

RESOLUTION NO. 139

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on June 15, 2022.

PRESENT:

- Hon. Gregory H. Post, Supervisor
- Hon. Daniel Underhill, Deputy Supervisor
- Hon. Sharon White, Councilwoman
- Hon. Patti Michalak, Councilwoman
- Hon. Chad Zambito, Councilman

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In the Matter

of the

Increase and Improvement of Facilities of the
Town of Batavia Sewer District No. 2
in the Town of Batavia, County of Genesee, New York,
pursuant to Section 202-b of the Town Law.

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**PUBLIC HEARING TO BE HELD ON
JULY 20, 2022**

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law, created the Town of Batavia Sewer District No. 2 (the “District”); and

WHEREAS, the Town Board has directed the Town Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

WHEREAS, such sewer system capital improvements project will generally consist of the installation of approximately 850 linear feet of gravity sewer along various roads in the Town including, but not limited to, Park Road, the installation of sanitary sewer manholes, and connections to existing laterals, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$340,000; unless paid for from other sources or charges, said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$340,000 offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Batavia will be held at the Town Hall, 3383 West Main Street Road, Batavia, New York, on July 20, 2022 at 7:05 p.m. o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$340,000 said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law; and be it

FURTHERED ORDERED that that the Town Board may establish sewer rents as provided in paragraph (l) of subdivision one of Town Law Section 198; and be it

FURTHER ORDERED, that this resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse (to the extent permitted) the expenditures of said increase and improvement of facilities with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

DATED: June 15, 2022

TOWN BOARD OF THE
TOWN OF BATAVIA

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES: Councilman Zambito
Deputy Supervisor Underhill
Councilwoman Michalak
Councilwoman White
Supervisor Post

NOES:

ABSENT:

The Order Calling for Public Hearing was declared adopted.