-year term at an interest rate of .75%.

There is no authorized but unissued indebtedness as of the date of this application for all Town purposes.

17. As said outstanding debt (for the \$62,300.00 BAN) was incurred during the current fiscal year, there is no appropriation made during the current fiscal year for repayment of debt principal of the Town. It is anticipated that the entire indebtedness will be repaid during 2014.

18. There is no state or federal aid available for the payment of debt principal or interest.

19. The amount of all debt which is excludable for purposes of computing the Town's debt limit under article 7 of the New York State Constitution is \$595,000.00 (for Water District No. 4 mentioned in number 16 above).

20. The current tax rates and assessments applicable to the taxable real property which will bear the cost of the proposed improvement for 2013 per \$1,000 of assessed value were: BILL

- a. County—\$9.759394/thousand
- b. Town, including highway—\$3.193479/thousand
- c. School—\$36.924718/thousand; and
- d. Fire—\$3.392248/thousand.

21. The assessed value of a typical property in the proposed District is \$64,306.00.

22. The amount that it is estimated that the owner of a typical property (a one-family home on a lot of 192 feet or less) will be required to pay in the first year following approval of the application, if granted, is as follows: \$842.59.

The following figures relate to the typical property owner with a one-family residence on a lot of 192 feet or less:

- a. Debt service—\$800.04.
- b. Fire Hydrant Operation and maintenance—\$42.55.
- c. Bill for water consumed and system operation and maintenance —\$85.00 per six months.
- d. Connection charge (if property owner connects to system)—\$900.00 (3/4-inch pipe service).
- e. Service line from curb box to home (if homeowner connects to system) estimated by the Town Engineer 50 feet @ \$20.00 per foot—\$1000.00.

23. The maximum amount any real property owner will be required to pay in the first year following approval of an application, if granted, relates to a:

A large property on Tax Map Parcel 96.01-1-20.6 which consists of 240' frontage. That property would be assessed at 1 benefit unit, an ad valorem charge and a frontage charge and therefore the maximum amount for that property owner would be as follows:

- a. Debt service—\$1,562.35
- b. Fire Hydrant Operation and maintenance— \$83.09
- c. Water bills and system operation and maintenance —\$85.00 for six months
- d. Connection charge—the Town Engineer estimates that the connection charge using 3/4-inch service would be \$900.00 plus time and materials.
- e. Service line. The Town Engineer estimated that this cost will be approximately \$1,000.00.

24. The area which will bear the cost of the proposed improvements is not within an existing or proposed agricultural district.

25. In the area which will bear the cost of the improvements:

- a. the number of one- and two-family homes:
 - (1) in the District—twenty-eight
- b. the assessed value of the typical one- or two-family home:

(1) in the District—\$64,306.00

c. a description of any nonresidential areas, including the total assessed value thereof:

Three parcels vacant \$25,000.00

One parcel improved vacant \$76,000.00

Two commercial (parcels are construction yards) \$223,800.00

26. The proposed District will benefit the few remaining vacant lots therein by making the same more salable by reason of public water becoming available.

27. It is not contemplated that water service will be sold to users outside the proposed District as there are no nearby residential areas requiring water service which are not already included in the proposed District.

28. There are no orders issued by a state or federal agency or court relating to the proposed District.

29. Over the past few months the Town Board has conducted a public hearing to apprise the owners of the properties which will bear the cost of the proposed improvements of that cost, including the estimated first-year cost. There have been news articles in the Alden Advertiser regarding this proposed District.

30. On February 4, 2013 the Board scheduled a public hearing which was held on February 19, 2013 at 7:05 P.M. regarding the proposed District. A certified copy of the order scheduling that hearing; affidavits of posting and mailing; and affidavit of publication of said order are attached hereto as Exhibits D, E and F, respectively. The minutes of that hearing attached hereto as Exhibit G.

31. The Town has received no written objections from the owners of the real property that will bear the cost of the improvements, expressing opposition to undertaking the improvements. At the public hearing conducted recently, no one expressed opposition to the project; two people expressed support of the project and three people asked questions about the project.

32. The Town Board on December 17, 2012 reviewed a long form Environmental Assessment Form, a copy of which is attached hereto as Exhibit H, and after due deliberation thereon issued a Negative Declaration (Determination of Non-Significance), a copy of which is attached hereto as Exhibit I.

33. The legal opinion required by section 85.3(b) is attached hereto as Exhibit J.

WHEREFORE, the Town Board of the Town of Alden, County of Erie, New York, through its Supervisor respectfully prays and requests permission to create said "Exchange Street Water District" of the Town of Alden, Erie County, New York.

Town of Alden

By:


Harry E. Milligan, Supervisor

In the Matter
of
The Creation of the Zoeller Road Water District
in the Town of Alden, Erie County, New York.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF ERIE) ss.:

Harry F. Milligan, being duly sworn, deposes and says that he is the Supervisor of the Town of Alden, the municipality named in the above entitled action; that he has read the Application for Creation/Establishment of the Zoeller Road Water District in the Town of Alden, Erie County, New York submitted to the New York State Comptroller on March 12, 2013, and knows the contents thereof; and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Harry F. Milligan

Sworn to before me this 15th
Day of April, 2013.

Notary Public, State of New York

JENNIFER L. STRONG
Notary Public, State Of New York
Qualified In Erie County
Commission Expires Aug. 24, 2014

EXHIBIT A

Certified Copy of the March 4, 2013 Alden Town Board Resolution establishing the Exchange
Street Water District

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Alden, in the

County of Erie, New York

March 4, 2013

* * *

A meeting of the Town Board of the Town of Alden, in the County of Erie, New York, was held at the Town Hall, 3311 Wende Road, Alden, New York, on March 4, 2013.

There were present: Harry F. Milligan, Supervisor; and

Boardmembers: Mary Riddoch
William Weber

There were absent:

Also present: Ralph P. Witt, Town Clerk

* * *

Council Weber offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF ALDEN, NEW YORK,
ADOPTED MARCH 4, 2013, APPROVING THE
ESTABLISHMENT OF THE ZOELLER ROAD WATER
DISTRICT AND CONSTRUCTION OF A WATER SYSTEM
THEREIN, AT THE ESTIMATED MAXIMUM COST OF
\$520,528

Recitals

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, which report is dated July 2012 and was prepared for the proposed establishment of the Zoeller Road Water District, in the Town, and construction of a water system therein, consisting of the construction and installation of approximately 4,300 linear feet of 8-inch waterline along Zoeller Road, installation of fire hydrants and line valves, crossing of Ellicott Creek and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and

WHEREAS, pursuant to the Order duly adopted on February 4, 2013, the Town Board determined to proceed with the proposed establishment of the District and the construction

of the Water Improvement, 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 such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying February 19, 2013, at 7:05 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and construction of the Water Improvement, 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 and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 19th day of February, 2013, 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 establishment of the District and the construction of the Water Improvement; and

WHEREAS, the map, plan and report dated July 2012 has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and the Town Board has reviewed a Long

Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts and the Town Board has adopted a Negative Declaration;

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 and construct the Water Improvement at the estimated maximum cost of \$520,528.

Section 2. The establishment of the District and construction of the Water Improvement are hereby approved at the estimated maximum cost of \$520,528, and said District shall be designated and known as the Zoeller Road Water District, in the Town of Alden, and shall be bounded and described as follows:

(INSERT DESCRIPTION OF THE DISTRICT)

**TOWN OF ALDEN
ZOELLER ROAD WATERLINE
DESCRIPTION**

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.

Section 3. The maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement as hereinabove described, is \$520,528, which cost is planned to be financed by the issuance of serial bonds of the Town, and the 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 estimated cost of hook-up fees is \$900.00 and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$1,012.59. The Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed. The permission of the State Comptroller is required because the cost of the establishment of the District and construction of the Water Improvement to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control 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 the Town Law, and such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

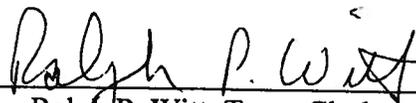
Section 6. This resolution shall take effect immediately.

CERTIFICATE

I, Ralph P. Witt, Town Clerk of the Town of Alden, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on March 4, 2013, 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 this 5th day of March, 2013.

(SEAL)



Ralph P. Witt, Town Clerk
Town of Alden

EXHIBIT B

Map Plan and Report of Metzger Civil Engineering, PLLC dated

July 2012

MAP, PLAN AND REPORT

FOR THE

PROPOSED

ZOELLER ROAD WATER DISTRICT

TOWN OF ALDEN, NEW YORK

July 2012



Prepared by:
Metzger Civil Engineering, PLLC
8560 Main Street, Suite 3
Williamsville, NY 14221

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EXHIBIT B.	Water System Plan
APPENDIX A.	Water District Legal Description
APPENDIX B.	Sample Erie County Water Authority Lease Management Agreement
APPENDIX C.	Town Assessor's District Assessment Data

I. REPORT

A. INTRODUCTION

The purpose of this report is to present conceptual plans and cost estimates for construction of waterlines in the proposed Zoeller Road Water District in the Town of Alden, Erie County, New York. The map included with this report indicates the service area within the Town of Alden together with a plan showing the probable locations and sizes of the proposed waterlines. This Map, Plan and Report is not intended to be a comprehensive engineering report, but rather a conceptual plan for determining the financial cost of providing water facilities to the area encompassed by Zoeller Road Water District.

B. RECOMMENDATIONS

It is recommended that the Town Board hold the necessary Public Hearing on the proposal for this Water District as delineated on the attached map and plan. The recommended amount to be set as the maximum expenditure is \$520,528. for this District. It is also recommended that the Town Board proceed with the SEQR requirements necessary to form a new Water District.

C. EXISTING CONDITIONS

Presently, the Town of Alden (outside of the Village) has four major existing water districts. Water District Number 1 provides water service to the residents along Town Line Road by way of waterlines predominately in the Town of Lancaster. The Hamlet of Millgrove is serviced by Water District Number 2. Water District Number 3 (including its one extension)

provides water service to the majority of the southwestern portion of the Town of Alden. Water District Number 4 provides water service to various locations west of the Village of Alden. All four of these districts receive their water from Erie County Water Authority. The Village of Alden provides their own water service, independent of the Town, to the Village residents. Minor water districts, limited service from the Village of Alden, and direct service through the Erie County Water Authority also provide potable water to some isolated areas within the town.

As part of the preliminary work for determining the boundaries of the proposed district, the Town of Alden conducted a survey of the residents in the immediate area. The survey consisted of a letter sent to the residents, with follow-up phone calls. The results of the survey were evaluated and tabulated by the town supervisor's office. A summary of the findings was discussed with the Alden Town Board in the spring of 2012.

D. SERVICE AREA

Based on an analysis of the survey and with consideration for cost in the service area, the district boundaries were established. Also considered in establishing these boundaries were the present zoning, the Town Master Plan, population distributions, and the existing agricultural districts. Over the past few years conditions have changed such that there are more and more residents not currently served by public water asking to be included in a proposed water district. The proposed district boundaries in the form of a Map are diagrammed on Exhibit A (found at the end of this report). A legal description of the proposed district is found in Appendix A of this

report. Where applicable and wherever possible, the boundaries of this proposed district match the existing water districts, and/or follow existing property lines.

Presently, the majority of the residents in the proposed water district obtain their water from private individual wells and/or by bottled water. At the present time, there are 35 potential new users within the service area of the proposed district.

E. PROPOSED IMPROVEMENTS, COSTS AND SUPPLY OF WATER

As part of the District's capital costs, 8-inch waterlines will be constructed along Zoeller Road. The probable location of these lines is also diagramed on Exhibit B. Fire hydrants and line valves will be located along these lines at appropriate intervals. The waterline will be approximately 4,300 feet long and will contain 9 fire hydrants. Wherever possible, it is anticipated that the waterline and facilities will be constructed in the County, Town or State rights-of-way to avoid damage to private property. The proposed improvements do not cross any New York State Department of Environmental Conservation (NYSDEC) wetlands.

This new waterline as proposed would require a crossing of Ellicott Creek just south of Genesee Street. Separate costs have been included for this crossing.

This waterline extension would be served directly out of other Town of Alden waterlines leased/managed by the Erie County Water Authority (ECWA).

Using an average cost of \$60.19 per linear foot and the following incidental costs, the estimated construction cost for this project is approximately \$326,317. The estimated average cost per linear foot is based on the present economic conditions, and reflect the recent tendencies

in municipal bidding. These prices may be low or high if the economy changes either way. This cost figure is a preliminary estimate and is presented only as an indication of what the Town may expect to pay for the services of local contractors, if the project moves forward expeditiously.

No allowance has been made in the per foot price for legal, administrative, engineering or contingency costs.

4,300 lf x \$60.19/lf	=	258,817.
Ellicott Creek crossing 300' @ \$225./lf	=	<u>67,500.</u>
Total Cost	=	326,317.

During the final design phase, the Erie County Water Authority (ECWA) may request the Town to increase the diameter of some of the 8-inch waterlines. In such a case, ECWA would fund the difference in cost to upsize these lines. For the purposes of this document, we have used the full cost of 8-inch waterlines for all proposed construction, except for areas requiring 12" waterlines to provide adequate service.

F. FINANCING

One possible method of raising funds to construct and operate the proposed Zoeller Road Water District is presented in this section, including costs for a typical homeowner. Also included are the typical non-district costs to the residents.

In preparation of the computations shown in this section, it has been assumed that the Town, as agents for the district, will bond the capital costs of the water improvements over a 38-year period. Typically, the Town will roll over bond anticipation notes (BANS) during design,

construction and restoration phases of the project, before establishing permanent financing. It is the standard practice not to proceed with permanent financing until all the district costs are finalized, which would be after restoration is complete. Based on the magnitude of this project and the present bond market, it would seem likely that the Alden Zoeller Road Water District may be in BANS for up to three years. The annual bond rate of 4-1/8 percent for a 38-year permanent bond period was used in this report to calculate the payoff of the capital expenditures for the district.

The yearly operation and maintenance cost for the system is not considered in the yearly cost to the residents of the district. This is because the ECWA has entered into Lease-Management Agreements with various towns (including the existing Town of Alden Water Districts) which they serve and it is assumed that the Town of Alden will enter into the same type agreement with the ECWA. Under the standard agreement, the ECWA will provide the operating administration for the district and be responsible for normal maintenance and billing. This is paid for under the individual water use rates. Appendix B contains a sample ECWA standard Lease-Management Agreement. However, the yearly maintenance cost of all fire hydrants along the proposed Town of Alden waterlines will also be funded by the Water District and is included as a yearly cost.

I. DISTRICT COSTS

District charges are collected by the Town of Alden through special assessments and are based on a combination of unit charge, frontage and ad valorem charges.

The following is one possible method of raising the yearly payment necessary to retire the bonds for the proposed project. This is based on estimated first year cost and revenue including a combination of unit charge, front footage charge and an ad valorem charge. The first year cost is used because it is generally the largest cost, based on a typical bond schedule.

CAPITAL COSTS

Estimated Construction Cost of Town Water Facilities of 4,300 Linear Feet of 8-inch Waterline	\$326,317.
Estimated Engineering, Surveying, Inspection, Legal, Grant work, Accounting, Permitting, Administrative, Printing and Bidding Costs and Contingencies	<u>194,211.</u>
TOTAL ESTIMATED CAPITAL COSTS	\$520,528.

YEARLY COSTS

Estimated First Year Bond Payments Based on Total Capital Costs Number of Years: 38 Interest Rate: 4-1/8%	\$ 27,233.
Payment to Erie County Water Authority for Fire Hydrants (approximate) Based on 9 hydrants on Water Main @ \$160.80/year	<u>1,447.</u>
TOTAL ESTIMATED YEARLY COSTS	\$ 28,680.

REVENUE:

The following information was supplied by the Town Assessor for the proposed district as extended (see Appendix C):

Total Number of Parcels		35
Total Frontage in Water District:		
Total Frontage for 1 ft. to 100 ft.	3,500 lf	
Total Frontage for 100 ft. to 200 ft.	1,603 lf	
Total Frontage over 200 ft.	1,608 lf	
Total Frontage		6,711 lf

Total Assessed Value for District \$2,250,700.

	<u>Assessed Value</u>	<u>Frontage</u>
Average assessed value and frontage for a typical property owner in Zoeller Road Water District	\$64,306.	192 lf

Assuming revenues are split between unit charge, ad valorem and frontage for the first year, the following is an example of a tax structure. The final tax structure will be dependent on final costs, and will be adjusted through the life of the bond.

MAP, PLAN AND REPORT
ZOELLER ROAD WATER DISTRICT

<u>Item</u>	<u>Charge</u>	<u>Quantity</u>	<u>Revenue</u>
Unit charge	\$200/unit	35	\$7,000.00
Ad Valorem	\$6.975941/1,000 AV	2,250,700.	\$15,700.75
Footage			
First 100 feet	\$1.25/foot	3,500 feet	\$4,375.00
Second 100 feet	\$0.75/foot	1,603 feet	\$1,202.25
Over 200 feet	\$0.25/foot	1,608 feet	<u>\$ 402.00</u>
TOTAL YEARLY REVENUE			\$28,680.00

EXAMPLE OF TYPICAL DISTRICT CHARGES:

	<u>Typical Resident</u>
Based on Assumed Average Values:	
Assessment	\$ 64,306.
Frontage	192 lf
Taxes:	
Unit Charge (1 unit at \$200/unit)	\$ 200.
Ad Valorem (\$6.975941/\$1,000 AV) x \$64,306.	\$ 448.59
Frontage:	
First 100 feet at \$1.25/lf	\$ 125.
Next 92 feet at \$0.75/lf	\$ 69.
Next 0 feet at \$.25/lf	<u>\$ 0</u>
Total First Year Taxes	\$ 842.59

II. NON-DISTRICT COSTS

Non-district charges are collected directly by ECWA based on water consumption. They are set by ECWA for their entire service area, and are not controlled by the Water District. These non-district charges are presented here as information only.

WATER USE:

Present Water Rates for Erie County Water Authority (effective per the January 1, 2010,

Tariff) Amendments:

\$2.96/1,000 gallons for first	300,000 gallons/quarter
\$2.63/1,000 gallons for next	1,950,000 gallons/quarter
\$2.41/1,000 gallons for next	5,250,000 gallons/quarter
\$2.12/1,000 gallons for over	7,500,000 gallons/quarter

EXAMPLES OF TYPICAL NON-DISTRICT CHARGES:

	<u>Typical Residence</u>
Approximate Yearly Water Bill*	\$170.

*This value represents the current average residential water user cost for Town of Alden residents as per ECWA.

In addition to water use, there are two additional (one-time only) non-district charges to connect the residential water system to the Town of Alden waterline in the right-of-way. First there is a one-time connection charge paid directly by the resident to the town to connect the public waterline to the resident's private service at the right-of-way. This cost would be

determined at the time of bid of the waterline's installation and would be paid by the resident at the time of hook-up to the town waterline. This one-time charge is currently estimated to be \$900. The second expense is to construct a service line from the structure to the edge of the right-of-way. This cost is highly variable and will be dependent upon factors such as the distance between the homeowner's house and the right-of-way.

III. SUMMARY

	<u>First-Year Annual Costs for Typical Resident</u>
Expenditures:	
District Charges (taxes)	\$ 842.59
Non-District Charges (water use)	<u>170.</u>
Total Annual Expenditure	\$1,012.59

POTENTIAL SAVINGS:

The following are items which some of the residents may realize if they connect into the public water provided by the Zoeller Road Water District:

1. Reduced electrical costs for well water pumping.
2. Reduced maintenance costs on wells, pumps and tanks.
3. Potential reduction in homeowners insurance or fire insurance.
4. Potential reduction of purchase, maintenance & operations costs for water treatment units.
5. Longer life of bathroom fixtures, valves and hot water tanks.
6. Elimination of bottled water use.

CONCLUSION:

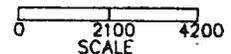
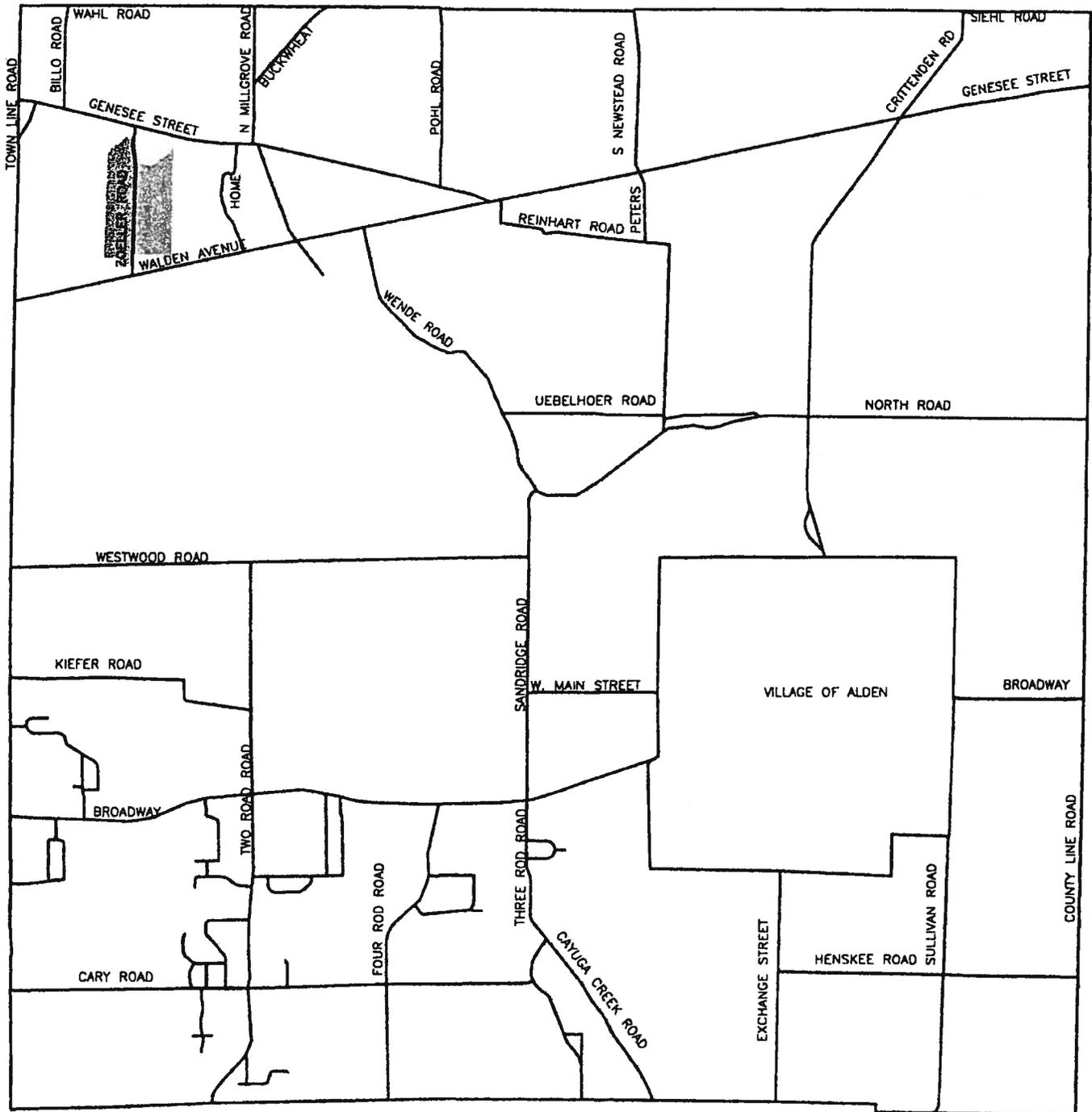
When Water District Number 3 was created in 1985, 27% of the people stated their water quality was poor. It is believed that this percentage is as high or higher for the Zoeller Road Water District. Since the district cost is reasonable, we recommend the Town proceed with this proposed district. To accomplish this, the Town should initiate the SEQR process and call for a public hearing.

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EXHIBIT A.

WATER DISTRICT MAP

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AREA TO BE SERVED BY WATER 

MCE METZGER
CIVIL
ENGINEERING, PLLC

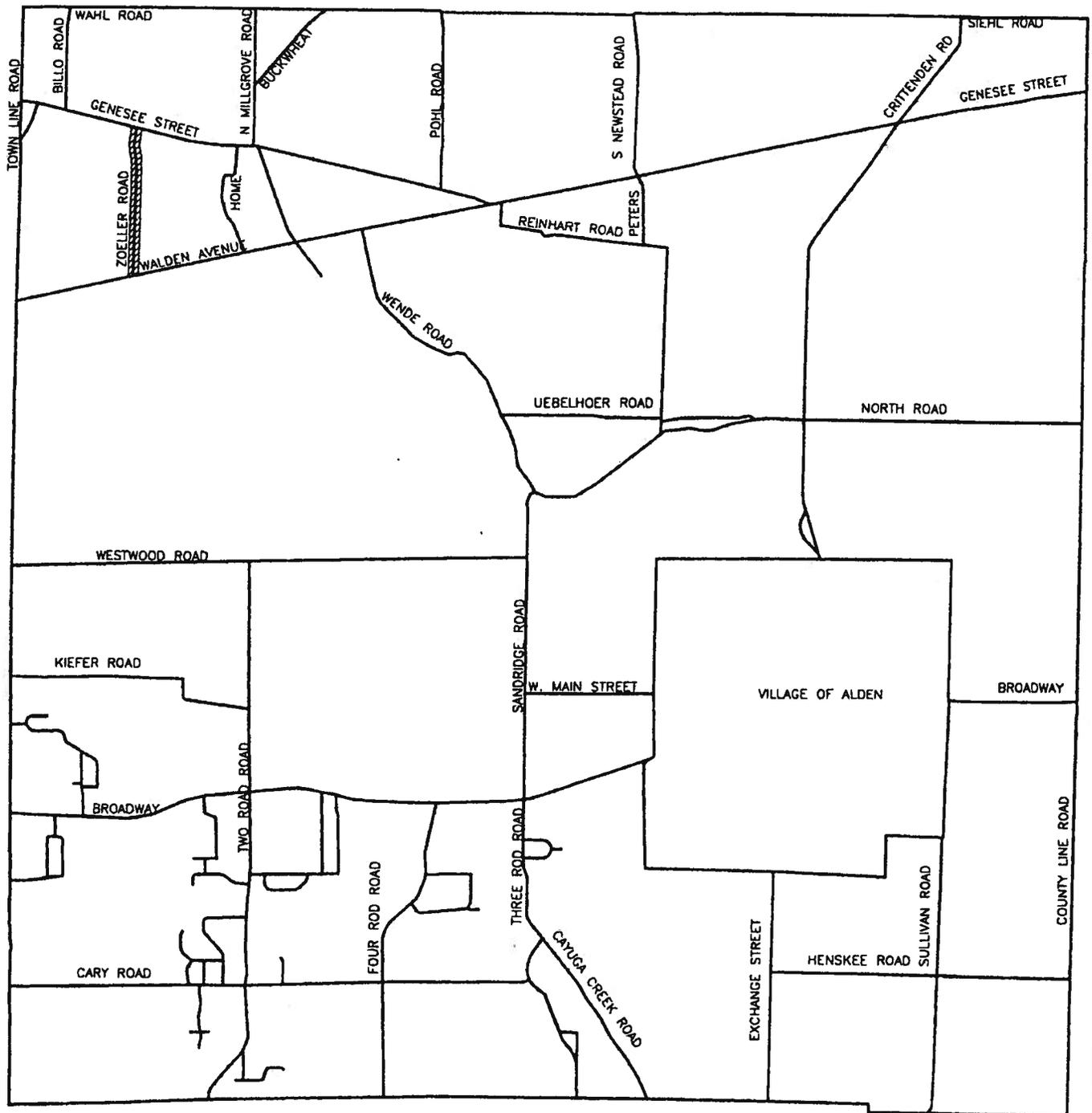
DATE: 7.11.12
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DESIGNED BY: PCC/MJM
© 2012 MCE

TOWN OF ALDEN
ZOELLER ROAD
WATER DISTRICT MAP

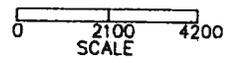
EXHIBIT B.

WATER SYSTEM PLAN

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NOTE:
ALL WATERLINES ARE
8"Ø UNLESS NOTED
OTHERWISE.



LOCATION OF NEW WATERLINES

MCE METZGER
CIVIL
ENGINEERING, PLLC

DATE:	7.11.12
JOB NO:	M-0001R
DESIGNED BY:	PCC/MJM
©	2012 MCE

**TOWN OF ALDEN
ZOELLER ROAD
WATER DISTRICT PLAN**

APPENDIX A.
WATER DISTRICT LEGAL DESCRIPTION

**TOWN OF ALDEN
ZOELLER ROAD WATERLINE
DESCRIPTION**

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.

APPENDIX B.

**SAMPLE ERIE COUNTY WATER AUTHORITY
LEASE MANAGEMENT AGREEMENT**

LEASE MANAGEMENT AGREEMENT

THIS AGREEMENT is made this 18th day of August, 1997, by and between the ERIE COUNTY WATER AUTHORITY, a public benefit corporation, having its office and principal place of business at 350 Ellicott Square Building, 295 Main Street, Buffalo, New York, hereinafter referred to as the "Authority" and the TOWN BOARD FOR THE TOWN OF ALDEN, ERIE COUNTY, NEW YORK, having offices at 3311 Wende Road, Alden, New York 14004, acting as Water Commissioners for all Town Water Districts of the Town of Alden, a municipal corporation, also located in the County of Erie and State of New York, hereinafter referred to collectively as the "District" and described in attached Exhibit "A".

WITNESSETH:

WHEREAS, The Town has created a District as described in attached Exhibit "A" in accordance with the provisions of Town Law, Section No. 198, and is now the owner of facilities to be employed in the sale and distribution of water to consumers in said district; and

WHEREAS, The Erie County Water Authority was created to provide a safe and adequate supply of water to the residents of Erie County and has the capacity and expertise to operate and manage the District's facilities; and

WHEREAS, The parties find it mutually advantageous for the Authority to furnish a supply of water to the District and to operate and manage the District's facilities;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the parties agree as follows:

I. BASIS OF THE AGREEMENT

1.1 For the term of this Agreement, the Authority will operate, maintain and repair all of the facilities of the District. The Authority will have the exclusive right to furnish, for sale, a supply of water to customers of the District.

1.2 The District agrees that it will not permit its facilities to be used for the sale of water by any other purveyor and will obtain its sole supply of water from the Authority so long as this Agreement remains in effect.

1.3 The facilities of the District shall remain the property of the District. Any indebtedness incurred by the District previously or hereafter shall be solely the obligation of the District.

II. DEFINITIONS

2.1 The term "District" shall mean the Water District as described in attached Exhibit "A" of the Town of Alden and any extensions thereof now or hereafter established in accordance with the provisions of law.

2.2 The term "facilities of the District" shall mean the District's plant and property and shall include all of the operating plant and property of the District employed in the transmission and distribution of water and any replacements thereof, together with any additions, betterments and improvements that may hereafter be furnished or installed therein by the District at its own cost and expense while any term of this agreement remains in effect.

2.3 The term "additions, betterments and improvements" shall include: (1) any property, facility or capital item that is not now in existence whether installed or furnished by either party; (2) the replacement of an item of property where the replacement has a useful life of at least two years; (3) the refurbishing of storage tanks and standpipes.

2.4 The terms "operate", "maintain" and "repair" shall include the provisions of labor and materials necessary to fix any existing facilities of the District. These terms exclude, however, the furnishing and installing of any capital item costing more than \$200.00 and having a useful life of two (2) or more years. Furnishing or installing any such item shall be billed to the District based on actual installed cost. Replacements of one section of pipe less than a full length will be deemed "repairs"; those involving a full length or more will be deemed "improvements and betterments".

2.5 The term "actual installed cost" shall include the cost of materials, supplies, paving, labor, services or other items consumed or employed in the construction and installation of any replacement or addition, betterment, improvement plus the Authority's most recent audited overhead rate to cover the administrative costs of construction workers and the purchase and storing of materials and supplies.

2.6 The term "Tariff" means the Rules for the Sale of Water and the Collection of Rents and Charges duly adopted by the Erie County Water Authority and filed in the office of the Clerk of the County of Erie. This term shall also include any additions, revisions, changes or modifications to said Tariff that may be adopted by the Authority.

2.7 The term "customer" shall mean any person, including corporations or other entities residing in the District, receiving water through District facilities.

III. CHARGES FOR THE SUPPLY OF WATER

3.1 On and after the effective date of this agreement, the Authority upon receipt of a written application will furnish a supply of water to those persons now being served by the District and to such residents and inhabitants thereof, who shall apply to the Authority for the service of water while any term of this agreement remains in effect. However, nothing herein contained shall obligate the Authority to make, provide or install any main extensions to or from the existing facilities of the District.

3.2 It is expressly understood and agreed that the furnishing of water and the performance of services by the Authority to the District and its customers shall be strictly in accordance with and governed in all respects by the Authority's Rules for the Sale of Water and the Collection of Rents and Charges as well as any amendments or changes thereof which may be duly promulgated and adopted.

3.3 By entering into this Agreement, the District adopts as water rates to be paid by the consumers in the District the rates and charges for water as set forth in the Authority's Tariff, and the District further adopts the rules and regulations for the operation of the District and the use of water therein as set forth in the Authority's Tariff including amendments. The District further agrees to make its employees and officers responsible for assisting the Authority in the implementing of such rules and regulations including, but not limited to, assisting in the prosecution of those who take water without payment.

3.4 The District further agrees that upon notification by the Authority that any customer of the District is in arrears in the payment of water charges for thirty (30) days or longer, the District will proceed to collect such unpaid charges together with the interest and penalties prescribed by the Authority's Tariff in the manner provided in Section 198, paragraph 3(d) of Town Law as well as any revisions and amendments thereto and, when so collected, will pay the said unpaid charges together with such interest and penalties as prescribed by the Authority's Rules.

3.5 The District further agrees to pay the Authority the charges for Public Fire Protection as set forth in the Authority's Tariff. Rate increases will not be levied in excess of cost. This rental applies to all existing hydrants within the District as of the date of this Agreement unless otherwise mutually excluded by the parties and to such hydrants as may be installed while this Agreement remains in effect.

IV. DISTRICT'S DUTY TO PROVIDE FACILITIES

4.1 It is mutually understood and agreed that it is the sole obligation of the District to furnish and install at its own cost and expense such facilities within the District as are required to provide an adequate supply of water at proper pressure for domestic, commercial, industrial and agricultural use as well as for public and private fire protection within the District.

4.2 The District may at its own cost and expense make additions, betterments and improvements to the operating plant and property of the District in order to provide an adequate supply of water for residents and inhabitants of the District including those

residents not now served with a public water supply, and for the purpose of providing adequate and proper fire protection in and for them.

4.3 The District will require that any additions, betterments and improvements will be designed and installed in accordance with the Authority's specifications. Construction inspection on such projects is the responsibility of the District, and said inspection shall meet the Authority's inspection standards. The Authority may also elect to inspect such construction and may require correction of work which does not conform with its standards.

4.4 Upon completion of construction of new facilities, the District will supply to the Authority as-built drawings for its operation of said facilities. The as-built drawings will contain a description and the dimensions of all pipes, valves, hydrants, and other appurtenances constructed in public areas of the water District. Drawings will be delivered within 90 days of the District's acceptance of the new facilities and will be in the form as specified in the Authority's standard construction details.

V. AUTHORITY'S DUTY TO OPERATE, MAINTAIN AND REPAIR THE FACILITIES OF THE DISTRICT

5.1 Except as otherwise provided for in this Agreement, the Authority agrees to operate, maintain and repair all District facilities at its own expense. The Authority will also provide such additions, betterments and improvements as may be requested by District officials and will bill the District for the actual installed cost of all such additions, betterments and improvements.

5.2 Legal title to the replacements, additions, betterments and improvements

described shall remain the property of the Authority until reimbursement has been made by the District. The District agrees to reimburse the Authority in the amount billed on or before the close of the District's fiscal year in which such bill was rendered by the Authority.

If reimbursement is not made within said fiscal year, the District agrees to provide funds therefore in the District's budget for the following fiscal year and will reimburse the Authority for all unpaid bills of any previous fiscal year within ninety (90) days after the commencement of the District's next fiscal year.

5.3 Upon receipt of an application and deposit payment by a District customer, the Authority will install service connections to District mains, curb boxes, meters, meter couplings, and like devices, all in accordance with the Authority's Tariff and standards.

Curb boxes are to be located at a highway right-of-way line. The Authority should contact the Town Engineering Department for assistance in locating a right-of-way line, as necessary.

The meters mentioned in this section shall belong to the Authority and may be removed by the Authority at the termination of this Agreement.

5.4 Upon receipt of a certified copy of a resolution of the District's Board requesting the installation of additional hydrants and specifying the locations where the same are to be placed upon the mains of the District, the Authority will, at its initial cost and expense but subject to reimbursement by the District of the actual installed cost as herein provided, place and install the hydrant(s) and hydrant connection(s) in accordance with Authority standards.

5.5 The District understands that the Erie County Water Authority will accept only limited maintenance responsibility for mains strapped to bridges. The Authority's responsibility for maintenance to such mains will be limited to the amount of average repair costs for all mains of that size in the preceding year. Any costs incurred in repairing mains strapped to a bridge over and above such average costs will be the responsibility of the District.

The District recognizes that it is the Authority's intention at some later date to establish a Tariff rate for inspection of mains strapped to bridges and for maintenance of pressure relief valves and altitude valves. Any pressure relief valves, altitude relief valves, or mains strapped to bridges installed or owned by the District will be subject to such maintenance and inspection fees when and if established by the Tariff.

5.6 When requested by the District in writing, the Authority will also furnish and install connections to and interconnections between the mains owned by the parties at such locations and in such manner as the parties shall hereafter mutually agree upon. Any such connections and interconnections made by the Authority during the term of this Agreement shall be severed and disconnected at the Authority's own cost and expense in such manner as the Authority shall determine at the termination thereof.

It is further agreed by the parties that upon termination of this agreement, the District will reimburse the Authority for the actual cost paid or incurred by the Authority for unused materials and supplies obtained in conjunction with its performance of this agreement that cannot be utilized by the Authority in the maintenance and operation of its own water supply system. All materials so paid for by

the District shall become the property of the District, and upon receipt of payment the Authority shall deliver such materials and supplies to the District.

5.7 The parties hereto agree and each shall keep and maintain during the term of this agreement an inventory of each item of property furnished, installed and paid for. The inventory shall show the actual cost and the date of installation thereof, together with the necessary and appropriate maps, blueprints and engineering records covering such installation in accordance with the Procedures and Specifications of the Authority and any changes, amendments and revisions thereto.

The Authority during the term of this Agreement will make its books, records and accounts available upon reasonable notice and during normal business hours for examination by the District or its agent with respect to the actual installed costs of any property installed by the Authority and billed to the District.

VI. SERVICE OUTSIDE THE DISTRICT

6.1 Only with written consent of the Authority may the District permit a person or corporation owning real property contiguous to the boundaries of the District to purchase water supplied by the facilities of the District. Such consent will not be unreasonably withheld.

6.2 It is further mutually understood and agreed that the Authority may at its own cost and expense make other additions, betterments and improvements within the territorial limits of the District when economically feasible in order to provide an adequate supply of water at proper pressure:

- a. to future extensions of the District and to Water Districts that may hereafter be established by the Town, and
- b. to other areas within which the Authority is authorized and empowered to serve water.

The Authority will consult with the District prior to undertaking additions, betterments and improvements outside the District.

The District further agrees that such improvements may be installed at such location or locations as the Authority may determine and that the same may be connected and interconnected with the facilities of the District to the extent and in such manner as the Authority shall determine. Legal title to the additions, betterments and improvements installed by the Authority pursuant to this paragraph shall be and shall remain in the Authority.

6.3 It is further mutually understood and agreed that the District will permit the Authority to use the facilities of the District without the imposition of any rentals or other charges therefore and to transport water to areas located outside and beyond the limits of the District.

It is further understood and agreed that such use of facilities of the District by the Authority to serve out-of-District customers will not reduce the supply of water to render it insufficient for the District or its inhabitants.

VII. RECOGNITION OF SYSTEM OBSOLESCENCE AND RESPONSIBILITY TO PLAN FOR REPLACEMENT

7.1 The District recognizes that mains, valves, hydrants, tanks, pumping stations and other appurtenances of a water system have fixed use lives and that prudent

management requires planning for their regular replacement. While some elements of a water system may last as long as eighty (80) years, others require replacement after twenty (20) years or less. The District recognizes and commits itself to a reinvestment in its system which, when fixed over a period of sixty (60) years, will amount to no less than the full original cost of the system.

7.2 The District further recognizes that Chapter 323, Legislative Session of the State of New York, 1989, granted to the governing Board of the Water Improvement District the right to establish capital reserve funds for the construction, betterment or acquisition of a water system.

The District further recognizes that the net cost to the user over the life of a water system is substantially lower if capital reserves are accumulated and improvements are made on a pay-as-you go basis.

7.3 The District recognizes that pursuant to this Agreement, the Authority has assumed many of the responsibilities of the Town's Water Department. As a result, the Authority needs a procedure for making capital proposals to the Water District and the Town of Alden. It is, therefore, expressly agreed that the District will as a part of its regular capital budget process solicit from the Authority proposals at the same time and in the same manner that it does for its other departments and improvement districts. In conjunction with this arrangement, the District agrees that the Authority will be afforded an opportunity to appear at such administrative and legislative hearings as the Town and Water District Board normally conduct and will be afforded the opportunity to make presentations related to its capital proposals at such hearings and meetings.

VIII. RECOGNITION OF OBLIGATIONS IN THE EVENT OF REGULATORY ACTION

8.1 The parties acknowledge that both the District and the Erie County Water Authority may be subject to regulatory actions by various county, state and federal agencies and, as a result of such regulatory action changes in operating procedures and capital improvements may be required.

The District specifically recognizes its obligation to provide promptly the funds to cover the costs of any capital improvements in its system necessitated by local, state or federal regulatory action. The Authority agrees to make at its initial cost and expense such capital investments to meet these regulatory requirements as the District or a responsible public official may request, subject to reimbursement by the District in its next fiscal year.

The Authority also recognizes its responsibility to make such operating changes as may be required by state, federal or county regulatory action.

8.2 From time to time the Authority will suggest to its municipal customers proposals for local laws and ordinances for the protection, enhancement and management of the Town's water system. The District agrees to review and enact such proposals as the Town deems in the Town's best interest.

IX. EFFECTIVE DATE AND TERM

9.1 The term of this Agreement shall be for a period of ten (10) years from the date hereof and for successive ten-year periods thereafter unless a notice of intent to renegotiate or terminate said Agreement is given by one party to the other within one year prior to the expiration of one of the ten-year periods.

It is further agreed that the terms of this Agreement may be modified from time to time to such extent as the parties hereto may mutually agree upon in writing.

Upon failure of either party to renew this agreement, it is automatically extended from month to month until renewal as set forth above.

IN WITNESS WHEREOF, The respective parties hereto set their hands and seals the day and year first above written.

WITNESS:

ERIE COUNTY WATER AUTHORITY

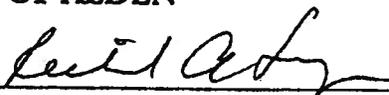
(SEAL)

MARK G. PATTON
Chairman

WITNESS:

TOWN BOARD OF THE TOWN
OF ALDEN

(SEAL)



RICHARD A. SAVAGE
Supervisor

APPENDIX C.

TOWN ASSESSOR'S DISTRICT ASSESSMENT PLAN

Zoeller Road 2012 Water Project

Property Type	Total Parcels	Total 2012 Assessment	Avg 2012 Assessment	Total Frontage	Avg Total Frontage	Total First Frontage	Avg First Frontage	Total Second Frontage	Avg Second Frontage	Total Balance Frontage	Avg Balance Frontage
Commercial	2	\$223,800	\$111,900	441.27	220.64	200.00	100.00	200.00	100.00	41.27	20.64
Residential 1 Family	26	\$1,793,800	\$68,992	4048.33	155.71	2600.00	100.00	995.93	38.31	452.40	17.40
Residential 1 Family w/ acreage	1	\$55,900	\$55,900	1004.81	1004.81	100.00	100.00	100.00	100.00	804.81	804.81
Residential 2 Family	1	\$76,200	\$76,200	102.80	102.80	100.00	100.00	2.80	2.80	0.00	0.00
Vacant Land	3	\$25,000	\$8,333	550.00	183.33	300.00	100.00	150.00	50.00	100.00	33.33
Vacant Land w/ Improvement	2	\$76,000	\$38,000	563.91	281.96	200.00	100.00	154.20	77.10	209.71	104.86
Total	35	\$2,250,700	\$64,306	6711.12	191.75	3500.00	100.00	1602.93	45.80	1608.19	45.95

Prepared by: Town of Alden Assessment Office

7/11/2012

Zoeller Road 2012 Water Project

Tax Map	Owner	Street	Property Type	2012 Assessment	Total Frontage	First Frontage	Second Frontage	Balance Frontage
96.00-2-24	Adamezak , Dorothy F	V/L Zoeller	V Lnd	\$7,500	150.00	100.00	50.00	0.00
96.00-2-25	Wagner, Dennis W	V/L Zoeller	V Lnd	\$8,900	300.00	100.00	100.00	100.00
96.01-1-20.6	Hatzipetros, George	3064 Zoeller	Coml	\$177,100	240.00	100.00	100.00	40.00
96.01-1-18.1	Tumash, Nikolay	3106 Zoeller	Coml	\$46,700	201.27	100.00	100.00	1.27
96.00-2-21.4	Pietrzyk, Halina	3107 Zoeller	I Fam	\$95,100	100.00	100.00	0.00	0.00
96.00-2-21.3	Pietrzyk , Halina	3119 Zoeller	V Lnd	\$8,600	100.00	100.00	0.00	0.00
96.01-1-17	Chesna , Deborah	3124 Zoeller	I Fam	\$56,700	100.63	100.00	0.63	0.00
96.00-2-21.2	Johnson, Barbara A	3131 Zoeller	I Fam	\$61,900	100.00	100.00	0.00	0.00
96.01-1-16	Wassinger, Walter R	3134 Zoeller	I Fam	\$64,800	100.00	100.00	0.00	0.00
96.00-2-21.1	Pokorski, Rosanne C	3143 Zoeller	I Fam	\$81,800	100.00	100.00	0.00	0.00
96.00-2-22	Kurdziel, Robert	3155 Zoeller	I Fam	\$78,900	125.00	100.00	25.00	0.00
96.01-1-15	Connolly, Jay F	3160 Zoeller	I Fam	\$66,100	201.90	100.00	100.00	1.90
96.00-2-23	Kozak, Douglas	3171 Zoeller	I Fam	\$81,800	435.00	100.00	100.00	235.00
96.01-1-14.1	Woods, Raymond R	3172 Zoeller	I Fam	\$42,000	186.00	100.00	86.00	0.00
96.01-1-13.1	Geist, Thomas O	3198 Zoeller	I Fam	\$84,400	100.40	100.00	0.40	0.00
96.01-1-12	Hovey, Tina S	3206 Zoeller	I Fam	\$53,000	250.30	100.00	100.00	50.30
96.01-1-11	Schulz, Raymond J	3244 Zoeller	V Impvr	\$11,000	154.20	100.00	54.20	0.00
96.01-1-10	Nosal, Frank P	3250 Zoeller	I Fam	\$65,500	102.80	100.00	2.80	0.00
96.01-1-9	Thompson, Brian E	3264 Zoeller	I Fam	\$56,050	102.80	100.00	2.80	0.00
96.00-2-26.2	Gorski , Jeffrey	3269 Zoeller	I Fam	\$82,200	100.00	100.00	0.00	0.00
96.01-1-8	Lotz, Richard	3282 Zoeller	I Fam	\$68,700	154.20	100.00	54.20	0.00
96.01-1-7	Wilezak, Joseph D	3298 Zoeller	I Fam	\$37,300	102.80	100.00	2.80	0.00
96.00-2-26.113	Bunch , Timothy K	3301 Zoeller	I Fam	\$78,800	200.00	100.00	100.00	0.00
96.00-2-26.12	Bunch , Thomas M	3303 Zoeller	I Fam	\$86,450	200.00	100.00	100.00	0.00
96.01-1-6	Piontkowski , Kenneth	3314 Zoeller	I Fam	\$52,400	102.80	100.00	2.80	0.00
96.01-1-5	Bennett, Steven	3328 Zoeller	I Fam	\$80,600	154.20	100.00	54.20	0.00
96.00-2-26.112	Paluch, Christopher	3331 Zoeller	I Fam	\$82,200	150.00	100.00	50.00	0.00
96.01-1-4	Oliver, Perry B	3340 Zoeller	I Fam	\$53,200	102.80	100.00	2.80	0.00
96.00-2-28	Cherry , Jeffrey	3347 Zoeller	I Fam	\$79,700	100.50	100.00	0.50	0.00
96.01-1-3	Young, Thomas J	3358 Zoeller	I Fam	\$87,200	154.20	100.00	54.20	0.00
96.01-1-2	Oliver, Shawn L	3372 Zoeller	M Res	\$76,200	102.80	100.00	2.80	0.00
96.01-1-1.1	Wierzbowski, Gerald W	3388 Zoeller	I Fam	\$52,500	156.80	100.00	56.80	0.00
96.00-2-1.121	Lewczyk , Christopher J	3418 Zoeller	I Fam	\$64,500	365.20	100.00	100.00	165.20
96.00-2-27	Chesna, Bernard	3421 Zoeller	Res/acr	\$55,900	1004.81	100.00	100.00	804.81
96.00-2-1.111	Chesna, William D	3428 Zoeller	V Impvr	\$65,000	409.71	100.00	100.00	209.71
Total				\$2,250,700	6,711.12	3,500.00	1,602.93	1,608.19

EXHIBIT C

Certified Copy of October 4, 2010 Alden Town Board Resolution Refinancing the Bond for
Water District #4

Certified Copy of December 19, 2011 Alden Town Board Resolution authorizing \$250,000 BAN



RALPH P. WITT
Alden Town Clerk

(716) 937-6969
FAX (716) 937-9817

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

STATE OF NEW YORK
COUNTY OF ERIE } SS
TOWN OF ALDEN

I, Debra A. Crist Deputy Town Clerk of the Town of Alden, Erie County, New York, do hereby certify that at an adjourned, regular meeting of the Town Board of the aforesaid Town, on the 4th day of Oct./2010 at the Alden Town Office Building, 3311 Wende Road, Alden, New York, the following Resolution was unanimously adopted, every member present voting therefore, to wit:

"SEE ATTACHED"

I, do further certify that I have compared the foregoing with the original minutes of the adjourned, regular meeting of the Town Board of the said Town held on the 4th day of Oct./2010 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 the Town Clerk's Office.

I do further certify that the following members of the Town Board were present at such meeting, namely,

Ronald Smith } Supervisor

Mary Riddoch } Councilmen

William Weber } Councilmen

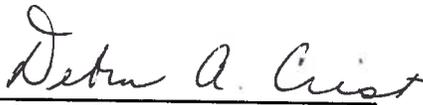
Ronald Snyder } Councilmen

Arlene Cooke } Councilmen

Being all the persons constituting said Town Board of the Town of Alden, Erie County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Alden, Erie County, New York this 15th day of April/2013.

SEAL


Debra A. Crist, First Deputy Town Clerk

SUPERVISOR SMITH offered the following resolution and moved its adoption:

REFUNDING BOND RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED OCTOBER 4, 2010, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$800,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$800,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, on March 23, 1998, the Town of Alden, in the County of Erie, New York (herein called the "Town"), issued its \$1,073,000 Water District Serial Bonds-1998, which are currently outstanding in the principal amount of \$725,000 (herein referred to as the "Outstanding 1998 Bonds") to finance the establishment of Water District No. 4 and the construction of a water system therein; and

WHEREAS, the Outstanding 1998 Bonds bear interest at a rate of four and seven-eighths per centum per annum, payable semiannually on March 1 and September 1 in each year to maturity and mature in the principal amount of \$29,000 on March 1 in each of the years 2011 through 2035, inclusive.

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permit the Town to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board of Town has determined that it may be advantageous to refund all or a portion of the Outstanding 1998 Bonds;

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Town Board), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the aggregate Outstanding 1998 Bonds, as shall be determined in accordance with Section 8 hereof.

- (b) "Escrow Contract" means the contract, if any, to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company, if any, designated as such pursuant to Section 10 hereof.
- (d) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (e) "Redemption Date" means any date with respect to the Outstanding 1998 Bonds, as shall be determined by the Supervisor, as chief fiscal officer, pursuant to Section 8 hereof.
- (f) "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$800,000 Refunding Serial Bonds-2010 of the Town of Alden, authorized to be issued pursuant to Section 2 hereof.
- (g) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums, if any, payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereto, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract, if required by applicable law, and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town of Alden (herein called the "Town Board"), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$800,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$800,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Town in the maximum principal amount of \$800,000 and designated substantially as "Refunding Serial Bonds-2010," are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "Refunding Financial Plan") prepared for the Town by Roosevelt & Cross, Inc., New York, and hereby accepted and approved, includes the deposit of all or part of the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract, if required by applicable law, as authorized in Section 10 hereof, the payment of all costs incurred by the Town

in connection with said refunding from such proceeds and the investment, if any, of a portion of such proceeds by the Escrow Holder in certain obligations. The proceeds of the Refunding Bonds or the principal of and interest from the investment thereof, together with the balance of any proceeds held uninvested, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium, if any, on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding 1998 Bonds, as referred to in the Recitals hereof. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$800,000 shall mature in amounts and on dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum periods of probable usefulness ("PPU") permitted by law at the time of original issuance of the Bonds to be Refunded, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing from the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds. The applicable period of probable usefulness for objects or purposes financed with the proceeds of the Bonds to be Refunded is 40 years.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

Section 6. The Refunding Bonds may be sold at public or private sale and, if the Refunding Bonds are sold at private sale, the Supervisor, as the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller. If required by applicable law, prior to the issuance of the Refunding Bonds the Supervisor shall have filed with the Town Board a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published in full or in summary at least once in "*The Bond Buyer*," published in the City of New York and/or the official newspaper of the Town having general circulation within said Town, not less than five (5) nor more than thirty (30) days prior to the date of said sale, in conformity with the requirements of Section 57.00 of the Local Finance Law and related regulations of the State Comptroller. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds

having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (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 the publication of such resolution, or a summary thereof, are not substantially complied with,

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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. Prior to the issuance of the Refunding Bonds, the Town, if required by applicable law, shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract, if any, shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums, if any, to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption

authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. Any such Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. If required by applicable law, the proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by such Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, if any, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Town is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Town by mailing such notice not less than thirty (30) days nor more than sixty (60) days prior to such Redemption Date or at such other times as is agreed to by the Town and the holder of the Bonds to be Refunded, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This bond resolution shall take effect immediately, and the First Deputy Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Alden Advertiser*" a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

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

AYES: Riddoch
Weber
Smith
Snyder
Cooke
NOES: None

The resolution was declared adopted.



RALPH P. WITT
Alden Town Clerk

(716) 937-6969
FAX (716) 937-9817

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

STATE OF NEW YORK
COUNTY OF ERIE } SS
TOWN OF ALDEN

I, Ralph Witt Town Clerk of the Town of Alden, Erie County, New York, do hereby certify that at an adjourned, regular meeting of the Town Board of the aforesaid Town, on the 19th day of Dec./2011 at the Alden Town Office Building, 3311 Wende Road, Alden, New York, the following Resolution was unanimously adopted, every member present voting therefore, to wit:

"SEE ATTACHED"

I, do further certify that I have compared the foregoing with the original minutes of the adjourned, regular meeting of the Town Board of the said Town held on the 19th day of Dec./2011 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 the Town Clerk's Office.

I do further certify that the following members of the Town Board were present at such meeting, namely,

- Ronald Smith } Supervisor
- Mary Riddoch } Councilmen
- William Weber } Councilmen
- Ronald Snyder } Councilmen
- _____ } Councilmen

Being all the persons constituting said Town Board of the Town of Alden, Erie County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Alden, Erie County, New York this 15th day of April/2013.

SEAL

Ralph P. Witt
RALPH P. WITT, TOWN CLERK

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

THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS: The Town of Alden, in the County of Erie, New York (herein called the "Town"), is hereby authorized to: (i) upgrade the heating system at the Town Hall, at the estimated maximum cost of \$50,000 and (ii) construct improvements to the Town Park at the estimated maximum cost of \$200,000. The aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Town in the principal amount of \$250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Serial bonds of the Town in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

The following additional matters are hereby determined and declared:

(a) The periods of probable usefulness applicable to the objects or purposes for which said \$250,000 serial bonds are authorized to be issued are in excess of five years; however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

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

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

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

such obligations are authorized in violation of the provisions of the constitution.

This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish a summary of this bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law, in "*Alden Advertiser*," a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

The adoption of the foregoing resolution was duly put to a vote on December 19, 2011, which resulted as follows:

Ayes: Ronald Smith, Mary Riddoch, William Weber and Ronald Snyder

Noes: None

EXHIBIT D

February 4, 2013 Alden Town Board Order Calling Public Hearing



RALPH P. WITT
Alden Town Clerk

(716) 937-6969
FAX (716) 937-9817

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

STATE OF NEW YORK
COUNTY OF ERIE } SS
TOWN OF ALDEN

I, Ralph Witt Town Clerk of the Town of Alden, Erie County, New York, do hereby certify that at an adjourned, regular meeting of the Town Board of the aforesaid Town, on the 4th day of Feb./2013 at the Alden Town Office Building, 3311 Wende Road, Alden, New York, the following Resolution was unanimously adopted, every member present voting therefore, to wit:

"SEE ATTACHED"

I, do further certify that I have compared the foregoing with the original minutes of the adjourned, regular meeting of the Town Board of the said Town held on the 4th day of Feb./2013 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 the Town Clerk's Office.

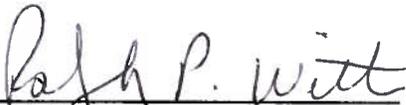
I do further certify that the following members of the Town Board were present at such meeting, namely,

- Harry Milligan } Supervisor
- Mary Riddoch } Councilmen
- William Weber } Councilmen
- _____ } Councilmen
- _____ } Councilmen

Being all the persons constituting said Town Board of the Town of Alden, Erie County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Alden, Erie County, New York this 15th day of April/2013.

SEAL


RALPH P. WITT, TOWN CLERK

THE FOLLOWING ORDER WAS OFFERED BY COUNCILMAN WEBER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
FEBRUARY 19, 2013

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, for the proposed establishment of the Zoeller Road Water District, in the Town, and the construction of a water system therein, consisting of the construction and installation of approximately 4,300 linear feet of 8-inch waterline along Zoeller Road, installation of fire hydrants and line valves, crossing of Ellicott Creek and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and

WHEREAS, the map, plan and report dated July 2012 has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the proposed District is bounded and described as follows:

(INSERT LEGAL DESCRIPTION OF DISTRICT)

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and the Town Board, has reviewed a Long Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts and the Town Board has adopted a Negative Declaration; and

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement is estimated to be \$520,528, and the plan of financing includes the issuance of not to exceed \$520,528 serial bonds of the Town to finance said cost, and the 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;

Now therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up fees is \$900.00 and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$1,012.59; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the establishment of the District and construction of the Water Improvement to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 3311 Wende Road, Alden, New York, on the 19th day of February, 2013, at 7:05 o'clock P.M. (Prevailing Time) 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 be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Alden Advertiser*," hereby designated as the 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 Notice of such public hearing 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 that the Town Clerk shall mail, or cause to be mailed, by first class mail to each owner of taxable real property in the District, a notice of such public hearing in substantially the form attached hereto in Exhibit A; and be it

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

DATED: February 4, 2013

TOWN BOARD OF THE
TOWN OF ALDEN

THE FOREGOING ORDER WAS DULY PUT TO A ROLL CALL VOTE AT A REGULAR MEETING ON FEBRUARY 4, 2013 AND WAS UNANIMOUSLY ADOPTED.

EXHIBIT E

Affidavits of Posting and Mailing of Order Calling Public Hearing

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :SS
COUNTY OF ERIE)

Ralph P. Witt, being duly sworn upon his oath deposes and says:

That he is and at all the times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Alden, in the County of Erie, New York;

That on the 5th day of February, 2013 he caused to be conspicuously posted and fastened up a certified copy of the Order Calling Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law;

Ralph P. Witt
Town Clerk

Subscribed and sworn to before me
this 12th day of February, 2013.

Debra A. Crist
Notary Public, State of New York

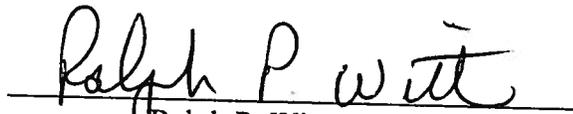
DEBRA A. CRIST
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES 05/07/20 15

STATE OF NEW YORK)
 :SS
COUNTY OF ERIE)

AFFIDAVIT OF MAILING

Ralph P. Witt, being duly sworn upon his oath deposes and says:

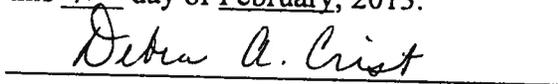
That he is and at all the times hereinafter mentioned he was the duly qualified and acting Town Clerk of the Town of Alden, in the County of Erie, State of New York; that on the 5th day of February, 2013, he caused to be mailed, by first class mail, a copy of the Notice of Public Hearing to be held on February 19, 2013, to each owner of property benefitted by the improvements referred to in said Notice as shown upon the assessment roll of said Town.



Ralph P. Witt, Town Clerk
Town of Alden

Subscribed and sworn to before me

this 12th day of February, 2013.



Notary Public, State of New York

DEBRA A. CRIST
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES 05/07/20 15

EXHIBIT F

Affidavit of Publication of Order Calling Public Hearing

STATE OF NEW YORK
COUNTY OF ERIE

**Notice of
Public Hearing**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Alden, in the County of Erie, State of New York, will meet at the Town Hall, 3311 Wende Road, Alden, New York, on February 19, 2013, at 7:05 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the establishment of the Zoeller Road Water District, and the construction of a water system therein, consisting of the installation of approximately 4,300 linear feet of 8-inch waterline along Zoeller Road, installation of fire hydrants and line valves, crossing of Ellicott Creek and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed, at the estimated maximum cost of \$520,528.

Sw/ At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: February 4, 2013
Alden, New York

By Order of the Town Board of the Town of Alden, County of Erie, State of New York

2-7 New York
My Commission Expires 07/18/2015

Leonard Weisbeck, Jr. of the Village of Alden, N. Y., being duly sworn, deposes and says that he is the publisher of the ALDEN ADVERTISER, a weekly newspaper published in said Village of Alden, N. Y.; that the Notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published therein on the 7th day of February, 2013... that the said notice was published in each week for one consecutive weeks; that no more than... days, intervened between any... publications thereof, and the last date of publication of said notice was February 7, 2013...

Leonard Weisbeck, Jr.

Feb 2013

Don Keller

Notary Public, Erie County, New York

My Commission expires,

EXHIBIT G

Minutes of February 19, 2013 Public Hearing

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Alden,
in the County of Erie, New York

February 19, 2013

* * *

A meeting of the Town Board of the Town of Alden, in the County of Erie, New York, was held at the Town Hall, 3311 Wende Road, Alden, New York, on February 19, 2013.

There were present: Harry F. Milligan, Supervisor; and

Boardmembers: Mary Riddoch
William Weber

There were absent: None.

Also present: Ralph P. Witt, Town Clerk

* * *

The Supervisor stated that a Public Hearing had been called for this meeting at the Town Hall, at 7:05 o'clock P.M. (Prevailing Time) to consider the proposed establishment of the Zoeller Road Water District, in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling Public Hearing had been published, posted and filed pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the Public Hearing on the proposed establishment of Zoeller Road Water District was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the establishment of the District:
Frank Nosal, 3250 Zoeller Road and Ken Pointkowski, 3314 Zoeller Road

The following persons appeared in opposition to the establishment of the District:
None

The following persons asked general questions:
Tina Hovey, 3206 Zoeller Road; Tom Young, 3358 Zoeller Road and Jay Connelly, 3160 Zoeller Road.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the Public Hearing closed.

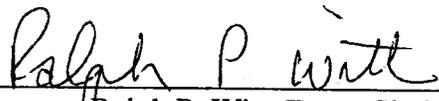
* * *

CERTIFICATE

I, Ralph P. Witt, Town Clerk of the Town of Alden, in the County of Erie, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on February 19, 2013, 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 this 19th day of February, 2013.

(SEAL)



Ralph P. Witt, Town Clerk
Town of Alden

EXHIBIT H

Long Environmental Assessment Form

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Town of Aiden Zoeller Road Water District

Name of Action

Town of Aiden

Name of Lead Agency

Harry Milligan

Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer


 Signature of Responsible Officer in Lead Agency

Michael J. Metzger, P.E.
 Signature of Preparer (if different from responsible officer)

December 17, 2012

Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Town of Alden Zoeller Road Water District

Location of Action (include Street Address, Municipallty and County)

Zoeller Road , Alden, Erie County

Name of Applicant/Sponsor Michael J. Metzger, P.E., Metzger Civil Engineering, PLLC, Town Engineer

Address 8560 Main Street, Suite 3

City / PO Williamsville State NY Zip Code 14221

Business Telephone 716-633-2601

Name of Owner (if different) Town of Alden

Address 3311 Wende Road

City / PO Alden State NY Zip Code 14004

Business Telephone 716-937-6969

Description of Action:

The Town of Alden intends to expand its water supply system by constructing the Zoeller Road Water District to serve residents in the Town of Alden. The proposed project will consist of installing approximately 4300 feet of waterlines and appurtenances, mostly within the public right-of-way along Zoeller Road.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: N/A acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) <u>Public rights-of-way</u>	<u>N/A</u> acres	<u>N/A</u> acres

3. What is predominant soil type(s) on project site? Kendaia (Ke), Lima (LmA, LmB)

- a. Soil drainage: Well drained _____% of site Moderately well drained 100% of site.
 Poorly drained _____% of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

- a. What is depth to bedrock >5 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% _____% 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 0.5 to 4 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

U.S. Department of Interior
NY Natural Heritage Program

Identify each species:

[Empty box for identifying species]

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

[Empty box for describing land forms]

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

[Empty box for explaining usage]

14. Does the present site include scenic views known to be important to the community? Yes No

[Empty box for scenic views]

15. Streams within or contiguous to project area:

Ellicott Creek

a. Name of Stream and name of River to which it is tributary

[Empty box for stream name and tributary]

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

[Empty box for size in acres]

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 6177? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: N/A acres.
- b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.
- c. Project acreage to remain undeveloped: N/A acres.
- d. Length of project, in miles: .81 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing N/A; proposed N/A
- g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

- i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 4300 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? Yes No

c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 3 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 10; after project is complete _____

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No during construction

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Fuel for construction equipment.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 10,500 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

Town Municipal Bonds.

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Water District</u> <u>Establishment</u>	<u>July 2012</u>
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Waterline Extension</u>	<u>May 2013</u>
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>ECDEP Recommendation</u>	<u>July 2012</u>
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDEC Stream Crossing</u> <u>Permit and Water Supply</u> <u>Permit</u>	<u>May 2013</u>
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|-------------------------------------------|---------------------------------------------|------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

N/A

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

The proposed waterlines will be constructed as the Zoeller Road Water District.

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

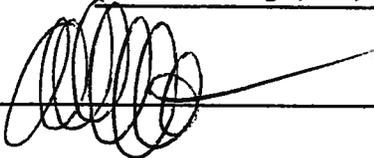
D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Michael J. Metzger, P.E., Metzger Civil Eng. Date December 17, 2012

Signature 

Title Town Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

EXHIBIT I

Negative Declaration (Determination of Non-Significance)

**RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
FOR
CREATION OF THE ZOELLER ROAD WATER DISTRICT**

WHEREAS, the Town Board of the Town of Alden on resident petition, will move for the Creation of the Zoeller Road Water District in the Town of Alden; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Town Board has reviewed the waterline installation proposed for areas of the Town of Alden; and

WHEREAS, the Town Board has determined it is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, pursuant to Resolution adopted on December 17, 2012, the Town Board determined that the propose action was a Type I Action under SEQRA and that it was the agency with the broadest governmental powers for investigating the impact of the proposed action and the greatest capacity for providing the most thorough environmental assessment of the proposed action and the most local agent with permitting authority, and pursuant to such resolution the Town of Alden has undertaken to conduct a coordinated review; and

WHEREAS, all the involved agencies required to be notified under SEQRA have been notified and has received responses from most of the agencies notified and no agency has contested the determination of the Town of Alden to act as lead agency, but responses have identified areas of concern that must be addressed by the Town of Alden; and

WHEREAS, the Town of Alden has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Alden, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that a Negative Declaration is hereby issued, based upon the attached reasons;

BE IT FURTHER RESOLVED, that the attached Negative Declaration be filed with the Town Clerk, and that the Supervisor is authorized to sign the EAF and prepare the appropriate notices and filings in accordance with the SEQR regulations.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on February 4, 2013, the results of which were as follows:

COUNCILPERSON WEBER	AYE	NAY
SUPERVISOR MILLIGAN	AYE	NAY
COUNCILPERSON RIDDOCH	AYE	NAY

State Environmental Quality Review Act

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law.

The Town of Alden Town Board, as SEQRA Lead Agency has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Zoeller Road Water District

SEQRA Status: Type I Action

Description of Action: The Town of Alden intends to expand its water supply system by constructing the Zoeller Road Water District to serve the residents of Zoeller Road. The proposed project will consist of installing approximately 4,300 feet of waterlines and appurtenances within the public right-of-way along Zoeller Road.

Location: These waterlines are proposed to be constructed along Zoeller Road.

Reasons Supporting This Documentation:

1. **Impact on Land:** The proposed construction will be completed in one phase. It is anticipated that construction will begin in the spring of 2014 and will last one construction season. However, due to the linear nature of this project, it is anticipated that actual construction will not occur at any one place for more than one (1) month. All construction sites will be secured so that there are no exposed hazards to the general public.

Construction of the waterline will involve constructing in areas where the water table may be less than three (3) feet and in areas where the bedrock is exposed or within three (3) feet of the ground surface. For waterline construction, this will involve extra precautions and water handling within the ditch as construction proceeds, and may involve minimal blasting of rock in certain areas (anticipating limited areas.) The blasting will not be near any significant uses (schools, hospitals, etc.) and will meet all proper requirements for blasting per standard water line installation specifications.

In order to complete installation of the waterline, it will be necessary to complete creek crossings at various locations throughout the Town. Directional drilling methods are proposed for crossing of Ellicott Creek. The Town of Alden will comply with all requirements set forth by the NYSDEC and USACOE and obtain the necessary permits from each agency.

2. **Impact on Water:** The project will result in an increase in water usage being supplied by a public water supply system (Erie County Water Authority, ECWA). The ECWA has determined that they are capable of supplying this quantity of water. In addition, hydraulic modeling of the proposed system completed for the Engineering Report verified the ability of the ECWA to provide water to the proposed system.

Homes in the area of the water improvement will be able to be removed from groundwater systems (private wells) which have limited capacity and quality problems. These quality problems

were previously documented.

Runoff and erosion will be controlled during the project construction and all stream crossings will meet State and Federal permit requirements. Construction will, for most of the project, occur within ten (10) feet of the edge of pavement of the road and therefore will have minimal impact to wetlands.

As mentioned earlier, construction through a creek crossing will be required. Directional drilling or open cut methods will be used to cross the various creeks throughout the project. All necessary permits from the NYSDEC and USACOE will be obtained.

Water used for flushing of the new lines will be discharged into the ditches currently located along the roadway. The amount of water and duration of discharge will be minimal. This action is not anticipated to have any adverse effects on the drainage ditch. Effects of erosion will be limited to during construction and the flushing process. Any and all existing drainage swales and ditches will be replaced to the condition they were prior to construction.

3. **Impacts on Agricultural Land Resources:** None.
4. **Impacts on Archaeological and Historic Resources:** NYS Historic Parks and Preservation Office has been contacted and has indicated that they have no concerns regarding potential project effects on archeological resources.
5. **Impact on Transportation:** Impacts on transportation will only occur during construction of the waterline. Any impacts will be minor and temporary in nature due to construction activities.
6. **Impacts on Energy:** To provide water to the Town of Alden, the ECWA pumping stations will use additional energy to pump water. The Water Authority is presently involved in energy savings studies and projects that in the long term will help to reduce energy usage by their facilities.
7. **Noise and Odor Impacts:** Noise impacts will occur during the construction of the waterline due to construction equipment but will be temporary in nature.
8. **Impact on Public Health:** Presently there are health concerns about well water in certain areas of the Town. This project will eliminate the need for the use of potentially contaminated well water and the potential public health concern related to this well use.
9. **Impact on Growth and Character of the Community:** The Town of Alden does not anticipate a population increase whether or not the waterline is installed. The majority of the project areas are zoned rural agriculture which is intended to preserve and protect agricultural areas and to provide limited rural residential development, together with other nonintensive compatible activities. Residential districts and a few scattered commercial properties are also present within the project area. If expansion does occur in this area, developers would have to follow the regulations and protocol set forth in the Town of Alden's Zoning Ordinance, Land Use Regulations and Comprehensive Plan.

The Alden Town Board in making this determination only considered the project presently being considered. This project basically entails the installation of waterline in those areas where residents requested improvements.

The Town of Alden Town Board, therefore, concludes that the project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and

economic considerations. In reaching this decision, the Alden Town Board carefully considered all "criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.11)

For Further Information:

Contact Person: Michael J. Metzger, P.E.
Alden Town Engineer
Metzger Civil Engineering, PLLC
8560 Main Street
Williamsville, New York 14221

Date: February 4, 2013

EXHIBIT J

Opinion of Counsel

NEILL & STRONG, PLLC
ATTORNEYS AND COUNSELORS

NATHAN S. NEILL
JENNIFER L. STRONG

LEGAL ASSISTANTS:
K. PATRICIA STRONG
MEGHAN SEITZ

13166 MAIN STREET P.O. BOX 395
ALDEN, NEW YORK 14004-0395
(716) 937-3353
(716) 937-7222 FAX
(NOT FOR SERVICE OF PROCESS)
JLSTRONG@NEILLSTRONG.COM

May 2, 2013

The Town of Alden
3311 Wende Road
Alden, New York 14004

Dear Ladies and Gentlemen:

As your Town Attorney I have acted as general counsel to the Town Board in connection with the creation of proposed Zoeller Road Water District (the "District") of the Town.

This opinion is rendered pursuant to section 85.5 of chapter III of title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York with the express understanding that the State Comptroller may rely thereon.

In my capacity as Town Attorney, I have examined originals or true and complete copies of those records, documents and other instruments necessary to render my opinion, including but not limited to:

1. The form of the Lease Management Agreement between the Town of Alden and the Erie County Water Authority;
2. The notice of hearing for the proposed District;
3. The Engineer's Report; Opinion of Expected Project Costs; and the Proposed Statement of Costs; and
4. Resolution of the Alden Town Board adopted on March 4, 2013.

Based upon my examination of the foregoing and other related documents, I am of the opinion that:

1. The notice of public hearing substantially meets the requirements of section 193 of the Town Law. All of the information required by section 193 was fully available at the Alden Town Hall and also posted on the Town's Official Website prior to the public hearing. In addition, notices were mailed to each landowner in the proposed district. Lastly, full and complete information was available at the public hearing.
2. The Town has complied with section 193(1) of the Town Law. The Map Plan and Report have been on file in the Alden Town Clerk's Office since July, 12, 2012, and was therefore available to the public months prior to the public hearing. The Proposed Statement of costs has

been on file with the Clerk's Office since September 28, 2012, as well as posted on the Town's Official Website in the same timeframe and therefore available to the public months prior to the public hearing.

3. The Map Plan and Report is appended to the Petition and that all signatories to the Petition had the same available for inspection at the time they signed the Petition.

4. That the Resolution of the Town Board, adopted on March 4, 2013, (more specifically at sections 1 and 5) meets the requirements of 2 NYCRR section 85.3(b)(1). Certified copies of this Resolution have been submitted to the State Comptroller's Office.

I am a member of the Bar of the State of New York, and the foregoing opinion should be considered to be given with respect to the federal laws of the United States of America and the laws of the State of New York.

The opinion expressed herein is solely for your benefit under 2 NYCRR section 85.5 in connection with the creation of the proposed District, and may not be used, reproduced, quoted or relied on by any other person for any purpose without my prior written consent.

Very truly yours,



JENNIFER L. STRONG,
TOWN ATTORNEY,
TOWN OF ALDEN

NEILL & STRONG, PLLC
ATTORNEYS AND COUNSELORS

NATHAN S. NEILL
JENNIFER L. STRONG

LEGAL ASSISTANTS:
K. PATRICIA STRONG
MEGHAN SEITZ

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ALDEN, NEW YORK 14004-0395
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(NOT FOR SERVICE OF PROCESS)
JLSTRONG@NEILLSTRONG.COM

March 12, 2013

The Comptroller of the State of New York
A.E. Smith Office Building
6th Floor
Albany, New York 12236

Sirs/Madams:

I am the Town Attorney of the Town of Alden, Erie County, New York (the "Town"), a municipal corporation of the State of New York, and as such I have acted as counsel to the Town Board of the Town (the "Town Board") in connection with the creation of proposed Zoeller Road Water District (the "District") of the Town.

This opinion is rendered pursuant to section 85.5 of chapter III of title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York with the express understanding that the State Comptroller may rely thereon. All capitalized terms used but not defined herein shall have the respective meanings assigned thereto in 2 NYCRR part 85.

In my capacity as legal counsel for the Town, I have examined originals or true and complete copies of those records, documents and other instruments necessary to render my opinion, including but not limited to:

1. the Constitution of the State of New York and relevant statutes, including but not limited to the Town Law of the State of New York (the statute pursuant to which the application is made) and the State Environmental Quality Review Act;
2. the Petition of the residents of Zoeller Road requesting the creation of the District;
3. all orders and resolutions of the Town Board pertaining to such Petition and this Application;
4. proof of any posting and publication and mailing of any required notices;
5. any map plan and report required by statute; and
6. the Application to be submitted to this office.

Based upon my examination of the foregoing, I am of the opinion that:

1. the Application contains all information required by the applicable statutes and regulations;

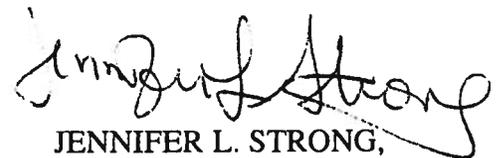
2. the Town, in relation to the proposed District, for which the permission or consent of the Comptroller is sought, has undertaken all actions and proceedings required by applicable provisions of law;
3. such District has been duly authorized by the Town as required by statute except for: (i) obtaining the permission or consent of the Comptroller; (ii) the adoption of any order or resolution required to be adopted after the Comptroller has granted such consent or permission; and (iii) any publication of any notice required to be published after receipt of such consent or permission;
4. the procedures followed by the Town in giving notice relating to the establishment of said District complied in all respects with applicable provisions of the Town Law;
5. the Town Board is not aware of any material pending or threatened lawsuits or claims relating to the District for which permission or consent is being sought; and
6. any assessments, charges or taxes to be levied or imposed to finance the improvements or services to be provided are authorized by statute and all necessary action has been taken by the municipality to authorize the imposition or levy of such assessments, charges or taxes.

I have not been requested to opine, and I do not opine, as to any issues other than those expressly set forth herein.

I am a member of the Bar of the State of New York, and the foregoing opinion should be considered to be given with respect to the federal laws of the United States of America and the laws of the State of New York.

The opinion expressed herein is solely for your benefit under 2 NYCRR section 85.5 in connection with the creation of the proposed Extension, and may not be used, reproduced, quoted or relied on by any other person for any purpose without my prior written consent.

Very truly yours,



JENNIFER L. STRONG,
TOWN ATTORNEY,
TOWN OF ALDEN

In the Matter of the
Establishment of
The Zoeller Road Water District, in the Town of
Alden, County of Erie, State of New York

PETITION OF
PROPERTY OWNERS

TO THE TOWN BOARD OF THE TOWN OF ALDEN,
IN THE COUNTY OF ERIE, STATE OF NEW YORK:

We, the undersigned petitioners, being owners of taxable real property situate in the proposed water district hereinafter described, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property in said proposed water district, as shown upon the latest completed assessment roll of the Town of Alden, in the County of Erie, State of New York, and resident owners owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property in the proposed water district owned by resident owners, according to said latest completed assessment roll, do hereby petition your Honorable Board to establish the Zoeller Road Water District which shall comprise that portion of said Town outside of any incorporated village or city and wholly within said Town and shall be bounded and described on Exhibit A – Legal Description attached hereto and made a part hereof.

Accompanying this petition and annexed hereto as Exhibit B is a Map, Plan and Report prepared by Metzger Civil Engineering, PLLC, competent Engineers duly licensed by the State of New York, showing the boundaries of the proposed water district and a general plan of the proposed water system to be constructed there including the terminus and course of each proposed water main.

The maximum amount proposed to be expended for the construction of the proposed water system is \$ 520,528.00.

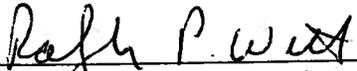
The expense of operation and maintenance of said Zoeller Road Water District shall be assessed, levied and collected from the several lots and parcels of land within the proposed Zoeller Road Water District so much upon and from each as shall be in just proportion to the amount of benefit which the Town Board shall determine the improvement shall confer upon the same.

WHEREFORE, your petitioners respectfully submit this petition for your approval and ask that you proceed therein in accordance with law in such case made and provided.

STATE OF NEW YORK :
COUNTY OF ERIE : ss.:

I, Ralph P. Witt Clerk of the Town of Alden, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding petition with the original thereof filed in my office on September 7, 2012, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relate to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 1st day of October, 2012.



Ralph P. Witt, Town Clerk

(Seal)