

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Cuba, in the

County of Allegany, New York

January 9, 2007

* * *

A meeting of the Town Board of the Town of Cuba, in the County of Allegany, New York, was held at the Cuba Library, in said Town, on January 9, 2007 at 8:30 o'clock _____. (Prevailing Time).

There were present: Barbara Deming, Supervisor; and

Councilpersons: Jerry Scott, Lynnford Sweet and Robert Carney

There were absent: Joseph Thompson

Also present: Nancy Orcutt, Town Clerk

* * *

At 6:30 o'clock ____ (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Cuba Library, in said Town, in the County of Allegany, New York to consider the establishment of Cuba Lake Sanitary Sewer District (the "District"), in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling said Public Hearing had been published and posted pursuant to the provisions of Article 12-A of the Town Law.

The Supervisor stated that the Public Hearing on the establishment of Cuba Lake Sanitary Sewer District in the Town of Cuba, 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:

The following persons appeared in opposition to the establishment of the District:

The Town Clerk reported that the following pertinent written communications had been received:

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.

* * *

The following resolution was offered by Jerry Scott,
seconded by Robert Carney, to wit:

A meeting of the Town Board of the Town of Cuba, in the County of Allegany, New York, was held at the Cuba Library, in said Town, on January 9, 2007.

PRESENT:

Hon. Barbara Deming, Supervisor
Jerry Scott, Councilperson
Lynnford Sweet, Councilperson
Robert Carney, Councilperson

-----X

In the Matter

of the

Establishment of Cuba Lake Sanitary Sewer District
in the Town of Cuba,
County of Allegany, New York, pursuant to
Article 12-A of the Town Law.

-----X

**RESOLUTION APPROVING THE ESTABLISHMENT OF CUBA LAKE SANITARY
SEWER DISTRICT IN THE TOWN OF CUBA, SUBJECT TO MANDATORY
REFERENDUM**

WHEREAS, the Town Board of the Town of Cuba (herein called "Town Board" and "Town", respectively), in the County of Allegany, New York, has, pursuant to Town Law Article 12-A, has caused Clark Patterson Associates, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Cuba Lake Sanitary Sewer District (the "District") in the Town, with proposed improvements consisting of the construction of approximately 8,550 lineal feet of 4" force main piping, 19,700 feet of 6" force main and 13,800 feet of 8" force main, along various roads including but not limited to portions of South Shore Road, North Shore Road and State Route 305. The proposed sewer district will be served by a low pressure grinder pump collection system. A grinder pump will be

installed in an underground chamber located at each individual residence and/or developed commercial property within the proposed District. The grinder pumps will be connected to force main with a small diameter lateral connection. The existing septic systems will be abandoned in place with the existing septic tanks being filled in or removed. All wastewater collected will be conveyed through the force mains directly to the Village of Cuba's wastewater treatment facility. The improvements, including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (the "Sanitary Sewer Improvement");

WHEREAS, the project is a joint project of the Towns of Cuba and Ischua pursuant to an intergovernmental agreement between the Towns, with an estimated maximum cost of the total project for both Towns of \$5,687,000. The residents of the proposed Town of Cuba Cuba Lake Sanitary Sewer District will be solely responsible for the Town of Cuba portion of the cost, which has an estimated maximum amount proposed to be expended for the construction of such Sanitary Sewer Improvement of \$5,497,000 which amount is to be financed by the issuance of serial bonds (including long-term low-interest loans obtained from the New York State Environmental Facilities Corporation) not to exceed the amount of \$5,687,000, offset by any funds received from the Town of Ischua for its \$190,000 portion of the project, and grants from the United States of America, and/or the State of New York, and/or the County of Allegany, and the assessment, levy and collection of special 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. The Town Board plans to assess said properties based on an Equivalent Dwelling Unit (EDU) value assigned to each tax parcel, using the following criteria: (1) vacant, undeveloped parcel greater than 0.25 acres in size – 0.25 EDU; (2) parcel with Single Family Housing – 1 EDU per housing unit; (3) Parcel with Multi-Family Housing - 1 EDU per housing unit; and (4) Parcel with Commercial Development – EDU Value based on actual water usage, compared to the average residential usage, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be \$576, and there no other expected first year costs; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on January 9, 2007 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN CUBA as follows:

The Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.
2. That all properties and property owners benefited by the improvements are included in the District.
3. That all properties and property owners included in the District are benefited thereby.
4. That it is in the public interest to establish the Cuba Lake Sanitary Sewer District.

RESOLVED that the Town Board hereby approves the creation of the Cuba Lake Sanitary Sewer District and shall be bounded and described as follows:

Beginning at a point on the northerly boundary of the Village of Cuba at the southeast corner of Tax Account 166.00-1-45; thence

1. Northerly and northeasterly along the southeasterly and easterly boundaries of Tax Accounts 166.00-1-45 and 166.00-1-12.2 a distance of approximately 4,970 feet to the northeast corner of tax account 166.00-1-12.2; thence
2. Westerly along the northerly boundary of Tax Account 166.00-1-12.2 and the westerly extension of the northerly boundary of Tax Account 166.00-1-12.2 a distance of approximately 1,490 feet to the southeast corner of Tax Account 153.00-1-21; thence
3. Northeasterly and southwesterly along the southeast and northwest boundaries of Tax Account 153.00-1-21 a distance of approximately 2,150 feet to a point on the southeasterly extension of the northeasterly boundary of Tax Account 153.19-1-7; thence
4. Northwesterly along said southeasterly extension and the northeasterly boundary of Tax Account 153.19-1-7 a distance of approximately 185 feet to the northeast corner of Tax Account 153.19-1-7; thence
5. Northwesterly, northeasterly and northwesterly along the southeasterly and northeasterly boundaries of Tax Account 153.19-1-6 and northwesterly along the extension of the northeasterly boundary of Tax Account 153.19-1-6 a distance of approximately 365 feet to a point on the centerline of NYS Route 305; thence
6. Northeasterly along the centerline of NYS Route 305 at distance of approximately 60 feet to the southeasterly extension of the southwesterly boundary of Tax Account 153.19-1-5; thence
7. Northwesterly along said southeasterly extension a distance of approximately 40 feet to the southerly corner of Tax Account 153.19-1-5; thence
8. Northerly along the east boundaries of Tax Accounts 153.19-1-5, 153.19-1-4 and 153.00-1-68 a distance of approximately 950 feet to the northeast corner of Tax Account 153.00-1-68; thence
9. Westerly along the north boundary of Tax Account 153.00-1-68 a distance of approximately 335 feet to the southeast corner of Tax account 153.00-1-68.31; thence
10. Northerly along the east boundary of Tax Account 153.00-1-68.31 a distance of approximately 465 feet to a point on the southerly boundary of Tax Account 153.00-1-68.11; thence

11. Easterly, northerly and westerly along the southerly, easterly and northerly boundaries of Tax Account 153.00-1-68.11 and the northerly boundary of Tax Account 153.00-168.12 a distance of approximately 1,640 feet to the southwesterly extension of the southeasterly boundary of Tax Account 153.00-1-65; thence
12. Northeasterly, and westerly along said southwesterly extension, the southeasterly and northerly boundaries of Tax Account 153.00-1-65 and the westerly extension of the northerly boundary of the Tax Account 153.00-1-65 a distance of approximately 830 feet to a point on the centerline of Hill Top Road; thence
13. Southerly along the centerline of Hill Top Road a distance of approximately 115 feet to the easterly extension of the northerly boundary of Tax Account 153.00-1- 64.32; thence
14. Westerly along said easterly extension and the northerly boundary of Tax Account 153.00-1-64.32 a distance of approximately 203 feet to a point on the easterly boundary of Tax Account 153.00-1-64.2; thence
15. Northerly and westerly along the easterly and northerly boundaries of Tax Account 153.00-1-64.2 a distance of approximately 310 feet to the south east corner of Tax account 153.00-1-63.1; thence
16. Northerly, easterly and northerly along the easterly, and southerly boundaries of Tax Account 153.00-1-63.1 and the easterly boundary of Tax Account 153.00-1-63.3 a distance of approximately 1,300 feet to the northeast corner of Tax Account 153.00-1-63.3; thence
17. Westerly along the northerly boundary of Tax Account 153.00-1-63.3 a distance of approximately 415 feet to the southerly extension of the easterly boundary of Tax Account 153.11-1-8.1; thence
18. Northerly, northeasterly, northwesterly, southwesterly, northwesterly, southwesterly and northwesterly along said southerly extension and the boundaries of Tax Account 153.001-8.1 a distance of approximately 930 feet to a point on the southeasterly boundary of Tax Account 153.11-1-3; thence
19. Northeasterly, northwesterly and westerly along the boundaries of Tax Account 153.111-3 and the westerly extension of the northerly boundary of Tax Account 153.11-1-3 a distance of approximately 600 feet to a point on the easterly boundary of Tax Account 153.00-1-41.13; thence
20. Northerly, westerly and southerly along the easterly and northerly boundaries of Tax Account 153.00-1-41.13 and the northerly and westerly boundaries boundary of Tax Account 153.00-1-41.3 a distance of approximately 1,050 feet to the southeast corner of Tax Account 153.11-1-2; thence

21. Northerly along the easterly boundary of Tax Account 153.11-1-2 a Distance of Approximately 550 feet to a point on the southerly boundary of Tax Account 153.00-1-6.211; thence
22. Easterly, northerly, westerly, southerly, westerly and southerly along the boundaries of Tax Account 153.00-1-6.211 a distance of approximately 4,490 feet to the northeast corner of Tax Parcel 153.10-1-10; thence
23. Westerly along the northerly boundaries of Tax Accounts 153.10-1-10 and 153.10-1-9 a distance of approximately 345 feet to a point on the easterly boundary of Tax Account 153.00-1-5; thence
24. Northerly westerly and southerly along the boundaries of Tax Account 153.00-1-5 a distance of approximately 2,820 feet to the northeast corner of Tax Account 153.10-1-8; thence
25. Northwesterly along the northerly boundary of Tax Account 153.10-1-8 and the northwesterly extension of the northerly boundary of Tax Account 153.10-1-8 a distance of approximately 120 to a point on the easterly boundary of Tax Account 153.10-1-33; thence
26. Northerly along the easterly boundary of Tax account 153.10-1-33 a distance of approximately 55 feet to the northeast corner of Tax Account 153.10-1-6.4; thence
27. Northerly and westerly along the northeasterly boundaries of Tax Accounts 153.10-16.4, Tax Account 153.10-1-55, Tax Account 153.10-1-53, Tax Account 153.10-1-51, Tax Account 153.10-1-39, Tax Account 153.10-1-50, Tax Account 153.10-1-45 a distance of approximately 880 feet to the northwest corner of Tax Account 153.10-1-45; thence
28. Southwesterly along the northwesterly boundary of Tax Account 153.10-1-45 a distance of approximately 125 feet to the southeast corner of Tax Account 153.10-1-6.5; thence
29. Northwesterly along the northeasterly boundaries of Tax Account 153.10-1-6.5 and Tax Account 153.10-1-3 a distance of approximately 445 to a point on the southerly boundary of Tax Account 153.05-1-9.1; thence
30. Easterly and northerly along the southerly and easterly boundaries of Tax Account 153.05-1-9.1 a distance of approximately 205 feet to the south east corner of Tax Account 153.05-1-10; thence
31. Northerly along the easterly boundary of Tax Accounts 153.05-1-10, Tax Account 153.05-1-9.2, Tax Account 153.05-1-27 and Tax Account 153.05-1-26 a distance of approximately 730 feet to the north east corner of Tax Account 153.05-1-26; thence

32. Westerly along the northerly boundary of Tax Account 153.05-1-26 a distance of approximately 60 feet to the southeast corner of Tax Account 153.05-1-24; thence
33. Northerly and westerly along the easterly and northerly boundaries of Tax Account 153.05-1-24 a distance of approximately 450 feet to a point on the northeasterly boundary of Tax Account 153.05-1-5; thence
34. Northwesterly and westerly along the northeasterly and northerly boundaries of Tax Account 153.05-1-5 a distance of approximately 635 feet to the southeast corner of Tax Account 153.00-1-2.1; thence
35. Northerly along the easterly boundary of Tax Account 53.00-1-2.1 a distance of Approximately 95 feet to a point on the north boundary of the Town of Cuba; thence
36. West and south along the north and west boundaries of the Town of Cuba a distance of approximately 5,680 feet to the southwest corner of Tax Account 153.00-1-1.22; thence
37. Easterly along the southerly boundaries of Tax Account 153.00-1-1.22 and Tax Account 153.00-1-1.1 a distance of approximately 2,230 feet to the northwesterly extension of the southwesterly boundary of Tax Account 153.00-1-39; thence
38. Southeasterly and northeasterly along said northwesterly extension and the southwesterly and southeasterly boundaries of Tax Account 153.00-1-39 a distance of approximately 570 feet to the northeast corner of Tax Account 153.00-1-36; thence
39. Southwesterly and southeasterly along the northwesterly and southwesterly boundaries of Tax Account 153.00-1-36 a distance of approximately 1,720 feet to a point on the northerly boundary of Tax Account 153.00-1-34; thence
40. Westerly along the northerly boundary of Tax Account 153.00-1-34 a distance of approximately 2,280 feet to a point on the west boundary of the Town of Cuba; thence
41. Southerly along the westerly boundary of the Town of Cuba a Distance of approximately 2,410 feet to the southwest corner of Tax Account 153.00-1-30.1; thence
42. Southeasterly along the southwesterly boundaries of Tax Account 153.00-1-30.1 and Tax Account 153.00-1-31 and along the southeasterly extension of the southwesterly boundary of Tax Account 153.00-1-31 a distance of approximately 1,005 feet to a point on the centerline of County Road 7D; thence
43. Southwesterly along the centerline of County Road 7D a distance of approximately 440 feet to the southeasterly extension of the northeasterly boundary of Tax Account 153.031-15; thence

44. Northwesterly along said southeasterly extension and the northeasterly boundary of Tax Account 153.03-1-15 a distance of approximately 225 feet to the north easterly corner of tax account 153.03-1-15; thence
45. Southwesterly, northwesterly and southwesterly along the boundaries of Tax Account 153.03-1-15 a distance of approximately 385 feet to the northwest corner of Tax Account 153.03-1-3; thence
46. Southerly along the westerly boundaries of Tax Account 153.03-1-3, Tax Account 153.03-1-2, Tax Account 153.03-1-1 and the southerly extension of the westerly boundary of Tax Account 153.03-1-1 a distance of approximately 405 feet to a point on the centerline of County Road 7D; thence
47. Southwesterly along the centerline of County Road 7D a distance of approximately 800 feet to a point on the westerly boundary of the Town of Cuba; thence
48. Southerly along the westerly boundary of the Town of Cuba a distance of approximately 1,530 feet to a point on the northerly boundary of the Oil Springs Indian Reservation; thence
49. Easterly along the northerly boundary of the Oil Springs Indian Reservation a distance of approximately 3,230 feet to the northeast corner of the Oil Springs Indian Reservation; thence
50. Easterly along the southerly boundary of Tax Account 153.00-1-29.1 a distance of approximately 880 feet to the southeast corner of Tax Account 53.00-1-29.1; thence
51. Northerly and easterly along the easterly and southerly boundaries of Tax Account 153.00-12-29.1 a distance of approximately 3,125 feet to a point on the westerly boundary of Tax Account 153.00-1-62.1; thence
52. Southerly and easterly along the westerly and southerly boundaries of Tax Account 153.00-1-62.1 a distance of approximately 3,035 feet to a point on the westerly boundary of Tax Account 153.00-1-62.2, thence
53. Southerly and easterly along the westerly and southerly boundaries of Tax Account 153.00-1-62.2 a distance of approximately 380 feet to the north west corner of Tax Account 153.00-1-61; thence
54. Southerly and easterly along the westerly and southerly boundaries of Tax Account 153.00-1-61 a distance of approximately 1,460 feet to the northwest corner of Tax Account 153.00-1-24, thence
55. Southerly along the westerly boundaries of Tax Account 153.00-1-24 and Tax Account 153.00-1-23 and the southerly extension of the westerly boundary of Tax

Account 153.00-1-23 a distance of approximately 955 feet to a point on the centerline of Trenkle Road; thence

56. Easterly along the center line of Trenkle Road a distance of approximately 270 feet to the northerly extension of the westerly boundary of Tax Account 153.19-1-16; thence

57. Southerly along said northerly extension and the westerly boundaries of Tax Account 153.19-1-16 and Tax Account 153.19-1-12 a distance of approximately 270 feet to a point on the northerly boundary of Tax Account 166.00-1-8; thence

58. Westerly, southerly and westerly along the northerly and westerly boundaries of Tax Account 166.00-1-8 a distance of approximately 705 feet to a point on the easterly boundary of Tax Account 166.00-1-5.13; thence

59. Northerly, westerly, southerly, westerly, southerly and easterly along the boundaries of Tax Account 166.00-1-8 a distance of approximately 2,550 feet to the northwest corner of Tax Account 166.00-1-40; thence

60. Southerly along the westerly boundaries of Tax Account 166.00-1-40, Tax Account 166.00-1-41 and Tax Account 166.00-1-42 a distance of approximately 480 feet to the southwest corner of Tax Account 166.00-1-42; thence

61. Easterly along the southerly boundary of Tax Account 166.00-1-42 and the easterly extension of the southerly boundary of Tax Account 166.00-1-42 a distance of approximately 360 feet to a point on the centerline of Hammond Road/Maple Lane; thence

62. Southerly along the centerline of Hammond Road/Maple Lane a distance of approximately 2,760 feet to a northwest corner of Tax Account 166.00-1-46.1; thence

63. Southerly along the westerly boundary of Tax Account 166.00-1-46.1 a distance of approximately 80 feet to a point on the northerly Village of Cuba boundary

AND BE IT FURTHER RESOLVED the project is a joint project of the Towns of Cuba and Ischua pursuant to an intergovernmental agreement between the Towns, with an estimated maximum cost of the total project for both Towns of \$5,687,000. The residents of the proposed Town of Cuba Cuba Lake Sanitary Sewer District will be solely responsible for the Town of Cuba portion of the cost, which has an estimated maximum amount proposed to be expended for the construction of such Sanitary Sewer Improvement of \$5,497,000 which amount is to be financed by the issuance of serial bonds (including long-term low-interest loans obtained from the New York State Environmental Facilities Corporation) not to exceed the amount of \$5,687,000, offset by any funds received from the Town of Ischua for its \$190,000 portion of the project, and grants from the United States of America, and/or the State of New York, and/or the County of Allegany, and the assessment, levy and collection of special 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; and be it

FURTHER RESOLVED that this resolution is subject to a mandatory referendum in the manner provided by law; and be it

FURTHER RESOLVED, that 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; and be it

FURTHER RESOLVED, that a Special Election shall be held on _

March 22, 2007, in a manor to be determined by the Town Board by subsequent resolution to be adopted by the Town board at a later date.

FURTHER RESOLVED, that the Town Clerk shall cause the Notice of such Special Election to be published at least once in each official newspaper of the Town designated for such purpose, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Special Election; and be it

FURTHER RESOLVED, that said Notice shall be in substantially the following form:

TOWN OF CUBA, ALLEGANY COUNTY, NEW YORK
NOTICE OF SPECIAL ELECTION
January 9, 2007

NOTICE IS HEREBY GIVEN that a Special Election will be held on

March 22, 2007, in the manor to be determined in a subsequent resolution by the Town Board of Cuba, in the County of Allegany, New York, to be adopted by the Town Board at a later date. The voting will be limited to owners of taxable real property situate in the proposed Town of Cuba Cuba Lake Sanitary Sewer District, as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation.

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

PROPOSITION

SHALL the resolution entitled: "Resolution approving the establishment of Cuba Lake Sanitary Sewer District, in the Town of Cuba, subject to mandatory referendum," BE APPROVED?

An abstract of said proposition is as follows:

FIRST: the Town Board of the Town of Cuba (herein called "Town Board" and "Town", respectively), in the County of Allegany, New York, has, pursuant to Town Law Article 12-A, has caused Clark Patterson Associates, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Cuba Lake Sanitary Sewer District (the "District") in the Town, with proposed improvements consisting of the construction of approximately 8,550 lineal feet of 4" force main piping, 19,700 feet of 6" force main and 13,800 feet of 8" force main, along various roads including but not limited to portions of South Shore Road, North Shore Road and State Route 305. The proposed sewer district will be served by a low pressure grinder pump collection system. A grinder pump will be installed in an underground chamber located at each individual residence and/or developed commercial property within the proposed District. The grinder pumps will be connected to force main with a small diameter lateral connection. The existing septic systems will be abandoned in place with the existing septic tanks being filled in or removed. All wastewater collected will be conveyed through the force mains directly to the Village of Cuba's wastewater treatment facility. The improvements, including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (the "Sanitary Sewer Improvement"); the improvements will be constructed pursuant to an intergovernmental agreement between the two communities; which map, plan and report has been duly filed in the office of the Town Clerk of The Town for inspection; that an Order was adopted on December 12, 2006, reciting a description of the boundaries of the

proposed Sewer Improvements in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum proposed to be expended therefore, the proposed method of financing, the fact that a map, plan and report describing the same is on file in the office of the Town Clerk for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted; that all environmental laws and regulations have been complied with; and that such hearing has been duly held on January 9, 2007, at the time and place specified;

SECOND: Resolving and determining that (a) the Notices of Public Hearing were published and posted as required by Law and are otherwise sufficient; (b) all the property and property owners included within the proposed establishment of the District are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed establishment of the District; and (d) that it is in the public interest to establish the District;

THIRD: Approving the establishment of the District and the construction of improvements therein as described; Designating the District as Cuba Lake Sanitary Sewer District, in the Town of Cuba; and describing the District in a manner sufficient to identify the lands included therein;

FOURTH: Resolving that the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$5,687,000, which amount is to be financed by either (i) the issuance of Town of Cuba serial bonds not to exceed in the amount of \$5,497,000, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Allegany, and/or local grants, or (ii) the Town of Ischua, in an amount not to exceed \$190,000, pursuant to an Intergovernmental Agreement between the Towns of Ischua and Cuba setting the maximum cost attributable to proposed District at \$5,687,000, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges, except as provided by law;

FIFTH: Further resolving that the Town Clerk shall, within ten days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by said Town Board for permission to establish the District and that such application shall be executed by the Town Supervisor; and

SIXTH: Stating that this resolution shall be subject to a mandatory referendum.

Dated: JANUARY 9, 2007
Cuba, New York

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CUBA, COUNTY OF ALLEGANY, STATE OF NEW YORK

and be it

FURTHER RESOLVED, that forthwith after the Special Election is held, pursuant to Section 209-e of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said Section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of Allegany County and in the office of the Department of Audit and Control in Albany; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately as respects that portion thereof which provides for the Special Election to be held on March 22, 2007 and shall be otherwise effective as provided by law.

The question of the adoption of the foregoing resolution was duly put on a roll call, which resulted as follows:

AYES: Jerry Scott, Rob Carney, Lynnford Sweet, and Barbara Deming

NOES: None

ABSENT: Joseph Thompson

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)

:ss:

COUNTY OF ALLEGANY)

I, NANCY ORCUTT, Town Clerk of the Town of Cuba, in the County of Allegany, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution Approving the Establishment of Cuba Lake Sanitary Sewer District Subject To Mandatory Referendum with the original thereof filed in my office on January 9, 2007, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this ____ day of January, 2007.

(SEAL)

Town Clerk

