

**FEBRUARY 2, 2011  
SPECIAL TOWN BOARD MEETING**

**Town Hall**

**6:30 P.M.**

Patti Michalak, Councilwoman 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

The Supervisor called the meeting to order at 6:33 P.M.

**RESOLUTION NO. 39:**

Councilman Lang offered the following:

**REVISED RESOLUTION TO AUTHORIZE PURCHASE OF A  
PARCEL OF LAND LOCATED ON WEST MAIN STREET ROAD**

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

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

**WHEREAS**, the Town Board previously passed a Resolution on November 17, 2010, to purchase real property owned by Bhupendra Panchal, Pushpa Panchal and Snehal Panchal, located at 3768 West Main Street Road, in the Town of Batavia, consisting of approximately 2.9 acres, and

**WHEREAS**, the Sellers did not accept this offer before the expiration deadline, and

**WHEREAS**, the Sellers made a counter proposal requesting that the property be sold "as is", and

**WHEREAS**, the Town Board would agree to purchase the property in an "as is" condition for a lower purchase price of \$73,000.00, and

**WHEREAS**, the Town intends to obtain an independent appraisal to determine that the Town is paying a fair amount for this parcel, and

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

A. Within 15 days of receipt by Purchaser's Attorney of a fully executed copy of the Contract for

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Real Property evidencing acceptance by Sellers, the Purchaser at its own expense will obtain a satisfactory appraisal to confirm that the purchase price is reasonably related to the fair market value of the property.

- B. The Purchaser must complete the permissive referendum process.
- C. The Seller will deliver the property at closing in an “as is” condition.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, that, subject to permissive referendum, the Supervisor of the Town is hereby authorized to submit an offer, and if accepted, to thereafter purchase on behalf of the Town the real property of Bhupendra Pancha, Pushpa Panchal and Snehal Panchal located on 3768 West Main Street Road, tax map no. 11.-2-48, for the price of \$73,000.00 pursuant to a proposed “Contract for Real Property”, annexed and to be made part of the Minutes hereof, and

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

**Second by:** Councilman Gerace  
**Ayes:** Lang, Underhill, Michalak, Post  
**Nay:** Gerace  
**APPROVED** (4-ayes, 1-nay)

**Discussion:** Prior to the vote Councilman Gerace questioned the wording of item #21. A short discussion was held.

**RESOLUTION NO. 40:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION APPOINTING BUILDING INSPECTOR**

**WHEREAS**, Clinton Worthington, Town Building Inspector retired in December 2010, creating a vacancy; and

**WHEREAS**, the Town of Batavia desires to appoint Daniel Lang to the position of Building Inspector to fill the vacancy; and

**WHEREAS**, Daniel Lang satisfies the requirements and qualifications of the position of Building Inspector; and

**WHEREAS**, it is anticipated that the appointment of Daniel Lang to the position of Building Inspector will most effectively ensure the provision of necessary services to the Town and its residents.

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**NOW THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Daniel Lang as additional full-time Building Inspector, at a salary of \$19.23 per hour, effective start date is Monday, February 7, 2011.

**Second by:** Councilwoman Michalak

**Ayes:** Underhill, Michalak, Gerace, Post

**Abstain:** Councilman Lang

**APPROVED** (4-ayes, 1-abstain)

**Discussion:** Supervisor Post supports paragraph three of this resolution, but Mr. Lang will have to satisfy the New York State Building Code requirements.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 6:48 P.M.

**Ayes:** Underhill, Michalak, Gerace, Lang, Post

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk