

**MARCH 14, 2012**  
**SPECIAL TOWN BOARD MEETING**

**Town Hall**

**Immediately following Public Hearing**

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  
Steve Mountain, Town Engineer  
Joseph Neth, Engineer Technician

The Supervisor called the meeting to order at 6:13 P.M.

**RESOLUTION NO. 71:**

Councilman Lang offered the following:

**AUTHORIZATION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT TO THE  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

**WHEREAS**, a proposal known as Project Wave has been presented to the Town that would result in the development of a food processing facility in the Genesee Valley Agri-Business Park in the Town of Batavia (the "Project"), and

**WHEREAS**, the Project is expected to result in private investment of an estimated \$206 million and the creation of 186 new employment opportunities and contribute to the Town's property tax base, and

**WHEREAS**, Genesee Agri-Business LLC requires financial support from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of infrastructure improvements to support the Project, and

**WHEREAS**, the OCR has invited the Town of Batavia to submit a grant application in the amount of \$1,000,000 to assist in financing the Project;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Batavia Town Board hereby authorizes the Supervisor to submit a grant application in the amount of \$1,000,000 to the New York State Office of Community Renewal to provide financial assistance to Genesee Agri-Business LLC, and be it further

**RESOLVED**, that the Batavia Town Board hereby authorizes the Supervisor to execute all

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necessary documents associated with the implementation of the OCR grant, subject to review by counsel, and be it further

**RESOLVED**, that the Batavia Town Board hereby designates the Supervisor as its “Certifying Officer” for the purposes of assuring compliance with all federal environmental regulations respecting the grant and representing the Town of Batavia in any challenges to such compliance.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 72:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE PHASE I ARCHEOLOGICAL INVESTIGATIONS  
PROPOSED WEST MAIN STREET ROAD SEWER DISTRICT AND  
BOAT LAUNCH PARCEL**

**WHEREAS**, the Town of Batavia is developing plans to install sanitary sewer service in the Proposed West Main Street Road Sewer District along West Main Street Road and Kelsey Roads, and

**WHEREAS**, the Town of Batavia is also developing plans to construct a boat launch facility at the Kiwanis Park to provide access to Tonawanda Creek, and

**WHEREAS**, a No Effect letter from the State Historic Preservation Office is needed for each project in order to complete the environmental review and/or to obtain the necessary permits/approvals from State agencies. In order to obtain the No Effect letter from SHPO, a Phase I Archeological Investigation is required or is assumed to be required for each project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Batavia authorizes the Supervisor to sign the contract with Deuel Archeology (attached) to prepare a Phase I Cultural Resources Investigation of each project area. The Town of Batavia acknowledges that the Not to Exceed fee for the two studies is \$4,995.00 plus and estimated fee of \$3,500.00 for the geomorphology services, and acknowledges that the Town is responsible for payment of this fee, and be it

**FURTHER RESOLVED** that all work and the Phase I report shall be submitted to the State Historic Preservation Office (SHPO) no later than April 15<sup>th</sup>, 2012, unless circumstances out of the control of Deuel Archeology occur.

**Second by:** Councilwoman Michalak

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

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

**SUSPEND THE RULES**-Motion Deputy Supervisor Underhill, second Councilman Gerace to suspend

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the rules to introduce an additional resolution.

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

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

**RESOLUTION NO. 73:**

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE SUBMISSION  
OF RURAL BUSINESS ENTERPRISE GRANT**

**WHEREAS**, the Town has been provided with an opportunity to assist a prospective company with the location of their business at the Genesee Valley Agri-Business Park which would require construction of utilities at the proposed site; and

**WHEREAS**, the United States Department of Agriculture Rural Business Enterprise Grant Program provides grants to public agencies, private non-profit corporations or Indian groups for financing and facilitating of small and emerging private business enterprises development; and

**WHEREAS**, the Town Grantee desires to make application to the United States Department of Agriculture Rural Business Enterprise Grant Program for approximately \$200,000 in grant funding for the infrastructure project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Supervisor is hereby authorized to submit a grant application to the United States Department of Agriculture Rural Business Enterprise Grant and to execute related documents and take all other necessary actions in connection therewith.

**Second by:** Deputy Supervisor Underhill

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

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

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 6:20 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk