

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Daniel Underhill led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman Michalak  
Councilman Gerace

**Absent:** Councilman Zambito

**Others**

**Present:** Town Clerk Morasco  
Building Inspector Worthington

The Supervisor called the meeting to order at 7:01 P.M.

**MINUTES:**

**May 16, 2007 Regular Town Board Meeting:** Motion Councilman Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

**MOTION CARRIED by unanimous vote (4-0)**

**May 23, 2007 Special Town Board Meeting:** Motion Councilman Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 91:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION ADOPTING LOCAL LAW #1 OF 2007**

**WHEREAS**, proposed Local Law #1 of 2007 of the Town of Batavia entitled “A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding Upstate Med & Tech Park”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on May 16, 2007, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on June 20, 2007, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #1 of 2007 is in the best interest of the Town of Batavia, New York.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New

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York that said proposed Local Law #1 of 2007 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #1 of 2007 be filed with the New York State Secretary of State in accordance with Law.

**Second by:** Councilman Gerace  
**APPROVED by unanimous vote**(4-0)

**RESOLUTION NO. TABLED:**

Motion Deputy Supervisor Underhill, second Councilman Gerace to table the resolution entitled, "Adoption of Employee Handbook".

**TABLED by unanimous vote** (4-0)

**ADOPTION OF EMPLOYEE HANDBOOK**

**WHEREAS**, the Batavia Town Board, with the assistance of Hodgson Russ, LLP have re-drafted an Employee Handbook and it is now in its final form (attached);

**RESOLVED**, the Batavia Town Board hereby adopts the re-drafted Town of Batavia Employee Handbook, replacing the 1997 Town of Batavia Employee Handbook in its entirety.

**RESOLUTION NO. 92:**

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING PARTICIPATION IN THE  
LOCAL UPDATE OF CENSUS ADDRESSES (LUCA) PROGRAM  
FOR THE 2010 CENSUS**

**WHEREAS**, the United States Constitution requires that the Bureau of the Census count the population every 10 years for the purpose of reapportioning Congressional seats; and

**WHEREAS**, the Census is also used for redistricting state legislative districts, municipal infrastructure planning and many other decisions based on population and socio-economic characteristics; and

**WHEREAS**, the Genesee Finger Lakes Regional Planning Council has been asked by the County Planning Directors in the Region to coordinate the Local Update of Census Addresses (LUCA) process for all municipalities that elect to participate, by working with each community in the Region to provide a corrected Master Address File to the Census Bureau.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the participation in the (LUCA) Program for the 2010 Census and authorizes the Supervisor to execute the required registration form (attached); and be it further

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**RESOLVED**, the Batavia Town Board hereby designates Michael Cleveland, Assessor as the contact person to assist with the review of housing unit/address information.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 93:**

Councilman Gerace offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE  
2007 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED**, the Batavia Town Board hereby authorizes Town Justice Joseph L. Filio to file an application for office supplies/funding from the New York State Office of Court Administration 2007 Justice Court Assistance Program.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 94:**

Deputy Supervisor Underhill offered the following:

**ADOPTION OF NEW TAPPING FEES  
METER PRICES AND TESTING FEES**

**WHEREAS**, the Town of Batavia Engineer has presented to the Batavia Town Board a revised list of tapping fees for waterline and sewerline connections, cost of new meters and testing fees, in the Town of Batavia.

**RESOLVED**, the Batavia Town Board hereby adopts the revised tapping fees for waterline and sewerline connections, new meter prices and testing fees (fee schedule attached).

**Second by:** Councilman Gerace  
**APPROVED by unanimous vote (4-0)**

**Discussion-** The Supervisor reported that the fee schedule was last updated in 1996, therefore, reflects extraordinary increases. The fee schedule needs to be reviewed annually.

**RESOLUTION NO. 95:**

Supervisor Post offered the following:

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**ESTABLISH LINE ITEMS**  
**FOR CAPITAL PROJECTS**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items:

**HA – PEARL STREET ROAD WATER DISTRICT**

HA1380.400 Fiscal Agent  
HA1420.400 Legal Expense  
HA1440.400 Engineering  
HA1989.400 Advertising  
HA8340.400 Transmission/Distribution -- Construction  
HA9730.600 BAN – Principle  
HA9730.700 BAN – Interest

**HB – WILKINSON ROAD Water District**

HB1380.400 Fiscal Agent  
HB1420.400 Legal Expense  
HB1440.400 Engineering  
HB1989.400 Advertising  
HB8340.400 Transmission/Distribution – Construction  
HB9730.600 BAN – Principle  
HB9730.700 BAN – Interest

**HE – ELLICOTT/TOWNLINER WATER DISTRICT**

HE1380.400 Fiscal Agent  
HE1420.400 Legal Expense  
HE1440.400 Engineering  
HE1989.400 Advertising  
HE8340.400 Transmission/Distribution – Construction  
HE9730.600 BAN – Principle  
HE9730.700 BAN – Interest

**HC – PUTNAM SHEPARD ROAD WATER DISTRICT**

HC1380.400 Fiscal Agent  
HC1420.400 Legal Expense  
HC1440.400 Engineering  
HC1989.400 Advertising  
HC8340.400 Transmission/Distribution – Construction  
HC9730.600 BAN – Principle  
HC9730.700 BAN – Interest

**Second by:** Deputy Supervisor Underhill

**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 96:**

Councilwoman Michalak offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2007**

**RESOLVED**, the Batavia Town Board hereby authorizes the following Budget Transfers:

**General Fund:**

<b><u>From</u></b>	<b><u>Amount</u></b>	<b><u>To</u></b>
A8165.403 Superfund LF Env Test	\$1,600.00	A8164.403 Sanitary LF Env. Test
A9060.800 Health Insurance Reimb.	\$5,000.00	A9060.801 Health Ins. Co-Pay
A8165.402 Superfund Engineering	\$1,000.00	A8165.404 Superfund Legal
A1220.401 Supv. Bookkeeper Contr.	\$ 250.00	A1220.400 Supv. Contr.
A9089.802 Staff Development	\$ .23	A9040.800 Workers Compensation
A9089.802 Staff Development	\$ 15.43	A9050.800 Unemployment Ins.
A9089.802 Staff Development	\$ 807.00	A1320.400 Auditor Contr.
A1990.400 Contingency	\$14,109.00	A8020.405 Comprehensive Masterplan
 <b><u>Water</u></b>		
SW8340.404 Trns. & Distr.	\$15,000.00	SW8310.401 Backflow

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 97:**

Councilman Gerace offered the following:

**TOWN OF BATAVIA**  
**SUPPLEMENT TO THE PUTNAM AND SHEPARD ROADS WATER DISTRICT**  
**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on April 18, 2007, to conduct an environmental review of a project to install public water improvements to serve residents within the Putnam and Shepard Roads Water District. The project will improve the quality and quantity of water available to area residents.
2. The Town Board has determined that, as a portion of the project is within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR.
3. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental

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assessment of the significance of and potential environmental impact of the action described above.

4. On April 25, 2007, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
5. Comments received from Involved or Interested Agencies on the project have been addressed in the Negative Declaration. In addition, the Town has been informed by USDA Rural Development that the Seneca Nation (a consulting party to RD) has requested an archeological survey of the project area. The Town will comply with these requirements and will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
6. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the Supplement to the Putnam and Shepard Roads Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project 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:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 98:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA**  
**SUPPLEMENT TO THE WILKINSON ROAD WATER DISTRICT**  
**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

4. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on April 18, 2007, to conduct an environmental review of a project to install public water improvements to serve residents along a portion of Wilkinson Road. The project will improve the quality and quantity of water available to area residents.
5. The Town Board has determined that, as a portion of the project is within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR.

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6. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
5. On April 25, 2007, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
7. No comments received from Involved or Interested Agencies on the project (see Negative Declaration). However, the Town has been informed by USDA Rural Development that the Seneca Nation (a consulting party to RD) has requested an archeological survey of the project area. The Town will comply with these requirements and will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
8. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the extension of public water supply facilities to serve the Supplement to the Wilkinson Road Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project 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:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 99:**

Supervisor Post offered the following:

EXTRACT OF MINUTES

TOWN OF BATAVIA,  
GENESEE COUNTY,  
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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, 2007, 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:      Gregory Post  
                                 Daniel Underhill  
                                 Patti Michalak  
                                 John Gerace

There were absent:    Chad Zambito

Also present:            Teresa M. Morasco, Town Clerk

\*       \*       \*

The following order was offered by Supervisor Post, seconded by Councilman Gerace, to wit;

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 said Town, on June 20, 2007.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. John Gerace, Councilperson

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In the Matter of the Establishment of Wilkinson Road Water District, in the Town of Batavia, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

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**FINAL ORDER ESTABLISHING THE WILKINSON ROAD WATER DISTRICT**  
**JUNE 20, 2007**

**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, caused the Town Engineering Department, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Wilkinson Road Water District (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 5,500 linear feet of eight inch water main along the portion of Wilkinson Road starting at the intersection of Pearl Street Road and Wilkinson Road to connect with an existing water district, and then running south to end at the former Lehigh Valley Railroad right of way together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as, the "Water Improvement"); and

**WHEREAS**, a "Petition to Request Water District" was filed in the Town Clerk's office on November 13, 2006, signed by the required number of property owners within the proposed District, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Wilkinson Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable property of the proposed Water District owned by residents; and

**WHEREAS**, pursuant to the Order duly adopted on November 15, 2006, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements 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 are on file in the Town Clerk's office for public inspection and specifying December 20, 2006, 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 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 December 20, 2006, 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 construction of water improvements in connection with the District

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as hereinabove described at a cost not to exceed \$427,300; and that the plan of financing is the issuance of serial bonds in the amount of \$202,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$225,300, and the balance of the costs will be assessed 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, to pay the principal of and interest on said bonds as the same shall become due and payable; and

**WHEREAS**, permission of the State Comptroller was required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town submitted an application to the office of the State Comptroller, Department of Audit and Control; and

**WHEREAS**, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on April 30, 2007, the State Comptroller ordered that such application of the Town Board of the Town of Batavia for permission to establish Wilkinson Road Water District was approved and permitted the establishment of said district in accordance with the description referred to in a resolution of December 20, 2006, at a cost not to exceed \$427,300;

**NOW, THEREFORE, BE IT**

**ORDERED**, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Wilkinson Road Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and bounded and described as follows:

[INSERT LEGAL DESCRIPTION HERE]

EXHIBIT A

TOWN OF BATAVIA  
WILKINSON ROAD WATER DISTRICT

All that tract or parcel of land situate in the Town of Batavia, County of Genesee, State of New York, being part of Great Lots 6, 7, 8, 9, and 10 of Block 12 in Township 12, Range 2 of the Holland Land Purchase, described as follows:

Beginning at a point in the westerly right-of-way of Hartshorn Road (66 feet wide right-of-way) at its intersection with the southwesterly line of the existing Town of Batavia-Hopkins, Hartshorn, Pearl Water District, said point being the northeasterly corner of tax account number 14-1-12.2; thence,

1. Southeasterly, along the southerly line of the existing Town of Batavia-Hopkins, Hartshorn, Pearl Water District to the northwesterly corner of tax account number 14-1-15; thence.
2. Easterly, along the southerly line of the aforementioned existing water district to an angle point along the northerly line of tax account number 14-1-19.11; thence.
3. Northeasterly, along the southerly line of the aforementioned existing water district to an angle point along the northerly line of tax account number 14-1-19.11; thence.
4. Southerly, along the southerly line of the aforementioned existing water district to an angle point along the northerly line of tax account number 14-1-19.11; thence.
5. Easterly, along the southerly line of the aforementioned existing water district to the northeasterly corner of tax account number 14-1-19.11; thence.
6. Southerly, along the easterly line of tax account number 14-1-19.11 to the southeasterly corner of thereof; thence.
7. Easterly, along the northerly line of the tax account number 14-1-57 to a point; thence.
8. Southerly, along the northerly projection of the easterly property line of tax account number 14-1-49, to the southeasterly corner thereof; thence.
9. Westerly, along the southerly line of tax account number 14-1-49 to the northeasterly corner of tax account number 14-1-48; thence.
10. Southerly, along the easterly lines of tax account numbers 14-1-48 and 14-1-47 to the southeasterly corner of tax account number 14-1-47; thence.
11. Westerly, along the southerly line of tax account number 14-1-47 to a point along the easterly line of tax account number 14-1-45; thence.
12. Southerly, along the easterly line of tax account number 14-1-45 to the southeasterly corner thereof; thence.
13. Westerly, along the southerly line of tax account number 14-1-45 to the northeasterly corner of tax account number 14-1-44; thence.
14. Southerly, along the easterly line of tax account numbers 14-1-44 and 14-1-43 to the southeasterly corner of tax account number 14-1-43; thence.
15. Southerly, along the easterly line of tax account number 14-1-42 to a point along the northerly right-of-way of Lear Road (49.5 feet wide). Said point being the southeasterly corner of tax account number 14-1-42; thence.

16. Southwesterly, to the northeasterly corner of tax account number 16-1-15; thence,
17. Southerly, along the easterly line of tax account numbers 16-1-15 and 16-1-16 to the southeasterly corner of tax account number 16-1-16; thence,
18. Westerly, along the southerly lines of tax account numbers 16-1-16 and 16-1-13, to the southwesterly corner of tax account number 16-1-13; thence,
19. Northerly, along the westerly lines of tax account numbers 16-1-13, 16-1-14, 14-1-55.1, and 14-1-55.21 to the northwesterly corner of tax account number 14-1-55.21; thence,
20. Easterly, along the northerly line of tax account number 14-1-55.21 to the southwesterly corner of tax account number 14-1-53; thence,
21. Northerly, along the westerly line of tax account numbers of 14-1-53 and 14-1-52 to a point along the northerly line of tax account number 14-1-57. Said point being the northerly projection of the westerly line of tax account number 14-1-52; thence,
22. Easterly, along the northerly line of tax account number 14-1-57 to the southeasterly corner of tax account number 14-1-3; thence,
23. Northerly, along the easterly line of tax account number 14-1-3 to the southwesterly corner of tax account number 14-1-6; thence,
24. Easterly, along the southerly line of tax account number 14-1-6 to the southeasterly corner thereof; thence,
25. Northerly, along the westerly lines of tax account numbers 14-1-13, 14-1-12.11, 14-1-9.1, and 14-1-12.2, to the northwesterly corner of tax account number 14-1-12.2; thence,
26. Easterly, along the northerly line of tax account number 14-1-12.2 to the point of and place of beginning.

Town of Batavia Wilkinson Road Water District, as described above contains approximately 254.7 acres of land.

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**AND BE IT FURTHER:**

**ORDERED**, that Wilkinson Road Water District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing (dated November 15, 2006) and resolution (adopted on December 20, 2006), at a cost not to exceed \$427,300, and the plan of financing is the issuance of serial bonds in the amount of \$202,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$225,300, and the balance of the costs will be assessed 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 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, to pay the principal of and interest on said bonds as the same shall become due and payable; 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 said Town Clerk

Dated: June 20, 2007

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:** Supervisor Post  
Councilman Gerace  
Councilman Underhill  
Councilwoman Michalak

**NOES:**

**ABSENT:** Councilman Zambito

**The foregoing order was thereupon declared duly adopted.**

**RESOLUTION NO. 100:**

Councilwoman Michalak offered the following:

EXTRACT OF MINUTES

TOWN OF BATAVIA,  
GENESEE COUNTY,  
NEW YORK

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JUNE 20, 2007

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, 2007, 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: Gregory Post  
Daniel Underhill  
Patti Michalak  
John Gerace

There were absent: Chad Zambito

Also present: Teresa M. Morasco, Town Clerk

\* \* \*

The following resolution was offered by Councilwoman Michalak, seconded by Deputy Supervisor Underhill, to wit;

**JUNE 20, 2007**  
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**A BOND RESOLUTION DATED JUNE 20, 2007, AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF BATAVIA WILKINSON ROAD WATER DISTRICT AND THE CONSTRUCTION OF IMPROVEMENT THEREIN, IN AN AMOUNT NOT TO EXCEED \$427,300 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$202,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL GRANT FUNDS RECEIVED BY THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE 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"), pursuant to Article 12 of the Town Law, created a water district designated and known as "The Town of Batavia Wilkinson Road Water District" (the "Water District"); and

**WHEREAS**, the Town Board desires to undertake a project (the "Project") consisting of the construction of the infrastructure for the Water District and the undertaking of a capital project in the Water District; and

**WHEREAS**, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and boundaries for the Water District and the Project, (b) held a public hearing with respect to the Project, (c) determined that the Project would not have a significant 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 the Project and further determined to undertake the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance a portion of the costs of the Project;

**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 the construction and installation of approximately 5,500 linear feet of eight inch water main along the portion of Wilkinson Road starting at the intersection of Pearl Street Road and Wilkinson Road to connect with an existing water district, and then running south to end at the former Lehigh Valley Railroad right of way together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The maximum cost of said purpose will not exceed \$427,300.

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**SECTION 2:** The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$202,000 of said Town, said amount to be offset by the receipt of any federal, state, county and/or local grants including but not limited to a USDA Rural Development Agency grant of \$225,300, and the balance of the estimated cost of said purpose shall be financed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District. The cost of such improvement is to be paid by assessments upon parcels of benefited property in an areas less than the area of the Town..

**SECTION 3:** It is hereby determined that said purpose is an object or purpose described in subdivision 1 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 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 becoming due and payable in such year. 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 the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds 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 said 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 said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer 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

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11:** The Town had issued a negative declaration determining that the undertaking of the improvements to the Water District will not have a significant effect on the environment.

**SECTION 12:** 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:

9. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

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 twenty days after the date of such publication; or

Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 13:** This resolution is effective immediately

**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 said Town and hereby designated as the official newspaper of said Town for such publication.

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

**AYES:** Councilwoman Michalak  
Deputy Supervisor Underhill  
Councilman Gerace  
Supervisor Post

**NOES:**

**ABSENT:** Councilman Zambito

The foregoing resolution was thereupon declared duly adopted.

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**NOTICE OF BOND RESOLUTION**  
**TOWN OF BATAVIA WILKINSON ROAD WATER DISTRICT**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Batavia, County of Genesee, on June 20, 2007 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Batavia is not authorized to expend money or  
(b) 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 twenty days after the date of such publication; or

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

**SUMMARY OF RESOLUTION**

The following is a summary of a bond resolution adopted by the Town Board of the Town of Batavia on June 20, 2007 at a maximum estimated cost of \$427,300, said amount to be offset by any federal, state, county and/or local grants received.. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$202,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the Establishment of Wilkinson Road Water District in the Town and the construction of improvements therein, consisting of the construction and installation of approximately 5,500 linear feet of eight inch water main along the portion of Wilkinson Road starting at the intersection of Pearl Street Road and Wilkinson Road to connect with an existing water district, and then running south to end at the former Lehigh Valley Railroad right of way together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 3833 West Main Street Road, Batavia, New York.

**RESOLUTION NO.101:**

Councilman Gerace offered the following:

EXTRACT OF MINUTES

TOWN OF BATAVIA,  
GENESEE COUNTY,  
NEW YORK

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

JUNE 20, 2007

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, 2007, 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:       Gregory Post  
                                  Daniel Underhill  
                                  Patti Michalak  
                                  John Gerace

There were absent:    Chad Zambito

Also present:         Teresa M. Morasco, Town Clerk

\*       \*       \*

The following order was offered by Councilman Gerace, seconded by Deputy Supervisor Underhill, to wit;

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 said Town, on June 20, 2007.

PRESENT:

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. John Gerace, Councilperson

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In the Matter of the Establishment of Putnam and Shepard Roads Water District, in the Town of Batavia, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

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**FINAL ORDER ESTABLISHING THE PUTNAM AND SHEPARD ROADS WATER DISTRICT**  
**JUNE 20, 2007**

**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, caused the Town Engineering Department, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Putnam and Shepard Roads Water District (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 7,500 linear feet of eight inch water main along portions of Putnam, Shepard and Townline Roads creating a "looped" system, thereby eliminating a need to build a pump station; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (the "Water Improvement"); and

**WHEREAS**, a "Petition to Request Water District" was filed in the Town Clerk's office on October 31, 2006, signed by the required number of property owners within the proposed District, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Putnam and Shepard Roads Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable property of the proposed Water District owned by residents; and

**WHEREAS**, pursuant to the Order duly adopted on November 15, 2006, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements 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 are on file in the Town Clerk's office for public inspection and

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

specifying December 20, 2006, at 6:40 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 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 December 20, 2006, 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 construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$706,800; and that the plan of financing is the issuance of serial bonds in the amount of \$373,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$333,800, and the balance of the costs will be assessed 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, to pay the principal of and interest on said bonds as the same shall become due and payable; and

**WHEREAS**, permission of the State Comptroller was required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town submitted an application to the office of the State Comptroller, Department of Audit and Control; and

**WHEREAS**, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on April 30, 2007, the State Comptroller ordered that such application of the Town Board of the Town of Batavia for permission to establish Putnam and Shepard Roads Water District was approved and permitted the establishment of said district in accordance with the description referred to in a resolution of December 20, 2006, at a cost not to exceed \$706,800;

**NOW, THEREFORE, BE IT**

**ORDERED**, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Putnam and Shepard Roads Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and bounded and described as follows:

[INSERT LEGAL DESCRIPTION HERE]

EXHIBIT A

TOWN OF BATAVIA  
PUTNAM AND SHEPARD ROADS WATER DISTRICT

All that tract or parcel of land situate in the Town of Batavia, County of Genesee, State of New York, described as follows:

Beginning at the intersection of the centerline of Shepard Road (49.5 feet wide right-of-way) and the Towns Batavia and Bethany Town line; thence,

1. Westerly, along the Batavia-Bethany Town line, a distance of 327 feet, more or less, to the southwesterly corner of tax account number 20-2-30; thence.
2. Northerly, along the westerly bounds of tax account numbers 20-2-30, 20-2-29.1, and 20-2-29.2, a distance of 390 feet, more or less, to the northwesterly corner of tax account number 20-2-29.2; thence.
3. Westerly, along the southerly bounds of tax account number 20-2-24, a distance of 998 feet, more or less, to the southwesterly corner thereof; thence.
4. Southerly, along the easterly bounds of tax account number 20-2-39.1, a distance of 59 feet, more or less, to the southeasterly corner of said lot; thence.
5. Westerly, along the southerly line of aforementioned tax account number, a distance of 175 feet, more or less, to a point; thence.
6. Northerly, along the easterly bounds of aforementioned tax account number, a distance of 30 feet, more or less, to a point; thence.
7. Westerly, along the southerly bounds of aforementioned tax account number, a distance of 881 feet, more or less, to the northeasterly corner of tax account number 20-2-37; thence.
8. Southerly, along the easterly bounds of tax account number 20-2-37, a distance of 106 feet, more or less, to the southeasterly corner of said lot; thence.
9. Westerly, along the southerly line of aforementioned tax account number, a distance of 285 feet, more or less, to the center line of Francis Road (49.5 feet wide right-of-way); thence.
10. Southerly, along the centerline of Francis Road, a distance of 520 feet, more or less, to the center line of Batavia-Bethany Townline Road (66 feet wide right-of-way); thence.
11. Westerly, along the centerline of Batavia-Bethany Townline Road, a distance of 746 feet, more or less, to the center line of Putnam Road (49.5 feet wide right-of-way); thence.
12. Northwestery, along the westerly bounds of tax account number 19-1-16, a distance of 204 feet, more or less, to a point; thence.
13. Northeasterly, along the westerly bounds of aforementioned tax account number, a distance of 25 feet, more or less, to a point; thence.
14. Northwestery, along the westerly bounds of aforementioned tax account number, a distance of 165 feet, more or less, to the northwesterly corner of said lot; thence.
15. Northeasterly, along the northerly bounds of tax account numbers 19-1-16 and 19-1-15, a distance of 140 feet, more or less, to the northeasterly corner of tax account number, 19-1-15; thence.

16. Southeasterly, along the easterly bounds of the last mentioned tax account number, a distance of 64 feet, more or less, to a point 239 feet from the centerline of Putnam Road; thence.
17. Northeasterly, along a line 239 feet westerly of and parallel to the centerline of Putnam Road and through tax account numbers 20-2-58 and 20-2-41, a distance of 1,052 feet, more or less, to the southwest corner of tax account number 20-2-44; thence.
18. Northerly, along the westerly bounds of tax account numbers, 20-2-44, 20-2-45, 20-2-46.11, 20-2-46.12, and 20-2-46.2, a distance of 1,201 feet, more or less, to the northwesterly corner of tax account number 20-2-46.2; thence.
19. Southeasterly, along the northerly bounds of tax account numbers, 20-2-46.2 and 20-2-47, a distance of 898 feet, more or less, to a point along tax account number 20-2-47. Said point being 200 feet from the centerline of Putnam Road; thence.
20. Northeasterly, along a line through tax account number 20-2-48, 200 feet westerly of and parallel to the centerline of Putnam Road, continuing to the easterly right-of-way line of East Road (49.5 feet wide right-of-way); thence.
21. Northerly, along the easterly right-of-way line of East Road, a distance of 77 feet, more or less, to the northwesterly corner of tax account number 20-2-52.2; thence.
22. Northeasterly, along the northerly bounds of aforementioned tax account number, a distance of 279 feet, more or less, to the northerly corner of said lot; thence.
23. Northwesterly, along the southerly boundary of tax account number 20-2-20.2, a distance of 203 feet, more or less; to the westerly corner of said lot; thence.
24. Northerly, along the westerly bounds of tax account numbers 20-2-20.2 and 20-2-19.2, a distance of 573 feet, more or less, to point along the Southerly bounds of the Existing Batavia Water District No. 3; thence.
25. Easterly, along the southerly bounds of Batavia Water District No. 3, a distance of 1,137 feet, more or less, to the centerline of Shepard Road (49.5 feet wide right-of-way); thence.
26. Easterly, continuing along the southerly bounds of Batavia Water District No. 3, a distance of 1,405 feet, more or less, to the northeasterly corner of tax account number 20-1-87.1; thence.
27. Southerly, along the easterly bounds of tax account numbers, 20-1-87.1, 20-1-86, 20-1-87.2, 20-1-90, 20-1-89.112, and 20-1-97, a distance of 3,183 feet, more or less to the southeasterly corner of tax account number 20-1-97; thence.
28. Westerly, along the southerly bounds of the tax account numbers 20-1-97 and 20-1-95, a distance of 1,150 feet, more or less, to a point along tax account number 20-1-95. Said point being 187 feet from the centerline of Shepard Road; thence.
29. Southerly, along a line 187 feet easterly of and parallel to the centerline of Shepard Road and through tax account number 20-1-96, a distance of 394 feet, more or less, to a point along the Towns of Batavia and Bethany Townline; thence.
30. Westerly, along the southerly bounds of aforementioned tax account number 20-1-96 and Towns of Batavia and Bethany Townline, a distance of 187 feet, more or less, to the point of beginning.

Town of Putnam and Shepard Roads Water District, as described above contains approximately 245.5 acres of land.

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**AND BE IT FURTHER:**

**ORDERED**, that Putnam and Shepard Roads Water District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing dated (November 15, 2006) and resolution (adopted on December 20, 2006), at a cost not to exceed \$706,800, and the plan of financing is the issuance of serial bonds in the amount of \$373,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$333,800, and the balance of the costs will be assessed 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 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, to pay the principal of and interest on said bonds as the same shall become due and payable; 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 said Town Clerk

Dated: June 20, 2007

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:** Councilman Gerace  
Deputy Supervisor Underhill  
Councilwoman Michalak  
Supervisor Post

**NOES:**

**ABSENT:** Councilman Zambito

The foregoing order was thereupon declared duly adopted.

**RESOLUTION NO. 102:**

Deputy Supervisor Underhill offered the following:

EXTRACT OF MINUTES

TOWN OF BATAVIA,  
GENESEE COUNTY,

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

NEW YORK

JUNE 20, 2007

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, 2007, 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:      Gregory Post  
                                 Daniel Underhill  
                                 Patti Michalak  
                                 John Gerace

There were absent:    Chad Zambito

Also present:            Teresa M. Morasco, Town Clerk

\*       \*       \*

The following resolution was offered by Deputy Supervisor Underhill, seconded by Councilman Gerace, to wit;

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**A BOND RESOLUTION DATED JUNE 20, 2007, AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF BATAVIA PUTNAM AND SHEPARD ROADS WATER DISTRICT AND THE CONSTRUCTION OF IMPROVEMENT THEREIN, IN AN AMOUNT NOT EXCEED \$706,800 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$373,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL GRANT FUNDS RECEIVED BY THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE 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"), pursuant to Article 12 of the Town Law, created a water district designated and known as "The Town of Batavia Putnam and Shepard Roads Water District" (the "Water District"); and

**WHEREAS**, the Town Board desires to undertake a project (the "Project") consisting of the construction of the infrastructure for the Water District and the undertaking of a capital project in the Water District; and

**WHEREAS**, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and boundaries for the Water District and the Project, (b) held a public hearing with respect to the Project, (c) determined that the Project would not have a significant 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 the Project and further determined to undertake the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance a portion of the costs of the Project;

**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 the construction and installation of approximately 7,500 linear feet of eight inch water main along portions of Putnam, Shepard and Townline Roads creating a "looped" system, thereby eliminating a need to build a pump station; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The maximum cost of said purpose will not exceed \$706,800.

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**SECTION 2:** The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$373,000 of said Town, said amount to be offset by the receipt of any federal, state, county and/or local grants including but not limited to a USDA Rural Development Agency grant of \$333,800, and the balance of the estimated cost of said purpose shall be financed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District. The cost of such improvement is to be paid by assessments upon parcels of benefited property in an areas less than the area of the Town..

**SECTION 3:** It is hereby determined that said purpose is an object or purpose described in subdivision 1 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 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 becoming due and payable in such year. 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 the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds 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 said 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 said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer 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

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11:** The Town had issued a negative declaration determining that the undertaking of the improvements to the Water District will not have a significant effect on the environment.

**SECTION 12:** 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:

10. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

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 twenty days after the date of such publication; or

Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 13:** This resolution is effective immediately

**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 said Town and hereby designated as the official newspaper of said Town for such publication.

\* \* \* \* \*

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

**AYES:** Deputy Supervisor Underhill  
Councilman Gerace  
Councilwoman Michalak  
Supervisor Post

**NOES:**

**ABSENT:** Councilman Zambito

The foregoing resolution was thereupon declared duly adopted.

**NOTICE OF BOND RESOLUTION**  
**TOWN OF BATAVIA PUTNAM AND SHEPARD ROADS WATER DISTRICT**

**NOTICE IS HEREBY GIVEN** that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Batavia, County of Genesee, on June 20, 2007 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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

(b) 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 twenty days after the date of such publication; or

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

**SUMMARY OF RESOLUTION**

The following is a summary of a bond resolution adopted by the Town Board of the Town of Batavia on June 20, 2007 at a maximum estimated cost of \$706,800, said amount to be offset by any federal, state, county and/or local grants received. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$373,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the Establishment of Putnam and Shepard Roads Water District in the Town and the construction of improvements therein, consisting of the construction and installation of approximately 7,500 linear feet of eight inch water main along portions of Putnam, Shepard and Townline Roads creating a "looped" system, thereby eliminating a need to build a pump station; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 3833 West Main Street Road, Batavia, New York.

**RESOLUTION NO. 103:**

Supervisor Post offered the following:

**EXTRACT OF MINUTES**

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

**JUNE 20, 2007**

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, 2007, at 7:00 o'clock p.m, local time.

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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

Councilpersons:      Gregory Post  
  
                                 Daniel Underhill  
  
                                 Patti Michalak  
  
                                 John Gerace

There were absent:    Chad Zambito

Also present:            Teresa M. Morasco, Town Clerk

\*      \*      \*

The following order was offered by Supervisor Gregory Post, seconded by Deputy Supervisor Underhill, to wit;

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 said Town, on June 20, 2007.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilperson  
Hon. Patti Michalak, Councilperson  
Hon. John Gerace, Councilperson

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In the Matter of the Establishment of Pearl Street Road Water District, in the Town of Batavia, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

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**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**FINAL ORDER ESTABLISHING THE PEARL STREET ROAD WATER DISTRICT**  
**JUNE 20, 2007**

**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, caused the Town Engineering Department, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Pearl Street Road Water District (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 2,700 linear feet of eight inch water main along the portion of Pearl Street Road starting at the intersection of Pearl Street Road and Hartshorn Road at the northeast corner of land designated by Tax Map Parcel No. 14-1-7, to connect with an existing water district, and then running southeasterly along Pearl Street Road to the Town of Pembroke line; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as, the "Water Improvement"); and

**WHEREAS**, a "Petition to Request Water District" was filed in the Town Clerk's office on December 1, 2006, signed by the required number of property owners within the proposed District, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Pearl Street Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable property of the proposed Water District owned by residents; and

**WHEREAS**, pursuant to the Order duly adopted on December 20, 2006, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements 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 are on file in the Town Clerk's office for public inspection and specifying January 17, 2007, at 6:50 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 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 January 17, 2007, 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

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

District and the construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$239,000; and that the plan of financing is the issuance of serial bonds in the amount of \$130,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$109,900, and the balance of the costs will be assessed 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, to pay the principal of and interest on said bonds as the same shall become due and payable; and

**WHEREAS**, permission of the State Comptroller was required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town submitted an application to the office of the State Comptroller, Department of Audit and Control; and

**WHEREAS**, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on May 3, 2007, the State Comptroller ordered that such application of the Town Board of the Town of Batavia for permission to establish Pearl Street Road Water District was approved and permitted the establishment of said district in accordance with the description referred to in a resolution of January 17, 2007, at a cost not to exceed \$239,000;

**Now, therefore, be it**

**ORDERED**, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Pearl Street Road Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and bounded and described as follows:

[INSERT LEGAL DESCRIPTION HERE]

EXHIBIT A

TOWN OF BATAVIA  
PEARL STREET ROAD WATER DISTRICT

All that tract or parcel of land situate in the Town of Batavia, County of Genesee, State of New York, being part of Great Lots 10 and 12 of Block 12 and part of Great Lots 9 and 11 of Block 13 in Township 12, Range 2 of the Holland Land Purchase, described as follows:

Beginning at the southerly right-of-way of Pearl Street Road (99 feet wide right-of-way) and the northeasterly corner of tax account number 14-1-7; thence,

1. Southerly, along the easterly line of tax account number 14-1-7 to the southeasterly corner thereof; thence,
2. Westerly to the southwest corner of tax account number 14-1-7; thence,
3. Southerly, along the easterly line of tax account number 14-1-6 to the southeasterly corner thereof; thence,
4. Westerly to the southwest corner of tax account number 14-1-6; thence,
5. Southerly, along the easterly line of tax account number 14-1-3, to the northerly line of tax account number 14-1-57; thence,
6. Westerly, along the northerly line of tax account number 14-1-57, to a point; thence,
7. Southerly, along the northerly projection of the easterly line of tax account number 14-1-1.1, to the southeasterly corner thereof; thence,
8. Westerly, along a southerly line of tax account number 14-1-1.1 to an angle point; thence,
9. Southerly, along an easterly line of tax account number 14-1-1.1, to the southeasterly corner thereof; thence,
10. Westerly, along a southerly line of said tax account number to the southwest corner of tax account number 14-1-1.1; thence,
11. Northerly, along the Pembroke-Batavia Town Line to the northwest corner of tax account number 10-1-99.11; thence,
12. Easterly, along the northerly line of tax account number 10-1-99.11 to the northeasterly corner thereof; thence,
13. Northerly, along the westerly line of tax account number 10-1-95.1, to the northwest corner thereof; thence,
14. Easterly, along the northerly line of tax account number 10-1-95.1 to the northeasterly corner thereof; thence,
15. Southerly, along the easterly line of tax account number 10-1-95.1, to a point; thence,
16. Easterly, along the westerly projection of the southerly line of tax account number 10-1-81, to a point on the westerly line of the existing Town of Batavia-Hopkins, Hartshorn, Pearl Water District. Said point being the northeasterly corner of tax account number 10-1-94.2; thence,
17. Southerly, along the westerly line of the aforementioned existing water district to the northerly line of tax account number 10-1-79; thence,
18. Easterly, along a line of the aforementioned existing water district to the northeasterly corner of tax account number 10-1-79; thence,

19. Southerly, along the westerly line of the aforementioned existing water district to the point of and place of beginning.

Town of Batavia Pearl Street Road Water District, as described above contains approximately 234.6 acres of land.

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**AND BE IT FURTHER:**

**ORDERED**, that Pearl Street Road Water District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing (dated December 20, 2006) and a resolution (adopted on January 17, 2007), at a cost not to exceed \$239,000, and the plan of financing is the issuance of serial bonds in the amount of \$130,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local grants including but not limited to a USDA Rural Development Agency grant of \$109,900, and the balance of the costs will be assessed 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 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, to pay the principal of and interest on said bonds as the same shall become due and payable; 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 said Town Clerk

Dated: June 20, 2007

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:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman Michalak  
Councilman Gerace

**NOES:**

**ABSENT:** Councilman Zambito

The foregoing order was thereupon declared duly adopted.

**RESOLUTION NO. 104:**

Councilwoman Michalak offered the following:

**EXTRACT OF MINUTES**

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

JUNE 20, 2007

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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, 2007, 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:      Gregory Post  
  
                                 Daniel Underhill  
  
                                 Patti Michalak  
  
                                 John Gerace

There were absent:    Chad Zambito

Also present:            Teresa M. Morasco, Town Clerk

\*       \*       \*

The following resolution was offered by Councilwoman Michalak, seconded by Councilman Gerace, to wit;

**A BOND RESOLUTION DATED JUNE 20, 2007, AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF BATAVIA PEARL STREET ROAD WATER DISTRICT AND THE CONSTRUCTION OF IMPROVEMENT THEREIN, IN AN AMOUNT NOT TO EXCEED \$239,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$130,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL GRANT FUNDS RECEIVED BY THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS**, the Town Board of the Town of Batavia, Genesee County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as "The Town of Batavia Pearl Street Road Water District" (the "Water District"); and

**WHEREAS**, the Town Board desires to undertake a project (the "Project") consisting of the construction of the infrastructure for the Water District and the undertaking of a capital project in the Water District; and

**WHEREAS**, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and boundaries for the Water District and the Project, (b) held a public hearing with respect to the Project, (c) determined that the Project would not have a significant 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 the Project and further determined to undertake the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance a portion of the costs of the Project;

**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 the construction and installation of approximately 2,700 linear feet of eight inch water main along the portion of Pearl Street Road starting at the intersection of Pearl Street Road and Hartshorn Road at the northeast corner of land designated by Tax Map Parcel No. 14-1-7, to connect with an existing water district, and then running southeasterly along Pearl Street Road to the Town of Pembroke line; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The maximum cost of said purpose will not exceed \$239,000.

**SECTION 2:** The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$130,000 of said Town, said amount to be offset by the receipt of any federal, state, county and/or local grants including but not limited to a USDA Rural Development Agency grant of \$109,900, and the balance of the estimated cost of said purpose shall be financed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District. The cost of such improvement is to be paid by assessments upon parcels of benefited property in an areas less than the area of the Town.

**SECTION 3:** It is hereby determined that said purpose is an object or purpose described in subdivision 1 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

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

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 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 becoming due and payable in such year. 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 the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds 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 said 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 said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer 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 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11:** The Town had issued a negative declaration determining that the undertaking of the improvements to the Water District will not have a significant effect on the environment.

**SECTION 12:** 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:

11. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

The provisions of law which should be complied with at the date of publication of this resolution are not

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

substantially complied with, and

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

Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 13:** This resolution is effective immediately

**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 said Town and hereby designated as the official newspaper of said Town for such publication.

\* \* \* \* \*

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

**AYES:** Councilwoman Michalak  
Councilman Gerace  
Deputy Supervisor Underhill  
Supervisor Post

**NOES:**

**ABSENT:** Councilman Zambito

The foregoing resolution was thereupon declared duly adopted.

**NOTICE OF BOND RESOLUTION**  
**TOWN OF BATAVIA PEARL STREET ROAD WATER DISTRICT**

**NOTICE IS HEREBY GIVEN** that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Batavia, County of Genesee, on June 20, 2007 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Batavia is not authorized to expend money or  
(b) 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 twenty days after the date of such publication; or

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

**SUMMARY OF RESOLUTION**

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

The following is a summary of a bond resolution adopted by the Town Board of the Town of Batavia on June 20, 2007 at a maximum estimated cost of \$239,000, said amount to be offset by any federal, state, county and/or local grants received. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$130,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the Establishment of Pearl Street Road Water District in the Town and the construction of improvements therein, consisting of the construction and installation of approximately 2,700 linear feet of eight inch water main along the portion of Pearl Street Road starting at the intersection of Pearl Street Road and Hartshorn Road at the northeast corner of land designated by Tax Map Parcel No. 14-1-7, to connect with an existing water district, and then running southeasterly along Pearl Street Road to the Town of Pembroke line; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto for the foregoing purpose. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 3833 West Main Street Road, Batavia, New York.

**RESOLUTION NO. 105:**

Councilman Gerace offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF  
TWO PARCELS OF LAND LOCATED ON GALLOWAY ROAD**

**WHEREAS**, the Town of Batavia is seeking to purchase two parcels of land as set forth hereinafter for the purpose of developing park and recreational areas and facilities, and

**WHEREAS**, the recently adopted Town Comprehensive Plan recommends that the Town should acquire and develop additional park and recreational facilities, and

**WHEREAS**, a purchase price of \$105,000.00 has been negotiated for property owned by Andrew Harrington located at 3190 Galloway Road in the Town of Batavia, consisting of approximately 42.7 acres with 1180.79 feet of frontage, and

**WHEREAS**, The Town Board wishes to purchase this parcel without contingencies other than those found in the standard Purchase and Sale Contract, and

**WHEREAS**, a purchase price of \$150,000.00 has been negotiated for property owned by the Village of Oakfield, located at 3200 Galloway Road in the Town of Batavia, consisting of approximately 21.5 acres, including the Village of Oakfield Water Treatment Facilities located thereon, and

**WHEREAS**, the Town has obtained an independent appraisal from Shell Associates, and has been advised that the fair market value for the Harrington property is \$105,000.00, and for the Village of Oakfield is \$185,000.00, and thereby, the Town is paying a fair amount for each parcel, and

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS**, the Town of Batavia is authorizing the Supervisor to proceed with an application to obtain funding from the New York State Office of Parks, Recreation and Historic Preservation in order to purchase and develop the Village of Oakfield property, and

**WHEREAS**, the Town Board desires to purchase this property with the standard contingencies in a Contract for Real Property, as well as subject to the following contingencies:

1. The purchase and transfer of the aforesaid property owned by Andrew Harrington.
2. Approval of the New York State grant application.
3. Approval of an Agreement by and between the Village of Oakfield and the Town of Batavia for the operation and maintenance of the Village's transmission watermain.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, that, subject to permissive referendum, the Supervisor of the Town is hereby authorized to purchase on behalf of the Town the real property of Andrew Harrington located on 3190 Galloway Road for the price of \$105,000.00 pursuant to a proposed "Purchase and Sale Contract for Lots and Vacant Land", annexed and to be made part of the Minutes hereof, with the further provision that the Supervisor is authorized to execute this document with any language changes required by the Seller, that do not effect the purchase price authorized herein, as long as revisions have been approved by the Town Engineer and the Town Attorney, and

**BE IT FURTHER RESOLVED**, by the Town Board of the Town of Batavia, that, subject to permissive referendum, the Supervisor of the Town is hereby authorized to purchase on behalf of the Town the real property of the Village of Oakfield located on 3200 Galloway Road for the price of \$150,000.00 pursuant to a proposed "Contract for Real Property", annexed and to be made part of the Minutes hereof, with the further provision that the Supervisor is authorized to execute this document with any language changes required by the Seller, that do not effect the purchase price authorized herein, as long as revisions have been approved by the Town Engineer and the Town Attorney, and

**BE IT FURTHER RESOLVED**, that the Supervisor is hereby authorized to execute all documents that may be required to effectuate the conveyance and transfer of all rights, title and interest of the aforesaid two parcels to the Town of Batavia.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

**NOTICE OF ADOPTION OF RESOLUTION**

**BY THE TOWN OF BATAVIA, NEW YORK, TO PURCHASE  
TWO PARCELS OF LAND ON GALLOWAY ROAD,  
SUBJECT TO PUBLIC REFERENDUM**

**PUBLIC NOTICE** is hereby given that the Town Board of the Town of Batavia, New York on the 20<sup>th</sup> day of June, 2007, adopted a "Resolution to Authorize Purchase of Two Parcels of Land

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

Located on Galloway Road". Said Resolution is summarized as follows:

Subject to permissive referendum, the Town will purchase two parcels of land in order to develop park areas and recreational facilities. The first parcel of land will have a purchase price of \$105,000.00, and is owned by Andrew Harrington, located at 3190 Galloway Road, consisting of approximately 42.7 acres. The second parcel will have a purchase price of \$150,000.00, and is owned by the Village of Oakfield, located at 3200 Galloway Road, consisting of approximately 21.5 acres with the Village of Oakfield Water Treatment Facilities located thereon. The Harrington property will be purchased without contingencies, however, the purchase of the Village of Oakfield property is subject to the transfer of the Harrington property, receipt of a grant from the New York State Office of Parks, Recreation and Historic Preservation, as well as negotiating an Agreement between the Village of Oakfield and the Town of Batavia for maintaining the existing Village of Oakfield transmission watermain.

**PLEASE TAKE FURTHER NOTICE** that this Notice represents only a summary of the adopted Resolution. Complete copies of the Resolution are on file at the Office of the Batavia Town Clerk, located at 3833 West Main Street Road, in the Town of Batavia, New York, and are open for public inspection during regular business hours.

Dated: June 20, 2007  
Batavia, New York

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

**RESOLUTION NO. 106:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA**  
**PARK LAND ACQUISITION**  
**SEQR RESOLUTION**

**WHEREAS**, the Town of Batavia intends to submit a grant application to the New York State Office of Parks, Recreation, and Historic Preservation for funding under the Land and Water Conservation Fund Act and Environmental Protection Fund Act to purchase two parcels of land which encompass approximately 64 acres of land for park and recreation use; and

**WHEREAS**, the proposed action is considered a "Type 1" action under State Environmental Quality Review (SEQR) regulations and, therefore, requires that an environmental review be completed on the proposed project; and

**JUNE 20, 2007**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS**, a Lead Agency must be established to oversee the environmental review; and

**WHEREAS**, the Batavia Town Board desires to serve as Lead Agency for the purposes of conducting the environmental review; and

**WHEREAS**, the Batavia Town Board has received and accepted the Environmental Assessment Form prepared by Stuart I. Brown Associates, Inc., dated June 20, 2007, that evaluates the potential impacts of the proposed acquisition.

**NOW, THEREFORE BE IT**

**RESOLVED**, that as there are no other involved agencies for this action, the Batavia Town Board does hereby declare itself to be Lead Agency for the environmental review; and be it

**FURTHER RESOLVED**, that based on the Environmental Assessment that has been prepared, the proposed acquisition of land for park and recreation use will not create any significant adverse impacts on the human and natural environment and the Town Board hereby issues a Negative Declaration for the proposed action.

This resolution shall take effect immediately upon its adoption.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 107:**

Supervisor Post offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE  
NEW YORK STATE OFFICE OF PARKS, RECREATION AND  
HISTORIC PRESERVATION**

**RESOLVED**, that Gregory Post, as Supervisor of the Town of Batavia, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$500,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to enable the Town of Batavia to purchase land along Galloway and Downey Roads for park and recreation use.

**Second by:** Deputy Supervisor Underhill

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 108:**

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Councilwoman Michalak offered the following:

**RURAL DEVELOPMENT APPLICATION-  
ELLICOTT STREET ROAD AND TOWNLINER ROAD WATER DISTRICT –  
PROFESSIONAL SERVICES**

**WHEREAS**, in order to complete the Rural Development Application for the Ellicott Street Road and Townline Road Water District, the Town Supervisor is required to execute an agreement between the Town and Professional Services Consultants; and

**WHEREAS**, the Emergency and Imminent Community Water Assistance Grant full application has been requested from USDA Rural Development and must be applied for immediately; and

**WHEREAS**, the project is not fully defined as to what portion the Towns of Batavia and Stafford would complete until a full funding package is available and as such, Professional Services cannot be fully defined at this time;

**NOW THEREFORE, BE IT RESOLVED**, when the project becomes fully defined, the Batavia Town Board hereby authorizes the Supervisor to negotiate and execute the aforementioned agreements between the Town of Batavia and the following consultants: Kevin Earl, Hodgson Russ, Clark Patterson Associates, Municipal Solutions, Inc., Stuart I. Brown Associates, Incorporated and Freed, Maxick, and Bataglia for an amount less than or equal to the budget amount established in the Map, Plan and Report for services rendered in connection with the Ellicott Street Road and Townline Road Water District all contingent upon USDA Rural Development's approval.

**Second by:** Deputy Supervisor Underhill

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 109:**

Councilman Gerace offered the following:

**TOWN OF BATAVIA  
SEQR - LEAD AGENCY RESOLUTION**

**ELLICOTT STREET ROAD AND TOWNLINER ROAD WATER DISTRICT**

**“RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to install public water improvements to serve residents along portions of Ellicott Street Road (Town of Batavia) and Townline Road (Towns of Batavia and Stafford). The project is necessary to respond to the immediate needs of residents in the area whose wells have recently been contaminated with animal wastes. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

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The project consists of approximately 17,100 linear feet of watermain along portions of Ellicott Street Road and Townline Road. Activities also include installation of a meter pit, lateral connections, fire hydrants, valves, watermain connections, excavation and bedding materials and surface restoration.

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

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

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

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 110:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA**  
**SAILE DRIVE SEWER IMPROVEMENT BENEFIT AREA**  
**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

7. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on May, 23 2007 to conduct an environmental review of a project to install public sewer improvements to serve property owners along portions of East and West Saile Drive.
8. The Town Board has determined that the project is an unlisted action as defined under SEQR.
9. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
6. On May 23, 2007, the Town Board notified the Involved Agencies of its intention to act as Lead

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Agency for this project and circulated the full Environmental Assessment Form.

12. No objections to the Town declaring lead agency were received from Involved or Interested Agencies on the project (see Negative Declaration). However, the Town has been informed by the New York State Department of Environmental Conservation (NYSDEC) that NYSDEC and United States Army Corps of Engineers permits may be required for the work. The Town will comply with applicable permitting requirements and will continue to work with State and Federal agencies until all necessary permits and approvals have been obtained.
13. The New York State Department of Environmental Conservation has approved the plans for construction of the Sewer Main Along East and West Saile Drive.
14. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the extension of public sewer facilities to serve the Saile Drive Sewer Improvement Benefit Area; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project 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:** Councilman Gerace  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 111:**

Supervisor Post offered the following:

**RETAINING PART-TIME CLERK-TYPIST**

**WHEREAS,** in order to absorb the high volume of calls and work load, a Part-time Clerk-Typist is needed to assist in the Town/Court Offices; and

**WHEREAS,** Sarah White, Town of Batavia resident has applied for the position.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the hiring of Sarah White, to assist in the Court and Town Offices at an hourly rate of nine dollars (\$9.00) per hour, not to exceed 19 ½ hours per week.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (4-0)**

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**SUSPEND THE RULES**-Motion Deputy Supervisor Underhill, second Councilman Gerace to suspend the rules to introduce additional resolutions.

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO.112:**

Councilwoman Michalak offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT  
RECORDS AND DOCKETS WAS CONDUCTED**

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

**WHEREAS**, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditors report along with a copy of this resolution to Dennis W. Donnelly, Director of Internal Audit, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

**Second by:** Deputy Supervisor Underhill

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 113:**

Councilman Gerace offered the following:

**RESOLUTION AUTHORIZING APPLICATION TO  
U.S. DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT  
FOR GRANT AND/OR LOAN ASSISTANCE –  
ELLICOTT/TOWNLINERoads WATER DISTRICT**

**RESOLVED**, that the Supervisor of the Town of Batavia, is hereby authorized as the official representative of the Town to execute and submit an application to the United States Department of Agriculture-Rural Development for grant and/or loan assistance for the construction of improvements to serve the Ellicott Street and Townline Roads Water District, which includes portions of Ellicott Street and Townline Roads, and the Supervisor is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required.

**Second by:** Councilwoman Michalak

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**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 114:**

Councilwoman Michalak offered the following:

**RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER AWARD OF CABLE TELEVISION FRANCHISE  
RENEWAL TO TIME WARNER CABLE**

**WHEREAS**, Time Warner Cable is currently providing cable service to residents of the Town of Batavia, and

**WHEREAS**, Time Warner Cable has submitted an application and request asking the Town of Batavia to award a Franchise Agreement to continue to service the Town of Batavia, and

**WHEREAS**, Title 16, § 894.5 of the New York Codes, Rules and Regulations requires any municipality to conduct a public hearing prior to awarding any Cable Television Franchise.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York, that a public hearing will be held before this Town Board on July 18, 2007, at 6:50 p.m., at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York for the purpose of considering the award of a renewing Cable Franchise to Time Warner Cable, and

**BE IT FURTHER RESOLVED**, that pursuant to 16 NYCRR § 894.7 the following procedures shall apply:

1. Time Warner Cable shall appear at the hearing by authorized representative(s).
2. The Town Clerk shall cause Notice of said public hearing to be published once in The Daily News, at least five (5) days prior to the date of said public hearing, which Notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of the proposed Cable Franchise is on file at the Town Clerk's Office.
3. The Town Attorney shall mail a copy of the Public Hearing Notice to Time Warner Cable, and to Empire Video Services Corporation that has also applied for a Cable Franchise.
4. All persons entitled to notice as set forth herein, as well as any members of the public, shall be given full opportunity to participate in the hearing and to ask questions of any applicant, however, the Supervisor as the presiding officer may establish reasonable time limits and otherwise limit repetitive statements or questions.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

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**NOTICE OF PUBLIC HEARING TO CONSIDER**  
**AWARD OF CABLE TELEVISION FRANCHISE**  
**RENEWAL TO TIME WARNER CABLE**

**PUBLIC NOTICE** is here by given that Time Warner Cable has presented to the Town Board of the Town of Batavia, New York, an application to renew its Franchise Agreement to continue to provide cable service in the Town of Batavia.

**PLEASE TAKE FURTHER NOTICE** that on July 18, 2007, at 6:50 p.m. the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall, located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of awarding a Cable Television Franchise to Time Warner Cable, at which time and place all persons interested will be heard.

A copy of said proposed Cable Television Franchise is on file at the Office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York, and is available for inspection during regular office hours.

Dated: Batavia, New York  
June 20, 2007

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Teressa M. Morasco

**RESOLUTION NO. 115:**

Councilwoman Michalak offered the following:

**RESOLUTION TO SCHEDULE A PUBLIC HEARING**  
**TO CONSIDER AWARD OF CABLE TELEVISION FRANCHISE**  
**TO EMPIRE VIDEO SERVICES CORPORATION**

**WHEREAS**, Empire Video Services Corporation has submitted an application and request asking the Town of Batavia to award a Franchise Agreement to service the Town of Batavia, and

**WHEREAS**, Title 16, § 894.5 of the New York Codes, Rules and Regulations requires any municipality to conduct a public hearing prior to awarding any Cable Television Franchise.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York, that a public hearing will be held before this Town Board on July 18, 2007, at 6:55 p.m., at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York for the purpose of considering the award of a Cable Franchise to Empire Video Services Corporation, and

**BE IT FURTHER RESOLVED**, that pursuant to 16 NYCRR § 894.7 the following procedures shall apply:

5. Empire Video Services Corporation shall appear at the hearing by

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authorized representative(s).

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

7. The Town Attorney shall mail a copy of the Public Hearing Notice to Empire Video Services Corporation, and to Time Warner Cable that has also applied for a Cable Franchise.

8. All persons entitled to notice as set forth herein, as well as any members of the public, shall be given full opportunity to participate in the hearing and to ask questions of any applicant, however, the Supervisor as the presiding officer may establish reasonable time limits and otherwise limit repetitive statements or questions.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

**NOTICE OF PUBLIC HEARING TO CONSIDER  
AWARD OF CABLE TELEVISION FRANCHISE  
TO EMPIRE VIDEO SERVICES CORPORATION**

**PUBLIC NOTICE** is here by given that Empire Video Services Corporation has presented to the Town Board of the Town of Batavia, New York, an application to obtain a Franchise Agreement to provide cable service in the Town of Batavia.

**PLEASE TAKE FURTHER NOTICE** that on July 18, 2007, at 6:55 p.m. the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall, located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of awarding a Cable Television Franchise to Empire Video Services Corporation, at which time and place all persons interested will be heard.

A copy of said proposed Cable Television Franchise is on file at the Office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York, and is available for inspection during regular office hours.

Dated: Batavia, New York

June 20, 2007

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Teressa M. Morasco

The Supervisor thanked Councilwoman Michalak and Councilman Zambito for the time they spent negotiating these agreements.

**Abstract No. 6-2007:** Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

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General	\$ 90,178.03
Highway	13,593.26
Sewer No. 1	7,681.60
Sewer No. 2	1,629.85
Water	6,372.31
Wilkinson Road Water	504.00
Ellicott/Townline Water	7,270.00
Lovers Lane Water	<u>2,825.00</u>
<b>TOTAL</b>	<b>\$130,054.05</b>

Check numbers 11451 thru 11537, ACH 6

**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

**Water/Wastewater-** The Supervisor reported that the Water/Wastewater Department has been focused on providing and extending Water and Sanitary Sewer and leak detection and repairs.

**Building Inspector** reported on the following:

**COR Development/Holiday Inn-** In the process of issuing a permit for parking reconfiguration and underground construction work for Cor Development and Holiday Inn.

**Target Store-** The construction drawings are in house for the Target Store

**Upstate Toyota** submitted Site Plans for review for an addition on the back of their existing building.

**Supervisor's Report:**

**Status Report** on expenditures and revenues is available for the Board's review. The books are available in his office. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in CD's and are paying a rate of 5.17% and 5.16% respectively.

**Budget Worksheets-** Will be getting budget worksheets ready for distribution.

**GAM** meeting is tomorrow evening at BW's in Pavilion.

**Informational Meeting-Ellicott/Townline Water-** There will be an informational meeting on the Ellicott Street/Townline Roads Water Issue on Monday, July 2, 2007 at 7:00 P.M.

**Work Session-** There will be a Work Session on Wednesday, June 27, 2007 at 7:00 P.M.

**OPPOSING LEGISLATION TO ARTICLE X OF THE PUBLIC SERVICE LAW-** Motion Supervisor Post, second Deputy Supervisor Underhill, the Batavia Town Board is opposed to legislation of any inclusion of the siting of windmills in Article X of the Public Service Law and hereby authorizes the Supervisor to send a letter of opposition to the Governor, the Assemblyman, the Senator and the Article X Legislative Committee.

**MOTION CARRIED by unanimous vote (4-0)**

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**COMMUNICATIONS:**

**The Town Clerk** reported on the following:

**May Town Clerk monthly report – collected** a total \$4,944.10, remitted \$4,605.92 to the Supervisor for the Local Share.

**Busy-** The Town Office has been very busy.

**NEW BUSINESS:**

**Dump Fill Permit Renewal and Junk Yard Licenses-** Clinton Worthington, Building Inspector recommended approval of Neal Dancy's Dump Fill Renewal Permit and Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate Junk Yard Licenses.

**DUMP FILL PERMIT RENEWAL AND JUNK YARD LICENSE-** Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the Dump Fill Renewal Permit for Neal Dancy and Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate Junk Yard Licenses based on the recommendation of the Building Inspector.

**MOTION CARRIED by unanimous vote (4-0)**

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 8:04 P.M.

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk