

**Resolution NO. 35**

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 January 13, 2015.

PRESENT:

- Hon. Gregory H. Post, Town Supervisor
- Hon. Daniel Underhill, Councilman
- Hon. Alfred Lang, Councilman
- Hon. Patti Michalak, Councilwoman
- Hon. Chad Zambito, Councilman

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In the Matter

of the

Joint Increase and Improvement of Facilities of the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2 in the Town of Batavia, County of Genesee, New York, pursuant to Section 202-b of the Town Law.

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**ORDER CALLING PUBLIC HEARING TO BE HELD ON JANUARY 28, 2015**

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law, created the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2 (collectively, the "Districts"); and

WHEREAS, the Town Board has directed the Town of Batavia Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for the Districts' sewer system improvements project; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of

sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Sewer Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said joint increase and improvement of facilities of the Districts; and

WHEREAS, the overall capital improvement project cost is estimated to be \$2,500,000; and

WHEREAS, the maximum amount proposed to be expended by the Districts for the Sewer Improvement is estimated to be \$1,255,681; and

WHEREAS, the balance of the project will be authorized through separate Town proceedings; and

WHEREAS, the Districts discussed herein will be responsible for approximately \$1,255,681, said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$1,255,681, offset by any federal, state, county and/or local funds received; and

WHEREAS, the construction of the Sewer Improvement will provide the Districts with the additional capacity necessary to allow for the service of wastewater disposal to continue while taking advantage of the existing sanitary sewer system and wastewater treatment facility.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Batavia will be held at the Town Hall, 3833 West Main Street Road, Batavia, New York, on January 28, 2015 at 7:00 p.m. o'clock P.M. (prevailing Time) to consider said joint increase and improvement of facilities of the Districts 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 expense of said joint increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,255,681, said amount to be offset by any federal, state, county and/or local funds received; and be it

FURTHER ORDERED, that such costs will be annually apportioned among the Districts by the Town Board, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said increase and improvement of facilities, shall be paid by

the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, 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, except as provided by law; and it is hereby

FURTHER ORDERED, that the Town Board may establish sewer rents as provided in paragraph (1) of subdivision one of Town Law Section 198; and it is hereby

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, 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 nor more than 20 days before the date of such public hearing

DATED: January 13, 2015

TOWN BOARD OF THE  
TOWN OF BATAVIA

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES:           Councilman Underhill  
                  Councilwoman Michalak  
                  Councilman Zambito  
                  Councilman Lang  
                  Supervisor Post

NOES:

ABSENT:

The Order Calling for Public Hearing was declared adopted.