

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Batavia, in the

County of Genesee, New York

May 17, 2006

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A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on May 17, 2006 at 6:45 o'clock p.m. (Prevailing Time).

There were present: Gregory H. Post, Supervisor; and

Councilpersons: Daniel Underhill

Patti Michalak

John Gerace

There were absent: Councilperson Chad Zambito

Also present: Teresa M. Morasco, Town Clerk
Loren Clark
John Will
Dawn Newton
David Adrian
Scott Case
Many Shepard/Putnam Road Residents

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At 6:45 o'clock p.m. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Genesee, New York to consider the establishment of the Town of Batavia Putnam and Shepard Roads Water 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 the Town of Batavia Putnam and Shepard Roads Water District in the Town of Batavia, was now open and asked if there was any interested person who desired to be heard.

The following persons addressed the Town Board on the establishment of the Improvement Area and construction and installation of improvements therein:

Loren Clark- Asked several questions relating to the cost, such as: How the cost of \$757.00 was derived, could this cost increase, if his home was converted from a two family to a single family, would his cost go down, will his assessment increase, and if he does not want it, does he still have to pay for it. He stated that he was not in favor of it.

It was explained to the public that the costs per year were derived by unit rather than assessed value, which is believed to be the most accurate for all property owners.

John Will-Wanted to know how far down Putman Road the waterline was going to be installed. He expressed that he is frustrated at the time it has taken to get to this point and that this project needs to move forward. He didn't agree with the unit charge.

Dawn Newton- Is currently an out of district customer and questioned whether she would be obligated to pay the costs. She was informed that she would, as per the out of district water agreement.

David Adrian- Questioned whether the grant has been secured, the timeline of installation, whether the costs would go down if the waterline were extended to Batavia-Bethany Townline Road and if a gas line could possibly be extended at the time of the water pipe installation.

The grant has not been secured. It is anticipated in the amount of \$333,000 and could possibly be started as early as this Fall. The debt amount stays the same but if the unit number changes, for example, vacant land developed, then it could be reduced. As

for the gas line, it is a separate issue and the only means would be for the residents to petition the Gas Company.

Scott Case- Questioned whether the Town receives revenue from the sale of the water and how the revenue dollars are spent.

The revenue from the water can only be used in water fund and not the general fund. However, the funds cannot be used to extend a water district.

The following persons appeared in opposition to the establishment of the

District: Loren Clark

The Town Clerk reported that the following pertinent written communications had been received: NONE

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one else spoke, whereupon the Supervisor declared the public hearing closed at 7:40 P.M.

Respectfully submitted,

Teressa M. Morasco/Town Clerk