

**TOWN OF BATAVIA  
GENESEE COUNTY, NEW YORK**

**EXTRACT OF MINUTES**

A meeting of the Town Board of the Town of Batavia, Genesee County, New York was convened in public session at the Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York on June 20, 2018, at 7:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

Councilpersons:

Daniel Underhill, Deputy Supervisor  
Sharon White, Councilwoman  
Patti Michalak, Councilwoman  
Chad Zambito, Councilman

There were absent: Gregory H. Post, Supervisor

Also present: Teresa M. Morasco, Town Clerk

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The following order was offered by Councilwoman White, seconded by Councilwoman Michalak to wit;

**RESOLUTION NO. 133**

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, State of New York, was held at the Town Hall, in the Town, on June 20, 2018.

**PRESENT:**

Hon. Daniel Underhill, Deputy Supervisor  
Hon. Sharon White, Councilman  
Hon. Patti Michalak, Councilwoman  
Hon. Chad Zambito, Councilman

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In the Matter of the Establishment of Oakwood Hills  
Drainage District, in the Town of Batavia, in the County of  
Genesee, New York, pursuant to Article 12-A of the Town  
Law.

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**FINAL ORDER ESTABLISHING  
OAKWOOD HILLS DRAINAGE DISTRICT  
JUNE 20, 2018**

**WHEREAS**, the Batavia Town Board (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, commenced a procedure to establish Oakwood Hills Drainage District (the “District”), pursuant to Article 12-A of the Town Law, by arranging for the preparation of a certain map, plan and report dated August 2017, and

**WHEREAS**, such map, plan and report was prepared by the Town of Batavia Engineering Department, competent engineers duly licensed by the State of New York, for the establishment of the District; and

**WHEREAS**, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

**WHEREAS**, such map, plan and report shows all outlets and the terminus and course of each proposed main sewer or drain, together with the location and a general description of all sewage disposal plants, pumping stations and other public works, and is consistent with existing drainage plans maintained by the Town, and

**WHEREAS**, the project will provide post-construction maintenance of the storm water system and storm water treatment areas to the residences in the District; and

**WHEREAS**, the overall project will consist of the post- construction maintenance of the storm water system and storm water treatment areas includes the following:

- a. Cleaning gutters, catch basins and storm water pipes.
- b. Mowing and maintaining grass and vegetation within the storm water treatment areas.
- c. Removing sediment from storm water treatment areas when the infiltration rates no longer function as designed or the sediment level reaches the following elevations.
  1. SWMA #1 (detention Basin)
    - Bio retention- Pre- Treat Area
      - Infiltration rate: 0 inches/ hour (6" max. wet pond depth)
      - Bottom Elev: 868.5
      - Max. allowable sediment elev: 868.5 (no sediment)
    - Primary Treatment Area
      - Infiltration rate: 0 inches/ hour
      - Bottom Elev: 865.0
      - Max. allowable sediment elev: 865.0 (no sediment)
  2. SWMA #2 (infiltration basin)
    - Infiltration rate: 5 inches/ hour
    - bottom elev. : 880.0
    - Max. water surface elev: 881.12
    - Max. allowable sediment elev: 880.6 (50% of capacity)
  3. SWMA #3 (infiltration basin)
    - Infiltration rate: 5 inches/ hour
    - bottom elev. : 877.0
    - Max. water surface elev: 882.16
    - Max. allowable sediment elev: 879.6 (50% of capacity)
  4. SWMA #4 (infiltration basin)
    - Infiltration rate: 12 inches/ hour
    - bottom elev. : 889.0
    - Max. water surface elev: 889.5
    - Max. allowable sediment elev: 889.25 (50% of capacity)
  5. SWMA #5 (infiltration basin)
    - Infiltration rate: 5.7inches/ hour
    - bottom elev. : 883.0
    - Max. water surface elev: 885.2
    - Max. allowable sediment elev: 884.1 (50% of capacity)
  6. SWMA #6 (infiltration trench)
    - Infiltration rate: 9 inches/ hour
    - bottom elev. : 880.0
    - Max. water surface elev: 881.12
    - Max. allowable sediment elev: 880.6 (50% of capacity)
  7. SWMA #7 (infiltration basin)
    - Infiltration rate: 10 inches/ hour
    - bottom elev. : 872.0
    - Max. water surface elev: 875.2

Max. allowable sediment elev: 873.6 (50% of capacity)

**WHEREAS**, primary responsibility for maintenance of District improvements will be borne by a third-party homeowner's association, and the District will incur cost only to the extent the homeowner's association fails to maintain the improvements, which is estimated to be \$25,000 per year; and

**WHEREAS**, pursuant to the Order duly adopted on March 21, 2018, the Town Board determined to proceed with the establishment of the proposed District and adopted an Order reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the post-construction maintenance of the storm water system and storm water treatment areas in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's office and is available for public inspection and specifying April 18, 2018, at 7:15 o'clock p.m. (Prevailing Time) as the time when, and the Batavia Town Hall, located at 3833 West Main Street Road, in the Town, as the place where the Town Board would meet to consider the proposed establishment 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 in relation thereto, as may be required by law; and

**WHEREAS**, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted April 18, 2018, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the post-construction maintenance of storm water system and storm water treatment areas in connection with the District as hereinabove described at an estimated maximum annual cost of \$25,000; that no financing is required to support the District; and unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same; and

**WHEREAS**, permission of the State Comptroller was not required with respect to the establishment of the District,

**NOW, THEREFORE, be it**

**ORDERED**, that the establishment of the District is hereby approved, to be known as Oakwood Hills Drainage District, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

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 southwesterly corner of Tax Parcel number 13.02-1-91; thence,

1. Easterly, along the northerly line of Tax Parcel number 13.-1-107.22, a distance of 3,181 feet, more or less, to the southeasterly corner of Tax Parcel number 13.02-1-96; thence,
2. Northerly, along the easterly line of Tax Parcel number 13.02-1-96, a distance of 450 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.2; thence,
3. Easterly, along the northerly line of Tax Parcel number 13.-1-4.2 and across Seven Spring Road (49.5 feet wide right-of-way), a distance of 233 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2 and the centerline of Seven Springs Road; thence,
4. Northerly, along the centerline of Seven Spring Road, a distance of 343 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the southerly line of Tax Parcel number 13.02-1-28; thence,
5. Westerly, across Seven Springs Road (49.5 feet wide right-of-way) and along the southerly line of Tax Parcel number 13.02-1-28, a distance of 225 feet, more or less, to the southwesterly corner of Tax Parcel number 13.02-1-28; thence,
6. Northerly, along the westerly line of Tax Parcel number 13.02-1-28, a distance of 152 feet, more or less, to the northwesterly corner of Tax Parcel number 13.02-1-28; thence,
7. Westerly, along the southerly line of Tax Parcel number 13.-1-4.121, a distance of 72 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
8. Northerly, along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111, a distance of 350 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.111; thence,
9. Easterly, along a the northerly line of Tax Parcel number 13.-1-4.111, a distance of 56 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-151; thence,
10. Northerly, along the westerly line of Tax Parcel numbers 13.-1-151, 13.-1-150, and 13.-1-149.1, a distance of 555 feet, more or less, the northwesterly corner of Tax Parcel number 13.-1-149.1; thence,
11. Easterly, along the northerly line of Tax Parcel number 13.-1-149.1 and across Seven Springs Road (49.5 feet wide right-of-way), a distance of 223 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-149.1 and the centerline of Seven Springs Road; thence,
12. Northerly, along the centerline of Seven Spring Road, a distance of 100 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-9; thence,
13. Westerly, across Seven Springs Road (49.5 feet wide right-of-way) and along the southerly line of Tax Parcel number 13.-1-9, a distance of 219 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-9; thence,
14. Northerly, along the easterly line of Tax Parcel number 13.02-1-27, a distance of 151 feet, more or less, to the northeasterly corner of Tax Parcel number 13.02-1-27; thence,

15. Westerly, along the northerly line of Tax Parcel numbers 13.02-1-27, 13.02-1-26, and 13.02-1-92, a distance of 942 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
16. Northerly, along an westerly line of Tax Parcel number 13.-1-8.121, a distance of 893 feet, more or less, to the northerly corner of the Tax Parcel number 13.02-1-92; thence,
17. Southwesterly, along the easterly line of Tax Parcel number 13.-1-108, a distance of 3,260 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Storm Sewer District Map – Oakwood Hills Subdivision," dated 3/2018. The Town of Batavia, Oakwood Hills Storm Sewer District, as described above, contains approximately 105.4 acres of land.

and be it further:

**ORDERED**, that the District hereinabove referred to shall be operated as set forth in the Order Calling the Public Hearing dated March 21, 2018, and the resolution adopted April 18, 2018, at an estimated maximum annual cost of \$25,000 per year, which costs, together with the costs of the establishment of the District, shall be paid by the assessment, levy and collection of the special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by the District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same; and be it further

**ORDERED**, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk

**Dated: June 20, 2018**

**TOWN BOARD OF THE  
TOWN OF BATAVIA**

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

**AYES:** Councilwoman White  
Councilwoman Michalak  
Councilman Zambito  
Councilman Underhill

**NOES:**

**ABSENT:** Supervisor Post

The foregoing order was thereupon declared duly adopted.

STATE OF NEW YORK            )  
  )SS:  
COUNTY OF GENESEE         )

I the undersigned Town Clerk of the Town of Batavia, in the County of Genesee, State of New York, DO HEREBY CERTIFY that I have compared the preceding Final Order Establishing District with the original thereof filed in my office on the \_\_\_ day of June, 2018, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 21<sup>st</sup> day of June, 2018

\_\_\_\_\_  
Town Clerk