

**SEPTEMBER 22, 2010
SPECIAL TOWN BOARD MEETING**

Town Hall

5:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Councilman Gerace
Councilman Lang
Councilwoman Michalak

Absent: Deputy Supervisor Underhill

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 5:07 P.M.

RESOLUTION NO. 133:

Councilman Lang offered the following:

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

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on August 27, 2010, and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on September 13, 2010, 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 Wortendyke and Pike 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 4,600 linear feet of new eight (8) inch water main along a portion of Wortendyke Road

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starting at and connecting with an existing water transmission line on Wortendyke Road located at the intersection of NYS Route 33 (Pearl Street Road); and then running northerly along Wortendyke Road to the intersection of South Main Street Road, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus and other improvements and costs incidental thereto (referred to herein as “water improvement”),and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$270,140.00, which is planned to be financed by borrowing from the Town of Batavia with interest at 2.45% in the amount not to exceed \$270,140.00, and

WHEREAS, the proposed annual debt service (assuming 32.2 units) is estimated to be approximately \$399.00 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 \$4.42 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$278.00 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 is estimated to be \$667.00 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 and interest on the amount borrowed from the Town, as the same shall become due and payable, and

WHEREAS, the existing water main transmission line running along a portion of both Wortendyke Road and Pike Road, will be a part of the current Water District and it was constructed by funds being paid by residents located in the existing Alexander and Pike Road Water District, Rose Road Water District, Pearl Street Road Water District and Wilkinson Road Water District, and

WHEREAS, it is the intention of the Town Board to have the residents of the current Water District continue to pay the estimated amount of \$399.00 per year for debt service, even if there would normally be a reduction in this yearly amount if there would be a lower actual project cost or an increase in the number of units in this Water District, and

WHEREAS, any revenue generated above the cost needed to pay any future reduced debt service in the current Water District will be equally distributed to the other existing four (4) Water Districts until the year cost for all five (5) Water Districts is equalized.

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$8.00-\$20.00 per linear feet of pipe,

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plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; 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 20th day of October, 2010, at 7:00 p.m., for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

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

Second by: Councilman Gerace

Ayes: Lang, Gerace, Michalak Post

APPROVED by unanimous vote (4-0)

EXHIBIT A

TOWN OF BATAVIA
PROPOSED WORTENDYKE AND PIKE ROAD WATER DISTRICT

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District "A" includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the South Main Street Road Water Improvement Area and the north west corner of Tax Parcel #11-1-60; thence,

1. Easterly, along the northerly line of Tax Parcel number 11-1-60, a distance of 1,160 feet, more or less, and extending to the westerly right-of-way line of Wortendyke Road; thence,
2. Southerly, along the westerly right-of-way line of Wortendyke Road a distance of 690 feet, more or less, to a southwesterly corner of the South Main Street Road Water Improvement Area; thence,
3. Easterly, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way) and along the northerly line of Tax Parcel number 11-1-66.11 and the southerly boundary of the South Main Street Road Water Improvement Area, a distance of 1,348 feet, more or less, to the northeasterly corner of Tax Parcel number 11-1-66.11, the intersection point of the Consolidated Water District and the South Main Street Road Water Improvement Area; thence,
4. Southerly, following the Consolidated Water District boundary, along the easterly line of Tax Parcel number 11-1-66.11, through Tax Parcel number 11-1-73, continuing along the easterly

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property line of Tax Parcel numbers 11-1-66.12 and 11-1-66.2, a distance of 2,808 feet, more or less, to the southeasterly corner of Tax Parcel number 11-1-66.2; thence,

5. Westerly, along the southerly line of Tax Parcel #11-1-66.2, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way), continuing along the southerly line, a distance of 2,607 feet, more or less, to the south west corner of Tax Parcel #11-1-59.2; thence,
6. Northerly, along westerly line of Tax Parcel numbers 11-1-59.2 and 11-1-59.1, through Tax Parcel #11-1-74, continuing along the westerly line of Tax Parcel number 11-1-60, a distance of 3,339', more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District "A," as described above, contains approximately 18.5 acres of land.

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District "B" includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point at the centerline of Wortendyke Road and intersection of the Consolidated Water District, approximately 30 feet east of the northeasterly corner of Tax Parcel number 15-1-3.1; thence,

1. Southerly, along the centerline of Wortendyke Road and the westerly boundary of the Consolidated Water District, a distance of 613 feet, more or less, to a southwesterly corner of the Consolidated Water District; thence,
2. Easterly, along the southerly boundary of the Consolidated Water District, a distance of 30 feet, more or less, to the easterly right-of-way line of Wortendyke Road; thence,
3. Southerly, along the easterly right-of-way line of Wortendyke Road, a distance of 140 feet, more or less, to the northwesterly line of Tax Parcel number 15-1-70.1; thence,
4. Easterly, along the northerly lines of Tax Parcel numbers 15-1-70.1 and 15-1-70.2, a distance of 1,109 feet, more or less, to the northeasterly corner of Tax Parcel number 15-1-70.2; thence,
5. Southerly, along the easterly line of Tax Parcel number 15-1-70.2, a distance of 1,266 feet, more or less, to the southeasterly corner thereof; thence,
6. Easterly, along the northerly line of Tax Parcel number 15-1-63, a distance of 1,295 feet, more or less, to the northeasterly corner thereof; thence,
7. Southerly, along the easterly line of Tax Parcel number 15-1-63, a distance of 1,840 feet, more or less, to the southeasterly corner thereof; thence,
8. Westerly, along the southerly line of Tax Parcel number 15-1-63 and the northerly boundary of the Rose Road Water District, a distance of 2,375 feet, more or less, to the centerline of Wortendyke Road; thence,
9. Southerly, along the centerline of Wortendyke Road and the westerly boundary of the Rose Road Water District, a distance of 380 feet, more or less, to the northerly boundary of the Rose Road Water District; thence,
10. Westerly, along the northerly boundary of the Rose Road Water District and along the Tax Parcel number 16-1-64.112, a distance of 1,427 feet, more or less, to the southwesterly corner of Tax Parcel #15-1-64.112; thence,

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11. Northerly, along the westerly lines of Tax Parcel numbers 15-1-64.112, 15-1-64.12, 15-1-64.111, 15-1-68, a distance of 2,926 feet, more or less, to the northwesterly corner of Tax Parcel number 15-1-68; thence,
12. Easterly, along the northerly line of Tax Parcel number 15-1-68, a distance of 1,470, more or less, to the northeasterly corner thereof; thence,
13. Northerly, along the westerly right-of-way line of Wortendyke Road, a distance of 129 feet, more or less, to the southeasterly corner of Tax Parcel number 15-1-3.2; thence,
14. Westerly, along the southerly line of Tax Parcel number 15-1-3.2, a distance of 1,473 feet, more or less, to the southwesterly corner thereof; thence,
15. Northerly, along the westerly line of Tax Parcel number 15-1-3.2, a distance of 621 feet, more or less, to the northwesterly corner thereof at southerly boundary of the Consolidate Water District; thence,
16. Easterly, along the northerly lines of Tax Parcel numbers 15-1-3.2 and 15-1-3.1, a distance of 1,481 feet, more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District "B," as described above, contains approximately 253.9 acres of land.

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District "C" includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the Rose Road Water District and the northeasterly corner of Tax Parcel number 17-1-5.22; thence,

1. Northerly, along the easterly line of Tax Parcel number 17-1-34.122 and the Rose Road Water District, a distance of 124 feet, more or less; thence,
2. Easterly, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way), continuing along the northerly line of Tax Parcel number 17-1-34.11, a distance of 2,463 feet, more or less, to northeasterly corner of Tax Parcel number 17-1-34.11; thence,
3. Southerly, along the easterly lines of Tax Parcel numbers 17-1-34.11, 17-1-5.21, and 17-1-18, a distance of 1,655 feet, more or less, to the northwesterly corner of Tax Parcel number 17-1-15; thence,
4. Easterly, along the northerly line of Tax Parcel number 17-1-15, a distance of 1,162 feet, more or less, to the northeasterly corner thereof; thence,
5. Northerly, along the westerly line of Tax Parcel number 17-1-10, a distance of 424 feet, more or less, to the northwesterly corner thereof; thence,
6. Easterly, along the northern lines of Tax Parcel number, 17-1-10, 17-1-9, 18-1-54.1, and 18-1-55, a distance of 2,898 feet, more or less, to the northeasterly corner of Tax Parcel number 18-1-55, the intersection point of the Rose Road Water District and the Alexander and Pike Road Water District; thence,
7. Southerly, along the easterly line of Tax Parcel number 18-1-55, through the right-of-way of Pike Road (49.5 feet wide right-of-way), continuing along the easterly lines of Tax Parcel numbers

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- 18-1-52 and 18-1-51.1, a distance of 2,640 feet, more or less, to the southeasterly corner of Tax Parcel number 18-1-51.1 at the Alexander and Pike Road Water District boundary; thence,
8. Westerly along the southerly line of Tax Parcel number 18-1-51.1, 18-1-51.2, and 18-1-53, a distance of 1,264 feet, more or less, to the southwesterly corner of Tax Parcel number 18-1-53; thence,
 9. Southerly, along the eastern boundary line of Tax Parcel number 17-1-11.1, a distance of 1,395 feet, more or less, to the southeasterly corner thereof; thence,
 10. Westerly, along the Town of Batavia and Town of Alexander Town Line, a distance of 5,414 feet, more or less, to the southwesterly corner of Tax Parcel number 17-1-24; thence,
 11. Northerly, along the westerly line of Tax Parcel number 17-1-24, a distance of 1,347 feet, more or less, to the northwesterly corner thereof; thence,
 12. Westerly, along the southerly line of Tax Parcel number 17-1-21, a distance of 1,219 feet, more or less, to the southwesterly corner thereof; thence,
 13. Northerly, along the westerly lines of Tax Parcel numbers 17-1-21 and 17-1-20, a distance of 1,266 feet, more or less, to the northeasterly corner of Tax Parcel number 17-1-27; thence,
 14. Westerly, along the southerly line of Tax Parcel number 17-1-19, a distance of 798 feet, more or less, to the southwesterly corner thereof; thence,
 15. Northerly, along the westerly line of Tax Parcel number 17-1-19, a distance of 672 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District boundary; thence,
 16. Easterly, along the northerly line of Tax Parcel number 17-1-19, a distance of 798 feet, more or less, to the southeasterly corner of Tax Parcel number 17-1-3; thence,
 17. Northerly, along the westerly line of Tax Parcel number 17-1-19, a distance of 663 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District boundary; thence,
 18. Easterly, along the northerly line of Tax Parcel number 17-1-19, a distance of 630 feet, more or less, to the southwesterly corner of Tax Parcel number 17-1-5.22; thence,
 19. Northerly, along the westerly line of Tax Parcel number 17-1-5.22, a distance of 526 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District; thence,
 20. Easterly, along the northerly line of Tax Parcel number 17-1-5.22, a distance of 745 feet, more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District “C,” as described above, contains approximately 710.9 acres of land.

All as shown on a map prepared by the Town of Batavia entitled, “Wortendyke and Pike Road Water District – Proposed Water District,” dated 8/25/10.

The entire Town of Batavia Wortendyke and Pike Road Water District, as described above, contains approximately 983.3 acres of land.

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON SEPTEMBER 22, 2010,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF**

**SEPTEMBER 22, 2010
SPECIAL TOWN BOARD MEETING**

THE TOWN OF BATAVIA

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

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

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on August 27, 2010, and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on September 13, 2010, 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 Wortendyke and Pike 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 4,600 linear feet of new eight (8) inch water main along a portion of Wortendyke Road starting at and connecting with an existing water transmission line on Wortendyke Road located at the intersection of NYS Route 33 (Pearl Street Road); and then running northerly along Wortendyke Road to the intersection of South Main Street Road, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus and other improvements and costs incidental thereto (referred to herein as “water improvement”),and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$270,140.00, which is planned to be financed by borrowing from the Town of Batavia with interest at 2.45% in the amount not to exceed \$270,140.00, and

WHEREAS, the proposed annual debt service (assuming 32.2 units) is estimated to be approximately \$399.00 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 \$4.42 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$278.00 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 is estimated to be \$667.00 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 and interest on the amount borrowed from the Town, as the same shall become due and payable, and

WHEREAS, the existing water main transmission line running along a portion of both Wortendyke Road and Pike Road, will be a part of the current Water District and it was constructed by funds being paid by residents located in the existing Alexander and Pike Road Water District, Rose Road Water District, Pearl Street Road Water District and Wilkinson Road Water District, and

WHEREAS, it is the intention of the Town Board to have the residents of the current Water District continue to pay the estimated amount of \$399.00 per year for debt service, even if there would normally be a reduction in this yearly amount if there would be a lower actual project cost or an increase in the number of units in this Water District, and

WHEREAS, any revenue generated above the cost needed to pay any future reduced debt service in the current Water District will be equally distributed to the other existing four (4) Water Districts until the year cost for all five (5) Water Districts is equalized.

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$8.00-\$20.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; 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 20th day of October, 2010, at 7:00 p.m., for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to

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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: September 22, 2010

ADJOURNMENT:

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 5:12 P.M.

Ayes: Gerace, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk