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On a motion Councilman Cavalcoli, seconded by Councilman Smith , the following resolution was

ADOPTED: Ayes: 4 Walters, Cavalcoli, Kesner, Smith
 Noes 0

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Hamburg, in the

County of Erie, New York

October 24, 2007

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A meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in said Town, on October 24, 2007 at 5:25 o'clock P.M. (Prevailing Time).

There were present: Hon. Steven J. Walters, Supervisor; and

Councilpersons: D. Mark Cavalcoli, Councilman

Richard Smith, Councilman

Joan A. Kesner, Councilperson

There were absent: Thomas J. Quatroche, Jr. Councilman

Also present: Catherine A. Rybczynski, Town Clerk

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Councilman Cavalcoli offered the following resolution and moved its adoption:

State of New York, for the extension of such sewer district by the acquisition by gift of the sanitary sewer system to be constructed by David Home Builders (the Developer), to provide sewer service to prospective homeowners within the proposed extension, consisting of the construction and installation of approximately 2,920 linear feet of 10-inch PVC sewer line, 2,680 linear feet of 8-inch PVC sewer line with attendant concrete manholes, including land or rights in land, original equipment, machinery, furnishings and apparatus required therefore pursuant to the specifications of the Town of Hamburg Engineering Department, Erie County Health Department, Erie County Department of Environment and Planning-Division of Sewerage Management and the New York State Department of Environmental Conservation and all governmental authorities having jurisdiction over sewer line construction, all in the proposed Villas at Brierwood Extension to the Town of Hamburg Master Sewer District, in the Town (hereinafter called the "Extension" and "District", respectively), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Extension may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such Extension; and

WHEREAS, 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the acquisition of such sewer system, when constructed, in the proposed Extension; and

WHEREAS, said petition described the boundaries of the proposed Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

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

ALL THAT TRACT OF PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Lot Nos. 27 and 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point of intersection of the centerline of Amsdell Road (66 feet wide) with the northwest corner of lands conveyed to Joseph M. Paszkiewicz and Lisa M. Paszkiewicz, his wife, by deed recorded in the Erie County Clerk's Office in Liber 10110 of Deeds at Page 627; running thence southerly along the westerly line of lands so conveyed to said Paszkiewicz and along the westerly line of lands conveyed to William Craver and Darlene Craver, his wife, by deed recorded in the Erie County Clerk's Office in Liber 9961 of Deeds at Page 315, and along the westerly line of lands conveyed to Amy J. Wojdyla by deed recorded in the Erie County Clerk's Office in Liber 11018 of Deeds at Page 6453, a measured distance of 2175.91 feet to the centerline of Pleasant Avenue (66 feet wide); thence southwesterly along the centerline of Pleasant Avenue, a measured distance of 213.76 feet to the southeast corner of lands conveyed to Bruce J. Reid and Linda H. Reid, his wife, by deed recorded in the Erie County Clerk's Office in Liber 10904 of Deeds at Page 4669; thence northerly along the easterly line of lands so conveyed to said Reid, a measured distance of 166.92 feet to the south line of Lot No. 28 (also being the north line of Lot No. 27); thence westerly along the south line of Lot No. 28, a measured distance of 1059.22 feet to the southeast corner of lands conveyed to David S. Peters by deed recorded in the Erie County Clerk's Office in Liber 10896 of Deeds at Page 7666; thence northerly along the easterly line of lands so conveyed to said Peters, a measured distance of 1201.21 feet to the northeasterly corner thereof, said point being also on the southeasterly line of Southwestern Boulevard (100 feet wide); thence northeasterly along the southeasterly line of Southwestern Boulevard, a measured distance of 496.32 feet to the southwesterly corner of lands conveyed to Brian P. Krystniak by deed recorded in the Erie County Clerk's Office in Liber 10215 of Deeds at Page 781; thence southeasterly along the southerly line of lands so conveyed to said Krystniak, a measured distance of 499.32 feet to the southeast corner of lands conveyed to said Krystniak; thence northerly along the east line of said Krystniak's land, a measured distance of 262.25 feet to the southwesterly corner of lands conveyed to Lakeshore Volunteer Fire Company, Inc., by deed recorded in the Erie County Clerk's Office in Liber 8832 of Deeds

at Page 375; thence easterly along the south line of lands so conveyed to Lakeshore Volunteer Fire Company, Inc., a measured distance of 383.97 feet to the southeast corner thereof; thence northerly along the east line of said lands, a measured distance of 560.88 feet to the centerline of Amsdell Road; thence southeasterly, along the centerline of Amsdell Road, a measured distance of 98.19 feet to the Point of Place of Beginning.

WHEREAS, said sewer system, hereinabove described, is to be constructed and the expense of creating the Extension is to be paid for by the Developer and acquired by gift at no cost to the Town, the District or the Extension, and the expense of the maintenance of the Extension shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same;

Now, therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up fees is \$400 and the estimated cost of the Extension to the Typical Property (as defined in the Town Law) is \$281.78; 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 Extension to such Typical Property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of extensions, 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, 6100 South Park Avenue, Hamburg, New York, on the 5th day of November, 2007 at 6:00 o'clock P.M. (Prevailing Time), to consider the establishment of the proposed Extension, as herein referred to, 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 "HAMBURG SUN", a newspaper published in the Village of Hamburg, New York, and in the "FRONT PAGE", a newspaper published in the City of Lackawanna, New York, and designated as the official newspapers of the Town for this publication, 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 the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing, and mail notice to all property owners in the proposed Extension; 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 this Order and to mail a copy of such order to the sole property owner in the proposed Extension.

DATED: October 24, 2007

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes: 4 Walters, Cavalcoli, Kesner, Smith
 Noes: 0

RESOLVED, that the Town Board close the Special Meeting at 5:30 p.m.