

**JULY 18, 2007
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Daniel Underhill, Deputy Supervisor led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Building Inspector Worthington

The Supervisor called the meeting to order at 7:10 P.M.

MINUTES:

June 20, 2007 Public Hearing-“Local Law #1 of 2007-GCIDA Grant”: Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

June 20, 2007 Regular Town Board Meeting: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 116:

Councilman Zambito offered the following:

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.

Second by: Councilwoman Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 117:

Deputy Supervisor Underhill offered the following:

MAINTENANCE AGREEMENT WITH REL COMM, INC.

WHEREAS, Rel-Comm, Inc. installed the telecommunications systems in the Town Hall and Highway Facility; and

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WHEREAS, a Maintenance Agreement is required to be executed between the Town of Batavia and Rel Comm, Inc. (agreement attached) to maintain the system at a cost of \$94.50 per month for one (1) year starting August 1, 2007.

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Maintenance Agreement between the Town of Batavia and Rel Comm, Inc. at a cost of \$94.50 per month for one (1) year starting August 1, 2007 to maintain the system.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 118:

Supervisor Post offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW # 2 OF 2007

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the minimum training requirements for the Town of Batavia Planning Board and the Town of Batavia Zoning Board of Appeals, also known as Town of Batavia Local Law #2 of 2007.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #2 of 2007 entitled "A Local Law to Amend Minimum Requirements for Training for Members of the Town's Planning Board and Zoning Board of Appeals", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until August 15, 2007, and that a public hearing be held before this Town Board on the 15th day of August, 2007, at 6:50 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

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

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

Dated: July 18, 2007

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Second by: Councilman Zambito
APPROVED by unanimous vote (5-0)

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

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 18th day of July, 2007, proposed Local Law #2 of 2007 entitled "A Local Law to Amend Minimum Requirements for Training for Members of the Town's Planning Board and Zoning Board of Appeals". Said Local Law will amend the minimum training requirement for the Town Planning Board and the Town Zoning Board of Appeals from two (2) hours per year to four (4) hours per year. This change is to comply with recent amendments to the New York State Town Law regarding the minimum yearly training requirement.

PLEASE TAKE FURTHER NOTICE that on 15th day of August, 2007, at 6:50 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road in the Town of Batavia, New York for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

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

Dated: Batavia, New York
July 18, 2007

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

RESOLUTION NO. 119:

Councilwoman Michalak offered the following:

ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE ELLICOTT STREET ROAD AND TOWNLINE ROAD
WATER DISTRICT FOR A PORTION OF THE TOWN OF BATAVIA

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be

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established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on July 2, 2007, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on July 16, 2007, 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 Ellicott Street Road and Townline 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 real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 17,000 linear feet of twelve (12) inch water main along the portion of Ellicott Street Road starting at the intersection of Shepard Road and Ellicott Street Road to connect with an existing consolidated water district, and then running southeasterly along Ellicott Street Road to the intersection of Townline Road, and then running northerly along the Townline Road to connect to the existing consolidated water district on said Road; 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 “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$629,200.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$219,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$260,200.00, as well as a grant of \$150,000.00 from the Emergency Community Water Assistance Grant Program, and

WHEREAS, the proposed debt of \$219,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.25% interest, thereby creating an annual debt service (assuming 58 units) of \$202.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$4.11 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$259.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$461.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special

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assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$300.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges, as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 1st day of August, 2007, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilman Zambito

APPROVED by unanimous vote (5-0)

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON JULY 18, 2007,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

s/ Teresa M. Morasco

TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE ELLICOTT STREET ROAD AND TOWNLINE ROAD
WATER DISTRICT FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be

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established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on July 2, 2007, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on July 16, 2007, 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 Ellicott Street Road and Townline 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 real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 17,000 linear feet of twelve (12) inch water main along the portion of Ellicott Street Road starting at the intersection of Shepard Road and Ellicott Street Road to connect with an existing consolidated water district, and then running southeasterly along Ellicott Street Road to the intersection of Townline Road, and then running northerly along the Townline Road to connect to the existing consolidated water district on said Road; 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 “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$629,200.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$219,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant of \$260,200.00, as well as a grant of \$150,000.00 from the Emergency Community Water Assistance Grant Program, and

WHEREAS, the proposed debt of \$219,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.25% interest, thereby creating an annual debt service (assuming 58 units) of \$202.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$4.11 per 1,000 gallons used, thereby the average household can expect to additionally pay approximately \$259.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$461.00 per year, and

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WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$300.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges, as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 1st day of August, 2007, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in The Daily News, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilman Zambito
APPROVED by unanimous vote (5-0)

EXHIBIT A

TOWN OF BATAVIA

ELLICOTT STREET ROAD AND TOWNLINE ROAD WATER DISTRICT

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

Beginning at the intersection of the centerlines of Batavia-Bethany Townline Road (66 feet wide right-of-way) and Bethany Center Road (66 feet wide right-of-way), and the Town lines of Batavia, Stafford, and Bethany; thence,

1. Westerly, along the Batavia and Bethany Town lines, a distance of 500 feet, more or less, to a point on the centerline of Batavia-Bethany Townline Road; thence,
2. Northerly, along a line 500 feet westerly of and parallel to the centerline of Bethany Center Road, through the lands of tax account number 20-1-32.113, a distance of 1184 feet, more or

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less, to a point; thence,

3. Northwesterly, along a line 500 feet southwesterly of and parallel to Ellicott Street Road (66 feet wide right-of-way), through the lands of 20-1-32.113, a distance of 689 feet, more or less, to a point on the southeasterly line of tax account number 20-1-36.1; thence,
4. Southwesterly, along the southeasterly line of tax account number 20-1-36.1, a distance of 617 feet, more or less, to the southwesterly corner of said lot; thence,
5. Northerly, along the westerly line of the aforementioned tax account number, a distance of 836 feet, more or less, to a point; thence,
6. Northwesterly, along a line 500 feet southwesterly of and parallel to Ellicott Street Road, through the lands of tax account number 20-1-44.111, a distance of 617 feet, more or less, to the southeasterly line of tax account number 20-1-44.2; thence,
7. Southwesterly, along the southeasterly line of tax account number 20-1-44.2, a distance of 64 feet, more or less, to the southeasterly corner of said tax account number; thence,
8. Westerly, along the southerly line of the aforementioned tax account number, a distance of 714 feet, more or less, to the southwesterly corner of said tax account number; thence,
9. Southerly, along the easterly line of tax account number 20-1-55.1, a distance of 1605 feet, more or less, to the southeasterly corner of said tax account number; thence,
10. Westerly, along the southerly lines of tax account numbers 20-1-55.1 and 20-1-88, a distance of 1264 feet, more or less, to a southwesterly corner of tax account number 20-1-88; thence,
11. Northerly, along a westerly line of tax account number 20-1-88, a distance of 2949 feet, more or less, to a northwesterly corner of tax account number 20-1-88 and a northeasterly corner of the Town of Batavia Existing Water District No. 3; thence,
12. Westerly, along the Town of Batavia Existing Water District No. 3 line, a distance of 812 feet, more or less, to a corner of the Town of Batavia Existing Water District No. 3; thence,
13. Northerly, along the Town of Batavia Existing Water District No. 3 line, a distance of 501 feet, more or less, through the lands of tax account number 20-1-88, to a corner of the Town of Batavia Existing Water District No. 3; thence,
14. Westerly, along the Town of Batavia Existing Water District No. 3 line, a distance of 205 feet, more or less, to a corner of the Town of Batavia Existing Water District No. 3; thence,
15. Northerly, along the Town of Batavia Existing Water District No. 3 line, a distance of 529 feet, more or less, to a corner of the Town of Batavia Existing Water District No. 3; thence,

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16. Easterly, along the Town of Batavia Existing Water District No. 3 line, a distance of 122 feet, more or less, to a corner of the Town of Batavia Existing Water District No. 3; thence,
17. Northeasterly, along the Town of Batavia Existing Water District No. 3 line, a distance of 379 feet, more or less, to a corner of the Town of Batavia Existing Water District No. 3 on the southwesterly line of tax account number 20-1-67; thence,
18. Northwesterly, along the Town of Batavia Existing Water District No. 3 line and the southwesterly line of tax account number 20-1-67, a distance of 499 feet, more or less, to the northwesterly corner of said tax account number; thence,
19. Northeasterly, along the Town of Batavia Existing Water District No. 3 line and the northwesterly line of tax account number 20-1-67, a distance of 25 feet, more or less, to the southeasterly corner of tax account number 20-1-103; thence,
20. Northwesterly, along the Town of Batavia Existing Water District No. 3 line and the southerly line of tax account number 20-1-103, 342 feet, more or less, to a corner of Town of Batavia Existing Water District No. 3 line on the centerline of Shepard Road (49.5 feet wide right-of-way); thence,
21. Northerly, along the Town of Batavia Existing Water District No. 3 line and the westerly lines of tax account numbers 20-1-1.123, 20-1-104.1, 20-1-108, 13-1-87.12, 13-1-105.1, 13-1-142, and 13-1-106.1 a distance of 4962 feet, more or less, to the northwesterly corner of tax account number 13-1-106.1. Said point being on the City of Batavia line and a southwesterly corner of the Town of Batavia Existing Water District No. 4; thence,
22. Easterly, along the southerly line of the Town of Batavia Existing Water District No. 4 and the northerly lines of tax account numbers 13-1-106.1 and 13-1-105.214, a distance of 2256 feet, more or less, to a northeasterly corner of tax account number 13-1-105.214; thence,
23. Southerly, along the southerly line Town of Batavia Existing Water District No. 4 and the easterly line of tax account number 13-1-105.214, a distance of 22 feet, more or less, to a northerly corner of tax account number 13-1-105.214; thence,
24. Northeasterly, along the southerly line of the Town of Batavia Existing Water District No. 4 and the northerly lines of tax account numbers 13-1-105.214, 13-1-159, and 13-1-158, a distance of 1851 feet, more or less, to the northeasterly corner of tax account number 13-1-158; thence,
25. Southerly, along the southerly line of the Town of Batavia Existing Water District No. 4 and the easterly line of tax account number 13-1-158, a distance of 104 feet, more or less, to the southeasterly corner of said tax account number; thence,

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26. Northeasterly, along the northerly line of tax account number 13-1-86, a distance of 447 feet, more or less, to a northeasterly corner of said tax account number; thence,
27. Southerly, along the easterly line of tax account number 13-1-86, a distance of 780 feet, more or less, to the northwesterly corner of tax account number 13-1-82.12; thence,
28. Easterly, along a northerly line of tax account number 13-1-82.12, a distance of 583 feet, more or less, to a northerly corner of said tax account number; thence,
29. Northerly, along a westerly line of tax account number 13-1-82.12, a distance of 195 feet, more or less, to a northerly corner of said tax account number; thence,
30. Northeasterly, along a northerly line of tax account number 13-1-82.12, a distance of 65 feet, more or less, to a northerly corner of said tax account number; thence,
31. Southeasterly, along the an easterly line of tax account number 13-1-82.12, a distance of 90 feet, more or less, to a northerly corner of said tax account number; thence,
32. Easterly, along a northerly line of tax account number 13-1-82.12, a distance of 215 feet, more or less, to the Batavia and Stafford Town lines; thence,
33. Southerly, along the Batavia and Stafford town lines and the centerline of Batavia-Stafford Townline Road (66 feet wide right-of-way), a distance of 10,373 feet, more or less, to the point of beginning.

All as shown on a map prepared by Clark Patterson Associates, "Ellicott Street Road and Townline Road Water District – Proposed Water District Map", Drawing Number B-01, dated April 09, 2007.

Town of Batavia Ellicott Street Road and Townline Road Water District, as described above contains approximately 1,016.3 acres of land.

SUSPEND THE RULES-Motion Councilman Gerace, second Councilman Zambito to suspend the rules to introduce additional resolutions.

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 120:

Councilman Gerace offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on July 18, 2007.

PRESENT:

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Hon. Gregory H. Post , Supervisor
Hon. Chad Zambito, Councilman
Hon. Daniel Underhill, Deputy Supervisor
Hon. Patti Michalak, Councilwoman
Hon. John Gerace, Councilman

-----X

In the Matter
of the

Construction of Sewer Improvements in a Benefited
Area known as the East Saile Drive Sewer Improvement Area,
in the Town of Batavia, County of Genesee, New
York, pursuant to Article 12-C of the Town Law.

-----X

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
AUGUST 1, 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-C, caused Clark Patterson Associates, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the East Saile Drive Sewer Improvement Area , and

WHEREAS, the Town Board has directed Clark Patterson Associates, to prepare a map, plan and report for the East Saile Drive Sewer Improvement Area, consisting of the construction and installation of approximately 2,500 linear feet of 12-inch gravity sewer main and 2,000 feet of 2-inch low pressure force main, as well as 2,000 feet of 6-inch force main capped at both ends to allow for future expansion and new precast concrete manholes. The 12-inch gravity main is designed to be able to accept additional flows from assumed future development, as well as current flows in the Sewer Improvement Benefit Area, including connections and other improvements and costs incidental thereto, land or rights in land, equipment, machinery, furnishings appurtenances and related site work, (the "Sewer Improvement"), all within an area of Town outside of any villages, which area will be determined to be determined to be the benefited area, which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the proposed Sewer Improvement will have an estimated maximum cost of \$900,000, to be financed by the application of up front contributions and grant contributions as well as any federal, state, county and/or local grants received; and

WHEREAS, the proposed Sewer Improvement will benefit the entire area, which area is outside the City of Batavia and is described as follows:

See EXHIBIT A attached hereto.

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$900,000 which is planned to be financed by the application of up front contributions and grant contributions as well as any federal, state, county and/or local grant funds received.

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NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Batavia, New York, on August 1, 2007, at 7:10 o'clock P.M. (Prevailing Time) to the construction of the improvement in a maximum amount of \$900,000, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing, and mail by first class mail to each owner of the taxable real property in the Improvement Area, a copy of this Order.

DATED: July 18, 2007

TOWN BOARD OF THE
TOWN OF BATAVIA

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

NOES:

ABSENT:

The Order Calling for Public Hearing was declared adopted.

EXHIBIT A

TOWN OF BATAVIA

EAST SAILE DRIVE SEWER BENEFIT AREA

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 a point on the southerly right-of-way line of West Saile Drive (99 foot wide right-of-way) and the northeasterly corner of tax account number, 4-1-25.121; thence,

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34. Easterly, along the northerly right of way line of West Saile Drive, a distance of 54 feet, more or less, to the northwesterly corner of tax account number 4-1-25.122; thence,
35. Southerly, along the westerly property line of tax account 4-1-25.122, a distance of 591 feet, more or less, to the southwesterly corner of tax account number 4-1-25.122; thence,
36. Easterly, along the Southerly property line of tax account number 4-1-25.122, a distance of 527 feet, more or less, to the centerline of State Street; thence,
37. Northerly, along the centerline of State Street, a distance of 576 feet, more or less, to the Southerly right of way of East Saile Drive (99 foot wide right-of-way); thence,
38. Southerly, along the easterly right-of way line of State Street , a distance of 112 feet, more of less, to the northwesterly corner at tax account number, 5-1-101; thence,
39. Easterly, along the northerly property line of said tax account number, a distance of 156 feet, more or less, to the northeasterly corner of said tax account number; thence,
40. Southerly, along the easterly property lines of tax account numbers, 5-1-101, 5-1-100, and 5-1-99, a distance of 312 feet, more or less, to a southeasterly corner of tax account number, 5-1-99; thence,
41. Easterly, along a northerly property line of said tax account number 5-1-98, a distance of 192 feet, more or less, to the northeasterly corner of said tax account number; thence,
42. Southerly, along the easterly property line of said tax account number, a distance of 195 feet, more or less, to a southwesterly corner of said tax account number; thence,
43. Easterly, along a northerly property line of tax account number 5-1-140, a distance of 107 feet, more or less, to the northeasterly corner of said tax account number; thence,
44. Southerly, along the easterly property line of tax account number, 5-1-140, a distance of 160 feet, more or less, to the southeasterly corner of said tax account number; thence,
45. Easterly, along the northerly property line of tax account number 5-1-96, a distance of 106 feet, more or less, to a northeasterly corner of said tax account number; thence,
46. Southerly, along the easterly property line of said tax account number, a distance of 389 feet, more or less, to the southeasterly corner of said tax account number; thence,
47. Westerly, along the southerly property line of said tax account number, a distance of 359 feet, more or less, to the northeasterly corner of tax account number 5-1-95; thence,
48. Southerly, along the easterly property line of said tax account number a distance of 112 feet, more or less, to an southeasterly corner of said tax account number; thence,

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49. Easterly, along northerly property line of tax account number 5-1-102.114, a distance of 100 feet, more or less, to a northwesterly corner of said tax account number; thence,
50. Southerly, along the easterly property lines of tax account numbers 5-1-102.114 and 5-1-94 a distance of 440 feet, more or less, to the southwesterly corner of said tax account number; thence,
51. Easterly, along a southerly property line of tax account number 5-1-102.114, a distance of 1,331 feet, more or less, to a southeasterly corner of said tax account number; thence,
52. Northerly, along the easterly property lines of tax account numbers 5-1-102.114 and 5-1-140, a distance of 724 feet, more or less, to an angle point along the northeasterly line of tax account number 5-1-140; thence,
53. Northeasterly, along the easterly property lines of tax account numbers 5-1-140, 5-1-103.2, and 5-1-103.12 a distance of 798 feet, more or less, to the southwesterly corner of tax account number 5-1-104.12; thence,
54. Easterly, along a southerly property lines of tax account number 5-1-104.12 and 5-1-104.2, a distance of 1,013 feet, more or less, to a southeasterly corner of tax account number 5-1-104.2; thence,
55. Northerly, along the easterly property line of tax account number 5-1-104.2, a distance of 383 feet, more or less, to the center of East Saile Drive (50 feet right-of-way); thence,
56. Easterly, along the centerline of East Saile Drive, along a line 25 feet north and parallel to the southerly right-of-way line of East Saile Drive , a distance of 3,165 feet, more or less, to the intersection of East Saile Drive (right-of-way 66 feet)and Bank Street; thence,
57. Northerly, along the centerline of Bank Street, a distance of 1,765 feet, more or less, to a point along the said road; thence,
58. Northwesterly, through the road a distance of 32 feet, more or less, perpendicular to the southeasterly corner of tax account number, 5-1-134; thence,
59. Northerly, along the easterly property line of said tax account number, a distance of 85 feet, more or less, to a point along the said tax account number; thence,
60. Westerly, through the northerly property lines of tax account numbers 5-1-134, 5-1-9.112, 5-1-8.2, 5-1-5.22, and 5-1-4.12, a distance of 5,634 feet, more or less, to the easterly line of tax account number 5-1-107.1; thence,
61. Northerly, along the easterly property line of tax account number 5-1-107.1, a distance of 384 feet, more or less, to the northeasterly corner of said tax account number; thence,
62. Westerly, along the northerly property line of said tax account number, a distance of 1,314 feet,

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more or less, to the centerline of State Street; thence,

63. Southerly, along the centerline of State Street, a distance of 375 feet, more or less, to a point along the said road; thence,
64. Westerly, along the northerly property line of tax account number 4-1-21.2, a distance of 2,661 feet, more or less, to the northwesterly corner of said tax account number; thence,
65. Southerly, along the westerly property line of said tax account number, a distance of 906 feet, more or less, to the southwesterly corner of said tax account number; thence,
66. Easterly, along the Southerly property line of said tax account number, a distance of 650 feet, more or less, to the northwesterly corner of tax account number 4-1-47; thence,
67. Southerly, along the westerly property line of said tax account number, a distance of 852 feet, more or less, to the southwesterly corner of said tax account number; thence,
68. Westerly, along the northerly right of way line of West Saile Drive, a distance of 100 feet, more or less, to the Southeasterly corner of tax account number 4-1-22.15; thence,
69. Northerly, along the Westerly line of said tax account number, a distance of 246 feet, more or less, to the Northwesterly corner of said tax account number; thence,
70. Easterly, along the southerly property line of tax account numbers 4-1-47, 4-1-45.24-1-42.1, a distance of 1228 feet, more or less, to the a southeastern corner of tax account number 4-1-42.1; thence,
71. Northerly, along an easterly property line of said tax account number, a distance of 21 feet, more or less, to a southeasterly corner of said tax account number; thence,
72. Easterly, along the southerly property line of said tax account number, a distance of 99 feet, more or less, to the southeasterly corner of said tax account number; thence,
73. Southerly, along the Westerly property line of tax account number 4-1-43.1, a distance of 529 feet, more or less, to the point of beginning

Town of Batavia East Saile Drive Sewer Benefit Area, as described above contains approximately 443.2 acres of land.

RESOLUTION NO. 121:

Councilman Zambito offered the following:

A meeting of the Town Board of the Town of
Batavia, in the County of Genesee, New York, was

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held at the Town Hall, in said Town, on July 18,
2007.

PRESENT:

Hon. Gregory H. Post , Supervisor
Hon. Chad Zambito, Councilman
Hon. Daniel Underhill, Deputy Supervisor
Hon. Patti Michalak, Councilwoman
Hon. John Gerace, Councilman

-----X

In the Matter
of the

Construction of Sewer Improvements in a Benefited
Area known as the West Saile Drive Sewer Improvement Area,
in the Town of Batavia, County of Genesee, New
York, pursuant to Article 12-C of the Town Law.

-----X

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
AUGUST 1, 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-C, caused Clark Patterson Associates, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the West Saile Drive Sewer Improvement Area , and

WHEREAS, the Town Board has directed Clark Patterson Associates, to prepare a map, plan and report for the West Saile Drive Sewer Improvement Area, consisting of the construction and installation of approximately 2,100 linear feet of 12-inch gravity sewer main and 400 feet of 2-inch low pressure force main and new precast concrete manholes. The main is designed to be able to accept additional flows from assumed future development as well as current flows in the Sewer Improvement Benefit Area, including connections and other improvements and costs incidental thereto, land or rights in land, equipment, machinery, furnishings appurtenances and related site work, (the "Sewer Improvement"), all within an area of Town outside of any villages, which area will be determined to be the benefited area, which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the proposed Sewer Improvement will have an estimated maximum cost of \$400,000, to be financed by the issuance of serial bonds, offset by federal, state, county and/or local grants received; and

WHEREAS, the proposed Sewer Improvement will benefit the entire area, which area is outside the City of Batavia and is described as follows:

See EXHIBIT A attached hereto.

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$400,000 which is planned to be financed by the issuance of

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\$400,000 of serial bonds of the Town, offset by any federal, state, county and/or local grant funds received, the balance to be paid for by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Batavia, New York, on August 1, 2007, at 7:20 o'clock P.M. (Prevailing Time) to the construction of the improvement in a maximum amount of \$400,000, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing, and mail by first class mail to each owner of the taxable real property in the Improvement Area, a copy of this Order.

DATED: July 18, 2007

TOWN BOARD OF THE
TOWN OF BATAVIA

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

NOES:

ABSENT:

The Order Calling for Public Hearing was declared adopted.

EXHIBIT A

TOWN OF BATAVIA

WEST SAILE DRIVE SEWER IMPROVEMENT BENEFIT AREA

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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 a point on the southerly right-of-way line of West Saile Drive (99 wide right-of-way) and the northeasterly corner of tax account number, 4-1-25.121; thence,

74. Westerly, along the southerly right-of-way line of West Saile Drive (99 wide right-of-way) a distance of 52 feet, more or less, to a point; thence,
75. Northerly, through the lands of West Saile Drive, continuing along the easterly property line of tax account number, 4-1-22.21, a distance of 530 feet, more or less, to the northeasterly corner of said tax account number; thence,
76. Westerly, along the northerly property line of said tax account number, a distance of 100 feet, more or less, to a point; thence,
77. Southerly, along the property line of said tax account number, a distance of 20 feet, more or less, to a point; thence,
78. Southwesterly, through the lands of tax account numbers, 4-1-22.21, 4-1-45.1, 4-1-22.15, a distance of 1,228 feet, more or less, to the northwesterly property corner of tax account number 4-1-22.15, thence,
79. Southerly, along the westerly property line of tax account number 4-1-22.15, a distance of 246 feet, more or less, to the northerly right-of-way of West Saile Drive; thence,
80. Westerly, along the northerly right-of-way of West Saile Drive, a distance of 100 feet, more or less, to the southeasterly property corner of tax account number 4-1-22.12; thence,
81. Northerly, along the easterly property line of tax account number 4-1-22.12, a distance of 810 feet, more or less, to the northeasterly corner, thereof; thence,
82. Westerly, along the northerly property line of tax account number 4-1-44, a distance of 888 feet, more or less, to the northwesterly corner of said tax account number; thence,
83. Southerly, along the westerly property line of said tax account number, a distance of 276 feet, more or less, to the southwesterly corner of said tax account number; thence,
84. Westerly, along the northerly property line of tax account number 4-1-23.1, a distance of 823 feet, more or less, to the centerline of Oak Orchard Road, N.Y.S. Route 98, (66.0 feet wide right-of-way); thence,
85. Southerly, along the centerline of said road, a distance of 2,345 feet, more or less, to a point along the said road; thence,
86. Easterly, along the southerly property line of tax account number 4-1-26.2, a distance of 1,020 feet, more or less, to the northeasterly corner of said tax account number; thence,
87. Northerly, along the easterly property line of said tax account number, a distance of 407 feet, more or less, to the northeasterly corner of said tax account number; thence,

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88. Easterly, along the southerly property line of tax account number 4-1-24, a distance of 52 feet, more or less, to the southeasterly corner of said tax account number; thence,
89. Northerly, along the easterly property line of said tax account number, a distance of 714 feet, more or less, to the southerly line tax account number 4-1-48; thence,
90. Easterly, along the southerly property line of tax account numbers 4-1-48 and 4-1-25.115, a distance of 629 feet, more or less, to the southeasterly corner of said tax account number 4-1-25.115; thence,
91. Northerly, along the westerly property line of tax account number 4-1-25.116, a distance of 609 feet, more or less, to the northwesterly corner of said tax account number; thence,
92. Easterly, along the southerly right-of-way line of West Saile Drive, a distance of 287 feet, more or less, to the northeasterly corner of said tax account number; thence,
93. Southerly, along the easterly property line of said tax account number, a distance of 613 feet, more or less, to the southeasterly corner of said tax account number; thence,
94. Easterly, through the lands of tax account number 4-1-76.66, continuing along the southerly lines of tax account numbers 4-1-46, 4-1-25.2, 4-1-25.1, and 4-1-25.122 a distance of 1,417 feet, more or less, to the centerline of State Street; thence,
95. Northerly, along the centerline of said road, a distance of 592 feet, more or less, to the point of beginning.

Town of Batavia West Saile Drive Sewer Improvement Benefit Area as described above contains approximately 110.6 acres of land.

RESOLUTION NO. 122:

Deputy Supervisor Underhill offered the following:

DESIGNATION OF LOWEST RESPONSIBLE BIDDER
WEST SAILE DRIVE SEWER IMPROVEMENT AREA PROJECT AND
EAST SAILE DRIVE SEWER IMPROVEMENT AREA PROJECT

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”) hereby designates Milherst Construction, Incorporated as the lowest responsible bidder in connection with the West Saile Drive Sewer Improvement Area project and the East Saile Drive Sewer Improvement Area project, subject to the Town Supervisor taking all actions necessary and executing all contracts in connection with the same.

Second by: Councilman Gerace
APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 123:

Supervisor Post offered the following:

ARCHEOLOGICAL SERVICES
WILKINSON AND PUTNAM/SHEPARD ROAD WATER DISTRICTS

WHEREAS, the Town of Batavia wishes to retain Ladd Archeological Services to assist the Town of Batavia with archeological investigations for portions of the construction of improvements to the public water supply system serving the Wilkinson and Putnam/Shepard Road Water Districts at a cost for each District as follows as provided in the recommendation from Stuart I. Brown Associates (attached):

Putnam/Shepard Water District: \$2,686.04

Wilkinson Road Water District: \$ 798.71

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the above, described work as recommended by Stuart I. Brown Associates.

Seconded by: Councilman Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 124:

Councilwoman Michalak offered the following:

RESOLUTION FOR REDUCTION OF SPEED LIMIT
ROSE ROAD

WHEREAS, residents have expressed concern regarding unsafe traffic conditions on Rose Road; and

WHEREAS, the Town of Batavia is requesting a reduction in the speed limit from 55 MPH to 35 MPH on Rose Road between Route 98 and Donahue Road.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby petitions the Genesee County Highway Department and the New York State Department of Transportation by way of this resolution and form TE 9a to consider a speed reduction from 55 MPH to 35 MPH on Rose Road

Second by: Deputy Supervisor Underhill

APPROVED by unanimous vote (5-0)

Abstract No. 7-2007: Motion Councilman Zambito, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

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General	\$ 50,452.47
Highway	107,996.81
Sewer No. 1	925.54
Sewer No. 2	1,601.82
Water	3,495.85
Pearl St Rd Water	141.53
Wilkinson Road Water	138.66
Putnam/Shepard Water	768.81
Ellicott/Townline Water	2,033.15
Batavia Fire District	125.75
East Pembroke Fire District	18.81
TOTAL	\$167,699.20

Check numbers 115838 thru 11623, ACH 7

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Water/Wastewater- The Supervisor reported for the Water/Wastewater Department on the following:

Lewiston/West Main Sanitary & Storm Sewer Project is 99.9% complete. There are some erosion control and mitigation issues to address.

Water Projects are moving forward.

Sewer District #1 – Grant application is being processed for the reconstruction of sanitary sewer district #1 infrastructure. Expects to receive preliminary design soon for the extension from sanitary sewer district 1 to the proposed development across from Genesee Community College.

Rose Road Water Petition is being considered for a water district extension.

Maintenance- There has be extraordinary maintenance being performed, overhauls, leak detection, meter readings and hydrant maintenance.

Building Inspector reported on the following:

Revisions to the Code of the Town- Had a meeting today with Stu Brown and the committee regarding revisions to the Code of the Town. The sign portion is 90% done. Discussed zoning requirements for businesses.

Kentucky Fried Chicken (KFC)/Long John Silver- Received application for KFC/Long John Silver to be located on former Heveron's Tavern site on West Main Street Road. There is going to be 2 brands in one business and they are proposing a long and narrow building.

The Supervisor thanked the Building Inspector for his extra time and effort with the various committees.

Supervisor's Report:

Status Report - The monies are invested in CD's. The Town closed on the property that was sold to Spectra Group and the monies were invested in a CD.

The Town received from New York State our share of the revenues from Batavia Downs Gaming.

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Special Town Board Meeting - Scheduled for Wednesday, August 1 immediately following the public hearings.

NYSDEC- The joint annual inspection of the flood protection project, conducted by the US Army Corps of Engineers and the DEC, will be July 20 at 1:00 P.M. at the Batavia Town Highway Facility.

GAM meeting tomorrow evening at 7:00 P.M. at Cristina's Restaurant.

Grandma's Luv'n Care, Inc.- Received a letter from Grandma's Luv'n Care requesting the Town consider installing a streetlight near the entrance of the Day Care.

STREETLIGHT-Motion Councilman Zambito, second Councilman Gerace authorizing the Supervisor to proceed with the necessary measures for installation of a streetlight near the entrance of Grandma's Luv'n Care, Incorporated located on Clinton Street Road.

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report – collected a total \$7,985.27, remitted \$7,571.37 to the Supervisor for the Local Share.

Veteran's Memorial Drive Speed Limit Reduction-The NYSDOT has justified the speed reduction to 40 MHP on VMD. The orders have been forwarded to the Secretary of State for approval.

Kiwanis Park Donation- Helen Austin made a \$25.00 donation for the use of Kiwanis Park. I sent a thank you letter to her from the Town.

OLD BUSINESS:

Area 51 Racing-Councilwoman Michalak questioned the status at the Area 51 Motocross on Harloff Road. Mr. Worthington will be meeting with the owner of Area 51 to address some concerns.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:45 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk