

**NOVEMBER 30, 2011
SPECIAL TOWN BOARD MEETING**

Town Hall

5:00 P.M.

Ed Mileham, Town of Pembroke Supervisor Elect 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
Howard Owens, The Batavian Reporter

The Supervisor called the meeting to order at 5:05 P.M.

RESOLUTION NO. 175:

Councilman Lang offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 3 of 2011
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to assist the development of infrastructure in order to allow the Genesee County Industrial Development Agency, d/b/a Genesee County Economic Development Center (GCEDC) to continue to develop projects located at the Genesee Valley Agri-Business Park, and

WHEREAS, the Town of Batavia has authority pursuant to its Municipal Home Rule Law powers to enter into an agreement with GCEDC in order to authorize a grant to this Industrial Development Agency for the purpose of facilitating the planning, design and construction of water main, with related appurtenances and infrastructure, (hereinafter "Improvements"), for the benefit of the Genesee Valley Agri-Business Park, and

WHEREAS, the Town had included within its 2011 budget sufficient sums to grant the proposed amount of Two Hundred Thousand Dollars (\$200,000.00) to the GCEDC without borrowing the same, and

WHEREAS, on January 20, 2010, the Town adopted Local Law No. 1 of 2010, granting money to the GCEDC, which included the sum of One Hundred Thousand Dollars (\$100,000.00) to construct an electrical transmission main running from Bank Street Road to the Upstate Med & Tech Park, and

WHEREAS, this sum of money has not been used or allocated for this purpose by the GCEDC and it has requested that the Town of Batavia allow this amount to be added to the new grant for the combined sum of Three Hundred Thousand Dollars (\$300,000.00), which is needed to build the proposed

**NOVEMBER 30, 2011
SPECIAL TOWN BOARD MEETING**

Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 3 of 2011 entitled "A Local Law to Authorize a Grant to the Genesee County Industrial Development Agency to Construct Infrastructure Improvements for Genesee Valley Agri-Business Park Projects", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until December 21, 2011, and that a public hearing be held before this Town Board on the 21st day of December, 2011, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Discussion- The Supervisor stated that part of the Grant is to re-utilize funds that were granted to GCEDC in January 2010. The funds will be used for the water line project in the Ag Park. Without infrastructure we can't attract commerce.

**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 30th day of November, 2011, proposed Local Law No. 3 of 2011 entitled "A Local Law to Authorize a Grant to the Genesee County Industrial Development Agency to Construct Infrastructure Improvements for Genesee Valley Agri-Business Park Projects". Said Local Law will authorize the Town of Batavia as follows:

1. To grant the sum of Two Hundred Thousand Dollars (\$200,000.00) to the Genesee County Industrial Development Agency, d/b/a Genesee County Economic Development Center

NOVEMBER 30, 2011
SPECIAL TOWN BOARD MEETING

(GCEDC) in order to allow the GCEDC to plan, design and construct approximately 4,800 feet of 12 inch water main, with related appurtenances and infrastructure, to extend the water facilities already approved and under construction as part of the Ellicott Street Road and Townline Road Water District to increase the fire flow capacity within the Genesee Valley Agri-Business Park (hereinafter "Improvements").

2. To allow the GCEDC to use all or any part of the sum of One Hundred Thousand Dollars (\$100,000.00) that was previously granted to this agency by Local Law No. 1 of 2010, for the prior purpose of constructing infrastructure to the Upstate Med & Tech Park, to be currently used for the Improvements set forth herein.

3.
PLEASE TAKE FURTHER NOTICE that on 21st day of December, 2011, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road in the Town of Batavia, New York for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Local Law No. 3 of 2011. A complete copy of the Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street, Batavia, New York and is open for public inspection during regular office hours.

Dated: Batavia, New York
November 30, 2011

Teresa M. Morasco, Town Clerk
Town of Batavia, New York

ADJOURNMENT:

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 5:14 P.M.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk