

MEETING NO. 3  
REGULAR NO. 3

REGULAR BOARD MEETING

FEB. 2, 2009  
7:00 PM

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, February 2, 2009 at 7:00 PM. Supervisor Smith called the Meeting to Order. The Invocation was given by Mr. Paul Loehr. Councilman Snyder led in the Pledge of Allegiance. The roll call was taken by the Town Clerk.

PRESENT: Ronald Smith, Supervisor  
Mary Riddoch, Councilwoman  
William Weber, Councilman  
Ronald Snyder, Councilman  
Arlene Cooke, Councilwoman  
RECORDING SECRETARY: Dorothy L. Bycina, Town Clerk  
OTHERS PRESENT: Jennifer Strong, Town Attorney  
Harry Milligan, Highway Supt.  
Martin, Dugan, CEO  
Michael Metzger, Town Engineer  
Michael DeWitt, Planning Board  
Lenny Weglarski, DCO

Councilman Snyder moved and Councilwoman Riddoch seconded the Motion to approve the Minutes & Synopsis of the Regular Meeting of January 20, 2009. Unanimously carried.

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

ACCOUNT	ABST #1	ABST #2	TOTAL
General Fund "A"		15,549.96	43,335.36
Highway Fund "DA/DB"		37,947.34	74,609.41
Part Town Fund "B"		5,185.96	12,625.83
WD#2 Fund "WB"			375.20
WD#3 Fund "WC"		68.90	2,132.50
WD#4 Fund "WD"			1,299.80
Sp Fire Prot Fund "SF"		3,500.00	32,981.78
SD#1 Fund "SI"			34,754.65
SD#2 Fund "SA"		139.34	2,541.37
Trust & Agcy Fund "T"		2,550.42	3,717.06
Sp Refuse Fund "SR"		279.54	32,329.22
St Lighting Fund "SL"			8,046.45
GRANTS		7,632.06	16,301.11
TOTAL	192,196.22	72,853.52	265,049.74

(Previously approved 1/20/09)

UPON ROLL CALL VOTE THE FOREGOING WAS UNANIMOUSLY ADOPTED.

Supervisor Smith "Welcomed" the Students from Alden Central School

BUSINESS FROM THE FLOOR

Eric Chaffee/Caygua Creek – a member of the Windmill Committee asked the Board to shelve the Windmill Law and then read a letter that he as asked that the Town Clerk make it a part of the Minutes.

"From: Eric Chaffee [EricC@rochester.rr.com](mailto:EricC@rochester.rr.com)  
Subject: **Windmill ordinance out of order**  
Date: February 2, 2009 6:37:16 PM EST  
To: Town of Alden, New York

February 2, 2009 (Ground Hog Day)

Americans are a Sovereign People. We are Citizens governing ourselves, not Subjects. Our Joint duty as citizens and administrators of our own social structure is to preserve order, while protecting liberty. The Alden Town Board is out of order in its approach to regulating windmills in our town. Here's why:

It is an established point of municipal law in New York State that towns cannot enact ordinances if the citizenry has not lodged complaints with elected officials on real issues requiring legal regulation. As we presently have no windmills in Alden, and there have been no complaints brought to the fore which could have precipitated a call for a windmill ordinance, it should be apparent to all present tonight that this effort is ahead of its time. Indeed, if the Board attempts to enact this ordinance tonight, it will expose our efforts to being defeated in court. Therefore our law will become useless when we could need it most.

I urge the Board to shelve this effort until such time as we actually have windmills that have become publicly unwelcome for whatever reasons, thereby proving our need for such surrender of liberty. Let the citizens of Alden remain innocent of respecting each others liberty and safety, unless they demonstrate otherwise.

In giving these written remarks to the Town Clerk, I ask that they become a permanent part of tonight's proceeding.

Respectfully,

Erie Chaffee  
441 Cayuga Creek Road  
Alden, NY 14004"

James Guarino/North Rd who is a member of the Windmill Committee stated he still has issues with the Law. He questioned the fees, the bond requirements and the paint color. He did state that if a Law is needed that this is probably the best one.

Ron Rebman/Broadway stated that the Law would probably be adopted despite the public input. He commented on the fact that even though the residents give their input the Town disregards the comments and still adopts the Laws.

#### COMMUNICATIONS

Councilwoman Riddoch reported she spoke to the Erie County Health Dept re the Permit for the Concession Stand; she also has secured the Insurance for Meals on Wheels and the Ewell Free Library.

Attorney Strong reported she has mailed the Fire Contract and the Baseball Contract.

Supervisor Smith reported he has received the Monthly reports from the Town Clerk, Tax Receiver and Building Inspector; also the January 2009 Village Board Minutes.

#### NEW BUSINESS

Councilwoman Riddoch moved and Councilman Weber seconded the Motion to approve Highway Fund Spending. Unanimously carried.

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

WHEREAS, the Auditors for the Town of Alden have advised the Town to adopt a Budget Transfer Policy;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town of Alden Supervisor is hereby authorized to make budget transfers for amounts not to exceed \$1,000.00 at his discretion and without authorization of the Town Board;
2. That this budget Transfer Policy shall remain in effect until, if ever, rescinded by the Alden Town Board
3. This notice shall take effect immediately.

This resolution was duly put to roll call vote at a regular meeting on February 2, 2009 and was unanimously carried.

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

WHEREAS, the Town Board of the Town of Alden has fully considered the adoption of Local Law No. 1 of the Year 2009, entitled “Windmill Law of the Town of Alden,” to provide for the administration and enforcement of wind energy systems in the Town of Alden (the “Proposed Action”); and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Clerk provided notice to the Erie County Division of Planning on April 8, 2008, for this proposed Action, as required under Section 239-m of the General Municipal Law and comments were received from the Division on April 30, 2008; and

WHEREAS, the Town Board fully discussed and considered the comments made by the Division; and

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Town Board did assume Lead Agency status on April 7, 2008; and

WHEREAS, pursuant to Article 8 of the Environmental conservation Law and the Code of the Town of Alden, Chapter 9D, the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town’s SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and on April 8, 2008, recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Town Board did determine that the Proposed Action is an Unlisted Action under SEQRA
2. The Town Board did determine that it should be the Lead Agency for all environmental review of the Proposed Action.
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting on February 2, 2009 and was unanimously adopted.

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

WHEREAS, a Proposed Local Law #3 of 2008 entitled “Windmill Law of the Town of Alden” was introduced to the Alden Town Board for consideration by Councilperson Cooke on March 17, 2008; this Local Law is now known as Local Law #1 of 2009 and is still entitled “Windmill Law of the Town of Alden;”

WHEREAS, the Town of Alden Planning Board reviewed the proposed Local Law and recommended to the Town Board its approval on April 8, 2008;

WHEREAS, an order was duly adopted by the Alden Town Board for public hearing to be held by said Town Board on June 2, 2008 at 7:10 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on May 22, 2008

WHEREAS, said public hearing was duly held on June 2, 2008 and all interested parties were heard;

WHEREAS, after the public hearing, the Town Board revised said proposed Local Law in light of the comments received at the June 2, 2008, public hearing;

WHEREAS, an order was duly adopted by the Alden Town Board for a second public hearing to be held by said Town Board on September 2, 2008 at 7:05 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on August 21, 2008;

WHEREAS, said public hearing was duly held on September 2, 2008, and all interested parties were heard;

WHEREAS, after the second public hearing, the Town Board revised said Local Law in light of the comments received at the September 2, 2008 public hearing and referred the Local Law to the Planning Board for review and recommendation;

WHEREAS, the Planning Board on December 9, 2008 recommended approval of the Local Law to the Town Board;

WHEREAS, an order was duly adopted by the Alden Town Board for a third Public hearing to be held by said Town Board on January 20, 2009 at 7:10 pm at the Alden Town Hall, 3311 Wende Road, Alden, New York 14004 to hear all interested parties on the proposed Local Law;

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser, the official newspaper of the Town of Alden on January 8, 2009;

WHEREAS, said public hearing was duly held on January 20, 2009 and all interested parties were heard;

WHEREAS, the proposed Local Law was slightly revised to clarify language in response to comments received at the January 20, 2009 public hearing;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment

WHEREAS, the Erie County Division of Planning gave comments to the proposed Local Law on May 1, 2008, pursuant to section 239-m of the General Municipal Law and said comments were fully discussed and considered by the Town Board;

WHEREAS, the Town of Alden formed a Citizen Advisory Committee who met several times to discuss, review and assist in drafting the proposed Local Law;

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on April 8, 2008, and the comments of the Town of Newstead were fully discussed and considered by the Town Board; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2009 entitled "Windmill Law of the Town of Alden", a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the town Bulletin Board and publish the same in the Alden Advertiser.
3. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2009 and was unanimously adopted.

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

WHEREAS, the Alden Town Board, having adopted a Local Law regulating Wind Energy Conversion Systems ("WECS"), has noticed the need to adopt fees regarding the construction of WECS in the Town of Alden;

WHEREAS, the Alden Town Board is authorized under State Law and under the Alden Town Code to set said fees upon resolution duly adopted by the Town Board;

WHEREAS, the proposed fee amounts are fair and reasonable and are reasonably related to the service performed by the Town of Alden for which the fee is charged;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts the following Building Permit Fees for WECS
2. The Building Permit fee for a Non-Commercial WECS shall be \$150.00
3. The Building Permit fee for a Commercial WECS up to 150 feet in Total Height high shall be \$3,000.00 plus an additional \$50.00/foot for each foot above 150
4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2009 and was unanimously adopted.

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

WHEREAS, Jacob Radder, of Alden, has earned the prestigious rank of Eagle Scout;

WHEREAS, the rank of Eagle Scout is the highest national honor awarded in Boy Scouts and is the result of numerous hours of work devoted to completing a community service project that reflects thoughtful , serious concern for humanity and/or the environment and offers realistic suggestions or methods for positive change; and

WHEREAS, the Town of Alden is aware that the young residents of the town of Alden participate in and benefit from the programs and opportunities offered by the Boy Scouts.

NOW THEREFORE BE IT RESOVLED AS FOLLOWS;

1. That the Town Board hereby recognizes and congratulates Jacob Radder on his outstanding commitment to the Boy Scouts and to the Alden Community in his attaining the rank of Eagle Scout;
2. That the Town Clerk is hereby directed to send a certified copy of this Resolution to the Scoutmaster of Boy Scout Troop 160 for presentation to Mr. Radder at the Eagle Scout Court of Honor.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2008 and was unanimously adopted.

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

WHEREAS, Christopher Blattner, of Alden has earned the prestigious rank of Eagle Scout;

WHEREAS, the rank of Eagle Scout is the highest national honor awarded in Boy Scouts and is the result of numerous hours of work devoted to completing a community service project that reflects thoughtful, serious concern for humanity and/or the environment and offers realistic suggestions or methods for positive change; and

WHEREAS, the Town of Alden is aware that the young residents of the Town of Alden participate in and benefit from the programs and opportunities offered by the Boy Scouts.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby recognizes and congratulates Christopher Blattner on his outstanding commitment to the Boy Scouts and to the Alden Community in his attaining the rank of Eagle Scout;
2. That the Town Clerk is hereby directed to send a certified copy of this Resolution to the Scoutmaster of Boy Scout Troop 160 for presentation to Mr. Battner at the Eagle Scout Court of Honor.
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2009 and was unanimously adopted.

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

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. a Not-For-Profit Corporation duly organized and existing under the laws of the State of New York,

have been negotiating renewal of a Contract wherein Alternative Care Services of WNY, Inc. will provide Meals-On-Wheels to eligible residents of the Town of Alden;

WHEREAS, the Town of Alden is aware that a large number of residents of the town of Alden are eligible for and participate in the Alternative Care Services of WNY Inc.'s Meals-On-Wheels Program and is desirous of obtaining such services for its residents;

WHEREAS, Alternative Care Services of WNY, Inc. is the sole source provider of a meals-on-Wheels program in the Town of Alden and therefore the Town's Procurement Policy & Procedure Guidelines and General Municipal Law have been followed; and

WHEREAS, the Town of Alden and Alternative Care Services of WNY, Inc. have come to full agreement on the terms of such Agreement to run from January 1, 2009 until December 31, 2009.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the attached Agreement whereby the Town contracts with Alternative Care Services of WNY Inc. at a cost of \$1,001.00 for the provisions of meals-on-wheels to eligible Town of Alden residents as being consistent with its policies and in the best interests of the residents of the Town of Alden;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate the Agreement; and
3. This resolution shall take effect immediately.

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

WHEREAS, many municipalities, including cities, counties, towns and villages within Erie County have lost monetary support from the County of Erie;

WHEREAS, the Town of Alden believes that the Ewell Free Library is a great asset to the residents of the town of Alden and would like to keep the Library open for the benefit and enjoyment of its citizens;

WHEREAS, the Alden Ewell Free Library is currently operated by the County of Erie and housed in a building not owned by the Town of Alden; and

WHEREAS, the Town Board of the Town of Alden would like to Contract with the Ewell Free Library to provide monies to the Library for its continued operation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the Contract for the year 2009 with the Ewell Free Library as being consistent with its policies and in the interest of the residents of the Town of Alden;
2. That the Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this Contract; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to roll call vote at a regular meeting on February 2, 2009 and was unanimously adopted.

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

RESOLVED that Douglas Bartlebaugh is appointed Part Time Maintenance Man (Town Hall) for the Year 2009 at a rate of \$11.20 per hours, benefits per Personnel Policy.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call and was unanimously adopted.

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

WHEREAS the Town Board of the Town of Alden on its own motion, subject to referendum, moved for the Creation of Water District No. 5 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 August 8, 2008, the Town Board determined that the proposed action was a Type 1 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 agencies notified and not 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 following reasons:

BE IT FURTHER RESOLVED, that the attached Negative Declaration be filed with the Town Clerk, and that the Supervisor is authorized 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 2, 2009 and was unanimously adopted.

A regular 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, in said Town, on the 2<sup>nd</sup> day of February, 2009

PRESENT:

Hon. Ron Smith, Supervisor  
Ronald Snyder, Councilperson



Arlene Cooke, Councilperson  
Mary Riddoch, Councilperson  
William Weber, Councilperson  
In the Matter

Of the

Establishment of Water District No. 5, in the  
Town of Alden, in the County of Erie, New York,  
pursuant to Article 12-A of the Town Law

Offered by: Supervisor Smith  
Seconded by: Councilman Weber

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

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:

TOWN OF ALDEN WATER DISTRICT 5

Area 1

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

BEGINNING AT THE POINT of intersection of the east line of the Town of Alden, being the west line of the Town of Darien with the south line of the Town of Alden, being the north line of the Town of Marilla; thence westerly along the south line of the Town of Alden and the north line of the Town of Marilla to the west line of Liber 9856, page 212 being also the easterly line of Alden Water District 4, area 2; thence northerly along the west line of Liber 9856, page 212 and the east line of Alden Water District 4, area 2 to the northeast corner of Liber 9856, page 212; thence easterly along the north line of Liber 9856, page 212 to the westerly line of Liber 8041, page 151; thence northerly along the west line of Liber 8041, page 151 to the northwest corner of Liber 8041, page 151 and the southwest corner of Mapcover 2386; thence northerly along the west line of Mapcover 2386 to the north line of Lot 74 and the northwest corner of said mapcover, being also the southerly line of Alden Water District 4, Area 2; thence easterly along the northerly line of Mapcover 2386 and the southerly line of Alden Water District 4, Area 2 to the westerly line of Liber 8101, page 3; thence northerly along the west line of Liber 8101, page 3 and the northerly extension of Liber 8101, page 3 and along the easterly line of Alden Water District 4, Area 2 to the southerly line of Liber 7082, page 509; thence easterly along the southerly line of Liber 7082, page 509 and the southerly line of Alden Water District 4, Area 2 to the centerline of Three Rod Road; thence northwesterly along the centerline of Three Rod Road to its intersection with the southerly line of Liber 9499, page 63, thence westerly along the southerly line of Liber 9499, page 63 and the northerly line of Alden Water District 4, Area 2 to a southwest corner of said Liber 9499, page 63, thence northerly along the west line of Liber 9499, page 63 and along the easterly line of Alden Water District 4, Area 2 to an angle point in Liber 9499, page 63; thence westerly along the south line of Liber 9499, page 63 and the northerly line of Alden Water District 4, Area 2 to the southwest corner of Liber 9499, page 63; thence northerly along the westerly line of Liber 9499, page 63 and the easterly line of Alden Water District 4, Area 2 to the northwest corner thereof; thence easterly, southeasterly and northeasterly along the northerly line of Liber 9499, page 63 and the southerly line of Alden Water District 3, Extension 1 to the centerline of Three Rod Road; thence easterly along the northerly line of Liber 8446, page 51, and the southerly line of Alden Water District 3, Extension 1 to the center of Cayuga Creek; thence northwesterly along the centerline of Cayuga Creek as it winds and bends to the northwesterly line of Liber 10914, page 1863; thence northeasterly along the northwesterly line of Liber 10914, page 1863 and the southeasterly line of Alden Water District 3, Extension 1 to the centerline of Cayuga Creek Road; thence southeasterly along the centerline of Cayuga Creek Road and the southwesterly line of Alden Water District 3, Extension 1 to the north line of Liber 9905, page 273; thence easterly along the south line of Alden Water District 3, Extension 1 and the northerly line of said Liber 9905, page 273 to an angle point therein; thence northerly along the west line of Liber 9905, page 273 and the easterly line of Alden Water District 3, Extension 1 to the northwest corner of Liber 9905, page 273; thence easterly along the northerly line of Liber 9905, page 273 and the southerly line of Alden Water District 3, Extension 1 to the west line of Liber 8875, page 333; thence northerly along the west line of Liber 8875, page 333 and the east line of Alden Water District 3, Extension 1 to the northwest corner of Liber 8875, page 333, being also the south line of Alden Water District 4, Area 1; thence easterly along the north line of Liber 8875, page 333 and the south line of Alden Water District 4, Area 1 to the southwest corner of the Village of Alden; thence easterly along the south line of the Village of Alden to an angle point therein; thence northerly along the east line of the Village of Alden to an angle point therein; thence easterly along the south line of the Village of Alden to the southeast corner thereof; thence continuing easterly along the north line of Liber 10941, page 6893 and Liber 11013, page 6176 to the westerly line of Liber 11049, page 7135; thence northerly along the west lines of

Liber 11049, page 7135, Liber 11115, page 9798, Liber 10895, page 5789, and Liber 9276, page 604 to the southerly line of Conrail; thence southwesterly along the southerly line of Conrail to its intersection with the southerly extension of the west line of Liber 11102, page 4142; thence northerly along the west lines of Liber 11102, page 4142, Liber 9739, page 546 and a portion of the west line of Liber 8724, page 317 to the south line of Liber 10371, page 457; thence west, north and west along the southerly line of Liber 10371, page 457 to the east line of the Village of Alden; thence northerly along the east line of the Village of Alden to the south line of Liber 10920, page 8962; thence easterly along the south line of Liber 10920, page 8962 to the southeast corner thereof; thence northerly along the east line of Liber 10920, page 8962 to the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the Village of Alden; thence northerly along the east line of the Village of Alden to the northeast corner thereof; thence westerly along the north line of the Village of Alden to the northwest corner thereof; thence northerly along the westerly line of Liber 11132, page 971 and the easterly line of Alden Water District 4, Area 1 to the intersection of the centerlines of North Road and Peters Corners Road; thence northerly along the centerline of Peters Corners Road and the east line of Alden Water District 4, Area 1 to its intersection with the centerline of Rundel Road; thence easterly along the centerline of Rundel Road and the southerly line of Alden Water District 4, Area 1 to its intersection with the southerly extension of the east line of Mapcover 2336; thence northerly along the east lines of Mapcover 2336 and Mapcover 2313 and the east line of Alden Water District 4, Area 1 to the north line of Liber 8856, page 362; thence east along the north line of Liber 8856, page 362 and the south line of the Alden Water District 4, Area 1 to the west line of Liber 3373, page 549; thence north along the west line of Liber 3373, page 549 and the east line of Alden Water District 4, Area 1 to the north line of the Lehigh Valley Railroad; thence east and north along the northerly line of the Lehigh Valley Railroad and the southerly line of Alden Water District 4, Area 1 to the south line of Liber 6984, page 373; thence east along the south line of Liber 6984, page 373 and the southerly line of Alden Water District 4, Area 1 to the southeast corner of Liber 6984, page 333; thence northerly along the east line of Liber 6984, page 333 and the east line of Alden Water District 4, Area 1 to the south line of Liber 10925, page 3448; thence west along the south line of Liber 10925, page 3448 and the northerly line of Alden Water District 4, Area 1 to the southwest corner of Liber 10925, page 3448; thence north along the west line of Liber 10925, page 3448 and the east line of Alden Water District 4, Area 1 to the south line of Conrail; thence southwesterly along the southerly line of Conrail and the northerly line of Alden Water District 4, Area 1 to the centerline of Peters Corners Road; thence northerly along the centerline of Peters Corners Road and the east line of Alden Water District 4, Area 1 to the northerly line of Conrail; thence westerly along the northerly line of Conrail and the northerly line of Alden Water District 4, Area 1 to the northerly right of way line of Reinhardt Road; thence northwesterly along the northerly right of way line of Reinhardt Road and the northerly line of Alden Water District 4, Area 1 to the west line of Liber 6098, page 406; thence northerly along the west line of Liber 6098, page 406 and the easterly line of Alden Water District 4, Area 1 to the centerline of Genesee Street; thence southwesterly along the centerline of Genesee Street and the northerly line of Alden Water District 4, Area 1 to the west line of Liber 11006, page 3056; thence north along the west line of Liber 11006, page 3056 and the east line of Alden Water District 4, Area 1 to the north line of Liber 10991, page 8378; thence westerly along the north line of Liber 10991, page 8378 and the north line of Alden Water District 4, Area 1 to the west line of Liber 11006, page 3056; thence north along the west line of Liber 11006, page 3056 and the east line of Alden Water District 4, Area 1 to the northwest corner of Liber 11006, page 3056; thence easterly along the north lines of Liber 11006, page 3056, Liber 11137, page 9360 and a north line in Liber 10949, page 6337; thence north along the west lines of Liber 10949, page 6337 and Liber 10949, page 2299 to the northwest corner of Liber 10949, page 2299; thence east along the north line of Liber 10949, page 2299 to the northeast corner thereof; thence south along the east line of Liber 10949, page 2299 to the north line of Liber 10949, page 6337; thence east along the north line of Liber 10949, page 6337 to the west line of Liber 6557, page 196; thence north along the west line of Liber 6557, page 196 to the northwest corner thereof; thence east along the north line of Liber 6557, page 196 to the westerly right of way line of South Newstead Road; thence northerly along the west right of way line of South Newstead Road to the north line of the Town of Alden, being the south line of the Town of Newstead; thence easterly along the north line of the Town of Alden and the south line of the Town of Newstead to

the centerline of Crittenden Road; thence continuing easterly along the north line of the Town of Alden and the south line of the Town of Newstead to the northerly extension of the east line of Liber 7533, page 49; thence southerly along the east lines of Liber 7533, page 49 and Liber 9546, page 625 to the north line of Liber 7039, page 514 thence east along the north line of Liber 7039, page 514 and the easterly extension of the north line of Liber 7039, page 514 through the lands of Penn Central Railroad to the west line of Liber 9263, page 296; thence south along the west line of Liber 9263, page 296 to the north line of Liber 10919, page 8306; thence east along the north line of Liber 10919, page 8306 to the west line of Liber 7687, page 312, thence south along the west line of Liber 7687, page 312 to the southwest corner thereof; thence northeasterly along the southerly line of Liber 7687, page 312 to the east line of the Town of Alden, being the west line of the Town of Darien; thence south along the east line of the Town of Alden and the west line of the Town of Darien to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5  
Area 2

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

BEGINNING AT A POINT in the centerline of Cary Road at its intersection with the east line of Liber 10914, page 1875; thence westerly along the centerline of Cary Road to the west line of Liber 10887, page 5808; thence northerly along the west lines of Liber 10887, page 5808 and Liber 10914, page 1875 to the centerline of Cayuga Creek; thence northeasterly along the centerline of Cayuga Creek as it winds and bends to the east line of Liber 10914, page 1875; thence southerly along the east line of Liber 10914, page 1875 to a north line in Liber 10914, page 1875; thence easterly along said north line to the east line of Liber 10914, page 1875; thence south along the east line of Liber 10914, page 1875 to the point of beginning.

TOWN OF ALDEN WATER DISTRICT 5  
Area 3

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

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

TOWN OF ALDEN WATER DISTRICT 5  
Area 4

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

BEGINNING AT A POINT in west line of the Town of Alden at the centerline of Kiefer Road, said west line being also the east line of the Town of Lancaster; thence southerly along the west line of the Town of Alden and the east line of the Town of Lancaster to the north line of Liber 11008, page 7454 being also the south line of Conrail; thence easterly along the south line of Conrail and the north lines of Liber 11008, page 7454 and Liber 11099, page 7408 to the west line of Liber 11076, page 4952; thence northerly along the west line of Liber 11076, page 4952 and the east line of Conrail to the northwest corner of Liber 11076, page 4952; thence easterly along the north line of Liber 11076, page 4952 and the south line of Conrail to the northeast corner of Liber 11076, page 4952; thence south along the east line of Liber 11076, page 4952 to the south line of Lot 48 and the north line of Alden Water District 3, Extension 1; thence easterly along the south line of Lot 48 and the north line of Alden Water District 3, Extension 1 to the southeast corner of Liber 9456, page 668; thence northerly along the east line of Liber 9456, page 668 and the west line of Alden Water District 3, Extension 1 to the southerly line of Conrail; thence southeasterly along the southerly line of Conrail and the northerly line of Alden Water District 3, Extension 1 to the east line of Liber 10948, page 3022; thence northerly along the northerly extension of said east line of Liber 10948, page 3022 to the centerline of Keifer Road; thence northerly along the centerline of Keifer Road to the southeast corner of Liber 11076, page 196; thence north along the east line of Liber 11076, page 196 to the south line of Liber 11013, page 3505; thence west along the south line of Liber 11013, page 3505 to the southwest corner thereof; thence north along the west line of Liber 11013, page 3505 to the south line of Alden Water District 3, Extension 1, said south line being distant 300 feet from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the east line of Liber 10992, page 6147; thence southerly along the east line of Liber 10992, page 6147 to the southeast corner thereof; thence west along the south line of Liber 10992, page 6147 to the east line of Liber 11070, page 4310; thence south along the east line of Liber 11070, page 4310 to the southeast corner thereof; thence west along the south line of Liber 11070, page 4310 to the southwest corner thereof; thence northwesterly along the westerly line of Liber 11070, page 4310 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the east line of Liber 10736, page 254; thence south along the east line of Liber 10736, page 254 to the southeast corner thereof; thence west along the south lines of Liber 10736, page 254, Liber 10024, page 288 and Liber 6551, page 589 to the east line of Liber 9324, page 240; thence south along the east line of Liber 9324, page 240 to the southeast corner thereof; thence west along the south lines of Liber 9324, page 240 and Liber 7978, page 171 to the southwest corner of Liber 7978, page 171; thence north along the west line of Liber 7978, page 171 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence west along the south line of Alden Water District 3, Extension 1 to the east line of Liber 11154, page 111; thence south along the east line of Liber 11154, page 111 to the southwest corner thereof; thence west along the south lines of Liber 11154, page 111 and Liber 11154, page 114 to the southwest corner of Liber 11154, page 114; thence north along the west line of Liber 11154, page 114 to the south line of Liber 11126, page 7949; thence west along the south line of Liber 11126, page 7949 to the southwest corner thereof; thence north along the west line of Liber 11126, page 7949 to a point on the south line of Alden Water District 3, Extension 1, said point being distant 300 feet southerly as measured at right angles from the centerline of Westwood Road; thence westerly along the south line of Alden Water District 3, Extension 1 to the west line of Liber 11140, page 4675; thence south along the west line of Liber 11140, page 4675 to the north line of Liber 10334, page 703; thence west along the north line of Liber 10334, page 703 to the west line of the Town of Alden, being also the east line of the Town of Lancaster; thence south along the west line of the Town of Alden and the east line of the Town of Lancaster to the point of beginning.

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

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

TOWN OF ALDEN WATER DISTRICT 5  
Area 6

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

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

TOWN OF ALDEN WATER DISTRICT 5  
Area 7

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

BEGINNING AT A POINT in the centerline of Uebelhoer Road at its intersection with the west line of Liber 10911, page 2325; thence south along the west line of Liber

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

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

(SEAL)

UPON ROLL CALL VOTE THE FOREGOING RESOLUTION WAS UNANIMOUSLY ADOPTED.



Councilwoman Riddoch moved and Councilman Snyder seconded the Motion to table the Resolution re Tobacco Point of Purchase. Unanimously carried.

THERE WAS NO UNFINISHED & TABLED BUSINESS

REPORTS OF COMMITTEES, OFFICIAL AND PERSONNEL

Councilwoman Riddoch requested the Personnel Policy and Alden Youth Baseball to be placed on the Work Session. She also “Thanked” Engineer Metzger for getting back to her on the Town Park re Configuration Plans.

Councilwoman Cooke stated she attended the Boy Scout Troop Meeting at the Erie County Home; met with Rural Metro; ordered from Erie County “Emergency Response Books.

CEO Dugan reported on the Schooling he attended for the Building Inspectors.

Supervisor Smith stated that the NYSDOT will hold a Public Hearing on February 4<sup>th</sup> at 9:30 AM in the Town Hall re Reinhardt Road.

Supervisor Smith adjourned the Meeting at 7:55 PM with a Minute’s silence in Memory of Domenico Morlacci, Cathy Draa.

DOROTHY L. BYCINA  
TOWN CLERK