

**JANUARY 28, 2015  
SPECIAL TOWN BOARD MEETING**

**Town Hall**

Greg Post, Supervisor led the pledge to the flag.

**Immediately Following Public Hearings**

**Roll Call**

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

**Others**

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

The Supervisor called the meeting to order at 7:25 P.M.

**SUSPEND THE RULES**-Motion Councilman Zambito, second Councilman Lang to suspend the rules to introduce an additional resolution.

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

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

**RESOLUTION NO. 54:**

Councilman Lang offered the following:

**TOWN OF BATAVIA  
SEQR RESOLUTION  
FOR  
SEWER CAPACITY PURCHASE  
FOR  
SANITARY SEWER DISTRICT NO. 1  
SANITARY SEWER DISTRICT NO. 2  
WEST MAIN STREET ROAD SANITARY SEWER DISTRICT  
COMMERCE PARKS SEWER IMPROVEMENT AREA  
EAST MAIN SEWER IMPROVEMENT AREA  
McWETHY SEWER IMPROVEMENT AREA  
ROUTE 63 SEWER IMPROVEMENT AREA**

**WHEREAS,**

- 1) The Town has negotiated proposed a Wastewater Facility Agreement with the City of Batavia to purchase additional sewer capacity in co-owned wastewater facilities.
- 2) The agreement includes increased wastewater capacity, the replacement or modification of sewer master meters, and minor facility upgrades for a total cost of \$2,500,000.

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- 3) The Town Board has determined that, the proposed action is an Unlisted action as defined under the New York State Environmental Quality Review regulations (SEQR) and will not be conducting a coordinated review.
- 4) The Town Board has prepared an environmental assessment of the significance of any potential environmental impact of the action described above.
- 5) The Town Board has considered all environmental information prepared for this action in the short Environmental Assessment Form and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board declares that, based on all of the environmental information which has been prepared, the agreement will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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

**RESOLUTION NO. 55:**

Deputy Supervisor Underhill offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on January 28, 2015.

**PRESENT:**

- Hon. Gregory H. Post, Supervisor
- Hon. Daniel Underhill, Councilperson
- Hon. Alfred Lang, Councilperson
- Hon. Patti Michalak, Councilperson
- Hon. Chad Zambito, Councilperson

-----X  
In the Matter  
of the

Joint Increase and Improvement of Facilities of the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2, in the Town of Batavia, in the County of Genesee, New York, pursuant to Section 202-b of the Town Law.

-----X

**RESOLUTION AND ORDER**  
**AFTER PUBLIC HEARING APPROVING**  
**THE JOINT INCREASE AND IMPROVEMENT**

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**OF FACILITIES OF THE TOWN OF BATAVIA WEST MAIN  
STREET ROAD SEWER DISTRICT, SEWER DISTRICT NO. 1  
AND SEWER DISTRICT NO. 2**

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law, created the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2 (collectively, the “Districts”); and

WHEREAS, the Town Board has directed the Town of Batavia Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for the Districts’ sewer system improvements project; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Sewer Improvement”); and

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WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for the Sewer Improvement for the Districts; and

WHEREAS, the maximum amount proposed to be expended by the Districts for the Sewer Improvement is estimated to be \$1,255,681; and

WHEREAS, the Districts discussed herein will be responsible for approximately \$1,255,681, said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$1,255,681, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Sewer Improvement will provide the Districts with the additional capacity necessary to allow for the service of wastewater disposal to continue while taking advantage of the existing sanitary sewer system and wastewater treatment facility; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable

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documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 13, 2015 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on January 28, 2015 at 7:00 o'clock P.M. (prevailing time) to consider said joint increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices; and

NOW THEREFORE BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to undertake the Sewer Improvement at the estimated maximum cost of \$1,255,681; and it is hereby

DETERMINED, that the parcels and lots of the Districts shall be benefited by said joint increase and improvement of the facilities of the Districts; and it is hereby

DETERMINED, that all parcels and lots benefited by said joint increase and improvement of the facilities are included in the Districts; and it is hereby

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said joint increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that the expense of the Sewer Improvement shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,255,681, said amount to be offset by any federal, state, county and/or local funds received; and it is hereby

FURTHER ORDERED, that such costs will be annually apportioned among the Districts by the Town Board, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of the Sewer Improvement, shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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FURTHER ORDERED, that the Town Board may establish sewer rents as provided in paragraph (l) of subdivision one of Town Law Section 198; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Genesee a copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Joint Increase and Improvement of Facilities of the Districts was duly put to a vote on roll call, which resulted as follows:

**AYES:**

**NOES:**

**ABSENT:**

The Resolution approving the joint increase and improvement of facilities of the Districts was declared adopted.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 56 :**

Supervisor Post offered the following:

**A BOND RESOLUTION, DATED January 28, 2015, OF THE TOWN BOARD of the town of Batavia, Genesee County, New York (the “town”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2 AT AN ESTIMATED MAXIMUM COST OF \$1,255,681, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,255,681, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR local funds RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law, created the Town of Batavia West Main Street Road Sewer District, Sewer District No. 1 and Sewer District No. 2 (collectively, the “Districts”); and

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), has determined to proceed with a certain sewer system capital improvements project for the Districts; and

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WHEREAS, by the Town Board took the following actions with respect to such project: (a) received maps and plans for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Districts generally consisting of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$1,255,681.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$1,255,681 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said improvements shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in

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anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Such costs will annually be apportioned among the Districts by the Town Board and unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule

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15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

**The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:**

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

**RESOLUTION NO. 57:**

Councilwoman Michalak offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on January 28, 2015.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Alfred Lang, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. Chad Zambito, Councilperson

-----X

In the Matter

of the

Establishment of the East Main Sewer  
Improvement Area, in the Town of Batavia,  
County of Genesee, New York,  
pursuant to Article 12-C of the Town Law.

-----X

**RESOLUTION ESTABLISHING THE EAST MAIN SEWER  
IMPROVEMENT AREA IN THE TOWN, APPROVING THE  
UNDERTAKING OF SEWER IMPROVEMENTS FOR SUCH  
BENEFITTED AREA AND MAKING OTHER DETERMINATIONS  
IN CONNECTION THEREWITH.**

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-C, caused the Town of Batavia Engineering Department (the "Engineer"), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the East Main Sewer Improvement Area and the undertaking of improvements therefor; and

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WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Improvement"); and

WHEREAS, the proposed Improvement will benefit the entire proposed East Main Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

The boundary of the proposed Town of Batavia, East Main Sanitary Sewer Improvement Area includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the southerly right-of-way of East Main Street Road and the centerline of AgPark Drive North; thence,

1. Easterly, along the southerly right-of-way of East Main Street Road, a distance of 270 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-161; thence,
2. Southerly, along the easterly line of Tax Parcel numbers 13.-1-161, 13.-1-162, 13.-1-171, and 13.-1-174, a distance of 1466 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-158.12; thence,
3. Easterly, along a northerly line of Tax Parcel number 13.-1-174, a distance of 358 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-174; thence,
4. Southerly, along the easterly line of Tax Parcel number 13.-1-174, along the southerly extension of the easterly line of Tax Parcel number 13.-1-174 through the lands of Tax Parcel number 13.-1-174, and continuing along the easterly line of Tax Parcel number 13.-1-165.111, a distance of 2838 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-165.111; thence,
5. Westerly, along a southerly line of Tax Parcel number 13.-1-165.111, a distance of 2172 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-165.111; thence,
6. Northerly, along a westerly line of Tax Parcel number 13.-1-165.111, a distance of 660 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-167.1; thence,
7. Westerly, along a southerly line of Tax Parcel number 13.-1-165.111, a distance of 261 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-165.111; thence,
8. Northerly, along a westerly line of Tax Parcel number 13.-1-165.111 and along the northerly extension of a westerly line of Tax Parcel number 13.-1-165.111 across AgPark Drive West (66 feet wide right-of-way), a distance of 928 feet, more or less, to the intersection of the northerly extension of a westerly line of Tax Parcel number 13.-1-165.111 and the northerly right-of-way of AgPark Drive West; thence,

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9. Easterly, along the northerly right-of-way of AgPark Drive West, a distance of 796 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
10. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 468 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
11. Easterly, along the southerly line of Tax Parcel number 13.-1-106.1, a distance of 784 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-106.1; thence,
12. Northerly, along the easterly line of Tax Parcel number 13.-1-106.1, a distance of 70 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-106.1; thence,
13. Westerly, along the northerly line of Tax Parcel number 13.-1-106.1, a distance of 814 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
14. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 134 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
15. Easterly, along a southerly line of Tax Parcel number 13.-1-105.214, a distance of 383 feet, more or less, to a southeasterly corner of Tax Parcel number 13.-1-105.214; thence,
16. Northerly, along an easterly line of Tax Parcel number 13.-1-105.214, a distance of 107 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-105.214; thence,
17. Westerly, along a northerly line of Tax Parcel number 13.-1-105.214, a distance of 381 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
18. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 896 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
19. Easterly, along a northerly line of Tax Parcel number 13.-1-170, a distance of 400 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-45; thence,
20. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 163 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
21. Easterly, along a northerly line of Tax Parcel number 13.-1-170, a distance of 445 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-164.2; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 13.-1-164.2 and 13.-1-164.1, a distance of 1002 feet, more or less, to The north westerly corner of Tax Parcel number 13.-1-164.1; thence,
23. Easterly, along the southerly right-of-way of East Main Street Road, a distance of 205 feet, more or less, to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, "East Main Sanitary Sewer Improvement Area – Sewer Capacity Purchase," dated 1/2015. The Town of Batavia, East Main Sanitary Sewer Improvement Area, as described above, contains approximately 150.7 acres of land.

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WHEREAS, the Improvement will provide the proposed East Main Sewer Improvement Area with the capacity necessary to allow for the service of wastewater disposal while taking advantage of the existing sanitary sewer system and wastewater treatment facility; and

WHEREAS, the Engineer has estimated the cost of the Improvement that the proposed East Main Sewer Improvement Area will be responsible for is \$482,955, said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$482,955, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q and paragraph (1) of subdivision one of Town Law Section 198; and

WHEREAS, the estimated maximum amount proposed to be expended (and proposed to be financed by the issuance of serial bonds of the Town) will be in an aggregate amount not to exceed \$482,955, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed East Main Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the East Main Sewer Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 13, 2015 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on January 28, 2015 at 7:05 o'clock P.M. (prevailing Time), to consider the establishment of the East Main Sewer Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the

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provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, as follows:

DETERMINED, that it is in the public interest to establish the East Main Sewer Improvement Area as hereinabove described; and it is hereby

DETERMINED, that the estimated maximum cost that the East Main Sewer Improvement Area is responsible for is \$482,955; and it is hereby

DETERMINED, that the parcels and lots of the East Main Sewer Improvement Area shall be benefited by the establishment of the East Main Sewer Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any Village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the East Main Sewer Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the East Main Sewer Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the establishment of the East Main Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$482,955, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed East Main Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Genesee County within ten days after the adoption of this Resolution.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

**JANUARY 28, 2015  
SPECIAL TOWN BOARD MEETING**

AYES:

NOES:

ABSENT:

The resolution was declared adopted.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 58:**

Councilman Zambito offered the following:

**A BOND RESOLUTION, DATED JANUARY 28, 2015, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF BATAVIA EAST MAIN SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$482,955 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$482,955, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the "Town"), has determined to proceed with a certain sewer system capital improvements project for the Town of Batavia East Main Sewer Improvement Area (the "Improvement Area"); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW, THEREFORE,

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Improvement Area generally consisting of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$482,955.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$482,955 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 59:**

Councilman Lang offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on January 28, 2015.

PRESENT:

Hon. Gregory H. Post, Supervisor

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

Hon. Daniel Underhill, Councilperson  
Hon. Alfred Lang, Councilperson  
Hon. Patti Michalak ,Councilperson  
Hon. Chad Zambito, Councilperson

-----X  
In the Matter

of the

Establishment of the McWethy Sewer  
Improvement Area, in the Town of Batavia,  
County of Genesee, New York,  
pursuant to Article 12-C of the Town Law.

-----X

**RESOLUTION ESTABLISHING THE MCWETHY SEWER  
IMPROVEMENT AREA IN THE TOWN, APPROVING THE  
UNDERTAKING OF SEWER IMPROVEMENTS FOR SUCH  
BENEFITTED AREA AND MAKING OTHER DETERMINATIONS  
IN CONNECTION THEREWITH.**

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-C, caused the Town of Batavia Engineering Department (the “Engineer”), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the McWethy Sewer Improvement Area and the undertaking of improvements therefor; and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Improvement”); and

WHEREAS, the proposed Improvement will benefit the entire proposed McWethy Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

The boundary of the Town of Batavia, McWethy Sanitary Sewer Improvement Area includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the City/Town of Batavia Municipal Boundary and the centerline of Edgewood Drive; thence,

1. Southerly, along the City/Town of Batavia Municipal Boundary, a distance of 1724 feet, more or less, to the easterly corner of Tax Parcel number 12.06-1-11; thence,
2. Southwesterly, along the southeasterly line of Tax Parcel numbers 12.-06-1-11, 12.06-1-12, 12.05-1-5, 12.05-1-6, 12.05-1-7, and 12.05-1-8, a distance of 794 feet, more or less, to the southwesterly corner of Tax Parcel number 12.-1-2.111; thence,
3. Westerly, along the southerly line of Tax Parcel numbers 12.05-1-8, 12.05-1-9.1, 12.05-1-10.1, 12.05-1-11, 12.05-1-12, 12.05-1-13, 12.05-1-14, 12.05-1-27, 12.05-1-28, and 12.05-1-29, a distance of 1344 feet, more or less, to the southwesterly corner of Tax Parcel number 12.05-1-29; thence,
4. Northerly, along the westerly line of Tax Parcel number 12.05-1-29, a distance of 167 feet, more or less, to the northwesterly corner of Tax Parcel number 12.05-1-29; thence,
5. Westerly, along the southerly right-of-way of Edgewood Drive, a distance of 60 feet, more or less, to the intersection of the southerly line of the right-of-way of Edgewood Drive and the southerly extension of the westerly line of Tax Parcel number 12.05-1-34; thence,
6. Northerly, across Edgewood Drive (60 feet wide right-of-way) and along the westerly line of Tax Parcel number 12.05-1-34, a distance of 198 feet, more or less, to the northwesterly corner of Tax Parcel number 12.05-1-34; thence,
7. Easterly, along the northerly line of Tax Parcel numbers 12.05-1-34 and 12.05-1-33, a distance of 277 feet, more or less, to the southeasterly corner of Tax Parcel number 12.-1-121; thence,
8. Northerly, along a westerly line of Tax Parcel number 12.05-1-32, a distance of 41 feet, more or less, to a northwesterly corner of Tax Parcel number 12.05-1-32; thence,
9. Easterly, along the northerly line of Tax Parcel numbers 12.05-1-32, 12.05-1-31, 12.05-1-24, 12.05-1-23, 12.05-1-22, 12.05-1-21, 12.05-1-20, and 12.05-1-25, a distance of 896 feet, more or less, to the northeasterly corner of Tax Parcel number 12.05-1-25; thence,
10. Northerly, along the westerly line of Tax Parcel number 12.05-1-19, a distance of 12 feet, more or less, to the northwesterly corner of Tax Parcel number 12.05-1-19; thence,
11. Easterly, along the northerly line of Tax Parcel numbers 12.05-1-19 and 12.05-1-18, a distance of 188 feet, more or less, to the northeasterly corner of Tax Parcel number 12.05-1-18; thence,
12. Northerly, along a westerly line of Tax Parcel number 12.05-1-17, a distance of 60 feet, more or less, to a northwesterly corner of Tax Parcel number 12.05-1-17; thence,
13. Northeasterly, and the northwesterly line of Tax Parcel numbers 12.05-1-17, 12.05-1-16, 12.05-1-15, and 12.-1-2.22, a distance of 874 feet, more or less, to the easterly corner of Tax Parcel number 12.-1-110; thence,
14. Northwesterly, along a southwesterly line of Tax Parcel number 12.-1-2.22, a distance of 22 feet, more or less, to a westerly corner of Tax Parcel number 12.-1-2.22; thence,

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

15. Northeasterly, along the northwesterly line of Tax Parcel numbers 12.-1-2.22, 12.06-1-8, 12.06-1-7, 12.06-1-6, and 8.-3-86, a distance of 679 feet, more or less, to the southerly corner of Tax Parcel number 8.-3-85; thence,
16. Northwesterly, along the westerly line of Tax Parcel number 8.-3-85, a distance of 176 feet, more or less, to the westerly corner of Tax parcel number 8.-3-85; thence,
17. Northerly, across Woodland Drive (60 feet wide right-of-way), a distance of 67, more or less, to southerly corner of Tax Parcel number 8.18-1-5; thence,
18. Southwesterly, along the northerly right-of-way of Woodland Drive, a distance of 192 feet, more or less, to a southerly corner of Tax Parcel number 8.-3-91; thence,
19. Westerly, along a southerly line of Tax Parcel number 8.-3-91, a distance of 642 feet, more or less, to a southeasterly corner of Tax Parcel number 8.-3-91; thence,
20. Westerly, along a southerly line of Tax Parcel number 8.-3-91, a distance of 66 feet, more or less, to a southwesterly corner of Tax Parcel number 8.-3-91; thence,
21. Northerly, along a westerly line of Tax Parcel number 8.-3-91, a distance of 451 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-3-91; thence,
22. Westerly, through the lands of Tax Parcel number 8.-3-90 and continuing along a southerly line of Tax Parcel number 8.-3-92, a distance of 825 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-3-51.2; thence,
23. Southerly, along the westerly line of Tax Parcel number 8.-3-51.2, a distance of 43 feet, more or less, to a southeasterly corner of Tax Parcel number 8.-3-92; thence,
24. Westerly, along a southerly line of Tax Parcel number 8.-3-92, a distance of 237 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-3-72.21; thence,
25. Southerly, along a westerly line of Tax Parcel number 8.-3-92, a distance of 12 feet, more or less, to a southeasterly corner of Tax Parcel number 8.-3-92; thence,
26. Westerly, along a southerly line of Tax Parcel number 8.-3-92, a distance of 138 feet, more or less, to a northwesterly corner of Tax Parcel number 8.-3-80.1; thence,
27. Southwesterly, along a southeasterly line of Tax Parcel number 8.-3-92, a distance of 136 feet, more or less, to a southerly corner of Tax Parcel number 8.-3-92; thence,
28. Northerly, along a westerly line of Tax Parcel number 8.-3-92, a distance of 59 feet, more or less, to a northeasterly corner of Tax Parcel number 8.-3-81.12; thence,
29. Westerly, along the northerly line of Tax Parcel number 8.-3-81.12, a distance of 261 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-3-81.12; thence,
30. Southerly, along an easterly line of Tax Parcel number 8.17-1-25.1, a distance of 50 feet, more or less, to the southerly corner of Tax Parcel number 8.17-1-25.1; thence,
31. Westerly, across Valle Drive (60 feet wide right-of-way) and continuing along the southerly line of Tax Parcel number 8.17-1-10, a distance of 390 feet, more or less, to the southwesterly corner of Tax Parcel number 8.17-1-10; thence,
32. Northerly, along the westerly line of Tax Parcel numbers 8.17-1-10, 8.17-1-11, 8.17-1-12, 8.17-1-30, 8.17-1-13, 8.17-1-14, 8.17-1-15, 8.17-1-17.1, across Fairway Drive (60 feet wide right-of-way), and continuing along the westerly line of Tax Parcel number 8.17-1-24, a distance of 1402 feet, more or less, to the northwesterly corner of Tax Parcel number 8.17-1-24; thence,

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33. Easterly, along the northerly line of Tax Parcel numbers 8.17-1-24, 8.17-1-23.1, 8.17-1-22.1, 8.17-1-21.11, 8.17-1-21.12, 8.17-1-20.1, 8.17-1-19.11, 8.17-1-19.12, 8.17-1-18.1, and continuing along the easterly extension of a northerly line of Tax Parcel number 8.17-1-17.1 through the lands of Tax Parcel number 8.17-1-17.1 and across Fairway Drive (60 feet wide right-of-way), a distance of 955 feet, more or less, to the intersection of the easterly extension of a northerly line of Tax parcel number 8.17-17.1 and the easterly right-of-way of Fairway Drive; thence,
34. Northerly, along the easterly right-of-way of Fairway Drive, a distance of 80 feet, more or less, to the northwesterly corner of Tax Parcel number 8.17-1-1.11; thence,
35. Easterly, along the northerly line of Tax parcel number 8.17-1-1.11, a distance of 241 feet, more or less, to the northeasterly corner of Tax Parcel number 8.17-1-1.11; thence,
36. Southerly, along the easterly line of Tax Parcel number 8.17-1-1.11, a distance of 121 feet, more or less, to the southeasterly corner of Tax Parcel number 8.17-1-1.11; thence,
37. Easterly, along a northerly line of Tax Parcel number 8.-3-92, a distance of 322 feet, more or less, to the southeasterly corner of Tax Parcel number 8.-3-47; thence,
38. Northerly, along a westerly line of Tax Parcel number 8.-3-92, a distance of 116 feet, more or less, to a northwesterly corner of Tax Parcel number 8.-3-92; thence,
39. Easterly, along a northerly line of Tax Parcel number 8.-3-92, a distance of 436 feet, more or less, to a northeasterly line of Tax Parcel number 8.-3-92; thence,
40. Southerly, along an easterly line of Tax Parcel number 8.-3-92, a distance of 23 feet, more or less, to the intersection of the westerly extension of a northerly line of Tax Parcel number 8.-3-90 and an easterly line of Tax Parcel number 8.-3-92; thence,
41. Easterly, along the westerly extension of a northerly line of Tax Parcel number 8.-3-90 through the lands of Tax Parcel number 8.-3-90, along a northerly line of Tax Parcel number 8.-3-90, and continuing along the easterly extension of a northerly line of Tax Parcel number 8.-3-90 through the lands of Tax Parcel number 8.-3-90, a distance of 351 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 8.-3-90 and an easterly line of Tax Parcel number 8.-3-90; thence,
42. Southerly, along an easterly line of Tax Parcel number 8.-3-90, a distance of 61 feet, more or less, to the southwestly corner of Tax Parcel number 8.-3-87.1; thence,
43. Easterly, along a northerly line of Tax Parcel number 8.-3-90, a distance of 527 feet, more or less, to the southeasterly corner of Tax Parcel number 8.-3-42.114; thence,
44. Southwestly, along a southeasterly line of Tax Parcel number 8.-3-90, a distance of 276 feet, more or less, to a westerly corner of Tax Parcel number 8.18-1-7; thence,
45. Southeasterly, along the northeasterly line of Tax Parcel number 8.18-1-6.2, a distance of 192 feet, more or less, to the southerly corner of Tax Parcel number 8.18-1-7; thence,
46. Northerly, along the westerly line of Tax Parcel number 8.-3-34.21, a distance of 415 feet, more or less, to the intersection of the westerly extension of the northerly line of Tax Parcel number 8.-3-69.1 and the westerly line of Tax Parcel number 8.-3-34.21; thence,
47. Easterly, along the westerly extension of the northerly line of Tax Parcel number 8.-3-69.1 through the land of Tax Parcel number 8.-3-34.21 and continuing along the northerly line of Tax

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- Parcel numbers 8.-3-69.1, 8.-3-68, and 8.-3-67, a distance of 426 feet, more or less, to a northeasterly corner of Tax Parcel number 8.-3-67; thence,
48. Southerly, along an easterly line of Tax Parcel number 8.-3-67, a distance of 38 feet, more or less, to the southwesterly corner of Tax Parcel number 8.-3-33; thence,
  49. Easterly, along a northerly line of Tax Parcel number 8.-3-67, a distance of 35 feet, more or less, to a northeasterly corner of Tax Parcel number 8.-3-67; thence,
  50. Southerly, along the City/Town of Batavia Municipal Boundary, a distance of 193 feet, more or less, to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, “McWethy Sanitary Sewer Improvement Area – Sewer Capacity Purchase,” dated 1/2015. The Town of Batavia, McWethy Sanitary Sewer Improvement Area, as described above, contains approximately 79.7 acres of land.

WHEREAS, the Improvement will provide the proposed McWethy Sewer Improvement Area with the capacity necessary to allow for the service of wastewater disposal while taking advantage of the existing sanitary sewer system and wastewater treatment facility; and

WHEREAS, the Engineer has estimated the cost of the Improvement that the proposed McWethy Sewer Improvement Area will be responsible for is \$62,500; said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$62,500, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q and paragraph (l) of subdivision one of Town Law Section 198; and

WHEREAS, the estimated maximum amount proposed to be expended (and proposed to be financed by the issuance of serial bonds of the Town) will be in an aggregate amount not to exceed \$62,500, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed McWethy Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the McWethy Sewer Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation

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Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 13, 2015 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on January 28, 2015 at 7:10 o'clock P.M. (prevailing Time), to consider the establishment of the McWethy Sewer Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, as follows:

DETERMINED, that it is in the public interest to establish the McWethy Sewer Improvement Area as hereinabove described and referred to at the estimated maximum cost that the McWethy Sewer Improvement Area is responsible for is \$62,500; and it is hereby

DETERMINED, that the parcels and lots of the McWethy Sewer Improvement Area shall be benefited by the establishment of the McWethy Sewer Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any Village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the McWethy Sewer Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the McWethy Sewer Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the establishment of the McWethy Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$62,500, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed McWethy Sewer Improvement Area, which the Town Board

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shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Genesee County within ten days after the adoption of this Resolution.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was declared adopted.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 60:**

Deputy Supervisor Underhill offered the following:

**A BOND RESOLUTION, DATED JANUARY 28, 2015, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF BATAVIA MCWETHY SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$62,500 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$62,500, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the "Town"), has determined to proceed with a certain sewer system capital improvements project for the Town of Batavia McWethy Sewer Improvement Area (the "Improvement Area"); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to

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such project, (c) determined that such project would not have an significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Improvement Area generally consisting of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$62,500.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$62,500 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or

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notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

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SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

**RESOLUTION NO. 61 :**

Supervisor Post offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on January 28, 2015.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Alfred Lang, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. Chad Zambito, Councilperson

-----X

In the Matter

of the

Establishment of the Route 63 Sewer  
Improvement Area, in the Town of Batavia,  
County of Genesee, New York,  
pursuant to Article 12-C of the Town Law.

-----X

**RESOLUTION ESTABLISHING THE ROUTE 63 SEWER  
IMPROVEMENT AREA IN THE TOWN, APPROVING THE  
UNDERTAKING OF SEWER IMPROVEMENTS FOR SUCH  
BENEFITTED AREA AND MAKING OTHER DETERMINATIONS  
IN CONNECTION THEREWITH.**

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-C, caused the Town of Batavia Engineering Department (the "Engineer"), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the Route 63 Sewer Improvement Area and the undertaking of improvements therefor; and

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WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Improvement"); and

WHEREAS, the proposed Improvement will benefit the entire proposed Route 63 Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

The boundary of the Town of Batavia, Route 63 Sanitary Sewer Improvement Area includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the southeasterly corner of Tax Parcel number 20.-1-124; thence,

1. Westerly, along the northerly right-of-way of Ellicott Street Road, a distance of 1208 feet, more or less, to a westerly corner of Tax Parcel number 13.-1-95; thence,
2. Northeasterly, along the northwesterly line of Tax Parcel number 13.-1-195, a distance of 85 feet, more or less, to the northerly corner of Tax Parcel number 13.-1-95; thence,
3. Northerly, along the westerly lines of Tax Parcel numbers 20.-1-1.21, 13.-1-87.21, 13.-1-87.22, 13.-1-87.11, a distance of 1737 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-87.11; thence,
4. Northeasterly, along the City/Town of Batavia Municipal Boundary, a distance of 1521 feet, more or less, to The northerly corner of Tax Parcel number 13.-1-88; thence,
5. Easterly, along the northerly line of Tax Parcel numbers 13.-1-175.1 and 13.-1-168.1, a distance of 657 feet, more or less, to a northeasterly angle point of Tax Parcel number 13.-1-168.1; thence,
6. Southerly, along an easterly line of Tax Parcel number 13.-1-168.1, a distance of 11 feet, more or less, to a southwesterly angle point of Tax Parcel number 13.-1-105.1; thence,
7. Easterly, along the northerly line of Tax Parcel numbers 13.-1-168.1 and 13.-1-169, a distance of 1201 feet, more or less, to the northerly corner of Tax Parcel number 13.-1-169; thence,
8. Easterly, along a northerly line of Tax Parcel number 13.-1-169 a distance of 390 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-169; thence,
9. Southerly, along the easterly line of Tax Parcel number 13.-1-169 a distance of 468 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-169; thence,
10. Westerly, along the southerly line of Tax Parcel number 13.-1-169, a distance of 796 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-169; thence,
11. Southerly, along the southerly extension of the westerly line of Tax Parcel number 13.-1-169 across AgPark Drive West (66 feet wide right-of-way) and continuing along an easterly line of

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- Tax Parcel number 13.-1-167.1, a distance of 928 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-165.111; thence,
12. Easterly, along a northerly line of Tax Parcel number 13.-1-167.1, a distance of 261 feet, more or less, to a northwesterly corner of Tax parcel number 13.-1-167.1; thence,
  13. Southerly, along an easterly line of Tax Parcel number 13.-1-167.1, a distance of 660 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-167.1; thence,
  14. Westerly, along the southerly line of Tax Parcel number 13.-1-167.1, a distance of 315 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-1-108.1; thence,
  15. Southerly, along the easterly line of Tax Parcel number 20.-1-108.1 and through the lands of Tax Parcel number 20.-1-104, a distance of 879 feet, more or less, to The northwesterly corner of Tax Parcel number 20.-1-1.125; thence,
  16. Westerly, along the southerly line of Tax Parcel number 20.-1-104, a distance of 1494 feet, more or less, to the northwesterly corner of Tax Parcel number 20.-1-1.125; thence,
  17. Southerly, along the easterly line of Tax Parcel number 20.-1-124, a distance of 596 feet, more or less to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, "Route 63 Sanitary Sewer Improvement Area – Sewer Capacity Purchase," dated 1/2015. The Town of Batavia, Route 63 Sanitary Sewer Improvement Area, as described above, contains approximately 188.1 acres of land.

WHEREAS, the Improvement will provide the proposed Route 63 Sewer Improvement Area with the capacity necessary to allow for the service of wastewater disposal while taking advantage of the existing sanitary sewer system and wastewater treatment facility; and

WHEREAS, the Engineer has estimated the cost of the Improvement that the proposed Route 63 Sewer Improvement Area will be responsible for is \$244,318; said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$244,318, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q and paragraph (1) of subdivision one of Town Law Section 198; and

WHEREAS, the estimated maximum amount proposed to be expended (and proposed to be financed by the issuance of serial bonds of the Town) will be in an aggregate amount not to exceed \$244,318, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Route 63 Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the Town Board has given due consideration to the impact that the

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establishment of the Route 63 Sewer Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 13, 2015 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on January 28, 2015 at 7:15 o’clock P.M. (prevailing Time), to consider the establishment of the Route 63 Sewer Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, as follows:

DETERMINED, that it is in the public interest to establish the Route 63 Sewer Improvement Area as hereinabove described; and it is hereby

DETERMINED, that the estimated maximum cost that the Route 63 Sewer Improvement Area is responsible for is \$244,318; and it is hereby

DETERMINED, that the parcels and lots of the Route 63 Sewer Improvement Area shall be benefited by the establishment of the Route 63 Sewer Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any Village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the Route 63 Sewer Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Route 63 Sewer Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications,

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estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the establishment of the Route 63 Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$244,318, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Route 63 Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Genesee County within ten days after the adoption of this Resolution.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was declared adopted.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 62:**

Councilwoman Michalak offered the following:

**A BOND RESOLUTION, DATED JANUARY 28, 2015, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF BATAVIA ROUTE 63 SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$244,318 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$244,318, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN**

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**ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), has determined to proceed with a certain sewer system capital improvements project for the Town of Batavia Route 63 Sewer Improvement Area (the “Improvement Area”); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have an significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Improvement Area generally consisting of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$244,318.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$244,318 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

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SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal

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income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

**JANUARY 28, 2015  
SPECIAL TOWN BOARD MEETING**

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 63:**

Councilman Zambito offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on January 28, 2015.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Alfred Lang, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. Chad Zambito, Councilperson

-----X

In the Matter

of the

Establishment of the Commerce Parks  
Sewer Improvement Area, in the Town of  
Batavia, County of Genesee, New York,  
pursuant to Article 12-C of the Town Law.

-----X

**RESOLUTION ESTABLISHING THE COMMERCE PARKS  
SEWER IMPROVEMENT AREA IN THE TOWN, APPROVING**

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

**THE UNDERTAKING OF SEWER IMPROVEMENTS FOR SUCH  
BENEFITTED AREA AND MAKING OTHER DETERMINATIONS  
IN CONNECTION THEREWITH.**

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-C, caused the Town of Batavia Engineering Department (the “Engineer”), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the Commerce Parks Sewer Improvement Area and the undertaking of improvements therefor; and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, such sewer system improvements project will generally consist of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Improvement”); and

WHEREAS, the proposed Improvement will benefit the entire proposed Commerce Parks Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

The boundary of the Town of Batavia, Commerce Parks Sanitary Sewer Improvement Area includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the easterly right-of-way of Oak Orchard Road and the centerline of West Saile Drive; thence,

1. Northerly, along the easterly right-of-way of Oak Orchard Road, a distance of 582 feet, more or less, to The northwesterly corner of Tax Parcel number 4.-1-23.1; thence,
2. Easterly, along the northerly line of Tax Parcel numbers 4.-1-23.1 and 4.-1-23.2, a distance of 1099 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-23.2; thence,
3. Northerly, along the westerly line of Tax Parcel number 4.-1-22.12, a distance of 273 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-22.12; thence,
4. Easterly, along the northerly line of Tax Parcel number 4.-1-22.12, along the easterly extension of the northerly line of Tax Parcel number 4.-1-22.12 through the lands of Tax Parcel number 4.-1-21.1 and across State Street Road (49.5 feet wide right-of-way), and continuing along the northerly line of Tax Parcel number 4.-1-47, a distance of 1215 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-47; thence,

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**SPECIAL TOWN BOARD MEETING**

5. Southerly, along an easterly line of Tax Parcel number 4.-1-47, a distance of 515 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.115; thence,
6. Easterly, along the northerly line of Tax Parcel numbers 4.-1-45.1 and 4.-1-22.21, a distance of 760 feet, more or less, to a southeasterly corner of Tax Parcel number 4.-1-42.1; thence,
7. Northerly, along a westerly line of Tax Parcel number 4.-1-22.21, a distance of 21 feet, more or less, to a northwesterly corner of Tax Parcel number 4.-1-22.21; thence,
8. Easterly, along the northerly line of Tax Parcel numbers 4.-1-22.21 and 4.-1-43.121, a distance of 673 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-43.121; thence,
9. Northerly, along the westerly line of Tax Parcel numbers 5.-1-105 and 5.-1-66, a distance of 1001 feet, more or less, to the northwesterly corner of Tax Parcel number 5.-1-66; thence,
10. Easterly, along the northerly line of Tax Parcel number 5.-1-66, a distance of 3259 feet, more or less, to the intersection of the northerly extension of the easterly line of Tax Parcel number 5.-1-104.2 and the northerly line of Tax Parcel number 5.-1-66; thence,
11. Southerly, along the northerly extension of the easterly line of Tax Parcel number 5.-1-104.2 through the lands of Tax Parcel number 5.-1-66 and across East Saile Drive (50 feet wide right-of-way) and continuing along the easterly line of Tax Parcel number 5.-1-104.2, a distance of 1821 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-104.2; thence,
12. Westerly, along the southerly line of Tax Parcel numbers 5.-1-104.2 and 5.-1-104.12, a distance of 1051 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-104.12; thence,
13. Southerly, along the easterly line of Tax Parcel number 5.-1-103.21, a distance of 395 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-103.21; thence,
14. Westerly, along the southerly line of Tax Parcel numbers 5.-1-103.21 and 5.-1-103.11, a distance of 1538 feet, more or less, to a southwesterly corner of Tax Parcel number 5.-1-103.11; thence,
15. Northerly, along a westerly line of Tax Parcel number 5.-1-103.11, a distance of 192 feet, more or less, to the northeasterly corner of Tax Parcel number 5.-1-98; thence,
16. Westerly, along a southerly line of Tax Parcel number 5.-1-103.11, a distance of 192 feet, more or less, to a southwesterly corner of Tax Parcel number 5.-1-103.11; thence,
17. Northerly, along a westerly line of Tax Parcel number 5.-1-103.11, a distance of 310 feet, more or less, to the northeasterly corner of Tax Parcel number 5.-1-101; thence,
18. Westerly, along the northerly line of Tax Parcel number 5.-1-101 and following the westerly extension of the northerly line of Tax Parcel number 5.-1-101 across State Street Road (49.5 feet wide right-of-way), a distance of 232 feet, more or less, to the intersection of the westerly extension of the northerly line of Tax Parcel number 5.-1-101 and the westerly right-of-way of State Street Road; thence,
19. Southerly, along the westerly right-of-way of State Street Road, a distance of 2425 feet, more or less, to the southeasterly corner of Tax Parcel number 4.-1-26.111; thence,
20. Westerly, along the southerly line of Tax Parcel number 4.-1-26.111 and continuing along the westerly extension of the southerly line of Tax Parcel number 4.-1-26.111 across Oak Orchard Road (66 feet wide right-of-way) a distance of 3777 feet, more or less, to a southeasterly corner of Tax Parcel number 4.-1-27.11; thence,

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**SPECIAL TOWN BOARD MEETING**

21. Southerly, along the easterly line of Tax Parcel number 8.-1-44.1, following the westerly right-of-way of Oak Orchard Road across Federal Drive (60 feet wide right-of-way), and continuing along the easterly line of Tax Parcel numbers 8.-1-64 and 8.-1-63.114, distance of 1111 feet, more or less, to a southeasterly corner of Tax parcel number 8.-1-63.114; thence,
22. Westerly, along the southerly line of Tax Parcel numbers 8.-1-63.114, 8.-1-71, 8.-1-70, 8.-1-63.112, 8.-1-63.12, 8.-1-63.2, and 8.-1-46, a distance of 3367 feet, more or less, to the southwesterly corner of Tax Parcel number 8.-1-46; thence,
23. Northerly, along the westerly line of Tax Parcel number 8.-1-46, a distance of 1511 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-1-46; thence,
24. Easterly, along the northerly line of Tax parcel numbers 8.-1-46, 8.-1-67, 8.-1-69, 8.-1-45.116, 8.-1-45.117, and 8.-1-44.1, a distance of 2257 feet, more or less, to the intersection of the southerly extension of the westerly line of Tax Parcel number 4.-1-27.2 and the northerly line of Tax Parcel number 8.-1-44.1; thence,
25. Northerly, along the southerly extension of the westerly line of Tax Parcel number 4.-1-27.2 through the lands of Tax Parcel number 4.-1-27.11 and along the westerly line of Tax Parcel number 4.-1-27.2, a distance of 937 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-27.2; thence,
26. Easterly, along the northerly line of Tax Parcel number 4.-1-27.2 and across Oak Orchard Road (66 feet wide right-of-way), a distance of 467 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-26.112; thence,
27. Northerly, along the easterly right-of-way of Oak Orchard Road, a distance of 1734 feet, more or less, to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, "Commerce Parks Sanitary Sewer Improvement Area – Sewer Capacity Purchase," dated 1/2015. The Town of Batavia, Commerce Parks Sanitary Sewer Improvement Area, as described above, contains approximately 513.3 acres of land.

WHEREAS, the Improvement will provide the proposed Commerce Parks Sewer Improvement Area with the capacity necessary to allow for the service of wastewater disposal while taking advantage of the existing sanitary sewer system and wastewater treatment facility; and

WHEREAS, the Engineer has estimated the cost of the Improvement that the proposed Commerce Parks Sewer Improvement Area will be responsible for is \$454,545; said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$454,545, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q and paragraph (l) of subdivision one of Town Law Section 198; and

WHEREAS, the estimated maximum amount proposed to be expended (and proposed to be financed by the issuance of serial bonds of the Town) will be in an aggregate amount not to exceed \$454,545, said amount to be offset by any federal, state, county and/or local funds received, and unless

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paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Commerce Parks Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Commerce Parks Sewer Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 13, 2015 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on January 28, 2015 at 7:20 o’clock P.M. (prevailing Time), to consider the establishment of the Commerce Parks Sewer Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, as follows:

DETERMINED, that it is in the public interest to establish the Commerce Parks Sewer Improvement Area as hereinabove described; and it is hereby

DETERMINED, that the estimated maximum cost that the Commerce Parks Sewer Improvement Area is responsible for is \$454,545; and it is hereby

DETERMINED, that the parcels and lots of the Commerce Parks Sewer Improvement Area shall be benefited by the establishment of the Commerce Parks Sewer Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not

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exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any Village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the Commerce Parks Sewer Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Commerce Parks Sewer Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the establishment of the Commerce Parks Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$454,545, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Commerce Parks Sewer Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Genesee County within ten days after the adoption of this Resolution.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was declared adopted.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 64 :**

Councilman Lang offered the following:

**JANUARY 28, 2015  
SPECIAL TOWN BOARD MEETING**

**A BOND RESOLUTION, DATED JANUARY 28, 2015, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF BATAVIA COMMERCE PARKS SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$454,545 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$454,545, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), has determined to proceed with a certain sewer system capital improvements project for the Town of Batavia Commerce Parks Sewer Improvement Area (the “Improvement Area”); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have an significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Improvement Area generally consisting of the purchase of a portion of additional sewer capacity from the City of Batavia and the acquisition of sanitary flow meters to monitor the amount of wastewater transmitted from the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$454,545.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$454,545 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

**JANUARY 28, 2015**  
**SPECIAL TOWN BOARD MEETING**

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

**Second by:** Deputy Supervisor Underhill

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

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

**ADJOURNMENT:**

Motion Councilman Lang, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:35 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk