

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Greg Post, Supervisor led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Town Clerk Morasco  
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:00 P.M.

**RESOLUTION NO. 95:**

Councilman Lang offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF  
BATAVIA NORTH 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 March 27, 2014, and

**WHEREAS**, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on April 7, 2014, 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 Batavia North 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 eight (8) inch and twelve (12) inch water main along portions of Batavia-Oakfield Townline Road, Lewiston Road,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

Batavia-Elba Townline Road, Bank Street Road and Batavia-Stafford Townline 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 \$3,081,191.00, which is planned to be financed by a conventional bank loan at a 3% interest rate for a 38 year term with no grant, in an amount not to exceed \$3,081,191.00, and

**WHEREAS**, the proposed annual debt service (assuming 145 units) is estimated to be approximately \$723.00 per typical property user in the proposed district, which is a single family home, and

**WHEREAS**, a typical household uses 61,000 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 \$4.47 per 1,000 gallons used, to be purchased from the County of Genesee; thereby the average household can expect to additionally pay approximately \$273.00 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 \$996.00 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 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 improvements for the proposed Batavia North Water District will be part of a joint Project by and among the Towns of Batavia, Oakfield and Elba, referred to as the Townline Water Project, (hereinafter referred to as the “Project”), and

**WHEREAS**, the Project will consist of constructing approximately 104,700 linear feet of new eight-inch and twelve-inch diameter water main along the Batavia-Oakfield Townline Road, Hutton Road, Lewiston Road, Fisher Road, Batavia-Elba Townline Road, Pekin Road, Oak Orchard Road, State Street Road, Bank Street Road, Norton Road, and Batavia-Stafford Townline Road; which includes installation along portions of Roads located within each of the three Towns, as well as along the boundary of the Town of Batavia with the other two Towns of Elba and Oakfield, and

**WHEREAS**, the new water main within the Project area will serve approximately a total of 310 units, and

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

**WHEREAS**, the Map, Plan and Report describing such improvements and the joint Project, 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 3233 West Main Street Road, Batavia, New York on the 28<sup>th</sup> day of May, 2014, 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:** Deputy Supervisor Underhill  
**Ayes:** Lang, Underhill, Michalak, Zambito, Post  
**APPROVED by unanimous vote (5-0)**

**EXHIBIT A**

**TOWN OF BATAVIA**  
**PROPOSED BATAVIA NORTH WATER DISTRICT**

The boundary of the proposed Town of Batavia, Batavia North Water District 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 Batavia/Alabama Municipal Boundary and the Batavia/Oakfield Municipal Boundary; thence,

1. Easterly, along the Batavia/Oakfield Municipal Boundary and the Batavia/Elba Municipal Boundary, a distance of 47,552 feet, more or less, to the northeasterly corner of the Batavia Municipal Boundary; thence,
2. Southerly, along the Batavia/Stafford Municipal Boundary, a distance of 8,118 feet, more or less, to a point on the Batavia/Stafford Municipal Boundary at the easterly extension of the southerly line of Tax Parcel number 5.-53.1; thence,
3. Westerly, along the easterly extension of the southerly line of Tax Parcel number 5.-1-53.1, a distance of 3,000 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-53.1; thence,
4. Northerly, along the westerly line of Tax Parcel numbers 5.-1-53.1, 5.-1-52.2, and 5.-1-52.11, a distance of 3,098 feet, more or less, to the northwesterly corner of Tax Parcel number 5.-1-52.11; thence,
5. Easterly, along a northerly line of Tax Parcel number 5.-1-52.11, a distance of 217 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-44; thence,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

6. Northerly, along the westerly line of Tax Parcel number 5.-1-44, through Tax Parcel number 5.-1-43.1, and continuing along a westerly line of Tax Parcel number 5.-1-42.11, a distance of 849 feet, more or less, to a northeasterly corner of Tax Parcel number 5.-1-43.1; thence,
7. Westerly, along a southerly line of Tax Parcel number 5.-1-42.11, a distance of 596 feet, more or less, to a northwesterly corner of Tax Parcel number 5.-1-42.11; thence,
8. Northerly, along a westerly line of Tax Parcel number 5.-1-42.11, a distance of 434 feet, more or less, to a northwesterly corner of Tax Parcel number 5.-1-42.11; thence,
9. Westerly, along the southerly line of Tax Parcel numbers 5.-1-37 and 5.-1-38.11, a distance of 1,210 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-38.11; thence,
10. Northerly, along the westerly line of Tax Parcel number 5.-1-38.11, a distance of 732 feet, more or less, to the southeasterly corner of Tax parcel number 5.-1-137; thence,
11. Westerly, along the southerly line of Tax Parcel number 5.-1-39.125, a distance of 856 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-39.125; thence,
12. Southerly, along the easterly line of Tax Parcel number 5.-1-39.122, a distance of 185 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-39.122; thence,
13. Westerly, along the southerly line of Tax Parcel number 5.-1-39.122, a distance of 920 feet, more or less, to the centerline of Bank Street Road; thence,
14. Southerly, along centerline of Bank Street Road, a distance of 140 feet, more or less, to a point on the centerline Bank Street Road at the intersection of the easterly extension of the southerly line of Tax Parcel number 5.-1-134; thence,
15. Westerly, along the easterly extension of the southerly line of Tax Parcel number 5.-1-134 and the southerly line of Tax Parcel number 5.-1-134, a distance of 991 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-134; thence,
16. Northerly, along the westerly line of Tax Parcel number 5.-1-134, a distance of 112 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-9.112; thence,
17. Westerly, along the southerly line of Tax Parcel number 5.-1-9.112, a distance of 1,349 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-9.112; thence,
18. Southerly, along the easterly line of Tax Parcel number 5.-1-8.2, a distance of 156 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-8.2; thence,
19. Westerly, along the southerly line of Tax Parcel numbers 5.-1-8.2, 5.-1-5.22, 5.-1-4.12, 5.-1-107.1, and 5.-1-107.2, a distance of 4,657 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-107.2; thence,
20. Southerly, along the easterly line of Tax Parcel numbers 4.-1-21.2, 4.-1-43.2, and 4.-1-43.121, a distance of 1,178 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-43.11 and the existing Consolidated Water District; thence,
21. Westerly, through Tax Parcel number 4.-1-43.121, and along the existing boundary of the Consolidated Water District, a distance of 580 feet, more or less, to the intersection of the westerly line of Tax Parcel number 4.-1-43.121 and the existing Consolidated Water District; thence,
22. Northerly, along the westerly line of Tax Parcel number 4.-1-43.121 and along the existing Consolidated Water District, a distance of 183 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-43.121; thence,
23. Westerly, following the existing Consolidated Water District along a southerly line of Tax Parcel number 4.-1-42.1 and continuing through Tax Parcel number 4.-1-42.1, a distance of 346 feet,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

- more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-45.2 and the existing Consolidated Water District; thence,
24. Southerly, along the easterly line of Tax Parcel numbers 4.-1-45.2 and 4.-1-45.1, a distance of 175 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-45.1 and the existing Consolidated Water District; thence,
  25. Westerly, following the existing Consolidated Water District through Tax Parcel numbers 4.-1-45.1, 4.-1-22.115, 4.-1-47, across the right-of-way of State Street Road (49.5 feet wide right-of-way), and continuing through Tax Parcel number 4.-1-21.2, a distance of 1,063 feet, more or less, to the intersection of a westerly line of Tax Parcel number 4.-1-21.2 and the existing Consolidated Water District; thence,
  26. Northerly, along a westerly line of Tax Parcel number 4.-1-21.2, a distance of 560 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.12; thence,
  27. Westerly, along a southerly line of Tax Parcel numbers 4.-1-21.2 and 4.-1-21.1, a distance of 887 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.113; thence,
  28. Southerly, along the easterly line of Tax Parcel numbers 4.-1-22.113 and 4.-1-23.1, a distance of 582 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-23.1 and the existing Consolidated Water District; thence,
  29. Westerly, following the existing Consolidated Water District through Tax Parcel number 4.-1-23.1, across Oak Orchard Road (66 feet wide right-of-way), and continuing through Tax Parcel number 4.-1-31, a distance of 1,065 feet, more or less, to a northwesterly corner of the existing Consolidated Water District; thence,
  30. Southerly, following the existing Consolidated Water District through Tax Parcel number 4.-1-31, a distance of 972 feet, more or less, to the intersection of the southerly line of Tax Parcel number 4.-1-31 and the existing Consolidated Water District; thence,
  31. Westerly, along the southerly line of Tax Parcel number 4.-1-31, a distance of 3,613 feet, more or less, to the southwest corner of Tax Parcel number 4.-1-31; thence,
  32. Northerly, along the westerly line of Tax Parcel number 4.-1-31, a distance of 1,926 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-31; thence,
  33. Westerly, along a southerly line of Tax Parcel numbers 4.-1-2.21, 4.-1-2.121, and 4.-1-1.211, a distance of 3,478 feet, more or less, to a southwest corner of Tax Parcel number, 4.-1-1.211; thence,
  34. Northerly, along a westerly line of Tax Parcel number 4.-1-1.211, a distance of 1,002 feet, more or less, to a northeasterly corner of Tax Parcel number 4.-1-37.12; thence,
  35. Westerly, along a southerly line of Tax Parcel numbers 4.-1-1.211 and 3.-1-29.1, a distance of 1,119 feet, more or less, to a northwesterly corner of Tax Parcel number 3.-1-31.1; thence,
  36. Southerly, along an easterly line of Tax Parcel number 3.-1-29.1, a distance of 993 feet, more or less, to a southeasterly corner of Tax Parcel number 3.-1-29.1; thence,
  37. Westerly, along a southerly line of Tax Parcel number 3.-1-29.1, a distance of 683 feet, more or less, to a southwest corner of Tax Parcel number 3.-1-29.1; thence,
  38. Northerly, along a westerly line of Tax Parcel number 3.-1-29.1, a distance of 1,841 feet, more or less, to the northeasterly corner of Tax Parcel number 3.-1-30.11; thence,
  39. Westerly, along a southerly line of Tax Parcel number 3.-1-29.1, a distance of 1,330 feet, more or less, to a southwest corner of Tax Parcel number 3.-1-29.1; thence,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

40. Northerly, along a westerly line of Tax Parcel number 3.-1-29.1, a distance of 1,218 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-27; thence,
41. Westerly, along a southerly line of Tax Parcel numbers 3.-1-27 and 3.-1-131, a distance of 676 feet, more or less, to a northwesterly corner of Tax Parcel number 3.-1-115.11; thence,
42. Southerly, along an easterly line of Tax Parcel number 3.-1-131, a distance of 1,028 feet, more or less, to a southeasterly corner of Tax Parcel number 3.-1-131; thence,
43. Westerly, along a southerly line of Tax Parcel number 3.-1-131, a distance of 651 feet, more or less, to a northwesterly corner of 3.-1-115.11; thence,
44. Southerly, along an easterly line of Tax Parcel numbers 3.-1-131, 3.-1-109.1, and 3.-1-110, a distance of 1,602 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-110 at the existing Consolidated Water District; thence,
45. Westerly, following the existing Consolidated Water District along the southerly line of Tax Parcel number 3.-1-110 and the westerly extension of the southerly line of Tax Parcel number 3.-1-110 to the centerline of Lewiston Road (66 feet wide right-of-way), a distance of 45 feet, more or less, to the centerline of Lewiston Road; thence,
46. Southwesterly, across Lewiston Road (66 feet wide right-of-way), a distance of 36 feet, more or less, to a point on the centerline of Lewiston Road; thence,
47. Northwesterly, along the centerline of Lewiston Road, a distance of 123 feet, more or less, to the intersection of the centerline of Lewiston Road and the existing Consolidated Water District; thence,
48. Westerly, along the easterly extension of the southerly line of Tax Parcel number 3.-1-111.113, through Tax Parcel numbers 3.-1-111.113 and 3.-1-111.123, and continuing along the southerly line of Tax Parcel number 3.-1-111.123, a distance of 1,174 feet, more or less, to a southwesterly corner of Tax Parcel number 3.-1-111.123; thence,
49. Northerly, along the westerly line of Tax Parcel number 3.-1-111.124 and 3.-1-111.122, a distance of 1,320 feet, more or less, to the northerly corner of Tax Parcel number 3.-1-111.122; thence,
50. Northwesterly, along the southwesterly right-of-way of Lewiston Road, a distance of 73 feet, more or less, to the intersection of the westerly right-of-way of Lewiston Road and the existing Consolidated Water District; thence,
51. Southwesterly, following the Consolidated Water District through Tax Parcel number 3.-1-107.1 and continuing along a southeasterly line of Tax Parcel number 3.-1-107.1, a distance of 111 feet, more or less, to a southerly corner of Tax Parcel number 3.-1-107.1; thence,
52. Northwesterly, along a southwesterly line of Tax Parcel number 3.-1-107.1, a distance of 125 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-107.1; thence,
53. Southwesterly, along a southeasterly line of Tax Parcel number 3.-1-123.112, a distance of 19 feet, more or less, to a westerly corner of Tax Parcel number 3.-1-123.114; thence,
54. Southeasterly, along a northeasterly line of Tax Parcel number 3.-1-123.112, a distance of 24 feet, more or less, to an easterly corner of Tax Parcel number 3.-1-123.112; thence,
55. Southwesterly, along a southeasterly line of Tax Parcel number 3.-1-123.112, a distance of 190 feet, more or less, to a southerly corner of Tax Parcel number 3.-1-123.112; thence,
56. Northwesterly, along a southwesterly line of Tax Parcel number 3.-1-123.112, a distance of 250 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-123.112; thence,
57. Northeasterly, along the northwesterly line of Tax Parcel number 3.-1-123.112, a distance of 319 feet, more or less, to the northerly corner of Tax Parcel number 3.-1-123.112; thence,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

58. Northwesterly, along the southwesterly right-of-way of Lewiston Road, a distance of 78 feet, more or less, to the easterly corner of Tax Parcel number 3.-1-106; thence,
59. Southwesterly, along the southeasterly line of Tax Parcel number 3.-1-106, a distance of 192 feet, more or less, to the southerly corner of Tax Parcel number 3.-1-106; thence,
60. Northwesterly, along the southwesterly line of Tax Parcel numbers 3.-1-105, 3.-1-104, 3.-1-103, 3.-1-102, and 3.-1-101, a distance of 688 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-101; thence,
61. Westerly, along the southerly line of Tax Parcel numbers 3.-1-100 and 3.-1-99, a distance of 401 feet, more or less, to the southwesterly corner of Tax Parcel number 3.-1-99; thence,
62. Southerly, along an easterly line of Tax Parcel number 3.-1-5.1, a distance of 1,118 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-5.1; thence,
63. Westerly, along the southerly line of Tax Parcel number 3.-1-5.1, a distance of 1,314 feet, more or less, to the southwesterly corner of Tax parcel number 3.-1-5.1; thence,
64. Southerly, along the easterly line of Tax Parcel number 3.-1-87.1, a distance of 1,021 feet, more or less, to the intersection of the easterly line of Tax Parcel number 3.-1-87.1 and the existing Consolidated Water District; thence,
65. Westerly, following the existing Consolidated Water District through Tax Parcel numbers 3.-1-87.1 and 3.-1-87.2, a distance of 1,991 feet, more or less, to the intersection of the easterly line of Tax Parcel number 3.-1-1 and the existing Consolidated Water District; thence,
66. Southerly, along the easterly line of Tax Parcel number 3.-1-1, a distance of 60 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-1; thence,
67. Westerly, along the southerly line of Tax Parcel number 3.-1-1, a distance of 1,158 feet, more or less, to the southwesterly corner of Tax Parcel number 3.-1-1; thence,
68. Northerly, along the westerly line of Tax Parcel number 3.-1-1, a distance of 63 feet, more or less, to the intersection of the westerly line of Tax Parcel number 3.-1-1 and the existing Consolidated Water District; thence,
69. Westerly, following the existing Consolidated Water District through Tax Parcel number 1.-1-10.111 and continuing across Downey Road (49.5 feet wide right-of-way), a distance of 1,693 feet, more or less, to a point along the easterly line of Tax Parcel number 1.-1-11; thence,
70. Southerly, along the easterly line of Tax Parcel number 1.-1-11, a distance of 140 feet, more or less, to the southeasterly corner of Tax Parcel number 1.-1-11; thence,
71. Westerly, along the southerly line of Tax Parcel number 1.-1-11, a distance of 212 feet, more or less, to the southwesterly corner of Tax Parcel number 1.-1-11; thence,
72. Northerly, along the westerly line of Tax Parcel number 1.-1-11 and continuing through Tax Parcel number 1.-1-12, a distance of 1,177 feet, more or less, to a point along the southerly line of Tax Parcel number 1.-1-9.11; thence,
73. Westerly, along the southerly line of Tax Parcel numbers 1.-1-9.11 and 1.-1-8, through Tax Parcel number 1.-1-13.11, and continuing along the southerly line of Tax Parcel numbers 1.-1-7, 1.-1-5.1, 1.-1-4.1, 1.-1-3, and 1.-1-2, a distance of 9,335 feet, more or less, to a southwesterly corner of Tax Parcel number 1.-1-2; thence,
74. Northerly, along a westerly line of Tax Parcel number 1.-1-2, a distance of 1,314 feet, more or less, to a northeasterly corner of 1.-1-17.1; thence,
75. Westerly, along a southerly line of Tax Parcel number 1.-1-2, a distance of 159 feet, more or less, to a southwesterly corner of Tax Parcel number 1.-1-2; thence,

**MAY 14, 2014**  
**SPECIAL TOWN BOARD MEETING**

76. Northerly, along a westerly line of Tax Parcel number 1.-1-2, a distance of 803 feet, more or less, to the intersection of a line 500 feet south of the centerline of Townline Road (66 feet wide right-of-way) and the westerly line of Tax Parcel number 1.-1-2; thence,
77. Westerly, through Tax Parcel number 1.-1-17.1 and across Macomber Road (49.5 feet wide right-of-way), a distance of 1,476 feet, more or less, to the intersection of a line 500 feet south of the centerline of Townline Road and the Batavia/Alabama Municipal Boundary; thence,
78. Northerly, along the Batavia/Alabama Municipal Boundary, a distance of 500 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, "Proposed Batavia North Water District – 2014 Water System Improvements," dated 3/2014. The Town of Batavia, Batavia North Water District, as described above, contains approximately 4,137.5 acres of land.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Special Town Board Meeting at 7:09 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk