

**NOVEMBER 7, 2007
SPECIAL TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Steve Mountain, Town Engineer led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman Michalak
Councilman Gerace

Others

Present: Town Clerk Morasco
Steve Mountain, Town Engineer
Al Lang

The Supervisor called the meeting to order at 7:00 P.M.

RESOLUTION NO. 170:

Deputy Supervisor Underhill offered the following:

ADOPTION OF 2008 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 7, 2007 for all interested parties to be heard.

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2008 Annual Budget of the Town of Batavia.

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

RESOLUTION NO. 171:

Supervisor Post offered the following:

TOWN OF BATAVIA SEWER RENTS – 2008

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; and

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

WHEREAS, in Sewer District No. 1 the sewer rents for 2008 has been set at five dollars and three cents (\$5.03) per 1000 gallons; and

WHEREAS, in Sewer District No. 2 the sewer rents for 2008 has been set at five dollars and three cents (\$5.03) per 1000 gallons; and

WHEREAS, as required by law and in conjunction with the public hearing held November 7, 2007 for the 2008 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, 2008.

RESOLVED, the sewer rents are to be paid quarterly in the months of May, August and November, 2008 and February, 2009.

Second by: Councilman Gerace

APPROVED by unanimous vote (4-0)

Discussion: The Supervisor questioned whether Saile Drive Sewer would be impacted by this resolution or is it going to be a separate district. The Town Engineer explained that the Saile Drive Sewers are benefit improvement areas. There is a ways to go to get a map consolidating the improvement areas to a district.

The Supervisor stated that once the Saile Drive Sewer is up and running a separate resolution will be drafted. The Engineer said it will be similar to Gateway 1.

RESOLUTION NO. 172:

Councilwoman Michalak offered the following:

SEQR DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, in accordance with the State Environmental Quality Review Act (SEQRA) Establishment of a Water District is an Unlisted action;

WHEREAS, the Batavia Town Board acting as Lead Agency has reviewed the Short Environmental Assessment Form addressing the Establishment of Extension No. 1 to the Putnam and Shepard Roads Water District (attached) and;

WHEREAS, it has been determined that the Establishment of the Water District Extension will not have an adverse impact on the environment;

NOW, THEREFORE, BE IT

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RESOLVED, The Town Board declares that, based on the Environmental Record, which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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

RESOLUTION NO. 173:

Councilman Gerace offered the following:

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF
EXTENSION NO. 1 TO THE PUTNAM AND SHEPARD ROADS
WATER DISTRICT FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, duly adopted a Resolution directing Gregory H. Post, the Town Supervisor of the Town of Batavia to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said map, plan and report in the office of the Town Clerk of the Town of Batavia on October 11, 2007, and the said Town Board, did on October 17, 2007, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 7th day of November, 2007, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District " was filed in the Batavia Town Clerk's Office on October 16, 2007, which was signed by a number of owners within said district, which was greater than the percentage required by law, and

WHEREAS, the improvements proposed are as follows: a project to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed Water District. The overall project will consist of the construction and installation of eight inch water main along a portion of the Batavia-Bethany Townline Road running from Francis Road to Shepard Road; 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

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WHEREAS, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

(1) The aforesaid "Petition to Request Water District" was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.

(2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.

(3) That all the property and property owners, within the proposed water district are benefited thereby.

(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as Extension No. 1 to the Putnam and Shepard Roads Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED, that since the water improvements within the proposed Water District have already been approved as part of the Putnam and Shepard Roads Water District, there will be no additional financing or debt service necessary, and be it

FURTHER RESOLVED that the property owners within the proposed Water District will be required to pay the proportionate share of the debt service previously established in the Putnam and Shepard Roads Water District, along with the existing owners in the Putnam and Shepard Roads Water District, as well as property owners located within a District to be formed in the Town of Bethany along the same section of the Batavia-Bethany Townline Road, and be it

FURTHER RESOLVED that the debt for the Putnam and Shepard Roads Water District is \$373,000.00 to be paid over a 38 year term at 4.25% interest, thereby creating an annual debt service of \$19,950.00, and assuming this annual debt is shared by 59 units in the three Water Districts, the annual cost of debt service will be \$343.00 per typical property user in the proposed district, which is a single family home, and be it

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FURTHER RESOLVED that 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 \$4.11 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$259.00 per year for water purchase above and beyond the debt service, and be it

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$602.00 per year, and be it

FURTHER RESOLVED that 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 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 be it

FURTHER RESOLVED that 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 be it

FURTHER RESOLVED that this Resolution and Order is not subject to a permissive referendum; and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof; and be it

FURTHER RESOLVED, that this Resolution and Order is not subject to the approval of the Office of the State Comptroller, Department of Audit and Control, and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control within ten (10) days hereof.

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

Discussion- The Town Board discussed the meter fee and price per linear foot of piping. The meter fee for future districts will increase.

EXHIBIT A

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TOWN OF BATAVIA
EXTENSION NO. 1 TO THE SHEPARD/PUTNAM WATER DISTRICT

All that tract or parcel of land situate in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at the intersection of the centerlines of Batavia-Bethany Townline Road (66 feet wide right-of-way) and Frances Road (49.5 feet wide right-of-way); thence,

1. Northerly, along the centerline of Frances Road, a distance of 520 feet, more or less, to a point, said line being along the existing Shepard/Putnam Water District; thence,
2. Easterly, along the southerly line of the aforementioned existing water district, a distance of 302 feet, more or less, to an angle point, said line being a northerly property line of tax account number 20-2-35.1; thence,
3. Northerly, along the aforementioned existing water district, a distance of 106 feet, more or less, to a point on the northerly property line of tax account number 20-2-35.1; thence,
4. Southeasterly, along the aforementioned existing water district, a distance of 882 feet, more or less, to the northeasterly corner of tax account number 20-2-34, said line being the northerly property lines of tax account numbers 20-2-35.1 20-2-35.2, and 20-2-34; thence,
5. Southerly, along the aforementioned existing water district, a distance of 31 feet, more or less, to the northwesterly property corner of tax account number 20-2-33, said line being the easterly property line of tax account number 20-2-34; thence,
6. Easterly, along the aforementioned existing water district, a distance of 175 feet, more or less, to the northeasterly property corner of tax account number 20-2-33, said line being the northerly property line of tax account number 20-2-33; thence,
7. Northerly, along the aforementioned existing water district, a distance of 59 feet, more or less, to the northwesterly property corner of tax account number 20-2-32, said line being the westerly line of tax account number 20-2-32; thence,
8. Easterly, along the aforementioned existing water district, a distance of 998 feet, more or less, to the northeasterly property corner of tax account number 20-2-31, said line being the northerly property lines of tax account numbers 20-2-32 and 20-2-31; thence,
9. Southerly, along the aforementioned existing water district, a distance of 414 feet, more or less, to a point on the centerline of Batavia-Bethany Townline Road , said line being the easterly property line of tax account number 20-2-31; thence,
10. Westerly, along the Batavia and Bethany town lines and the centerline of Batavia-Bethany Townline Road, a distance of 2,221 feet, more or less, to the point of beginning.

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All as shown on a map prepared by Clark Patterson Associates, "Extension No. 1 to the Shepard/Putnam Water District – Proposed Water District Map", Drawing Number S-01, dated September 25, 2007.

Extension No. 1 to the Shepard/Putnam Water District, as described above contains approximately 24.0 acres of land.

**NOTICE OF ADOPTION OF RESOLUTION FOR EXTENSION NO. 1
TO THE PUTNAM AND SHEPARD ROADS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 7th day of November, 2007, the Town Board of the Town of Batavia duly adopted a Resolution, an abstract of which follows, which Resolution is not subject to permissive referendum, and is not subject to approval from the Office of the New York State Comptroller.

Said Resolution establishes an extension of an established Water District within the Town of Batavia known as Extension No. 1 to the Putnam and Shepard Roads Water District, and sets forth the boundaries therefor, makes certain findings and determinations relative to the establishment of said district, describes the improvements to be constructed within the district and the method of financing thereof.

Dated: November 7, 2007

TERESSA M. MORASCO, Town Clerk
Town of Batavia

RESOLUTION NO. 174:

Deputy Supervisor Underhill offered the following:

**PIPELINE CROSSING AGREEMENT BETWEEN
TOWN OF BATAVIA AND CSX TRANSPORTATION, INC.
FOR WILKINSON ROAD WATERLINE**

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to enter into a Pipeline Crossing License Agreement between the Town of Batavia and CSX Transportation, Inc. to construct, use and maintain a pipeline, solely for the transmission of potable water, under or across property owned or controlled by CSX Transportation, Inc. on Wilkinson Road.

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

RESOLUTION NO. 175:

Supervisor Post offered the following:

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**LEVYING UNPAID PROPERTY SERVICE CHARGE AGAINST
2008 TAX WARRANT**

WHEREAS, the Town of Batavia incurred costs in April 2007 to clean up the property located at 3761 South Main Street Road; and

WHEREAS, the costs incurred was \$600.00 for B & B Trucking's service; and

WHEREAS, the owner, Dominic Catroneo, 1605 Wendell Williams Avenue, Las Vegas, Nevada was billed for this service by the Town, but never received payment.

NOW, THEREFORE BE IT,

RESOLVED, that the amount of \$600.00 be submitted to the Genesee County Treasurer and is hereby approved for levying against the aforementioned 2008 tax warrant.

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

RESOLUTION NO. 176:

Councilwoman Michalak offered the following:

**LEVYING UNPAID BUILDING PERMIT CHARGEBACKS
AGAINST 2008 TAX WARRANT**

WHEREAS, the Town Clerk has prepared a list of Building Permit Applicants (attached) who owe the Town for costs incurred in issuance of the business permit as of November, 2007; and

WHEREAS, the Building Permit Fee Schedule addresses such fees to be paid by the applicant; and

WHEREAS, thus far these fees have not been paid.

NOW, THEREFORE, BE IT

RESOLVED, that the attached list in the amount of \$5,943.17 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2008 tax warrant.

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

RESOLUTION NO. 177:

Councilman Gerace offered the following:

2007 WATER SYSTEM IMPROVEMENTS PROJECT

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WHEREAS, easements are required for the 2007 Water System Improvements Project; and

WHEREAS, agreements have been reached between the following owners and the Town of Batavia, granting the Town Easements; (easements attached):

Anne Zickl, Tax Map # 20-01-29, Easement No. E-09
Anne Zickl, Tax Map # 20-01-29, Easement No. E-12
Anne Zickl, Tax Map # 20-01-119, Easement No. E-14
Lynn Eick, Tax Map # 13-01-82.12, Easement No. E-16
Joseph & Kirsten Prospero, Tax Map No. 13.16-01-122, Easement No. E-17

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to accept the attached easements between the Town of Batavia and respective property owners and to execute all documents necessary for recording; 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, easement consideration costs, and to file the Easement documents in the Office of the Genesee County Clerk.

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

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Special Town Board Meeting at 7:19 P.M.

MOTION CARRIED by unanimous vote. (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk