



ORDER CALLING PUBLIC HEARING TO BE HELD ON FEBRUARY 17, 2009

Proposed Water District #5

Alden Town Hall
3311 Wende Road
Alden, New York 14004
7:05PM {prevailing time}

WHEREAS, the Town Board of the Town of Alden, in the County of Erie, New York (the "Town") has caused Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed establishment of Water District No. 5, in the Town, and the construction of a water system therein, consisting of the installation and/or upgrading of approximately 139,800 linear feet of waterline, installation of fire hydrants and line valves, railroad and creek crossings, acquisition of water tank capacity and other work required in connection therewith, including land or rights in land, original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the establishment of the District may have on the environment, and the Town Board and the Town have 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 (SEQRA), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed action is a Type I action for SEQRA purposes and an Environmental Assessment Form has been prepared and reviewed by the Town Board, and the Town Board has determined that the establishment of the District will not have a significant effect on the environment and a Negative Declaration has been issued; and

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

The full legal description is on file and available for inspection in the office of the Town Clerk. The proposed Water District 5 is intended to cover Kieffer Road; Three Rod Road from the town line north to Cary Road, and from Cayuga Creek to the southerly limits of Water District No. 4; Cayuga Creek Road from the town line north to Three Rod Road; Old Three Rod Road; Exchange Street; Henskee Road; Sullivan Road from the town line north to #976 Sullivan Road; County Line Road; Broadway from the town line west to the Village line; Town Line Road from Schlemmer Road to Ellicott Creek; Zoeller Road; Genesee Street from Reinhardt Road to the easterly town line; Crittenden Road; Uebelhoer Road; Rundel Road; North Road from Peter's Corners Road to the easterly town line; South Newstead Road; Balance of Cary Road currently unserved and Old Crittenden Road

WHEREAS, said map, plan and report has been filed in the office of Town Clerk of the Town of Alden; 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 \$10,556,625, and the plan of financing includes the issuance of not to exceed \$10,556,625 serial bonds of the Town to finance said cost, and the

assessment, levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable;

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 \$1,151; 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 17th day of February, 2009, at 7:05 o'clock P.M. (Prevailing Time) to consider the proposed establishment of the District and construction of a water system therein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Alden Advertiser*," a newspaper having a general circulation in the Town and designated as the official newspaper of the Town, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and be it

FURTHER ORDERED that the Town Clerk mail or caused to be mailed, by first class mail, to each owner of the taxable real property in the District, a copy of this Order, said mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and be it

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

DATED: February 2, 2009

TOWN BOARD OF THE TOWN OF ALDEN