

**JUNE 30, 2010
SPECIAL TOWN BOARD MEETING**

Town Hall

**Following Public Informational Meeting
Conceptual Park Plan**

Dan Underhill, Deputy Supervisor 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
Planning Board Chair Jasinski
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:55 P.M.

RESOLUTION NO. 103:

Councilman Lang offered the following:

**A RESOLUTION TO ACCEPT THE BATAVIA TOWN PARK CONCEPTUAL PLAN AS A
GUIDE TO THE DEVELOPMENT OF THE BATAVIA TOWN PARK**

WHEREAS, the Town of Batavia has received a draft of the Batavia Town Park Conceptual Plan as a guide to the development of the Batavia Town Park, and

WHEREAS, the Town Board has conducted a public informational meeting and outreach to encourage the public to comment on the draft conceptual plan, and has incorporated modifications recommended by the public into the draft conceptual plan.

NOW THEREFORE BE IT RESOLVED, that:

1. The Batavia Town Board does hereby accept the Batavia Town Park Conceptual Plan as a guide to the development of the Batavia Town Park.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

Discussion: The Supervisor reported that a letter of concern was received from a resident regarding a registered sex offender living within a 10th of a mile from the proposed park and he would like it annexed

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and made a part of the minutes. The Town is investigating land option agreements for expansion to the park but the resident was hesitant to sign without public acknowledgement of the neighborhood environment. Mr. Post stated that it their sworn duties, as elected officials, to be diligent in its effort to support a safe environment.

RESOLUTION NO. 104:

Deputy Supervisor Underhill offered the following:

A RESOLUTION TO DECLARE THE TOWN BOARD'S INTENT TO SERVE AS LEAD AGENCY FOR DEVELOPMENT OF BATAVIA TOWN PARK - PHASE I SEQR

WHEREAS, the Town of Batavia has accepted the Batavia Town Park Conceptual Plan as a guide to the development of the Batavia Town Park, and

WHEREAS, the Town Board has identified certain components of the Conceptual Plan for short-term implementation, and

WHEREAS, an environmental review in accord with the State Environmental Quality Review (SEQR) regulations must be completed, and

WHEREAS, Town Board, NYS Department of Environmental Protection, NYS Office of Parks, Recreation and Historic Preservation, and U.S. Army Corps of Engineers are "Involved Agencies" as defined in the SEQR regulations, and

WHEREAS, it is rational and sensible for the Batavia Town Board to serve as the Lead Agency, and

WHEREAS, the Batavia Town Board has offered to serve as the Lead Agency and has caused a full Environmental Assessment Form (EAF) for the proposed action to be prepared,

NOW THEREFORE BE IT RESOLVED, that:

1. The Batavia Town Board does hereby declare its intent to serve as Lead Agency for conducting the environmental review for the proposed action of developing Phase I of the Batavia Town Park; and
2. The Town of Batavia Supervisor is hereby directed to formally notify the other involved agencies of the Town Board's intent to serve as Lead Agency and to establish an appropriate time for agencies to respond, and
3. The Town of Batavia Supervisor is also hereby directed to provide the other involved and interested agencies with copies of the EAF for review and comment and to establish an appropriate time for receipt of such comments.

Second by: Councilman Gerace

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

RESOLUTION NO. 105:

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE SUBMITTAL OF GRANT APPLICATION TO NYS
OPRHP FOR BATAVIA TOWN PARK
LAND ACQUISITION AND DEVELOPMENT**

WHEREAS:

1. The Batavia Town Board has approved the Batavia Town Park Conceptual Plan as a guide to the development of the Batavia Town Park.
2. The Town Board intends to implement a portion of the Phase I development plan as documented in the Batavia Town Park Conceptual Plan.
3. The acquisition of additional land would provide significant additional opportunities for recreation that are consistent with the preservation of sensitive natural resources.
4. The Town of Batavia has obtained purchase options for the acquisition of land to expand the Batavia Town Park.
5. Grant funding is needed to enable the Town to acquire additional land for the Batavia Town Park and to develop a portion of the park for recreational uses.

RESOLVED:

That Gregory Post, as Supervisor of the Town of Batavia, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$ 195,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Batavia for the acquisition of land and development of a portion of the Batavia Town Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Gerace, Lang, Underhill

APPROVED by unanimous vote (5-0)

RESOLUTION NO.106:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
CREEK ROAD WATER DISTRICT**

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“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of public water improvements to serve residents within the Creek Road Water District. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of the installation of approximately 22,000 linear feet of watermain along portions of Creek Road, East Road, Lehigh Road and Dorman Road. Activities include the installation of watermain, fire hydrants, valves, residential water services, connections, appurtenances, and surface restoration.

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 107:

Councilman Gerace offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
PRATT ROAD WATER DISTRICT

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of public water improvements to serve residents within the Pratt Road Water District. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

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The project consists of the installation of approximately 18,250 l.f. of watermain (distribution main and transmission main) along portions of Pratt Road and Powers Road. Activities include the installation of watermain, fire hydrants, valves, residential water services, connections, appurtenances, and surface restoration.

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilwoman Michalak

Ayes: Gerace, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 108:

Councilman Lang offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
BATAVIA NORTH (EAST OF RTE 98) WATER DISTRICT

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of public water improvements to serve residents within the Batavia North (East of Rte 98) Water District. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of the installation of approximately 36,300 linear feet of watermain along portions of Oak Orchard Road (NYS Rte. 98), Batavia-Elba Townline Road, State Street Road, Bank Street Road, and Batavia-Stafford Townline Road. Activities include the installation of watermain, fire hydrants, valves, residential water services, connections, appurtenances, and surface restoration.

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under

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SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 109:

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
BATAVIA NORTH (WEST OF RTE 98) WATER DISTRICT**

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of public water improvements to serve residents within the Batavia North (West of Rte 98) Water District. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of the installation of approximately 29,900 linear feet of watermain along portions of Batavia-Elba Townline Road, Downey Road and Lewiston Road (NYS Rte. 63). Activities include the installation of watermain, fire hydrants, valves, residential water services, connections, appurtenances, and surface restoration.

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

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FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

ADJOURNMENT:

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 8:15P.M.

Ayes: Lang, Michalak, Gerace, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk