

**FEBRUARY 15, 2012
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

The Supervisor called the meeting to order at 7:13P.M.

January 18, 2012 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 58:

Councilman Lang offered the following:

AWARD BID - TRANSFER STATION

WHEREAS, the Batavia Town Board authorized receipt of sealed bids for refuse removal at the Town of Batavia Transfer Station, and

WHEREAS, the bid opening date was scheduled for Wednesday, February 8, 2012 at 10:00 A.M. at the Town Hall (bid summary attached and recommendation);

WHEREAS, the lowest responsible bidder was Waste Management, West Seneca, New York.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby awards the bid for refuse removal at the Batavia Transfer Station to Waste Management, at a cost of forty one dollars (\$41.00) per ton for household garbage and construction/demolition debris and one hundred sixty-nine dollars (\$169.00) per haul.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

TOWN OF BATAVIA

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TRANSFER STATION BID OPENING
FEBRUARY 8, 2012 AT 10:00 A.M.**

BIDDER	COST/TON Household/Construction/ Demolition	COST/HAUL	CONTAINER FEE
Lisa McNeight Waste Management 100 Ransier Drive West Seneca, NY 14224	\$41.00	169.00	NO FEE
Joseph Hickman Modern Disposal Services Inc. P.O. Box 209 Model City, New York 14107	\$40.00	\$172.34	\$50/month/roll off

RESOLUTION NO. 59:

Deputy Supervisor Underhill 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 2012.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Gerace, Lang, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 60:

Supervisor Post offered the following:

**TOWN OF BATAVIA RESOLUTION
OPPOSING POWER NY ACT**

WHEREAS, New York State recently enacted legislation known as the Power of NY Act of 2011;
and

WHEREAS, said legislation amended the Public Service law by adding a new Article X, which establishes a New York State Board on Electrical Generation Siting and the Environment; and

WHEREAS, said board will have the authority to permit the siting of electrical generating facilities in the State which have a nameplate generating capacity of twenty-five thousand kilowatts or more; and

WHEREAS, previously, while various state agencies had regulatory oversight of such facilities, as a home rule state, New York's local municipalities, by virtue of decisions made by locally elected representatives could ultimately decide whether such development was in their residents' best interests; and

WHEREAS, the Power of NY Act of 2011 removes said decision-making from local municipalities, and puts that authority into the hands of a bureaucratic State board which will have nominal representation from affected communities, and even that representation cannot be from elected representatives of those communities; and

WHEREAS, the new board will have the authority to ignore "any local ordinance, law or any local standard or requirement if it finds that such is unreasonably burdensome on rate payers whether located inside or outside of such municipality"; and

WHEREAS, the new laws further state that "no municipality may require any approval, consent, permit, certificate or other condition for the construction or operation" of such a facility; and

WHEREAS, while the law provides for the set-aside of funds for pre-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit; and

WHEREAS, the large majority of the Board's membership will have no connection to the affected communities and will not be directly affected by their decisions; and

WHEREAS, while municipalities may be a party to the siting hearings, so may any individual within 5 miles of the proposed facility's site, and therefore the municipality itself, which purpose, by law, is to represent the residents who elect its officials, is diminished to the level of each individual within the 5 mile radius, whether or not he/she lives in the affected municipality; and

WHEREAS, said law follows a disturbing trend in New York State to remove powers from the

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local jurisdictions and therefore from the affected electorate and transfer such powers to a faceless State of New York bureaucracy which has no constituency.

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board opposes, protests, and expresses its deep disappointment and concern over the establishment of said siting Board and of the enactment of the Power NY Act of 2011; and be it

FURTHER RESOLVED, that certified copies of this resolution be sent by the Town Clerk to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assemblymen Stephen Hawley and Daniel Burling and Genesee County Legislature Chair Mary Pat Hancock.

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

RESOLUTION NO. 61:

Councilwoman Michalak offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2011

RESOLVED, the Batavia Town Board hereby authorizes the following Budget Transfers:

General Fund:

<u>From</u>		<u>Amount</u>	<u>To</u>	
A1440.400	Engineering Contractual	\$6759.00	A1940.400	Land Acquisition

Water

SW8310.401	Wtr Admin Contractual	\$8849.00	SW8320.400	Source of Supply
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Second by: Councilman Lang
Ayes: Michalak, Lang, Underhill, Gerace, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 62:

Councilman Gerace offered the following:

**CANON DR-5010C SCANNER MAINTENANCE AGREEMENT
BETWEEN BIEL'S AND THE TOWN OF BATAVIA**

WHEREAS, the Town purchased a Canon DR-5010C Scanner in December 2008 for the records management archives grant and annual maintenance agreement; and

WHEREAS, maintenance agreement expires March 18, 2012; and

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WHEREAS, the cost to renew the Annual Maintenance Agreement is seven hundred, fifty dollars (\$750.00) (agreement attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the annual Maintenance Agreement between the Town of Batavia and Biel's at a cost of seven hundred, fifty dollars for one (1) year starting March 19, 2012 to maintain the Canon DR-5010C Scanner; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1410.401.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 63:

Councilman Lang offered the following:

**RESOLUTION AUTHORIZING THE CONTRACT FOR
TEXTILE RENTALS BETWEEN
DORTEX AND THE TOWN OF BATAVIA**

WHEREAS, the Highway Superintendent received three written proposals for textile rentals (uniforms and entrance mats); and

WHEREAS, Dortex submitted the lowest written proposal (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the contract between Dortex and the Town of Batavia; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the attached contract.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 64:

Deputy Supervisor Underhill offered the following:

**COMPREHENSIVE MASTER PLAN SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town of Batavia in preparing an update to the Town's existing Comprehensive Master Plan, at a lump sum cost for

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Phase One of six thousand one hundred dollars (\$6,100.00) and at an hourly cost not to exceed twenty six thousand one hundred dollars (\$26,100.00) for Phase Two (proposal attached). Phase Two effort will be as directed and as monitored by the Town Engineer based upon the progression of the Plan update.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the Supervisor to retain Stuart I. Brown Associates for the preparation of the Comprehensive Master Plan Update at a cost not to exceed thirty two thousand two hundred dollars (\$32,200.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 65:

Supervisor Post offered the following:

RESOLUTION TO APPROVE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF OAKFIELD FOR WATER MAIN SERVICE AND DEDICATION

WHEREAS, the Town of Batavia and the Village of Oakfield entered into a “Intermunicipal Agreement to Operate and Maintain Water Facilities”, which was dated April 23, 2008, and

WHEREAS, a purpose of this Intermunicipal Agreement was to provide that the Town of Batavia would maintain a portion of an old water main located within the boundaries of the Town that was being used to supply water to the Village and Town of Oakfield, and

WHEREAS, a new water main has been completed and both municipalities desire to provide for the dedication and transfer of this new transmission water line from the Village to the Town, with the Town to be responsible for maintenance and repair thereafter.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Intermunicipal Agreement for Water Main Service and Dedication”, a copy of which is annexed and made a part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to execute this Intermunicipal Agreement on behalf of the Town of Batavia, and

BE IT FURTHER RESOLVED that the Town Supervisor and all necessary Town employees are hereby authorized and directed to take all steps necessary to effectuate this Intermunicipal Agreement and provide for the maintenance and repair of the water main transmission line referred to therein, after this document has been fully executed.

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

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RESOLUTION NO. 66:

Councilwoman Michalak offered the following:

**APPROVAL OF CHANGE ORDER NO. 4
SANITARY SEWER DISTRICT NO. 1 IMPROVEMENTS**

WHEREAS, Tom Greenauer Development, Incorporated is under contract with the Town of Batavia for the Sanitary Sewer District No. 1 Improvements and

WHEREAS, Tom Greenauer Development, Incorporated has submitted a change order request in the amount of Twenty Three Thousand Five Hundred and Two dollars and forty-one cents (\$23,502.41), as shown on the attached Change Order No.4, and

WHEREAS, the Town Engineer has reviewed the change order request along with the Clerk of the Works records and recommends approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order No.4.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 67:

Councilman Gerace offered the following:

**TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
KIWANIS PARK CANOE LAUNCH**

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the Kiwanis Park Canoe Launch. In accord with the likelihood that the Town Board will serve as lead agency, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the installation of canoe launch at the Kiwanis Town Park located at 3808 West Main Street Road in the Town of Batavia.

FURTHER RESOLVED, the Town Board has determined that, the proposed action is an unlisted action as defined under SEQR; and, be it

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FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Town of Batavia Engineering Department, and be it

FURTHER RESOLVED, the Town Board will notify the involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Therefore, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

TOWN OF BATAVIA TOWN BOARD

TOWN HALL
3833 West Main St. Rd., Batavia, New York 14020
(585) 343-1729

TO: Involved and Interested Agencies
 * NYS Department of Environmental Conservation
 * Army Corps of Engineers
 * Genesee County Planning
 * Town Planning Board

FROM: Greg Post, Supervisor, Town of Batavia

DATE: February 15, 2012

NOTICE OF INTENT TO ESTABLISH LEAD AGENCY

Pursuant to the State Environmental Quality Review (SEQR) Act and 6 NYCRR 617.6 please be advised that the Town of Batavia Town Board intends to establish itself as Lead Agency for the purpose of fulfilling the SEQR requirements relative to the proposed construction of a Canoe Launch at Kiwanis Park in the Town of Batavia.

The proposed action appears to be an Unlisted Action under SEQR, requiring it to be appropriate to undertake a coordinated review. A Short Form Environmental Assessment Form, is enclosed, pursuant to 6 NYCRR 617.6.

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In order to expedite the Lead Agency designation process, please respond to the Notice of Intent to establish lead agency **by March 9, 2012**.

If no response is received, it will be assumed that no objection exists regarding the establishment of the Town of Batavia Town Board as lead agency, and the SEQR review will proceed. If you have any questions, please call the Batavia Town Hall (585) 343-1729.

PUBLIC NOTICE

February 15, 2012

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
SOLICITING LEAD AGENCY STATUS

The proposed construction of a Canoe Launch to be located in the Kiwanis Park at 3808 West Main Street Road in the Town of Batavia is in a Commercial Zone, Tax Map # 11-2-54.

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Batavia Town Board, an involved agency, is requesting lead agency status for the proposed action described. Since the town desires to finalize lead agency status as soon as possible, any involved agency disagreeing with the Town of Batavia Town Board's proposed lead agency designation is being asked to notify the Supervisor, at your earliest possible convenience prior to 5:00 p.m. on March 9, 2012 by writing to: Greg Post, Supervisor, Town of Batavia, Town Hall, 3833 West Main Street, Batavia, NY.

Any Agency otherwise wishing to comment on the project should submit written comments to the above mentioned contact person on or before March 9, 2012. To facilitate your response, please complete the enclosed lead agency coordination request form and return it as part of your response.

If the Town of Batavia Town Board is selected as lead agency, a determination of significance will be made and all involved agencies will be notified of the findings.

Title of Action Construction of a Canoe Launch to be located in the Kiwanis Park at 3808 West Main Street Road in the Town of Batavia is in a Commercial Zone, Tax Map # 11-2-54.

SEQR Status: Unlisted Action – Short Environmental Assessment Form has been completed. and is enclosed.

Location: 3808 West Main Street Road, Batavia, New York 14020

Involved Agencies Notified

* NYS Department of Environmental Conservation

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- * Army Corps of Engineers
- * Genesee County Planning
- * Town Planning Board

RESOLUTION NO. 68:

Councilman Lang offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT
OF THE WEST MAIN STREET ROAD SEWER 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 sewer 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 14, 2012, and

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

WHEREAS, the improvements proposed consists of the construction and installation of approximately 11,350 linear feet of new eight (8) inch diameter sanitary sewer gravity main and approximately 3,600 linear feet of new six (6) inch sanitary sewer force main to run starting on West Main Street Road and connecting to the west boundary of current Sewer District No. 2, and thence running westerly along West Main Street Road for approximately 10,300 feet, and also running northerly along Kelsey Road from its intersection with West Main Street Road for a distance of approximately 1,200 feet, together with all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto (referred to herein as “sewer improvement”),and

WHEREAS, the maximum amount proposed to be expended for such sewer improvement is \$2,822,000.00, which is planned to be financed by the issuance of serial bonds in an amount not to exceed \$2,822,000.00, offset by any funds to be received from the United States of America, and/or the State of New York, and/or local grants; including, but not limited to, a CDBG grant and other grants totaling \$1,600,000.00, and

WHEREAS, the proposed annual debt service (assuming 67.0 residential units) is estimated to be approximately \$248.00 per typical property user in the proposed District, which is a single family home, based upon the proposed debt of \$1,222,000.00 from Federal, New York State and/or local loans to be paid over a 38 year term at 2.375% interest, and

WHEREAS, a typical residential household uses 63,000 gallons of water per year and the estimated cost of the sewer service which is based upon water consumption, for the average household is expected to be approximately \$344.00 per year for sewer usage beyond the debt service, and

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WHEREAS, based upon the foregoing estimates, the total annual cost of the typical residential property in the proposed district will be \$592.00 per year, and

WHEREAS, the estimated average annual debt service for commercial property in the District will be \$1,253.00, with an average cost for sewer usage beyond the debt service of \$1,483.00 per year; thereby the total annual cost for commercial property in the proposed district will be \$2,736.00 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 Sewer 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 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 estimated one time costs of approximately \$15.00-\$30.00 per linear feet of pipe, plus septic system abandonment 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 21st day of March, 2012, at 6:30 p.m., for the purpose of conducting a public hearing on the proposal to establish said Sewer 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 Sewer District, in the time and manner required by law.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

Discussion: This has been a long time coming. The Supervisor offered thanks to all for the continued efforts to move forward.

EXHIBIT A

TOWN OF BATAVIA

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WEST MAIN STREET ROAD SEWER DISTRICT

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

Beginning at a point at the westerly line of the Existing Town of Batavia Sewer District No. 2 at the centerline of West Main Street Road (NYS Route 5) (99 feet wide right-of-way); thence,

1. Southerly, along the westerly line of the existing Town of Batavia Sewer District, a distance of 685 feet, more or less, to the southeasterly corner of tax account number 11-2-55; thence,
2. Westerly, along the southerly property lines of tax account numbers 11-2-55, 11-2-54, 11-2-48, 11-2-47, 11-2-46, 11-2-45, 11-2-44, 11-2-43, 11-2-42, 11-2-41, 11-2-40, 11-2-39, 11-2-38, 11-2-37, 11-2-36, 11-2-35, 11-2-34, 11-2-33, 11-2-32, 11-2-31, 11-2-30, 11-2-29, 11-2-17.2, 11-2-17.1, 11-2-16.2, 11-2-16.1, 11-2-14, 11-2-11, 11-2-5, 11-2-4, 11-1-23, 11-1-20 and 11-1-19, a distance of 9,253 feet, more or less, to the southeasterly corner of tax account number 11-1-17; thence,
3. Westerly, along the southerly property line of tax account number 11-1-17, a distance of 288 feet, more or less, to a point on the centerline of Wortendyke Road (49.5 feet wide right-of-way); thence,
4. Southerly, along the centerline of Wortendyke Road, a distance of 2,411 feet, more or less, to a point on centerline of Wortendyke Road at the easterly extension of the southerly property line of 11-1-60; thence,
5. Westerly, along the southerly property line of tax account number 11-1-60, a distance of 1,281 feet, more or less, to the southwesterly corner thereof; thence,
6. Northerly, along the westerly property line of tax account number 11-1-60 and 11-1-61, a distance of 2,500 feet, more or less, to the centerline of West Main Street Road; thence,
7. Westerly, along the centerline of West Main Street Road a distance of 100 feet, more or less, to a point on the centerline of said road at the southerly extension of the westerly line of tax account number 6-1-17.2; thence,
8. Northerly, through the right-of-way of West Main Street Road and along the westerly property line of tax account 6-1-17.2, a distance of 250 feet, more or less, to the northwesterly corner thereof; thence,
9. Easterly, along the northerly property line of tax account number 6-1-17.2, a distance of 100 feet, more or less, to the northeasterly corner thereof; thence,
10. Northerly, along the westerly property line of tax account number 11-1-2.1, a distance of 110 feet, more or less, to the northwesterly corner thereof; thence,
11. Easterly, along the northerly property line of tax account number 11-1-2.1 a distance of 115 feet, more or less, to the northeasterly corner thereof; thence,
12. Northerly, along the westerly property line of tax account number 11-1-3, a distance of 90feet, more or less, to the northwesterly corner thereof; thence,
13. Easterly, along the northerly property lines of tax account numbers 11-1-3, 11-1-4, 11-1-5, 11-1-6, 11-1-7, 11-1-8, 11-1-9, 11-1-10, 11-1-11.1, 11-1-11.2, 11-1-12 and 11-1-13, a distance of 676 feet, more or less, to the northeasterly corner of tax account number 11-1-12; thence,
14. Northerly, along the westerly property line of tax account numbers 11-1-13 and 11-1-14, a distance of 964 feet, more or less, to the northwesterly corner thereof; thence,

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15. Easterly, along the northerly property line of tax account number 11-1-14, a distance of 1,201 feet, more or less, to a point along the northeasterly corner thereof; said point being 500 feet north of the centerline of West Main Street Road; thence,
16. Northeasterly, through the lands of tax account number 11-1-16, along a line 500 feet northerly of and parallel to the centerline of West Main Street Road, a distance of 246 feet, more or less, to the centerline of Stegman Road (49.5 feet wide right-of-way); thence,
17. Southerly, along the centerline of Stegman Road a distance of 28 feet, more or less, to a point on the centerline of Stegman Road at the westerly extension of the northerly property line of tax account number 7-1-54.112; thence,
18. Northeasterly, through the Stegman Road right-of-way along the northwesterly property line of tax account number 7-1-54-.112, a distance of 623 feet, more or less, to the northeasterly corner thereof; thence,
19. Northerly, along the westerly property line of tax account number 7-1-52, a distance of 753 feet, more or less, to the northwesterly corner thereof; thence,
20. Easterly, along the northerly property lines of tax account numbers, 7-1-52, 7-1-51 and 7-1-50, a distance of 545 feet, more or less, to the northeasterly corner of tax account number 7-1-50; thence,
21. Southerly, along the easterly property line of tax account number 7-1-50, a distance of 228 feet, more or less, to the northwesterly corner of tax account number 7-1-49; thence,
22. Easterly, along the northerly line of tax account number 7-1-49, a distance of 244 feet, more or less, to the northeasterly corner thereof; thence,
23. Northerly, along the westerly property line of tax account number 7-1-47, a distance of 208 feet, more or less, to the northwesterly corner thereof; thence,
24. Easterly, along the northerly line of tax account number 7-1-47, a distance of 571 feet, more or less, to the northeasterly corner thereof; thence,
25. Northerly, along the westerly property lines of tax account numbers 7-1-41.111, 7-1-41.121 and 7-1-41.112, a distance of 576 feet, more or less, to the northwesterly corner of 7-1-41.112; thence,
26. Easterly, along the northerly lines of tax account numbers 7-1-41.112 and 7-1-41.2, a distance of 339 feet, more or less, to the centerline of Kelsey Road (49.5 feet wide right-of-way); thence,
27. Southerly, along the centerline of Kelsey Road, a distance of 51 feet, more or less, to a point on said centerline; thence,
28. Easterly, along the northerly line of tax account number 7-1-38, a distance of 1,203 feet, more or less, to the northeasterly corner thereof; thence,
29. Northerly, along the westerly property line of tax account number 7-1-87.111, a distance of 3,021 feet, more or less, to the northwesterly corner thereof, thence,
30. Easterly, along the northerly lines of tax account numbers 7-1-87.111 and 7-1-87.2, a distance of 3,769 feet, more or less, to the northeasterly corner of tax account number 7-1-87.2; thence,
31. Southerly, along the westerly bounds of the existing sewer district, a distance of 3,075 feet, more or less, to the northwesterly corner of tax account number 7-1-23.1; thence,
32. Easterly, along the southerly line of the existing sewer district and through the lands of 7-1-25.1, a distance of 450 feet, more or less, to the northeasterly corner thereof; thence,

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33. Northerly, along westerly line of the existing sewer district and along the westerly line of tax account number 7-1-23.1, a distance of 263 feet, more or less, to the northwesterly corner thereof; thence,
34. Easterly, along the westerly line of the existing sewer district and along the northerly line of tax account number 7-1-23.1, a distance of 200 feet, more or less, to the northeasterly corner thereof; thence,
35. Southerly, along the westerly line of the existing sewer district and along the easterly line of tax account number 7-1-23.1, a distance of 360 feet, more or less, to an easterly corner thereof; thence,
36. Easterly, along the southerly line of existing sewer district and along the northerly line of tax account number 7-1-23.1, a distance of 100 feet, more or less, to the northeasterly corner thereof; thence,
37. Southerly, along the westerly line of the Existing Town of Batavia Sewer District No. 2, a distance of 250 feet, more or less, to the point of beginning.

Town of Batavia West Main Street Road Sewer District as described above contains approximately 583.2 acres of land.

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON FEBRUARY 15, 2012,
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 WEST MAIN STREET ROAD SEWER 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 sewer 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 14, 2012, and

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

WHEREAS, the improvements proposed consists of the construction and installation of approximately 11,350 linear feet of new eight (8) inch diameter sanitary sewer gravity main and approximately 3,600 linear feet of new six (6) inch sanitary sewer force main to run starting on West Main Street Road and connecting to the west boundary of current Sewer District No. 2, and thence running westerly along West Main Street Road for approximately 10,300 feet, and also running northerly along Kelsey Road from its intersection with West Main Street Road for a distance of approximately 1,200 feet,

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together with all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto (referred to herein as “sewer improvement”),and

WHEREAS, the maximum amount proposed to be expended for such sewer improvement is \$2,822,000.00, which is planned to be financed by the issuance of serial bonds in an amount not to exceed \$2,822,000.00, offset by any funds to be received from the United States of America, and/or the State of New York, and/or local grants; including, but not limited to, a CDBG grant and other grants totaling \$1,600,000.00, and

WHEREAS, the proposed annual debt service (assuming 67.0 residential units) is estimated to be approximately \$248.00 per typical property user in the proposed District, which is a single family home, based upon the proposed debt of \$1,222,000.00 from Federal, New York State and/or local loans to be paid over a 38 year term at 2.375% interest, and

WHEREAS, a typical residential household uses 63,000 gallons of water per year and the estimated cost of the sewer service which is based upon water consumption, for the average household is expected to be approximately \$344.00 per year for sewer usage beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical residential property in the proposed district will be \$592.00 per year, and

WHEREAS, the estimated average annual debt service for commercial property in the District will be \$1,253.00, with an average cost for sewer usage beyond the debt service of \$1,483.00 per year; thereby the total annual cost for commercial property in the proposed district will be \$2,736.00 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 Sewer 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 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 estimated one time costs of approximately \$15.00-\$30.00 per linear feet of pipe, plus septic system abandonment 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 21st day of March, 2012, at 6:30 p.m., for the purpose of conducting a public hearing on the proposal to establish said Sewer District with the improvements specified herein, at which time and place all persons interested in the subject thereof may

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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 Sewer District, in the time and manner required by law.

Dated: February 15, 2012

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

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 69:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA FIRE DEPARTMENT
RELEASE RESTRICTION ON ALLOCATED FUNDS

WHEREAS, the Town of Batavia contracts with the Town of Batavia Fire Department for fire protection; and

WHEREAS, in the past, some previous contracts with the Town of Batavia Fire Department stipulated an amount that would be required to be set aside by the Fire Department and reported on their financial statements as temporarily restricted; and

WHEREAS, the current contract no longer stipulates an amount, but the Fire Department has continued to set aside monies to fund the capital equipment needs in addition to the amounts that were stipulated in prior contracts with the Town.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby releases the restriction on the allocation of monies as stipulated in previous contracts, effective December 31, 2011.

Second by: Councilwoman Michalak,

Ayes: Underhill, Michalak, Gerace, Lang, Post

APPROVED by unanimous vote (5-0)

Abstract No. 2-2012: Motion Councilwoman Michalak, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

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General	\$47,791.10
Highway	30,096.44
Sewer No. 1	24,496.37
Sewer No. 2	43,010.72
Water	161,442.43
West Main Sewer	589.00
Total	\$307,426.06

Check numbers 16645 thru 16643, 16645 thru 16662, 16664 thru 16722, Online \$2,456.11, ACH \$31,979.37

Ayes: Michalak, Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Building:

Fire Inspection Reports-- Creating electronic format for fire inspection reports

Permits- Closing out existing and expired permits

Single Family Home- Doing plan review for a single family home

FOIL- Completing foil requests

Informative Documents- Putting together informative documents for frequently asked questions

Site Plans & Drawings- Organizing site plans & drawings to make them more easily accessible

Water /Sewer:

Ag Park- Inspection and testing of fire hydrant flows and metering has been completed in the Genesee Ag Business Park.

Highway:

Maintenance- Continuing to work on equipment and maintenance issues.

Winter- Enjoying the easy winter.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in a CD's paying a rate of .45% and .30%.

GAM- Next GAM Meeting will be tomorrow evening at the Town of Batavia Town Hall, hosted by the Town of Batavia at 7:00 P.M.

LOCAL GOVERNMENT CONFERENCE- Motion by Deputy Supervisor Underhill, second by Councilwoman Michalak authorizing Supervisor Post, Deputy Supervisor Underhill, Councilwoman Michalak, Councilman Gerace, Assessor Rhonda Saulsbury and Town Clerk Morasco to attend the Local Government Conference May 6 to May 8, 2012 in Albany at an approximate cost of \$570.00 per person, which includes registration, transportation, lodging and meals.

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

NYS TOWN CLERK'S CONFERENCE – Motion by Councilman Gerace, Second by Deputy Supervisor Underhill authorizing the Town Clerk to attend the NYS Town Clerk's Association Conference April 22 to April 25, 2012 in Saratoga Springs at an approximate cost of \$885.00, which includes registration, lodging and meals. A Town vehicle will be used.

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

NYSAWWA Conference- Motion by Councilman Lang, second by Deputy Supervisor Underhill authorizing Steve Mountain, Town Engineer to attend the New York State American Water Works Association conference April 17 through April 19 in Saratoga Springs at an approximate cost of \$912.00, which includes registration, lodging, mileage and tolls.

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

EFC-SMART MANAGEMENT FOR SMALL COMMUNITIES CONFERENCE- Motion by Councilwoman Michalak, second by Councilman Lang authorizing Hiedi Librock to attend the EFC-Smart Management for Small Communities and Practical Resources conference April 10 through April 12 in Blue Mountain Lake, New York at a cost of \$240.00, which includes registration, lodging, and meals. A Town vehicle will be used.

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

NY Water Environment Association Conference- Motion by Councilman Lang, second by Councilman Gerace authorizing Steve Mountain, Town Engineer to attend the New York Water Environment Association conference March 27, 2012 at Harthstone Manor in Depew, New York at an approximate cost of \$93.00, which includes training and travel expense.

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

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$3,768.05 remitted \$3,545.81 to the Supervisor for the Local Share.

January Tax Collector collections report- Collected a total of \$3,196,929.50. Remitted \$1,008,173.45 to the Supervisor the Town Levy and \$2,188,756.05 to the Genesee County Treasurer/

COMMITTEE REPORTS:

Fair Housing-Councilwoman Michalak reported that she went to a Fair Housing meeting and will continue to attend those meetings.

ADJOURNMENT:

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Motion Councilman Lang, second Councilman Gerace to adjourn the Regular Town Board Meeting at 7:45 P.M.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

The Supervisor thanked the Town Board members for all the time and dedication.

Respectfully submitted,

Teresa M. Morasco
Town Clerk