

**NOVEMBER 5, 2008
SPECIAL TOWN BOARD MEETING**

Town Hall

Al Lang, Councilman led the pledge to the flag

Immediately Following Public Hearings

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilman Michalak
Councilman Gerace

Others

Present: Town Clerk Morasco
Steve Mountain, Town Engineer
Roger Muchlig, Daily News Reporter

Supervisor Post called the meeting to order at 7:07 P.M.

RESOLUTION NO. 171:

Councilman Lang offered the following:

**RESOLUTION TO CALL A SUPPLEMENTAL PUBLIC HEARING
FOR THE ROSE ROAD WATER DISTRICT**

WHEREAS, on April 23, 2008, the Town Board passed a “Resolution and Order for Establishment of the Rose Road Water District for a Portion of the Town of Batavia”, and

WHEREAS, this Resolution cited a proposed amount of \$658,600.00 as the maximum to be expended on this Water District, and

WHEREAS, on December 21, 2007, the Town received a letter with an estimate from the USDA Rural Development Agency that this Water District would be eligible for a loan of \$177,000.00 at 4.375% interest for 38 years, along with a Rural Development Grant of \$481,600.00, and

WHEREAS, the aforesaid Resolution estimated that the debt service for a typical property user would be \$485.00, and that along with an approximate average for water usage of \$259.00, the total estimated annual cost of a typical property user in the proposed District would be \$744.00 per year, and

WHEREAS, on September 11, 2008, the Office of the State Comptroller, Department of Audit and Control, issued an Order approving the establishment of the Rose Road Water District with a maximum cost not to exceed \$658,600.00, and

WHEREAS, on August 29, 2008, the Town received another letter from the USDA Rural Development Agency stating that the current estimate of the funding package would decrease the Rural Development Grant amount to \$432,600.00 and would increase the Rural Development loan amount to \$226,000.00, and

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WHEREAS, the interest rate for the revised Rural Development loan amount is approximately 2.7% for 38 years, and thereby the total estimated annual cost of a typical property user in the proposed District would be \$742.56 per year, which is substantially the same amount as previously cited in the Resolution and Order for Establishment, and

WHEREAS, the Town Board wants to hold a supplemental public hearing to advise any interested citizens and members of the Rose Road Water District of the proposed changes in the total amount estimated to be financed, with the total project cost to stay the same of not to exceed \$658,600.00, and with no substantial change in the estimated annual amount to be paid by the Water District residents, and

WHEREAS, the Town Board, after the public hearing, proposes to pass a Bond Resolution authorizing borrowing up to \$658,600.00 based upon the final grant and loan package approved and received from the USDA Rural Development Agency, provided that the annual estimated amount to a typical property user in the Water District does not change substantially from the figures set forth herein, and

WHEREAS, all other terms, conditions and estimated costs, as set forth in the aforesaid Resolution and Order for Establishment, shall remain the same.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Town Board of the Town of Batavia, New York, that it shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York, on the 19th day of November 2008, at 6:45 p.m., for the purpose of conducting a supplemental public hearing regarding the establishment of the Rose Road Water District, and 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 sign board 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

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

PUBLIC NOTICE

**THE FOLLOWING RESOLUTION WAS DULY ENACTED ON NOVEMBER 5, 2008,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

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

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WHEREAS, this Resolution cited a proposed amount of \$658,600.00 as the maximum to be expended on this Water District, and

WHEREAS, on December 21, 2007, the Town received a letter with an estimate from the USDA Rural Development Agency that this Water District would be eligible for a loan of \$177,000.00 at 4.375% interest for 38 years, along with a Rural Development Grant of \$481,600.00, and

~~**WHEREAS**, the aforesaid Resolution estimated that the debt service for a typical property user would be \$485.00, and that along with an approximate average for water usage of \$259.00, the total estimated annual cost of a typical property user in the proposed District would be \$744.00 per year, and~~

WHEREAS, on September 11, 2008, the Office of the State Comptroller, Department of Audit and Control, issued an Order approving the establishment of the Rose Road Water District with a maximum cost not to exceed \$658,600.00, and

WHEREAS, on August 29, 2008, the Town received another letter from the USDA Rural Development Agency stating that the current estimate of the funding package would decrease the Rural Development Grant amount to \$432,600.00 and would increase the Rural Development loan amount to \$226,000.00, and

WHEREAS, the interest rate for the revised Rural Development loan amount is approximately 2.7% for 38 years, and thereby the total estimated annual cost of a typical property user in the proposed District would be \$742.56 per year, which is substantially the same amount as previously cited in the Resolution and Order for Establishment, and

WHEREAS, the Town Board wants to hold a supplemental public hearing to advise any interested citizens and members of the Rose Road Water District of the proposed changes in the total amount estimated to be financed, with the total project cost to stay the same of not to exceed \$658,600.00, and with no substantial change in the estimated annual amount to be paid by the Water District residents, and

WHEREAS, the Town Board, after the public hearing, proposes to pass a Bond Resolution authorizing borrowing up to \$658,600.00 based upon the final grant and loan package approved and received from the USDA Rural Development Agency, provided that the annual estimated amount to a typical property user in the Water District does not change substantially from the figures set forth herein, and

WHEREAS, all other terms, conditions and estimated costs, as set forth in the aforesaid Resolution and Order for Establishment, shall remain the same.

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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 sign board 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 5, 2008

Discussion- Prior to the vote, Steve Mountain, Town Engineer explained that supplemental public hearings are needed for the water districts due to the change in the loan amount and the interest rate, however, the costs for each district is still the same.

RESOLUTION NO. 172:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO CALL A SUPPLEMENTAL PUBLIC HEARING
FOR THE ALEXANDER AND PIKE ROADS WATER DISTRICT**

WHEREAS, on April 23, 2008, the Town Board passed a “Resolution and Order for Establishment of the Alexander and Pike Roads Water District for a Portion of the Town of Batavia”, and

WHEREAS, this Resolution cited a proposed amount of \$1,175,200.00 as the maximum to be expended on this Water District, and

WHEREAS, on December 21, 2007, the Town received a letter with an estimate from the USDA Rural Development Agency that this Water District would be eligible for a loan of \$696,000.00 at 4.375% interest for 38 years, along with a Rural Development Grant of \$479,200.00, and

WHEREAS, the aforesaid Resolution estimated that the debt service for a typical property user would be \$474.00, and that along with an approximate average for water usage of \$259.00, the total estimated annual cost of a typical property user in the proposed District would be \$733.00 per year, and

WHEREAS, on September 11, 2008, the Office of the State Comptroller, Department of Audit and Control, issued an Order approving the establishment of the Alexander and Pike Roads Water District with a maximum cost not to exceed \$1,175,200.00, and

WHEREAS, on August 29, 2008, the Town received another letter from the USDA Rural Development Agency stating that the current estimate of the funding package would decrease the Rural

**NOVEMBER 5, 2008
SPECIAL TOWN BOARD MEETING**

Development Grant amount to \$289,200.00 and would increase the Rural Development loan amount to \$886,000.00, and

WHEREAS, the interest rate for the revised Rural Development loan amount is approximately 2.7% for 38 years, and thereby the total estimated annual cost of a typical property user in the proposed District would be \$731.52 per year, which is substantially the same amount as previously cited in the Resolution and Order for Establishment, and

WHEREAS, the Town Board wants to hold a supplemental public hearing to advise any interested citizens and members of the Alexander and Pike Roads Water District of the proposed changes in the total amount estimated to be financed, with the total project cost to stay the same of not to exceed \$1,175,200.00, and with no substantial change in the estimated annual amount to be paid by the Water District residents, and

~~**WHEREAS**, the Town Board, after the public hearing, proposes to pass a Bond Resolution authorizing borrowing up to \$1,175,200.00 based upon the final grant and loan package approved and received from the USDA Rural Development Agency, provided that the annual estimated amount to a typical property user in the Water District does not change substantially from the figures set forth herein, and~~

WHEREAS, all other terms, conditions and estimated costs, as set forth in the aforesaid Resolution and Order for Establishment, shall remain the same.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Town Board of the Town of Batavia, New York, that it shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York, on the 19th day of November 2008, at 6:55 p.m., for the purpose of conducting a supplemental public hearing regarding the establishment of the Alexander and Pike Roads Water District, and 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 sign board 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 Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

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

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