

**NOVEMBER 15, 2006
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Teressa Morasco, Town Clerk led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman Michalak
Councilman Gerace

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Building Inspector Worthington

The Supervisor called the meeting to order at 7:01 P.M.

MINUTES:

October 18, 2006 Public Hearing-Local Law #3 of 2006, "A Local Law to Prohibit the Consumption and/or Possession of Alcoholic Beverages and the Use of Glass Beverage Bottles in Town Parks": Motion Councilman Underhill, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

October 18, 2006 Regular Town Board Meeting: Motion Councilman Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

November 1, 2006 Public Hearing-"2007 Town Budget": Motion Councilman Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

November 1, 2006 Public Hearing-"Sewer Rents": Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

November 1, 2006 Special Town Board Meeting: Motion Councilwoman Michalak, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

SPEAKERS: Greg Kuras, Small Town Auto addressed the Town Board regarding parking problems with the neighboring business. Mr. Kuras has owned the property for the past three years and has had a continuous problem with the next-door business and customers using his property for a parking lot. Mr. Kuras has approached the owner and law enforcement regarding this. Law enforcement will not enforce it because it is private property. The neighboring business also parks vehicles along the right-of-way, causing visual problems pulling out of his parking lot. He is concerned of a lawsuit, should an accident occur.

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The Supervisor asked what he would like the Town Board to do. Mr. Kuras would like the Town to install some sort of signage and he would like the neighboring business to put up a step fence.

Clinton Worthington, Town Building Inspector stated that we can't force the neighbor to put up a fence but he will make a visit to Mr. Johnson, owner of the business and will discuss this with the Attorney for the Town and may bring it to the Town Planning.

The Supervisor informed Mr. Kuras that the Town will check to see what we can find out without spending any dollars and suggested Mr. Kuras visit the New York State Department of Transportation and see what they would be able to offer him.

RESOLUTION NO. 139:

Councilman Underhill offered the following:

RESOLUTION ADOPTING LOCAL LAW # 4 OF 2006

WHEREAS, proposed Local Law #4 of 2006 of the Town of Batavia entitled "A Local Law Providing For The Administration And Enforcement Of The New York State Uniform Fire Prevention And Building Code", which proposed Local Law in its final form was presented to the Town Board at the meeting held on October 18, 2006, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on November 15, 2006, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #4 of 2006 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law #4 of 2006 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #4 of 2006 be filed with the New York State Secretary of State in accordance with Law.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 140:

Supervisor Post offered the following:

FEASIBILITY STUDY FOR SHARED OFF-SITE DATA STORAGE FACILITY
SMSI GRANT 2006

TOWN OF BATAVIA

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RESOLUTION

RESOLVED:

1. The Town Board of the Town of Batavia authorizes the Supervisor, Gregory Post, to submit an application, as a co-applicant with the Towns of LeRoy and Pembroke, to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2006-2007 Program Year.
2. The Town of LeRoy shall act as the "Lead Applicant" for the SMSI grant application. The Town of Batavia shall act as a "Co-applicant." The Town of Pembroke shall also act as a "Co-applicant."
3. The grant application shall be submitted for a "Feasibility Study for Shared Off-site Data Storage Facility" which will address the feasibility of establishing a shared "Storage Area Network" (SAN), in a secure facility, that would ensure reliable data storage and backup, remote access to data, and the ability to function during an emergency and to facilitate recovery following a disaster.
4. Based on the estimated cost of \$59,000 for the feasibility study, the Town of LeRoy, as Lead Applicant, will apply for a maximum grant amount of \$ 53,100 . The local share of the project cost is estimated to be \$ 5,900 .
5. The Town of LeRoy is committed to providing one-third of the local share of the project cost, or \$ 1,967 .
6. The Town of Batavia is committed to providing one-third of the local share of the project cost, or \$ 1,967 .
7. The Town of Pembroke will provide \$1,966 toward the local share of the project cost.
8. The Town of Batavia will work with the Town of LeRoy (Lead Applicant) and the Town of Pembroke (Co-applicant) to carry out the feasibility study.

Second by: Councilman Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 141:

Councilwoman Michalak offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE PUTNAM AND SHEPARD ROADS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a resolution

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directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on September 18, 2006, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on October 31, 2006, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Putnam and Shepard Roads Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 7,500 linear feet of eight inch water main along portions of Putnam, Shepard and Townline Roads creating a “looped” system, thereby eliminating a need to build a pump station; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$706,800.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$373,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$333,800.00, and

WHEREAS, the proposed debt of \$373,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.25% interest, thereby creating an annual debt service (assuming 38 units) of \$19,950.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$3.70 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$234.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$759.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special

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assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of 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

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges, as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 20th day of December, 2006, at 6:40 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON NOVEMBER 15, 2006,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

s/ Teresa M. Morasco
TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE PUTNAM AND SHEPARD ROADS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of

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Batavia on September 18, 2006, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on October 31, 2006, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Putnam and Shepard Roads Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 7,500 linear feet of eight inch water main along portions of Putnam, Shepard and Townline Roads creating a “looped” system, thereby eliminating a need to build a pump station; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$706,800.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$373,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$333,800.00, and

WHEREAS, the proposed debt of \$373,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.25% interest, thereby creating an annual debt service (assuming 38 units) of \$19,950.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$3.70 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$234.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$759.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and

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interest on said bonds, as the same shall become due and payable, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges, as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 20th day of December, 2006, at 6:40 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

DATED: November 15, 2006

Approved on Roll Call as follows:

Supervisor Gregory H. Post	Yes
Deputy Supervisor Daniel G. Underhill	Yes
Councilman John Gerace	Yes
Councilwoman Patti Michalak	Yes
Councilman Chad Zambito	Absent

RESOLUTION NO. 142:

Councilman Gerace offered the following:

GATEWAY 2 SANITARY SEWER EASEMENTS

WHEREAS, easements are required along Call Parkway and New York State Route 98, Batavia, New York, in order to convey sanitary sewer lines; and

WHEREAS, agreements have been reached between all the necessary parties and the Town of Batavia, granting the Town Easements; (easement agreements attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute two easement agreements between the Town of Batavia and Roger W. Saile and Lynford F. Saile, in which the Town will pay the Saile's the sum of one and no more dollars (\$1.00) for each easement agreement; and be it

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FURTHER RESOLVED, that the Town Supervisor is authorized to execute the agreement between the Town of Batavia and Roger W. Saile, in which the Town will pay the Mr. Saile the sum of one and no more dollars (\$1.00); and be it

FURTHER RESOLVED that the Town Supervisor is authorized to execute the agreement between the Town of Batavia and Farm Credit of WNY, ACA, in which the Town will pay Farm Credit of WNY, ACA the sum of one and no more dollars (\$1.00); and be it

FURTHER RESOLVED that the Town Supervisor is authorized to execute the agreement between the Town of Batavia and Genesee County Industrial Development Agency (GCIDA), in which the Town will pay GCIDA the sum of one and no more dollars (\$1.00); and be it

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute all of the Easement Agreements and documents necessary and the Town Clerk is hereby directed and authorized to file the five Sanitary Sewer Easements in the Office of the Genesee County Clerk when all necessary documents have been fully executed, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to pay all required recording costs and fees to the Genesee County Clerk's Office to file the Easement documents.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 143:

Councilman Underhill offered the following:

ADOPTION OF 2007 TOWN ANNUAL BUDGET

WHEREAS, the Town of Batavia Chief Fiscal Officer prepared a Tentative Budget for review by the Batavia Town Board, and

WHEREAS, the Town Board met in Budget sessions among themselves and with Town Employees in the formulation of the Preliminary Budget, after which a Public Hearing was held on November 1, 2006 for all interested parties to be heard.

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2007 Annual Budget of the Town of Batavia.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 144:

Supervisor Post offered the following:

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TOWN OF BATAVIA SEWER RENTS – 2007

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board;

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines;

WHEREAS, in Sewer District No. 1 the sewer rents for 2007 has been set at five dollars and three cents (\$5.03) per 1000 gallons;

WHEREAS, in Sewer District No. 2 the sewer rents for 2007 has been set at five dollars and three cents (\$5.03) per 1000 gallons;

WHEREAS, as required by law and in conjunction with the public hearing held November 1, 2006 for the 2007 Town Budget, these rates were entered in and made a part of the record.

RESOLVED, the Batavia Town Board hereby authorizes the imposition of the aforementioned sewer rents in Sewer Districts No. 1 and No. 2 for one (1) year beginning January 1, 2007.

RESOLVED, the sewer rents are to be paid quarterly in the months of May, August and November, 2007 and February, 2008.

Second by: Councilman Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO.145:

Councilwoman Michalak offered the following:

**ORDER CALLING A PUBLIC HEARING
ON THE FIRE DEPARTMENT CONTRACT**

BE IT RESOLVED, that this Town Board hereby schedules a public hearing on the advisability of contracting with the Town of Batavia Fire Department, Inc. for fire protection to be provided to the Town of Batavia Fire Protection District by the Town of Batavia Fire Department, Inc., and that not less than ten (10) days notice of said hearing be published in the Daily News and posted on the signboard of the Town; and

BE IT FURTHER RESOLVED, that said hearing be scheduled for December 20, 2006 at the Batavia Town Hall at 6:30 o'clock p.m.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

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NOTICE FOR PUBLIC HEARING ON
FIRE PROTECTION CONTRACT FOR 2007

Public Notice is hereby given, that a Public Hearing will be held Wednesday, December 20, 2006, by the Town Board of the Town of Batavia, Genesee County, New York, at the Batavia Town Hall located at 3833 West Main Street Road beginning at 6:30 P.M. of that day and for the purpose of considering contracting with the Town of Batavia Fire Department, Inc. for fire protection services to be furnished by the Town of Batavia Fire Department, Inc to the Fire Department District established in the Town of Batavia and known as the "Town of Batavia Fire Protection District" upon the following general terms, to wit:

1. The Town of Batavia Fire Department, Inc. shall answer and attend upon all calls in said District;
2. The Town of Batavia Fire Department Inc., shall purchase and maintain such property, crime, dishonesty bond and liability insurance as it deems prudent to protect its interests. Such insurance shall include Automobile Liability, General Liability naming the Town of Batavia, its agents and employees as Additional Insureds, Contractual Liability for this Contract and should include Ambulance Attendants Professional Liability, Volunteer Fire Department Errors and Omissions Liability and Liquor Law Liability coverages. Liability limits of at least \$1,000,000.00 each occurrence, claim or incident are recommended but not required. A Certificate of all liability insurances, providing the Town with at least 30 days written notice of cancellation or nonrenewable, shall be furnished to the Town Attorney, Town Hall, 3833 West Main Street Road, Batavia, New York, 14020.
The Town of Batavia Fire Department, Inc. shall also indemnify and hold harmless the Town of Batavia, its agents and employees from all claims, suits, loss, damages, injuries, liability, cost and expenses arising from the services provided for in this contract and from the activities of the Fire District, its officers, employees and volunteers to the extent this provision is insured by the Town of Batavia Fire District.
3. The Town of Batavia Fire Department, Inc. shall maintain public liability and property damage insurance policies for the benefit of said District and the Town of Batavia, and shall hold said District and Town harmless for losses not covered by insurance;
4. The Town of Batavia Fire Department, Inc. shall be responsible for loss or damage sustained in fire apparatus or other equipment while attending fires in said District;
5. The Town of Batavia and the Town of Batavia Fire Protection District shall pay or provide insurance coverage for authorized items;
6. The Town of Batavia Fire Department, Inc. shall participate in the Genesee County Mutual Aid Plan and reserves certain rights pertaining to said participation;
7. The Town of Batavia Fire Department, Inc. shall reimburse the Town of Batavia should its equipment not be usable;
8. For such services the Town of Batavia Fire Department shall receive the yearly sum of three hundred, sixty nine thousand, one hundred, five dollars (\$369,105.00).
9. The Town of Batavia shall plow and provide routine maintenance to the driveway and parking area of the Fire Department's Fire Hall;

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10. The Town of Batavia Fire Department, Inc. shall provide financial data and records to the Town of Batavia.
11. The contract shall run for one (1) year from January 1, 2007 and shall expire on December 31, 2007.

All persons interested in the matter will be heard at such time and place specified above.

Dated: November 15, 2006

Teresa M. Morasco
Town Clerk
Town of Batavia

RESOLUTION NO. 146:

Councilman Gerace offered the following:

MEMORANDUM OF UNDERSTANDING FOR USAGE OF TOWN HALL

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Memorandum of Understanding, (attached) regarding the usage of Town facilities for the purpose of New York State Department of Motor Vehicle Hearings.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 147:

Councilman Underhill offered the following:

TOWN INSURANCE AWARD

WHEREAS, in November, 2001 the Batavia Town Board retained New York Municipal Insurance Reciprocal (NYMIR) to provide the Town with insurance coverage; and

WHEREAS, the insurance premium for 2007 (November 27, 2006 through November 27, 2007) has been quoted at forty-eight thousand, thirty-seven dollars and seventy-four cents (\$48,037.74/ attached).

RESOLVED, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of forty-eight thousand, thirty-seven dollars and seventy-four cents (\$48,037.74); and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any documents necessary for the award.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

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RESOLUTION NO. 148:

Supervisor Post offered the following:

EXCESS EMPLOYER'S LIABILITY INSURANCE

RESOLVED, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town's Excess Employer's Liability Insurance at a cost of one thousand, two hundred dollars, (\$1,200.00).

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 149:

Councilwoman Michalak offered the following:

GOVERNMENT CRIME POLICY INSURANCE

RESOLVED, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town with Government Crime Policy Insurance at a cost of \$2,395.00. This includes Employee Theft-limit per occurrence, \$100,000.00, at a cost of \$1,174.00, Forgery or Alteration, limit per occurrence, \$25,000, at a cost of \$142.00, Inside the Premises, Theft of Money and Securities, limit per occurrence, \$25,000.00, at a cost of \$77.00 and Outside the Premises, limit per occurrence, \$25,000.00, at a cost of \$21.00. The Town Clerk/Tax Collector and Deputy Town Clerk/Deputy Tax Collector; limit per occurrence, \$1,000,000.00, at a cost of approximately \$500.00 and limit of \$125,000.00 per occurrence, at a cost of \$481.00 for two (2) Town Justices, two (2) Court Clerks; and (1) Bookkeeper; and be it

FURTHER RESOLVED, the Batavia Town Board hereby directs the Tax Collector to remit to the Genesee County Treasurer its taxes in a timely manner before they exceed \$1,000,000.00 at any given time. This procedure of collecting taxes has been requested by the County Treasurer.

Second by: Councilman Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 150:

Councilman Gerace offered the following:

HAVEN LANE DRAINAGE EASEMENT

WHEREAS, an easement is required for Haven Acres Subdivision in order to maintain drainage system; and

WHEREAS, an agreement has been reached between all the necessary parties and the Town of Batavia, granting the Town an Easement; (easement agreement attached).

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NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute an easement agreement between the Town of Batavia and Babcock's Motor Sales, Inc., c/o Sharon Beattie, 9605 Francis Road, Batavia, NY 14020; and be it

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to pay all required recording costs and fees to the Genesee County Clerk's Office to file the Easement documents.

Second by: Councilman Underhill

Abstain: Councilman Gerace

Ayes: Councilman Underhill, Councilwoman Michalak, Supervisor Post

APPROVED (3-ayes, 1-abstain)

RESOLUTION NO. 151:

Councilman Underhill offered the following:

**RESOLUTION TO GRANT SANITARY SEWER EASEMENT
TO DELAGRANGE PROPERTIES, LLC**

WHEREAS, Delagrange Properties, LLC has requested an Easement from the Town of Batavia to construct and maintain a sanitary sewer line running from its property to the existing system over certain real property owned by the Town of Batavia, and

WHEREAS, the Town of Batavia is willing to grant this Easement for the nominal fee of One and No More Dollars in return for Delagrange Properties, LLC assuming all responsibility and liability for constructing and maintaining the sanitary sewer line,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Batavia hereby approves and authorizes the Supervisor to execute on behalf of the Town of Batavia an Easement Agreement by and between the Town of Batavia and Delagrange Properties, LLC, together with any documents necessary to file this Easement Agreement.

Second by: Councilwoman Michalak

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 152:

Supervisor Post offered the following:

**SHARED MUNICIPAL SERVICES INCENTIVE
GRANT PROGRAM APPLICATION**

WHEREAS, the Genesee County Highway Superintendent is requesting approval to make application for a grant under the Shared Municipal Services Incentive Grant Program for the purchase of

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a highway striping machine and walk-behind paint buggy to be cooperatively operated and maintained by all municipalities within Genesee County; and

WHEREAS, the Genesee County Legislature is anticipating approval thereof on November 20, 2006.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby supports the grant application under the Shared Municipal Services Incentive Grant Program; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Genesee County Highway Superintendent to be the lead applicant contact for all matters related to this grant.

Second by: Councilman Gerace

APPROVED by unanimous vote (4-0)

SUSPEND THE RULES: Motion Councilman Gerace, second Councilman Underhill to suspend the rules to introduce a additional resolutions.

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 153:

Councilwoman Michalak offered the following:

**REIMBURSEMENT OF FEES FOR PREPARATION OF
FEASIBILITY STUDY FOR SHARED OFF-SITE DATA STORAGE FACILITY
SMSI GRANT APPLICATION**

WHEREAS, the Town of Batavia is submitting an application, as a co-applicant with the Towns of LeRoy and Pembroke, to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2006-2007 Program Year; and

WHEREAS, the Town of LeRoy has contracted with Stuart I. Brown Associates to prepare the SMSI grant application at a cost of three thousand dollars (\$3,000.00).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to remit one thousand, five hundred dollars (\$1,500.00) to the Town of LeRoy for reimbursement of the costs to prepare the grant application.

Second by: Councilman Gerace

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 154:

Councilman Gerace offered the following:

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**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE WILKINSON ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on November 8, 2006, and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on November 13, 2006, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Wilkinson Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 5,500 linear feet of eight inch water main along the portion of Wilkinson Road starting at the intersection of Pearl Street Road and Wilkinson Road to connect with an existing water district, and then running south to end at the former Lehigh Valley Railroad right of way; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as "water improvement"), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$427,300.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$202,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$225,300.00, and

WHEREAS, the proposed debt of \$202,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.5% interest, thereby creating an annual debt service (assuming 21 units) of \$11,200.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district's users is a total of \$3.70 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$234.00 per year for water purchase above and beyond the debt service, and

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WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$768.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of 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

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges, as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 20th day of December, 2006, at 7:15 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in The Daily News, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON NOVEMBER 15, 2006,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

**s/ Teressa M. Morasco
TERESSA M. MORASCO, Town Clerk**

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE WILKINSON ROAD WATER DISTRICT**

**NOVEMBER 15, 2006
REGULAR TOWN BOARD MEETING**

FOR A PORTION OF THE TOWN OF BATAVIA

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WHEREAS, the maximum amount proposed to be expended for such water improvement is \$427,300.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$202,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$225,300.00, and

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WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$768.00 per year, and

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ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

DATED: November 15, 2006

Approved on Roll Call as follows:

Supervisor Gregory H. Post	Yes
Deputy Supervisor Daniel G. Underhill	Yes
Councilman John Gerace	Yes
Councilwoman Patti Michalak	Yes
Councilman Zambito	Absent

RESOLUTION NO. 155:

Councilman Underhill offered the following:

**CONTRACT BETWEEN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION AND THE TOWN OF BATAVIA-BATAVIA FLOOD PROTECTION
PROJECT
ANNUAL MOWING AND SHOAL REMOVAL**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has

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been contracting with the Town of Batavia for the purpose of maintaining the Batavia Flood Protection Project Annual Mowing and Shoal Removal; and

WHEREAS, the NYSDEC wishes to extend this contract from May 15, 2006 to May 14, 2011, reimbursing the Town in the amount of six thousand, five hundred dollars (\$6,500.00). Prices will be adjusted as of May 14, 2009 and on each subsequent anniversary (documentation attached).

NOW THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contact between the NYSDEC and the Town of Batavia, the Town providing the aforementioned service for the NYSDEC at a cost of six thousand, five hundred dollars (\$6,500.00).

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

Abstract No. 11-2006: Motion Councilman Gerace, second Councilman Underhill to authorize the Supervisor to pay the following vouchers:

General	\$380,089.90
Highway	45,346.85
Sewer No. 1	12,204.44
Sewer No. 2	34,319.56
Water	138,726.69
Town of Batavia Fire(SF1)	<u>35,917.90</u>
TOTAL	\$646,605.34

Check numbers 10805 thru 10891
MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

Building Inspector reported his department is staying busy.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The monies are invested in CD's and are paying a rate of 5.20%.

The Supervisor thanked the staff for the great job they are all doing. He receives comments on a daily basis from people expressing their praise of the Town Employees.

COMMUNICATIONS:

The Town Clerk reported on the following:

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Galloway Speed Limit- Received approval from the State to lower the speed limit on a portion of Galloway Road. The new reduced speed limit signs have been installed.

Federal Emergency Management Agency (FEMA) representative stopped in the office yesterday and dropped off some additional information forms for claims relating to the October storm.

Happy Thanksgiving to all.

ADJOURNMENT:

Motion Councilman Gerace, second Councilman Underhill to adjourn the Regular Town Board Meeting at 8:03 P.M.

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk