

AUGUST 15, 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

Others

Present: Town Clerk Morasco
Brian Ketchum, Empire Video Services Corporation
Chris Mueller, Time Warner

The Supervisor called the meeting to order at 7:00 P.M.

RECOGNITION OF SERVICE- Supervisor Post presented a plaque of recognition to former Councilman Zambito who resigned from his position as of July 20. Mr. Post thanked Mr. Zambito for his dedication and hard work and wished him well in his new endeavor.

MINUTES:

July 18, 2007 Public Hearing-“Time Warner Cable TV Franchise Renewal Agreement”:

Motion Councilman Gerace, second Deputy Supervisor Underhill to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

July 18, 2007 Public Hearing-“Empire Video Services Corp. Cable TV Franchise

Agreement”: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

July 18, 2007 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

August 1, 2007 Public Hearing-“Ellicott Street Road/Townline Road Water District”:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

August 1, 2007 Public Hearing-“East Saile Drive Sewer Improvement Area” and August 1,

2007 Public Hearing-“West Saile Drive Sewer Improvement Area”: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

August 1, 2007 Special Town Board Meeting: Motion Deputy Supervisor Underhill , second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

August 6, 2007 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

RESOLUTION NO. 134:

Deputy Supervisor Underhill offered the following:

RESOLUTION ADOPTING LOCAL LAW # 2 OF 2007

WHEREAS, proposed Local Law #2 of 2007 of the Town of Batavia 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 in its final form was presented to the Town Board at the meeting held on July 18, 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 August 15, 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 #2 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 York that said proposed Local Law #2 of 2007 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #2 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 TABLED:

Supervisor Post offered the following:

**CABLE TELEVISION RENEWAL FRANCHISE AGREEMENT BETWEEN
THE TOWN OF BATAVIA AND TIME WARNER ENTERTAINMENT-
ADVANCE/NEWHOUSE PARTNERSHIP**

WHEREAS, pursuant to the Communications Act of 1934, as amended (the “Communications Act”), the Board has the authority to grant cable television franchises for and in the Town of Batavia; and

WHEREAS, the Batavia Town Board has considered the technical ability, financial condition, and character of Time Warner Entertainment Advance/Newhouse Partnership (Time Warner) before a public hearing on the 18th day of July, 2007; said public hearing and negotiations included considerations of Time Warner Cable’s plans for constructing and operating, maintaining and repairing the herein described and referred to video system; and

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

WHEREAS, notice of such public hearing was provided to all parties so entitled to notice. The notice was published on July 7, 2007; and

WHEREAS, the Board has determined that the proposed cable franchise for Time Warner fulfills the needs of the Town of Batavia with respect to cable television service and complies with the standards and requirements of the New York Public Service Commission.

NOW, THEREFORE, BE IT:

RESOLVED, that the Batavia Town Board hereby grants Time Warner a renewal cable franchise in the Town of Batavia; and be it

FURTHER RESOLVED, that the Town Board approves the Renewal Franchise Agreement between the Town of Batavia and Time Warner, subject to modifications required by the New York Public Service Commission, a copy of which is annexed and made part of the minutes; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Renewal Franchise Agreement on behalf of the Town of Batavia.

Second by: Councilwoman Michalak

Discussion: Councilwoman Michalak stated that she discussed with Chris Mueller from Time Warner service to Ashley Furniture and it is too costly at this time. The cost would be approximately \$11,000 to run cable to Ashley Furniture. Councilman Gerace stated that he is not ready to move forward with this. A brief discussion was held. Supervisor Post expressed that every potential business needs to be shovel ready with the utilities.

Motion Supervisor Post, second Deputy Supervisor Underhill to table the resolution.

TABLED by unanimous vote (4-0)

RESOLUTION TABLED:

Councilwoman Michalak offered the following:

**CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN
THE TOWN OF BATAVIA AND EMPIRE VIDEO SERVICES CORPORATION**

WHEREAS, pursuant to the Communications Act of 1934, as amended (the "Communications Act"), the Board has the authority to grant cable television franchises for and in the Town of Batavia; and

WHEREAS, the Batavia Town Board has considered the technical ability, financial condition, and character of Empire Video Services Corporation ("EVSC") before a public hearing on the 18th day of July, 2007; said public hearing and negotiations included considerations of EVSC's plans for constructing and operating, maintaining and repairing the herein described and referred to video system; and

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

WHEREAS, notice of such public hearing was provided to all parties so entitled to notice. The notice was published on July 7, 2007; and

WHEREAS, the Board has determined that the proposed cable franchise for EVSC fulfills the needs of the Town of Batavia with respect to cable television service and complies with the standards and requirements of the New York Public Service Commission.

NOW, THEREFORE, BE IT:

RESOLVED, that the Batavia Town Board hereby grants EVSC a cable franchise in the Town of Batavia; and be it

FURTHER RESOLVED, that the Batavia Town Board approves the Franchise Agreement between the Town of Batavia and EVSC, subject to modifications required by the New York Public Service Commission, a copy of which is annexed and made part of the minutes; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Franchise Agreement on behalf of the Town of Batavia.

Second by: Deputy Supervisor Underhill

Discussion: Deputy Supervisor Underhill expressed that he is not comfortable approving the agreement because the rate schedule is blank. A brief discussion was held regarding the service area and the rates.

Motion Councilman Gerace, second Deputy Supervisor Underhill to table the resolution.

TABLED by unanimous vote (4-0)

RESOLUTION NO. 135:

Councilman Gerace offered the following:

AUTHORIZING PARTICIPATION IN
YEAR 2008 JOINT YOUTH PROGRAM

WHEREAS, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

WHEREAS, the Town of Batavia's contribution to this joint youth project is \$9,146.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$2,249.00;

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2008; and be it further

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

RESOLVED, that the year 2008 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2008:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 906.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	\$ 906.00
Total	\$9,146.00

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

RESOLUTION NO. 136:

Deputy Supervisor Underhill offered the following:

REAPPOINTMENT – TOWN ASSESSOR

WHEREAS, Michael Cleveland has been the Assessor for the Town of Batavia since July 1, 1991;

WHEREAS, his latest term of six years will expire as of September 30, 2007;

WHEREAS, he has served the Town in an exemplary fashion;

RESOLVED, the Batavia Town Board hereby reappoints Michael Cleveland, 2960 West Main Street Road, Batavia, New York 14020, as Assessor for the Town of Batavia. The term will begin October 1, 2007 and end September 30, 2013.

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

The Supervisor expressed that the Town has been served well by Mr. Cleveland.

RESOLUTION NO. 137:

Supervisor Post offered the following:

APPOINTMENT TO ASSESSMENT BOARD OF REVIEW

WHEREAS, Lynn Eick's term on the Assessment Board of Review expires September 30, 2007;

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

RESOLVED, the Batavia Town Board hereby re-appoints Lynn Eick, 8880 Batavia-Stafford Townline Road, Batavia, New York, to the Assessment Board of Review for a term to commence October 1, 2007 and expiring September 30, 2012.

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

RESOLUTION NO. 138:

Councilwoman Michalak offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #3 OF 2007

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the procedures and regulations for fill permits within the Town of Batavia, also known as Town of Batavia Local Law #3 of 2007.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #3 of 2007 entitled "A Local Law to Amend the Procedures and Regulations for Fill Permits within the Town of Batavia ", 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 September 19, 2007, and that a public hearing be held before this Town Board on the 19th day of September, 2007, at 6:45 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.

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

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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 15th day of August, 2007, proposed Local Law #3 of 2007 entitled "A Local Law to Amend the Procedures and Regulations for Fill Permits within the Town of Batavia". Said Local Law will amend the procedures and regulations for fill permits by allowing the Town Board to designate a representative to act on its behalf regarding the permit process; requiring that all new and renewal applications be charged a fee to be set periodically by the Town Board; requiring the Town Clerk to notify the adjacent property owners in writing of the application and that they have five (5) calendar days to file an objection or comments regarding said application, however, approval or consent of said adjacent property owner is not required; preventing the Town from acting on said application until at least five (5) calendar days after said notice to adjacent property owners; requiring the Town to make a determination with respect to the fill permit application within sixty (60) calendar days after receipt of the application; setting a one year expiration on all permits issued that do not specifically designate an expiration date; allowing an applicant to renew a permit for two (2) additional one year periods; and allowing the Town to condition an approval permit by requiring an applicant to file a performance bond not to exceed \$5,000.00.

PLEASE TAKE FURTHER NOTICE that on 19th day of September, 2007, at 6:45 P.M. 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
August 15, 2007

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

RESOLUTION NO. 139:

Councilman Gerace offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #4 OF 2007

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the Code of the Town of Batavia pertaining to the Town of Batavia Zoning Ordinance contained therein, in order to make amendments to Section 235-63(C)(12) and 235-63(D)(12) thereof, also known as Town of Batavia Local Law #4 of 2007.

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #4 of 2007 entitled "A Local Law to Amend the Code of the Town of Batavia Pertaining to the Zoning Ordinance", 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 September 19, 2007, and that a public hearing be held before this Town Board on the 19th day of September, 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; and

BE IT FURTHER RESOLVED that this matter shall be referred to the Genesee County Planning Board and the Batavia Town Planning Board for consideration; and

BE IT FURTHER RESOLVED that ten (10) days written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264(2).

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

**AUGUST 15, 2007
REGULAR TOWN BOARD MEETING**

**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 15th day of August, 2007, proposed Local Law #4 of 2007 entitled "A Local Law to Amend the Code of the Town of Batavia Pertaining to the Zoning Ordinance". Said Local Law proposes to amend the Code of the Town of Batavia as summarized as follows:

Addition of provisions to allow for the revocation of Permits and Special Use Permits by the Board that authorized and granted the Permit, if the terms and conditions of the Permit are violated.

PLEASE TAKE FURTHER NOTICE that on 19th day of September, 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.

PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Code Amendment. A complete copy of the 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 public inspection during regular office hours.

Dated: Batavia, New York
August 15, 2007

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

RESOLUTION NO. 140:

Deputy Supervisor Underhill offered the following:

CLINTON STREET ROAD STREETLIGHT

RESOLVED, National Grid is hereby authorized and directed to do the following work in the Town of Batavia, CSS Reference No. 1373663105:

Install: One -150 watt high pressure sodium lamp and luminaire on existing Pole Number 5093.

Estimated Annual Cost: \$159.00 includes energy.

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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

RESOLUTION NO. 141:

Supervisor Post offered the following:

APPROVAL OF CHANGE ORDER 2007-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA
LANDFILL SUPERFUND SITE

WHEREAS, Arcadis of New York, Incorporated (Arcadis BBL) (formerly Blasland, Bouck and Lee, Incorporated) is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis BBL has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2007 (attached); and

WHEREAS, the cost for the service is estimated at nine thousand, nine hundred, forty-four dollars and twenty cents (\$9,944.20), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis BBL., at the Town of Batavia Landfill Superfund Site.

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

RESOLUTION NO. 142:

Councilwoman Michalak offered the following:

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 August 15, 2007.

PRESENT:

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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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

**FINAL ORDER ESTABLISHING THE ELLICOTT STREET ROAD AND TOWNLINE ROAD
WATER DISTRICT
AUGUST 15, 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's Engineer, a competent engineer duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Ellicott Street Road and Townline Road Water District (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 17,000 linear feet of 12-inch waster 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, the "Water Improvement"); and

WHEREAS, a "Petition to Request Water District" was filed in the 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 property of the proposed Water District owned by residents; and

WHEREAS, pursuant to the Order duly adopted on July 18, 2007, 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 August 1, 2007, at 7:00 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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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 August 1, 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 District and the construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$629,200; and that the plan of financing is the issuance of serial bonds in the amount of \$219,000, 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 \$260,200, as well as a grant of \$150,000 from the Emergency Community Water Assistance Grant Program, 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

Now, therefore, be it

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

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 less, to a point; thence,

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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,
16. Easterly, along the Town of Batavia Existing Water District No. 3 line, a distance of 122 feet,

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

- 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,
 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,

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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.

and be it further:

ORDERED, that Ellicott Street Road and Townline Road Water District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing (dated July 18, 2007) and a resolution (adopted on August 1, 2007), at a cost not to exceed \$629,200, and the plan of financing is the issuance of serial bonds in the amount of \$219,000, 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 \$260,200, as well as a grant of \$150,000 from the Emergency Community Water Assistance Grant Program, 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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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: August 15, 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: Councilwoman Michalak
Councilman Gerace
Deputy Supervisor Underhill
Supervisor Post

NOES:

ABSENT:

The foregoing order was thereupon declared duly adopted.

RESOLUTION NO. 143:

Councilman Gerace offered the following:

A BOND RESOLUTION, DATED AUGUST 15, 2007, OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF BATAVIA ELLICOTT STREET ROAD AND TOWNLINE ROAD WATER DISTRICT AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN IN AN AMOUNT NOT TO EXCEED \$1,284,400, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$629,200, 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 Ellicott Street Road and Townline Road Water District" (the "Water District"); and

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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, the Project is a joint project with the Town of Stafford. The Town of Stafford will be responsible for the balance of the project cost in an amount equal to \$655,200; 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:

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

SECTION 1: The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction and installation of approximately 17,000 linear feet of 12-inch waster 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 for the foregoing purpose. The maximum cost of said purpose will not exceed \$1,284,400.

SECTION 2: The project is a joint project of the Towns of Batavia and Stafford pursuant to an intergovernmental agreement between the Towns, with an estimated maximum cost of the total project for both Towns of \$1,284,400, of which \$629,200 will be financed by the issuance of Town of Batavia serial bonds not to exceed \$629,200, offset by any federal, state, county and/or local grants including but not limited to a USDA Rural Development Agency grant of \$260,200, as well as a grant of \$150,000 from the Emergency Community Water Assistance Grant Program, and the balance of the Town of Batavia's portion 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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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

SECTION 12: 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:

34. 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:

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

AYES: Councilman Gerace
Deputy Supervisor Underhill
Councilwoman Michalak
Supervisor Post

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

NOTICE OF BOND RESOLUTION
TOWN OF BATAVIA ELLICOTT STREET ROAD AND TOWNLINER 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 August 15, 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 August 15, 2007. 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 \$629,200, offset by any federal, state, county and/or local grants including but not limited to a USDA Rural Development Agency grant of \$260,200, as well as a grant of \$150,000 from the Emergency Community Water Assistance Grant Program. The project is a joint project with the Town of Stafford and has an estimated total project cost of \$1,284,400. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the Establishment of Ellicott Street Road and Townline Road Water District in the Town and the construction of improvements therein, consisting of the construction and installation of approximately 17,000 linear feet of 12-inch waster 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

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

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. 144:

Deputy Supervisor Underhill offered the following:

RETAIN TOWN PROSECUTOR

WHEREAS, the Batavia Town Board retained Theron E. Howard as Prosecutor for the Town of Batavia at the May 16, 2007 Town Board Meeting for the period of June 1, 2007 to August 31, 2007; and

WHEREAS, the period will be ending August 31, 2007 and Mr. Howard wishes to continue as the Prosecutor for the Town (letter attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains Theron E. Howard as Prosecutor for the Town of Batavia at the same rate of \$530.00 per week for the period of September 1, 2007 to December 31, 2007. This will be an all-inclusive fee with no additional charges or deletions of any nature.

Second by: Councilman Gerace

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 145:

Supervisor Post offered the following:

APPROVAL OF CHANGE ORDER
SAILE DRIVE SANITARY SEWER MAIN

WHEREAS, MILHERST CONSTRUCTION, INC. is under contract with the Town of Batavia for the Saile Drive Sanitary Sewer Main Project,

WHEREAS, MILHERST CONSTRUCTION, INC. has submitted a change order request for an owner requested change in the amount of \$211,175.66 for the adjustment of Base Bid B changing the sanitary sewer profile to allow gravity collection to the extent of available funds (attached),

WHEREAS, CLARK PATTERSON ASSOCIATES has recommended approval of the change order request,

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia Town Board hereby authorizes the Supervisor to execute the

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

attached Change Order.

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

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

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 146:

Councilwoman Michalak offered the following:

**AUTHORIZATION TO SUBMIT A GRANT
APPLICATION TO THE GOVERNOR'S OFFICE FOR SMALL CITIES-
ELLICOTT/TOWNLINERoads Water District**

"**RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit a Small Cities application to the administrative agency for funding under the imminent threat category to correct a serious public health and safety problem caused by Total Coliform and E.coli bacterial infiltration of existing private water supplies along Ellicott Street Road and the Batavia-Stafford Town Line Road in Batavia and Stafford. The Supervisor is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required. The Town of Batavia shall serve as the lead agency and will undertake the project cooperatively with the Town of Stafford.

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

Discussion: Prior to the vote Supervisor Post commented that with this grant application, the Town wishes to reduce the cost to the Ellicott/Townline Water District.

Abstract No. 8-2007: Motion Councilman Gerace, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$ 207,509.60
Highway	56,565.39
Sewer No. 1	25,641.00
Sewer No. 2	39,797.34
Water	126,230.48
Pearl Water	4,070.00
Wilkinson Water	8,168.15
Putnam/Shepard Water	11,935.00
Ellicott/Townline Water	2,031.59

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

Lovers Lane Water	<u>1,004.14</u>
TOTAL	\$ 482,952.69

Check numbers 11624 thru 11699, 11701 ACH8
MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

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

Water & Sewer Projects – There are a number of projects moving forward.

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

Batavia-Byron Road-The Town and County are working together to replace waterlines on Batavia-Byron Road. Supervisor Post commented that it's nice to see such a collaborate effort.

Pearl Street Road Watermain-Repaired a Watermain break on Pearl Street Road.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in CD's and are paying at rate of 5.22% and 5.19% respectively.

Special Town Board Meeting and Budget Workshop - Scheduled for Wednesday, August 29 at 7:00 P.M.

GAM- The next GAM meeting will be in Elba September 20 at a place to be announced.

COMMUNICATIONS:

The Town Clerk reported on the following:

July Town Clerk monthly report – collected a total \$6,576.68, remitted \$6,017.66 to the Supervisor for the Local Share.

Kiwanis Park Donation- Fran Lawrence made a \$25.00 donation for the use of Kiwanis Park, I sent a thank you letter to her on behalf of the Town.

NYS DOT- Received a notice from the NYS DOT that they are investigating the traffic conditions on Rose Road and will notify the Town when their study is complete.

Conservation Licenses went on sale Monday, August 13.

COMMITTEE REPORTS:

AMBULANCE AGREEMENT-Deputy Supervisor Underhill reported that Councilwoman Michalak and he attended a meeting regarding the ambulance agreement, which expires in December 2007. Councilwoman Michalak will set up the necessary meetings with the City of Batavia to proceed with the negotiations of the ambulance agreement.

OLD BUSINESS:

LABOR NEGOTIATIONS –The Supervisor reported that a labor negotiation meeting is scheduled for August 28, 2007.

AUGUST 15, 2007
REGULAR TOWN BOARD MEETING

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 8:05 P.M.

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk