

**MARCH 19, 2008
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

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

Roll Call

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

Others

Present: Town Clerk Morasco
Building Inspector Worthington
Sharon White, Planning Board Secretary

The Supervisor called the meeting to order at 7:11 P.M.

February 20, 2008 Public Hearing-Small Cities Grant Program, February 20, 2008 Public Hearing-Local Law #3 of 2008, A Local Law to Amend the Town of Batavia Zoning Ordinance to Add Criteria for Wind Energy Systems, February 20, 2008 Regular Town Board Meeting, March 5, Public Hearing-Small Cities Grant-GCEDC, and March 5, 2008 Special Town Board Meeting :

Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 64:

Councilman Lang offered the following:

**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program;

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2008.

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

RESOLUTION NO. 65:

Deputy Supervisor Underhill offered the following:

**AUTHORIZATION TO SUBMIT A GRANT
APPLICATION TO THE GOVERNOR'S OFFICE FOR SMALL CITIES**

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 the Fiscal Year 2008 program, all understandings and assurances contained therein, and 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.

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

RESOLUTION NO. 66:

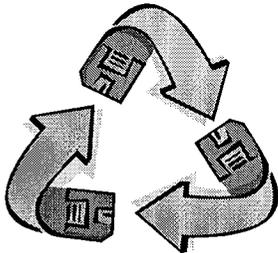
Supervisor Post offered the following:

ADOPTION OF NEW TRANSFER STATION PERMIT FEE SCHEDULE

WHEREAS, the Town of Batavia Highway Superintendent has presented to the Batavia Town Board a revised Transfer Station Permit Fee Schedule for the disposal of refuses and construction debris, in the Town of Batavia.

RESOLVED, the Batavia Town Board hereby adopts the revised Transfer Station Permit Fee Schedule (fee schedule attached).

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



TOWN OF BATAVIA RESIDENTS

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RECYCLING AND REFUSE DISPOSAL

PERMITS FOR TRANSFER STATION:

The permits can be purchased at the Batavia Town Hall, Monday through Friday from 8:30 A.M. to 4:30 P.M.

HOURS TO USE TRANSFER STATION:

Wednesdays- 3:00 P.M. to 7:00 P.M.
Saturdays- 8:00 A.M. to 3:30 P.M.

RECYCLE	WHAT	HOW	DO NOT INCLUDE
GLASS	Food jars including home canning jars, beverage bottles	Remove caps and lids, rinse clean	Broken glass or light bulbs, window glass, mirror glass, etc.
MAGAZINES/ NEWSPAPER/ CARDBOARD	Clean, dry newspapers, inserts, comics, flyers & catalogs, cardboard	Place in brown paper grocery bags or tie with string (no wire	Hard covered books
PLASTICS	Frosted, colored & clear plastics with these symbols on or near the bottom 	Remove caps, drain and rinse	Plastic bags, wrap, caps, medicine bottles & toys
TIN & ALUMINUM CANS	Food or beverage aluminum & tin or metal cans	Remove caps, drain and rinse	Teflon coated cans with paper or plastic parts, aluminum foil/trays
METAL	Washers, dryers, stoves, pipes, lawn movers, **refrigerators/freezers, etc.	Put in appropriate place	Car or truck gas tanks

***Certification that the freon has been removed must be provided when disposing the refrigerator. (freon service – Contact a Heating & Refrigeration Vendor)*

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Recycling and Refuse Disposal

COST:

Bag\$1.75 -per 30 gallon bag (1 punch)

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Pick-up truck, dump truck or small trailer – Cost determined by length, width and height of bed of vehicle.

Construction/Demolition Refuse/Trash- \$35.00 per cubic yard

Single Item Costs- Chair \$5.25 (3 punches), Mattress or Box Spring \$5.25 (3 punches), Toilet \$5.25 (3 punches), Sink \$5.25 (3 punches), Television \$5.25 (3 punches), Couch \$12.25 (7 punches), Car Tire \$1.75 (1 punch), Truck Tire \$5.25 (3 punches), Tractor Tire \$12.25 (7 punches), Microwave \$5.25 (3 punches)

WHAT IS DEMOLITION: Construction/Demolition is wood, insulation, siding, glass that does not recycle, water closets, bathtubs, bricks, blocks, etc.

WHAT IS REFUSE: Food waste, non-recyclable plastic, bed mattress, furniture, rugs, clothes

To calculate the cubic yard: multiply length x width x height ÷27

One Punch= \$1.75

Two Punches=\$3.50

Three Punches=\$5.25

Four Punches=\$7.00

Five Punches=\$8.75

Six Punches=\$10.50

Seven Punches=\$12.25

RESOLUTION NO. 67:

Councilwoman Michalak offered the following:

AUTHORIZATION TO REDESIGN THE TOWN OF BATAVIA WEBSITE

WHEREAS, Kim McCullough, Genesee Community College Student and Town Resident designed the Town of Batavia website in November 2002 and has continued to maintain the website; and

WHEREAS, Ms. McCullough is currently enrolled in the degree program of Web Design and has requested authorization to redesign the Town of Batavia's Website, as a learning experience, at no cost to the Town (letter request attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby accepts Kim McCullough's proposal redesign the Town of Batavia's Website at no cost.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 68:

Councilman Gerace offered the following:

**APPROVAL OF CHANGE ORDER 2008-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA**

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LANDFILL SUPERFUND SITE

WHEREAS, Arcadis 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 has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2008 (attached); and

WHEREAS, the cost for the service is estimated at five thousand, six hundred, five dollars (\$5,605.00), 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, at the Town of Batavia Landfill Superfund Site.

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

RESOLUTION NO. 69:

Councilman Lang offered the following:

**SECURE HOSTED EMAIL SERVICE AGREEMENT
PERVASIVE SOLUTIONS, LLC**

WHEREAS, Pervasive Solutions currently hosts the Town of Batavia's email exchange; and

WHEREAS, Pervasive Solutions has proposed a 12 month service agreement to continue the secure hosted email exchange (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby approves of the service agreement at an annual cost of \$2,918.40; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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

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RESOLUTION NO. 70:

Deputy Supervisor Underhill offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE ALEXANDER AND PIKE ROADS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Engineer of the Town of Batavia, New York, has filed 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 established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on February 19, 2008, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on March 11, 2008, 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 Alexander and Pike Roads Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable 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 5,300 linear feet of eight inch and approximately 9,530 linear feet of twelve inch water main starting at the existing Town of Batavia Water District No. 3 (Consolidated Water District), and then running south on Alexander Road to the Town of Batavia boundary line, and on Pike Road starting at the intersection of Alexander and Pike Road, then running westerly along Pike Road to the west boundary of 3731 Pike Road, Tax Map Parcel No. 18-1-56.112; 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 \$1,175,200.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$696,000.00, 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 \$479,200.00, and

WHEREAS, the proposed debt of \$696,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.375% interest, thereby creating an annual debt service (assuming 80 units) of \$474.00 per typical property user in the proposed district, which is a single family home, and

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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 \$733.00 per year, and

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 \$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 16th day of April, 2008, at 6:55 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 Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

EXHIBIT A

TOWN OF BATAVIA

ALEXANDER AND PIKE ROAD WATER DISTRICT

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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 a point at the westerly line of the existing Town of Batavia Water District No. 3, said point being the northeasterly corner of tax account number 12-1-63.12; thence,

1. Southerly, along the easterly lines of tax account numbers 18-1-13.1 and 18-1-79.1, a distance of 1,740 feet, more or less, to the southeasterly of tax account number 18-1-79.1; thence,
2. Easterly, along the northerly line of tax account number 18-1-20.21, a distance of 51 feet, more or less, to the northeasterly corner thereof; thence,
3. Southerly, along the easterly lines of tax account numbers 18-1-20.21, 18-1-23.1, 18-1-25.124, 19-1-48, 18-1-29, and 18-1-30.111, a distance of 6,328 feet, more or less, to the southeasterly corner of tax account number 18-1-18-1-30.111; thence,
4. Westerly, along the southerly line of tax account number 18-1-30.111, a distance of 933 feet, more or less, to the northeasterly corner of tax account number 18-1-31.1; thence,
5. Southerly, along the easterly line of tax account number 18-1-31.1, a distance of 661 feet, more or less, to the southeasterly corner thereof; thence,
6. Westerly, along the southerly lines of tax account numbers 18-1-31.1, 18-1-33, through the right-of-way of Alexander Road (66 feet wide right-of-way) , continuing along the southerly lines of tax account numbers 18-1-35.1, 18-1-36, and 18-1-37, a distance of 7,758 feet, more or less, to the southwesterly corner of tax account number 18-1-37; thence,
7. Northerly, along the westerly line of tax account number 18-1-37, a distance of 1,377 feet, more or less, to the northwesterly corner thereof; thence,
8. Easterly, along the northerly line of tax account number 18-1-37, a distance of 1,333 feet, more or less, to the southwesterly corner of tax account number 18-1-50.2; thence,
9. Northerly, along the westerly line of tax account number 18-1-50.2, through the Pike Road right-of-way (49.5 feet wide right-of-way) continuing along the westerly lines of tax account numbers 18-1-56.112 and 18-1-56.111, a distance of 2,590 feet, more or less, to the northwesterly corner of tax account number 18-1-56.111; thence,
10. Easterly, along the northerly lines of tax account numbers 18-1-56.111, 18-1-56.12, 18-1-67.112, and 18-1-67.113, a distance of 2,634 feet, more or less, to the southwesterly corner of tax account number 18-1-70; thence,
11. Northerly, along the westerly line of tax account numbers 18-1-70, 18-1-73, 18-1-74.1, and 18-1-76, a distance of 2,470 feet, more or less, to the northwesterly corner of tax account number 18-1-76; thence,
12. Southwesterly, along the southerly line of tax account number 18-1-81.2, a distance of 2,171 feet, more or less, to the southwesterly corner thereof; thence,
13. Northerly, along the westerly line of tax account number 18-1-81.2, a distance of 99 feet, more or less, to the northwesterly corner thereof; thence,
14. Northeasterly, along the northerly lines of tax account numbers 18-1-81.2 and 18-1-81.11, a distance of 5,121 feet, more or less, to an angle point along the northerly line of tax account number 18-1-81.11; thence,

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15. Northeasterly, along the northerly line of tax account number 18-1-81.11, a distance of 71 feet, more or less, to an angle point thereof; thence,
16. Northeasterly, along the northerly line of tax account number 18-1-81.11, a distance of 338 feet, more or less, to an angle point thereof; thence,
17. Southeasterly, along the northerly line of tax account number 18-1-81.11, a distance of 99 feet, more or less, to an angle point thereof; thence,
18. Northeasterly, along the northerly line of tax account number 18-1-81.11 and continuing along a line through the right-of-way of Alexander Road, a distance of 2,049 feet, more or less, to the Alexander Road centerline; thence,
19. Southwesterly, along the Alexander Road centerline, a distance of 129 feet, more or less, to a point on the centerline being the westerly extension of the southerly line of tax account number 12-1-105; thence,
20. Easterly, along the northerly lines of tax account numbers 18-1-13.1, 18-1-79.1, and 18-1-63.12, a distance of 2,494 feet, more or less, to the point of beginning.

All as shown on a map prepared by Clark Patterson Lee entitled, "Alexander and Pike Road Water District – Proposed Water District", dated 01/28/08.

Town of Batavia Alexander and Pike Road Water District, as described above contains approximately 1,287.3 acres of land.

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON MARCH 19, 2008,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

s/ **Teressa M. Morasco**
TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE ALEXANDER AND PIKE ROADS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Engineer of the Town of Batavia, New York, has filed 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 established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on February 19, 2008, and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on March 11, 2008, 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

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taxable real property located in the proposed Alexander and Pike Roads Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable 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 5,300 linear feet of eight inch and approximately 9,530 linear feet of twelve inch water main starting at the existing Town of Batavia Water District No. 3 (Consolidated Water District), and then running south on Alexander Road to the Town of Batavia boundary line, and on Pike Road starting at the intersection of Alexander and Pike Road, then running westerly along Pike Road to the west boundary of 3731 Pike Road, Tax Map Parcel No. 18-1-56.112; 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 \$1,175,200.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$696,000.00, 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 \$479,200.00, and

WHEREAS, the proposed debt of \$696,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.375% interest, thereby creating an annual debt service (assuming 80 units) of \$474.00 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 \$733.00 per year, and

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-

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of-way, incurring an estimated one time cost of 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 16th day of April, 2008, at 6:55 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.

DATED: March 19, 2008

RESOLUTION NO. 71:

Supervisor Post offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE ROSE ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Engineer of the Town of Batavia, New York, has filed 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 established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on February 19, 2008, and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on March 12, 2008, 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 Rose 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.

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WHEREAS, the improvements proposed consists of the construction and installation of approximately 11,300 linear feet of eight inch water main running along a portion of Rose Road starting on Rose Road at the existing Town of Batavia Water District No. 3 (Consolidated Water District), and thence running westerly along Rose Road to the west boundary of 3170 Rose Road, Tax Map Parcel No. 17-1-3; 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 \$658,600.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$177,000.00, 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 \$481,600.00, and

WHEREAS, the proposed debt of \$177,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.375% interest, thereby creating an annual debt service (assuming 20 units) of \$485.00 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 \$744.00 per year, and

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 \$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 16th day of April, 2008, at 6:45 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

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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: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

EXHIBIT A

TOWN OF BATAVIA

ROSE 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 a point at the westerly line of the existing Town of Batavia Water District No. 3, said point being the northeasterly corner of tax account number 15-1-58.1; thence,

21. Southerly, along the easterly line of tax account 15-1-58.1, a distance of 1,343 feet, more or less, to the centerline of Rose Road (49.5 feet wide right-of-way); thence,
22. Easterly, along the centerline of Rose Road, a distance of 421 feet, more or less, to a westerly corner of the existing Town of Batavia Water District No. 3; thence,
23. Southerly, through Rose Road and along the easterly line of tax account number 18-1-1.2, a distance of 555 feet, more or less, to the northwesterly corner of tax account number 18-1-3.114; thence,
24. Easterly, along the northerly line of tax account number 18-1-3.114, a distance of 2,171 feet, more or less, to the northeasterly corner thereof, thence,
25. Southerly, along the easterly line of the tax account number 18-1-3.114, a distance of 2,471 feet, more or less, to the southeasterly corner thereof; thence,
26. Westerly, along the southerly lines of tax account numbers 18-1-3.114, 18-1-1.1, 17-1-8.1, and 17-1-7.1, a distance of 5,532 feet, more or less, to a southeasterly corner of tax account number 17-1-7.1; thence,
27. Southerly, along the easterly line of tax account number 17-1-7.1, a distance of 424 feet, more or less; thence,
28. Westerly, along the southerly line of the aforementioned tax account number, a distance of 1,029 feet, more or less, to the southwesterly corner thereof; thence,

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29. Northerly, along the westerly line of the aforementioned tax account number, a distance of 1,655 feet, more or less, to the southeasterly corner of tax account number 17-1-6; thence,
30. Westerly, along the southerly lines of tax account numbers 17-1-6, 17-1-5.12, 17-1-5.112, 17-1-36, 17-1-37, 17-1-5.114, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way) a distance of 2,483 feet, more or less, to a westerly right-of-way of Wortendyke Road and northeasterly corner of tax account number 17-1-34.122; thence,
31. Southerly, along the westerly line of Wortendyke Road, a distance of 124 feet, more or less, to the southeasterly corner thereof; thence,
32. Westerly, along the southerly line of the aforementioned tax account number, a distance of 745 feet, more or less, to the northeasterly corner of tax account number, 17-1-3; thence,
33. Southerly, along the easterly line of tax account number 17-1-3, a distance of 526 feet, more or less, to a southerly corner thereof; thence,
34. Westerly, along a southerly line of the aforementioned tax account number, a distance of 630 feet, more or less, to a property corner thereof; thence,
35. Southerly, along an easterly line of the aforementioned tax account number, a distance of 663 feet, more or less, to the southeasterly corner thereof; thence,
36. Westerly, along the southerly line of the aforementioned tax account number, a distance of 1,001 feet, more or less, to a southwesterly corner thereof; thence,
37. Northerly, along a westerly line of the aforementioned tax account number, a distance of 654 feet, more or less, to a northwesterly corner thereof; thence,
38. Westerly, along a southerly line of the aforementioned tax account number, a distance of 168 feet, more or less, to a northwesterly corner thereof; thence,
39. Northeasterly, along a westerly line of the aforementioned tax account number, a distance of 219 feet, more or less, to a northwesterly corner thereof; thence,
40. Easterly, along the northerly line of the aforementioned tax account number, a distance of 18 feet, more or less to the southwesterly corner of tax account number 17-1-34.122; thence,
41. Northerly, along the westerly line of tax account number, 17-1-34.122, a distance of 116 feet more or less, to the northwesterly corner thereof; thence,
42. Westerly, along a southerly line of tax account number 17-1-3, a distance of 1,547 feet, more or less, to a southwesterly corner thereof; thence,
43. Northerly, along the westerly line of tax account numbers 17-1-3, 14-1-33, and through the Rose Road right-of-way, a distance of 2,027 feet, more or less, to the northwesterly corner of tax account number 14-1-33; thence,
44. Easterly, along the northerly line of the tax account number 14-1-33, a distance of 699 feet, more or less, to the southeasterly corner of tax account number 14-1-25.1; thence,
45. Northerly, along the easterly line of tax account number 14-1-25.1, a distance of 198 feet, more or less, to the southwesterly corner of tax account number 14-1-28.112; thence,
46. Easterly, along the southerly line of tax account number 14-1-28.112, a distance of 1,346 feet, more or less, to the northeasterly corner of tax account number 14-1-32.12; thence,
47. Southerly, along an easterly line of tax account number 14-1-32.12, distance of 237 feet, more or less, to the southwesterly corner of tax account number 14-1-31; thence,
48. Easterly, along the southerly line of tax account number 14-1-31, a distance of 630 feet, more or less, to the northeasterly corner of tax account number 14-1-32.2; thence,

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49. Southerly, along the easterly line of tax account number 14-1-32.2, distance of 72 feet, more or less, to the northwesterly corner of tax account number 15-1-67.2; thence,
50. Easterly, along the northerly line of the tax account numbers 15-1-67.2, 15-1-67.1, 15-1-65, 15-1-64.2, through the right-of-way of Wortendyke Road, a distance of 1,427 feet, more or less, to a point of the centerline of Wortendyke Road; thence,
51. Northerly, along the centerline of Wortendyke Road, a distance of 360 feet, more or less, to a point being the westerly extension of the northerly line of tax account number 15-1-62; thence,
52. Easterly, through the Wortendyke Road right-of-way continuing along the northerly line of tax account number 15-1-62 a distance of 2,375 feet, more or less, to the northeasterly corner thereof; thence,
53. Northerly, along the westerly line of tax account number 15-1-61.1, a distance of 873 feet, more or less, to the northwesterly corner of said tax account number thereof; thence,
54. Easterly, along the northerly lines of tax account numbers 15-1-61.1 and 15-1-60.1, a distance of 2,668 feet, more or less, to the northeasterly corner of tax account number 15-1-60.1; thence,
55. Northerly, along the westerly line of tax account number 15-1-59, a distance of 1,218 feet, more or less, to the northwesterly corner of tax account number 15-1-59; thence,
56. Easterly, along the northerly lines of tax account numbers 15-1-59 and 15-1-58.1, a distance of 1,286 feet, more or less, to the point of beginning

All as shown on a map prepared by Clark Patterson Lee entitled, "Rose Road Water District -- Proposed Water District", dated 01/28/08.

Town of Batavia Rose Road Water District, as described above contains approximately 694.6 acres of land.

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON MARCH 19, 2008,
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 ROSE ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Engineer of the Town of Batavia, New York, has filed a map, plan and

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report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on February 19, 2008, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on March 12, 2008, 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 Rose 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 11,300 linear feet of eight inch water main running along a portion of Rose Road starting on Rose Road at the existing Town of Batavia Water District No. 3 (Consolidated Water District), and thence running westerly along Rose Road to the west boundary of 3170 Rose Road, Tax Map Parcel No. 17-1-3; 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 \$658,600.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$177,000.00, 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 \$481,600.00, and

WHEREAS, the proposed debt of \$177,000.00 from a loan from the USDA Rural Development Agency shall be paid over a 38 year term at 4.375% interest, thereby creating an annual debt service (assuming 20 units) of \$485.00 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 \$744.00 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 \$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 16th day of April, 2008, at 6:45 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.

DATED: March 19, 2008

RESOLUTION NO. 72:

Councilwoman Michalak offered the following:

**RURAL DEVELOPMENT APPLICATION AND PROJECT MANAGEMENT SERVICES
AGREEMENT –
ALEXANDER/PIKE ROADS WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to prepare the Town's application for grant and loan assistance for submission to Rural Development and the completion of the required environmental documents for the proposed extension of public water service to serve areas along Alexander/Pike Roads at a cost not to exceed six thousand dollars (\$6,000); and

WHEREAS, to assist the Town in the implementation of the project to be assisted with funding from Rural Development for the construction of improvements to the public water supply system serving the Alexander/Pike Roads Water District at a cost not to exceed eight thousand dollars (\$8,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned services and costs and to execute

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the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 73:

Councilman Gerace offered the following:

**RURAL DEVELOPMENT APPLICATION AND PROJECT MANAGEMENT SERVICES
AGREEMENT –
ROSE ROAD WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to prepare the Town's application for grant and loan assistance for submission to Rural Development and the completion of the required environmental documents for the proposed extension of public water service to serve areas along Rose Road at a cost not to exceed six thousand dollars (\$6,000); and

WHEREAS, to assist the Town in the implementation of the project to be assisted with funding from Rural Development for the construction of improvements to the public water supply system serving the Rose Road Water District at a cost not to exceed six thousand dollars (\$6,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned services and costs and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 74:

Councilman Lang offered the following:

**RESOLUTION FOR REDUCTION OF SPEED LIMIT
ASSEMBLYMAN R. STEPHEN HAWLEY DRIVE**

WHEREAS, Genesee Community College has expressed concern regarding unsafe traffic conditions on Assemblyman R. Stephen Hawley Drive (letter attached); and

WHEREAS, the Genesee County Traffic Safety Board concurs that there is a need for a speed reduction on Assemblyman R. Stephen Hawley Drive (letter attached); and

WHEREAS, the Genesee County Traffic Safety Board recommends that the speed limit on Assemblyman R. Stephen Hawley Drive should be reduced from 55 MPH to 40 MPH beginning in front

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of the College, East to Batavia-Stafford Townline Road, with additional signage as required.

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 to consider a speed reduction from 55 MPH to 40 MPH on Assemblyman R. Stephen Hawley Drive, as well as the posting of additional signage.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 75:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE FINAL PLAN FOR
UPSTATE NEW YORK MEDICAL AND TECHNOLOGY PARK
PLANNED UNIT DEVELOPMENT**

WHEREAS, the Town Board of the Town of Batavia, New York has previously amended the “Zoning Map of the Town of Batavia, New York” to establish a Planned Unit Development for a parcel of land consisting of 33.903 acres on the South side of Assemblyman R. Stephen Hawley Drive, which is designated with the Tax Map No. 9-1-6.11, and

WHEREAS, the Genesee County Economic Development Center has submitted a request in a letter, dated January 10, 2008, a copy of which is annexed and made a part of the Town Board Minutes, for approval pursuant to Section 235-31(C)(3) of the Code of the Town of Batavia seeking approval of a Final Plan for this Planned Unit Development parcel, and

WHEREAS, the Final Plan documents were duly submitted to both the Town of Batavia Planning Board and the Genesee County Planning Board, and both of these Boards approved the Final Plan submittals as presented, and

WHEREAS, a “Notice of Public Hearing by the Batavia Town Board to consider a Final Plan for a Planned Unit Development” was duly published and posted according to law, and the Town Board did, at the time and place specified in said Notice, duly meet on March 19, 2008, to consider the proposal and to hear all persons interested in the subject thereof who appeared at such time and place concerning the same, and

WHEREAS, the Town Board has considered all of the foregoing documents and information and determined that the Final Plan with modifications stated hereinafter are in accordance with the official development policies of the Town of Batavia, including its Comprehensive Plan, and that this action would be in the best interest of the residents of the Town of Batavia.

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NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the Final Plan submitted by the Genesee County Economic Development Center on January 10, 2008, is hereby approved with the modifications and conditions stated hereinafter:

1. The owner and developer will be subject to site plan review by the Town of Batavia Planning Board pursuant to Section 235-63(C) of the Code of the Town of Batavia for the following:

- A. Any deviation from the currently approved roads plan or infrastructure plan.
- B. Any proposal to construct or modify a building or structure within the Planned Unit Development area.

2. Any and all signs to be erected or installed shall be subject to the standards and review of Section 235-39 of the Code of the Town of Batavia.

3. Any subdivision of land shall be subject to the review and requirements of Chapter 204 of the Code of the Town of Batavia.

4. The minimal size of any building lot or parcel shall be 40,000 square feet with a minimum frontage upon Assemblyman R. Stephen Hawley Drive of 200 feet.

5. No common open space criteria as currently required in the Town of Batavia Zoning Ordinance shall apply, with open green space areas to be provided in conjunction with the proposed storm water management areas.

6. The maximum impervious coverage per parcel shall be allowed to be up to 75% of the size of the parcel, with a minimum of 25% of green space.

7. The following shall be permitted uses with only site plan review and no special use permit requirement:

- A. Research and development facilities.
- B. Commercialization centers and related facilities.
- C. Manufacturing facilities.
- D. Office buildings.
- E. Data centers.
- F. Call centers.
- G. Laboratory facilities.
- H. Academic, training and business development facilities.

8. The following shall be permitted uses with both site plan review and the requirement to obtain a special use permit pursuant to Section 235-63(D) of the Code of the Town of Batavia:

- A. Restaurant.
- B. Fitness center.
- C. Daycare center.
- D. Banking facility.

9. There shall be no more than one drive through use or structure, and no more than one restaurant, fitness center, daycare or banking facility within the Planned Unit Development area.

10. Any use not specifically listed herein shall need prior approval of the Town Board before obtaining site plan and/or special use permit approval from the Town of Batavia Planning Board.

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11. All front, side and rear set backs for all buildings shall be at least 30 feet from any roadway right of ways and all interior parcel boundary lines.

12. All parking lots shall be set back at least 10 feet from any roadway right of ways and all interior parcel boundary lines.

13. All parking spaces shall have minimum dimensions of 9 feet by 18 feet.

14. The minimum of parking spaces shall be subject to the requirements in Sections 235-34, 235-35 and 235-36 of the Code of the Town of Batavia.

15. Sidewalks with a minimum width of 4 feet shall be installed between parking facilities and all buildings.

16. All buildings and structures shall be no taller than 3 stories or 50 feet above finished grade.

17. There will be no requirement for the owner or developer to post security bonds for performance and maintenance for the site or individual parcels therein.

18.

BE IT FURTHER RESOLVED, that a copy of this Resolution with its decision therein shall immediately be filed in the Office of the Town Clerk, and a copy shall be mailed to the applicant by regular mail.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 76:

Supervisor Post offered the following:

APPOINTMENT TO TOWN JUSTICE TO FILL AN UNEXPIRED TERM

WHEREAS, Joseph L. Filio, Sr, 3233 Pratt Road, Batavia, New York, was re-elected as Town of Batavia Town Justice, commencing January 1, 2006, term expiring December 31, 2009; and

WHEREAS, Joseph L. Filio, Sr has resigned this position, creating a vacancy; and

WHEREAS, the Town received a number of applications, expressing interest in filling the Town Justice position; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby appoints Thomas Williams, 4770 Batavia-Elba Townline Road, Batavia, New York, as Town Justice for the Town of Batavia, term commencing March 24, 2008 and expiring December 31, 2008; and be it

FURTHER RESOLVED, the Batavia Town Board hereby sets the salary at \$796.38 per pay period.

Second by: Deputy Supervisor Underhill

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Ayes: Post, Underhill, Michalak, Gerace, Lang
APPROVED by unanimous vote (5-0)

Discussion-Prior to the vote the Supervisor expressed his appreciation to the many applicants for the interest in the position and to the Town Justices from the surrounding communities that offered to assist the Town.

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

Ayes: Gerace, Lang, Underhill, Michalak, Post
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 77:

Councilwoman Michalak offered the following:

ESTABLISH LINE ITEMS
FOR CAPITAL PROJECTS

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

HF – ALEXANDER/PIKE ROADS WATER DISTRICT

HF 1380.400 Fiscal Agent
HF 1420.400 Legal Expense
HF 1440.400 Engineering
HF 1989.400 Advertising
HF 8340.400 Transmission/Distribution – Construction
HF 8340.401 Transmission/Distribution – Other
HF 8340.402 Transmission/Distribution - Archeological
HF 9730.600 BAN – Principle
HF 9730.700 BAN – Interest
HF 9901.900 Transfers To Other Funds
HF 1001 Real property Tax
HF 2401 Interest & Earnings
HF 4991 Water Capital Grants
HF 5031 Interfund Transfers
HF 5719 Serial Bonds
HF 5730 BAN Proceeds
HF 5731 BAN Redeemed From Appropriations

HL – ROSE ROAD Water District

HL 1380.400 Fiscal Agent
HL 1420.400 Legal Expense
HL 1440.400 Engineering
HL 1989.400 Advertising

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HL 8340.400 Transmission/Distribution – Construction
HL 9730.600 BAN – Principle
HL 9730.700 BAN – Interest
HL 9901.900 Transfers To Other Funds
HL 1001 Real property Tax
HL 2401 Interest & Earnings
HL 4991 Water Capital Grants
HL 5031 Interfund Transfers
HL 5719 Serial Bonds
HL 5730 BAN Proceeds
HL 5731 BAN Redeemed From Appropriations

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

RESOLUTION NO. 78:

Councilman Gerace offered the following:

**CODE ENFORCEMENT OFFICER
INTER-MUNICIPAL AGREEMENT
BETWEEN THE TOWN OF BATAVIA
AND THE CITY OF BATAVIA**

WHEREAS, the City of Batavia (hereinafter the City) employs the services of one full-time Building Inspector/Code Enforcement Officer (hereinafter CEO); and

WHEREAS, the City wishes to engage the Services of the Town of Batavia Code Enforcement Officer from time to time if a situation should arise where the CEO is unavailable.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the services of a Town of Batavia Code Enforcement Officer to the City of Batavia as set forth in the Inter-Municipal Agreement between the Town of Batavia and the City of Batavia annexed to and made a part of this resolution; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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

Discussion- Prior to the vote Councilman Gerace asked Clint Worthington how he felt about this agreement. Mr. Worthington stated that he supports this.

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RESOLUTION NO. 79:

Councilman Lang offered the following:

**MEMORIALIZATION-URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED
SHIFT OF THE STATE'S HISTORIC SHARE OF PUBLIC ASSISTANCE TO COUNTIES**

WHEREAS, the Genesee County Legislature believes that the 2008-09 Executive Budget has broken a historic, fundamental state/local partnership by proposing to increase the county share of public assistance by two percent, while simultaneously decreasing the state share by two percent; and

WHEREAS, This shift in cost sets a policy from the Governor that mandates local property taxpayers increase their taxes for public assistance, while the State saves itself \$40.5 million per year; and

WHEREAS, Since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

WHEREAS, The 2008-09 Executive Budget proposes to break this historic state/local fiscal partnership by shifting a portion of the State's cost for the Family Assistance and the Safety Net program; and

WHEREAS, The Governor's proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from the federal work participation rates, by removing the local district hold-harmless provision; and

WHEREAS, This carve-out of the two parent families will save the state approximately \$7.5 million per year, but directly, negatively impact county budgets with a two year additional cost to the Genesee County taxpayers of \$75,045.

NOW, THEREFORE, BE IT

RESOLVED, That the Batavia Town Board opposes any policy or fiscal initiative like this proposed increase in the local share for public assistance and "two-parent carve-out" and be it

FURTHER RESOLVED, That copies of this Resolution will be forwarded to Governor Paterson, Lieutenant Governor Bruno, Senator Mary Lou Rath, Assembly Speaker Silver, and Assemblymen Stephen Hawley and Daniel Burling.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 80:

Deputy Supervisor Underhill offered the following:

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**MEMORIALIZATION-CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO
END THE PRACTICE OF PASSING COSTS FOR STATE PROGRAMS TO COUNTY
GOVERNMENT AND OUR PROPERTY TAXPAYERS**

WHEREAS, Unfunded state mandates shift the responsibility and the cost of implementing programs from the state to the local level and force localities to cut existing services or raise property and other local taxes to achieve the additional requirements; and

WHEREAS, State government leaders have acknowledged that high property taxes are a problem for residents and businesses in New York State, making the state less attractive and less competitive; and

WHEREAS, The Citizens Budget Commission states that local taxes in New York State are 79% higher than the national average and that state laws result in high local tax burdens; and

WHEREAS, The Tax Foundation, based in Washington D.C., reports that nine of the top ten counties nationwide in median real estate taxes as a percentage of median home value are in New York State; and

WHEREAS, The Governor has formed a bipartisan commission to make recommendations on a package of reforms that gets at the root causes of what is driving taxes so high, including looking at unfunded mandates on both school districts and municipalities, proposals on how to make our tax relief system fairer to the middle class taxpayer, and a proposal for a fair and effective cap to hold the line on school district property taxes, with said commission due to report its findings in June of this year; and

WHEREAS, The New York State Association of Counties (NYSAC) has previously recommended that state policy makers should strive to forge a stronger state/local partnership by eliminating unnecessary state requirements, make the state more responsive by requiring state payment of mandates it deems essential and to establish alternative methods for performance and implementation; and

WHEREAS, While awaiting the recommendations of the Governor's commission on ways to reduce the high property taxes in New York State, state policy makers should refrain from making the problem worse by shifting costs from the state's 2008-2009 budget to county budgets and our property taxpayers;

NOW, THEREFORE, BE IT

RESOLVED, That the Batavia Town Board calls on the Governor and State Legislature to end the practice of passing costs for state programs to county government and our property taxpayers; and be it further

RESOLVED, That copies of this Resolution will be forwarded to Governor Paterson, Lieutenant Governor Bruno, Senator Mary Lou Rath, Assembly Speaker Silver, and Assemblymen Stephen Hawley

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and Daniel Burling.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 81:

Supervisor Post offered the following:

**MEMORIALIZATION- URGING THE STATE LEGISLATURE TO OPPOSE THE
PROPOSED SHIFT OF 100 PERCENT OF THE COST OF JUVENILE DETENTION
FACILITIES TO COUNTIES**

WHEREAS, the Genesee County Legislature strongly opposes the unprecedented 2008-09 Executive Budget proposal that ends the state/local partnership in funding the costs associated with operating local detention facilities by requiring counties to assume 100 percent of the cost; and

WHEREAS, According to the 2008-09 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non-secure detention facilities; and

WHEREAS, Currently, the State reimburses counties 50 percent for secure and non-secure detention costs but by shifting the cost completely to counties, the State's estimated savings for this initiative is \$35.4 million; and the increased two year cost to Genesee County is estimated to be \$32,111.00, and

WHEREAS, The policy rationale behind this cost-shift is the State's recommendation that counties find alternative, diversion programs for these youth, such as community-based solutions, however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

WHEREAS, This is an example of a break in a state/local partnership, where local property taxpayers will be directly impacted; and

WHEREAS, At the time of this proposal, the State is currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings:

NOW, THEREFORE, BE IT

RESOLVED, That the Batavia Town Board urges the State Legislature to oppose this policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, and to focus on strengthening, not severing, the local/state partnership; and be it

FURTHER RESOLVED, That copies of this Resolution will be forwarded to Governor Patterson, Lieutenant Governor Bruno, Senator Mary Lou Rath, Assembly Speaker Silver, and

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Assemblymen Stephen Hawley and Daniel Burling.

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

Discussion- The Supervisor expressed that he will continue to support these resolutions as he becomes aware of them and commented on today's headline news that the Governor wants to cut another \$800 million dollars from the NYS budget and is trying to shift the costs on to the Local Governments.

Abstract No. 3-2008: Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$ 78,500.10
Highway	27,088.25
Sewer No. 1	1,876.74
Sewer No. 2	3,303.69
Water	4,393.29
Pearl St Rd Water	4,300.00
Wilkinson Rd Water	7,946.00
Putnam/Shepard Water	123,249.48
Ellicott/Townline Water	82,452.63
Alexander/Pike Water	210.00
Rose Rd Water	<u>210.00</u>
TOTAL	\$333,530.18

Check numbers 12296 thru 12389, ACH 15

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Water/Wastewater- The Supervisor reported the Engineer and himself have a meeting with the City of Batavia regarding water rates and pretreatment fees.

Building Inspector reported on the following:

Spectra Group- Received the plans from Spectra Group, the developer who purchased the land from the Town on Veteran's Memorial Drive.

Target- The Target Store is about 75% done and may possibly be open by fall.

Lowe's- The building permit for Lowe's has been issued.

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 monies are invested in CD's and are paying

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a rate of 2.87%.

The Federal rate dropped ¾ point. Will have to review the money market rates compared to the CD rates for this month's investments.

GAM meeting is tomorrow evening at Bohn's. The Town of Batavia is hosting the meeting.

ACH PAYMENTS- Motion Deputy Supervisor Underhill, second Councilman Lang, the Batavia Town Board hereby authorizes the Town of Batavia to accept ACH payments through Five Star Bank for the Water/Sewer Collections and authorizes the Supervisor and the Town Clerk to execute any necessary documents associated with this.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

LOCAL GOVERNMENT CONFERENCE- Motion Deputy Supervisor Underhill, Second Councilman Lang authorizing Supervisor Post, Deputy Supervisor Underhill, Councilman Gerace and Councilwoman Michalak to attend the Local Government Conference June 1 through June 3 in Albany.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

BATAVIA DOWNS WAIVER LETTER – Motion Deputy Supervisor Underhill, second Councilwoman Michalak, the Batavia Town Board has no objections to the Town Clerk issuing waiver letters to Batavia Downs Gaming for the 30 day notice requirement for applying for liquor licenses.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

February Town Clerk monthly report collected a total of \$3,884.75, remitted \$3,643.08 to the Supervisor for the Local Share.

2008 Town/County Taxes –February Taxes Collected \$140,908.56, \$1,405.16 was remitted to the Supervisor for Penalties and the remainder was remitted to the County.

Local Government Conference-She will be attending the Local Government conference June 1 to June 3 in Albany rather than the Town Clerks Conference in Saratoga Springs.

NYMIR-The Town Insurance Carrier sent a CD on a Land Use Training Program. If anyone is interested in viewing it, it is in the Town Clerk's Office.

NYS Commission on Property Relief will be holding Commission meetings at various locations in the Month of March and April to examine the causes of NYS property tax burden. The next meeting is tomorrow in Rochester.

GLOW Region Solid Waste will be holding a household Hazardous Waste Collection May 10 in Mt Morris, appointments are required by calling the GLOW office 344-2580 ext 5463.

Southern Tier West Regional Planning & Development is having a Local Government Conference May 7, 2008 at Houghton College, Houghton, NY

Genesee Finger Lakes Regional Planning Council is having the Spring Regional Local Government Workshop Friday, May 9, 2008 in Pittsford, NY

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Genesee Valley Rural Preservation Council, Inc. has a new program called “Access to Home”, which is a program to help in the transition of people with accessibility issues in their home. The flyer will be posted on the bulletin board.

NEW BUSINESS:

Insurance for Park Use and Off Road Vehicles- Received a newsletter from NYMIR, the Town’s insurance carrier and they are now requiring the Town to obtain Certificates of Insurance from people who use the Town Park.

The Supervisor has contacted the Town’s Insurance agent to look into this further. The Supervisor asked the Town Board to also review this and draft up a resolution to petition NYS on this requirement.

Also, in that newsletter, any piece of equipment that the Town owns and travels on the roadway must be insured.

COMMITTEE REPORTS:

Agricultural (Ag) Land Protection Committee- Deputy Supervisor Underhill reported that the Ag Land Protection committee met and they are forming a steering committee. He asked the Daily News to put a notice in the paper for individuals interested in serving on it to help determine a plan.

Town of Batavia Fire Department –Deputy Supervisor Underhill reported that he attended a meeting with the Town of Batavia Fire Department. They are starting to work on a multiple year contract for Fire Protection.

The Annual Installation of Officers banquet is April 5, 2008. It was originally scheduled for March 8, but was cancelled due to the winter storm.

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 8:20 P.M.

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk