

**JULY 11, 2012
SPECIAL TOWN BOARD MEETING**

Town Hall

Supervisor Post led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak

Others

Present: Deputy Town Clerk Baubie
Lynette Brown
Larry Abaire

The Supervisor called the meeting to order at 6:36 P.M.

RESOLUTION NO. 125:

Councilman Lang offered the following:

**TOWN OF BATAVIA
LAND ACQUISITION FOR TOWN PARK EXPANSION
SEQR RESOLUTION**

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as lead agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCR) of a project to acquire additional land to expand the Batavia Town Park.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above listed action. The Town Board hereby accepts the Short Environmental Assessment Form for the proposed land acquisition prepared on June 27, 2012.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Underhill, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 126:

Deputy Supervisor Underhill offered the following:

A RESOLUTION TO REAFFIRM THE GOALS AND RECOMMENDATIONS OF THE 2007 TOWN OF BATAVIA COMPREHENSIVE PLAN UPDATE IN RELATION TO THE PROPOSED ACQUISITION OF LAND SOUTH OF THE BATAVIA TOWN PARK

WHEREAS, the Town of Batavia Comprehensive Plan Update that was adopted by the Batavia Town Board in March 2007 included a stated goal to: “Work with governmental and private entities to increase the number and enhance the quality of recreational opportunities available to Town residents”; and

WHEREAS, the 2007 Comprehensive Plan Update specifically recommended that the Town, “Investigate opportunities to acquire additional land for recreational purposes”; and

WHEREAS, subsequent to the completion of the Comprehensive Plan Update, the Town identified land south of the existing Town Park site as suitable for public recreation and has obtained formal purchase options from three landowners to acquire 150.7 acres of additional land for the Batavia Town Park; and

WHEREAS, such land has value for public recreation, including nature observation and trails that connect to other recreational facilities and to residential neighborhoods;

NOW THEREFORE BE IT RESOLVED, the Batavia Town Board does hereby reaffirms the Master Plan Update’s recommendation to acquire additional land for recreational purposes; and

BE IT FURTHER RESOLVED that the Batavia Town Board does hereby acknowledge that the proposed acquisition of 150.7 acres of land south of the existing Town Park will further the goal of the Town of Batavia Comprehensive Plan Update to, “increase the number and enhance the quality of recreational opportunities available to Town residents.”

Second by: Councilman Lang

Ayes: Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 127:

Councilwoman Michalak offered the following:

A RESOLUTION TO PROVIDE THE LOCAL SHARE OF PROJECT COSTS AND TO SUPPORT THE TOWN OF BATAVIA’S PARKS GRANT APPLICATION

WHEREAS, the Town of Batavia has renewed its purchase options to acquire 150.7 acres of land from three landowners to expand the Batavia Town Park; and

WHEREAS, the Town intends to apply for grant funding for a portion of the cost of acquiring this land and for related legal, administrative, survey and appraisal costs;

NOW THEREFORE BE IT RESOLVED, that the Batavia Town Board fully endorses and supports the Town of Batavia's application for funding through the NYS Office of Parks, Recreation and Historic Preservation to acquire an additional 150.7 acres of land to expand the Batavia Town Park, and

BE IT FURTHER RESOLVED, that the Batavia Town Board does hereby commit to provide \$141,380 in cash as the local share of project costs.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 128:

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE THE TOWN ATTORNEY
TO PROSECUTE New York STATE AND TOWN OF BATAVIA
CODES, LOCAL LAWS AND ORDINANCES**

WHEREAS, the Town Board wants to provide for the enforcement of all New York State and Town of Batavia Codes, Local Laws and Ordinances for which it has a duty to prosecute.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the Town Attorney is hereby authorized and directed to prosecute all civil matters and/or crimes and offenses on behalf of the Town of Batavia that it is authorized to enforce, including, but not limited to, pursuant to the New York State Uniform Fire Prevention and Building Code, the Property Maintenance Code of New York State and all relevant portions of the Code of the Town of Batavia, and

BE IT FURTHER RESOLVED that the Town Attorney is hereby authorized and directed to make a request to the Genesee County District Attorney, as needed, pursuant to Section 700 of the County Law, to obtain permission to conduct all prosecutions for crimes and offenses that will be brought in the Town of Batavia Court for enforcement as set forth above.

Second by: Councilman Lang

Ayes: Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

Discussion: Prior to the vote Supervisor Post read a letter he received in the office, via fax, from Larry Abaire's attorney, David Pajak, regarding this resolution. Mr. Pajak states he feels that Mr. Earl attends to use this authorization to bring further criminal charges against Mr. Abaire. After a lengthy discussion, Supervisor Post explained that the resolution authorizing Mr. Earl to prosecute wasn't directed at anyone in particular but that there are ongoing issues within the town that this resolution would allow for appropriate prosecutions.

ADJOURNMENT:

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 7:05 P.M.

Ayes: Post, Lang, Underhill, Michalak

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Sandra M Baubie
Deputy Town Clerk