

**NOVEMBER 4, 2009  
SPECIAL TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Alfred Lang, Councilman led the pledge to the flag.

**Roll Call**

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

**Others**

**Present:** Town Clerk Morasco  
Roger Muehlig, Daily News Reporter

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

**RESOLUTION NO. 142:**

Councilman Lang offered the following:

**ADOPTION OF 2010 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 4, 2009 for all interested parties to be heard.

**RESOLVED**, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2010 Annual Budget of the Town of Batavia.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Lang, Underhill, Michalak, Gerace, Post

**APPROVED by unanimous vote (5-0)**

**Discussion:** Prior to the vote the Supervisor extended a warm thank you to all the Town Board Members for all their time and efforts put into the budget. He also thanked the community for its support during this difficult economic year. Councilman Lang extended a thank you to the Supervisor for all of his time and efforts.

**RESOLUTION NO. 143:**

Deputy Supervisor Underhill offered the following:

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**TOWN OF BATAVIA SEWER RENTS – 2010**

**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 2010 has been set at five dollars and thirty cents (\$5.30) per 1000 gallons;

**WHEREAS**, in Sewer District No. 2 the sewer rents for 2010 has been set at five dollars and thirty cents (\$5.30) per 1000 gallons;

**WHEREAS**, as required by law and in conjunction with the public hearing held November 4, 2009 for the 2010 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, 2010.

**RESOLVED**, the sewer rents are to be paid quarterly in the months of May, August and November, 2010 and February, 2011.

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Michalak, Gerace, Post  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 144:**

Supervisor Post offered the following:

**TOWN OF BATAVIA WATER RATES – 2010**

**WHEREAS**, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

**WHEREAS**, as a courtesy to the consumers, the Town Board held a public hearing on November 4, 2009 for the establishment of the 2010 water rates; and

**WHEREAS**, the water rate for May 2010 to February 2011 is set at \$4.35/1,000; and

**NOW, THEREFORE, BE IT**

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**RESOLVED**, the Batavia Town Board hereby authorizes the imposition of the aforementioned water rates for one (1) year beginning January 1, 2010.

**RESOLVED**, the water rates are to be paid quarterly in the months of May, August and November, 2010 and February, 2011.

**Second by:** Councilwoman Michalak,  
**Ayes:** Post, Michalak, Gerace, Lang, Underhill  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 145:**

Councilwoman Michalak offered the following:

**LEVYING UNPAID PROPERTY SERVICE CHARGE  
AGAINST 2010 TAX WARRANT**

**WHEREAS**, Amanda Spring, owner of property located at 3544 West Main Street Road, parcel number 11.-2-13 was issued an "Order and Notice of Violation" for said property; and

**WHEREAS**, no action was taken by Ms. Spring to bring the premises in compliance, and

**WHEREAS**, the Town of Batavia contracted with B & B Trucking to clean up the premises; and

**WHEREAS**, the costs incurred in October 2009 by the Town was \$1,200.00.

**NOW, THEREFORE BE IT,**

**RESOLVED**, that the amount of \$1,200.00 be submitted to the Genesee County Treasurer and is hereby approved for levying against property located at 3544 West Main Street Road, parcel number 11.-2-13, 2010 Town/County Tax Warrant.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Michalak, Underhill, Gerace, Lang, Post  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 146:**

Councilman Gerace offered the following:

**RESOLUTION TO AUTHORIZE SANITARY SEWER EASEMENT  
AND RELATED AGREEMENT WITH COUNTRY MEADOWS**

**WHEREAS**, the Town of Batavia is in the process of implementing improvements to its sewer and drainage system that are necessary to provide upgraded services for the health and welfare of the residents of the Town of Batavia, and

**WHEREAS**, the planned sanitary sewer and drainage project will require a Sanitary Sewer

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Easement running across a portion of land owned by Country Meadows NY LLC, and

**WHEREAS**, the Town and Country Meadows have negotiated the terms and conditions of this Sanitary Sewer Easement, as well as providing for billing for water usage to the mobile home park owned and operated by Country Meadows on its parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed Sanitary Sewer Easement by and between the Town of Batavia, New York and Country Meadows NY LLC, a copy of which is annexed and made a part of the Minutes of the Town Board, is hereby approved, and the Town Supervisor is authorized and directed to execute all documents necessary to complete and record this Sanitary Sewer Easement, and

**BE IT FURTHER RESOLVED** that a proposed “Agreement with Country Meadows Regarding a Sanitary Sewer Easement and Water Billing Issues”, a copy of which is annexed and made a part of the Minutes of the Town Board, is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia, and

**BE IT FURTHER RESOLVED** that in consideration for granting the aforesaid Easement, the Town will purchase the necessary radio read units for the existing mobile home sites in the Country Meadows Park, as provided for in the “Agreement with Country Meadows Regarding a Sanitary Sewer Easement and Water Billing Issues”, which based upon the estimate of the Town Engineer will cost approximately Twenty Thousand Dollars (\$20,000.00), and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized and directed to record the Sanitary Sewer Easement 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 recording costs and fees to the Genesee County Clerk’s Office to record the Sanitary Sewer Easement document.

**Second by:** Councilwoman Michalak

**Ayes:** Gerace, Michalak, Lang, Underhill, Post

**APPROVED by unanimous vote (5-0)**

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:10 P.M.

**Ayes:** Gerace, Lang, Underhill, Michalak, Post

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk