

**JANUARY 18, 2017
REGULAR 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
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Mike Pettinella, The Batavian Reporter
Jim Krencik, Daily News Reporter

The Supervisor called the meeting to order at 7:10 P.M.

December 21, 2016 Public Hearing-Town of Batavia Fire Contract, December 21, 2016 Public Hearing-Comprehensive Master Plan Update, December 21, 2016 Regular Town Board Meeting, January 4, 2017 Organizational Meeting, and January 4, 2017 Special Town Board Meeting: Motion Councilman Zambito, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Zambito, Underhill, Michalak, White Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 29:

Councilwoman White offered the following:

TRAINING WORKSHOP

RESOLVED, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

Marcy Crandall and Hiedi Libroch- 2017 Local Leaders Conference April 25 – 27, 2017 in Blue Mountain Lake, New York. The cost for the conference is \$270.00 each which includes lodging and meals. A Town vehicle will be used.

Jason Armbrewster- 2017 Local Leaders Conference April 25 – 27, 2017. There is no cost for the conference to the Town of Batavia.

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Rhonda Saulsbury- NYS Association of Realtors Appraisal Training February 5 – 9, 2017 in Albany, New York. The cost for the conference, meals and lodging is \$846.00. A Town vehicle will be used.

Paul Barrett, Keith Wilkinson, Greg Lang, and Greg Post- Western New York Water Works Conference February 15, 2017. The cost for the conference is \$25.00 each.

Bruce Gerould- Finger Lakes Building Officials Educational Conference (FLBOA) March 13 – 16, 2017 at RIT. A Town vehicle will be used.

Daniel Lang and Matthew Mahaney- The Northern Adirondack Educational Conference March 6 – 9, 2017 in Lake Placid, New York. The cost for the conference and lodging for two is \$1,120.00 plus meals not to exceed \$40.00 per day per person. A Town vehicle will be used.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 30:

Deputy Supervisor Underhill offered the following:

**AMENDING INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST
EMERGENCY PREPAREDNESS PLAN**

WHEREAS, the Town of Batavia has an Emergency Preparedness Plan in place;

WHEREAS, the Incident Command System Organizational Chart Contact List of personnel names and phone numbers has been amended (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Incident Command System Organizational Chart Contact List as amended; and be it

FURTHER RESOLVED, the Batavia Town Board hereby directs that the amended Incident Command System Organizational Chart Contact List be sent to all parties named on the Organizational Chart, along with the Emergency Preparedness Plan.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White, Post

APPROVED by unanimous vote (5-0)

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**TOWN OF BATAVIA
INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST**

TOWN BOARD

	<u>HOME#</u>	<u>BUSINESS#</u>	<u>CELL#</u>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Sharon White	356-5306		585-356-5306
Chad Zambito	409-3558	343-1729	585-409-3558
Patti Michalak	343-7874	343-1729	585-813-8403

TOWN ATTORNEY

Andrew Meier		716-638-7026	
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OPERATIONS SECTION COORDINATOR:

Fire Department-

Dan Coffey, T/Batavia Fire Chief		345-6370	585-414-5920
Michael Jones, TOBFD President			
Chad Higgins, T/Batavia Deputy Fire Chief	343-0545		585-489-4470
Donald Newton, Jr., E Pembroke Fire Chief			585-813-4033
Steve Smelski, E Pembroke 1 st Asst Fire Chief			585-356-0984
Charles Chatley, E Pembroke 2nd Asst Fire Chief			585-356-4668

Law Enforcement

Genesee County Sheriff's Department		343-5000	
New York State Police		343-2200	

Highway Operations

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
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Public Utilities-Water/Wastewater

Steven Mountain, Town Engineer	343-2251	343-1729 ext. 220	585-755-6408
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Emergency Medical Services

United Memorial Center		343-6030	
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PLANNING SECTION COORDINATOR:

Highway

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
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Town Engineer/Water&Wastewater

Steve Mountain	343-2251	343-1729 ext. 220	585-755-6408
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Code Enforcement/Fire Marshall

Daniel Lang		343-1729 ext 208	585-861-0878
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Assessor

Rhonda Saulsbury		343-1729 ext 207	585-297-2472
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Local Emergency Services

Genesee County Emergency Management		344-0078	
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Local Planning Board

Kathy Jasinski, Chairman	762-8239	343-1729	
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Local Health Department

Genesee County Health Department		344-8506	
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LOGISTICS SECTION COORDINATOR:

Local Emergency Services

Genesee County Emergency Management 344-0078

Highway Operations

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

HOME# BUSINESS# CELL#

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

FINANCE/ADMINISTRATION SECTION COORDINATOR:

Fiscal Officer

Gregory H. Post, Supervisor 343-2088 343-1729 716-474-3216

Town Accountant

Laura Landers, Freed, Maxick & Battaglia 344-1967

Town Justices

Michael Cleveland 762-4200 343-1729 ext 216 585-813-5319

Thomas Williams 343-2764 343-1729 ext 216 585-300-3612

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

RESOLUTION NO. 31:

Supervisor Post offered the following:

**PURCHASE NEW FORD PICKUP TRUCK FOR
BUILDING DEPARTMENT**

WHEREAS, the 2017 Town Budge reflects appropriations to purchase two new pickup trucks for the Building Department; and

WHEREAS, the Highway Superintendent recommends purchasing two 2017 Ford F150 4x4 extended cab pickup trucks from Van Bortel Ford on the Chautauqua County Bid Group V-Item #2 at a price of \$26,915.70 each; and

WHEREAS, the current 2014 Ford F150 Pickup Truck VIN # 1FTFW1EF2EKD27510 and the 2014 Jeep Cherokee VIN #1C4PJM CB0EW229198 will no longer be needed for Building Department purposes and will be sold at auction after the new trucks are received.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two new 2017 Ford F150 4x4 extended cab pickup truck from Van Bortel Ford on the Chautauqua County Bid

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Group V- Item #2 at a price of \$26,915.70 and sell the 2014 Ford F150 Pickup Truck VIN # 1FTFW1EF2EKD27510 and the 2014 Jeep Cherokee VIN #1C4PJMCB0EW229198 at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A3620.200.

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 32:

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
DESKTOP AND LAPTOP COMPUTERS
OFFICE 365 SUITE
TOWN CLERKS AND ENGINEERING DEPARTMENTS**

RESOLVED, as part of the five year rotation plan for computer replacement and repurposing the Batavia Town Board hereby authorizes the purchase of one (1) Dell Latitude E5470 128GB SSD laptop computer at a cost of \$705.47, for the Assistant Engineer, three (3) Dell OptiPlex 5040 SFF desktop computers at a cost of \$849.00 each, the one Town Engineer and two for the Town Clerk's Department, New York State Contract #83AHG and #50AHC (quotes attached), and the purchase of three (3) annual subscriptions of Office 365 Suite at a cost of \$187.08 each, NYS Contract # 70137, copy of quotes are annexed hereto and made a part of the minutes; and be it further

RESOLVED, the Batavia Town Board further authorizes the purchase of a Lenova ThinkPad Yoga 260 Ultrabook computer at a cost of \$1,413.85 (lowest of three vendor quotes) from Amazon.com, for the Town Engineer, a copy of which is annexed hereto and made a part of the minutes and be it

RESOLVED, the expenditures will be appropriated from the following line items:

A1410.200	\$ 1,910.00
A1440.200	\$3, 342.48

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 33:

Councilman Zambito offered the following:

**ELLICOTT TRAIL
STATE AND MUNICIPAL FACILITY PROGRAM FUNDING
GRANTEE CERTIFICATION**

WHEREAS, the City and Town of Batavia submitted a letter to Senator Ranzenhofer for support of the Ellicott Trail Project with grant funding from the State and Municipal Facility Program (SAM); and

WHEREAS, after support was acknowledged from the Senator on April 21, 2016 the Town submitted a preliminary application to SAM; and

WHEREAS, as part of the application process, the Dormitory Authority of the State of New York (DASNY) must ensure that Grant funds will be utilized in a manner that is consistent with Federal and State law and requests the attached Grantee Certification be executed

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor and the Town Engineer of the Town of Batavia, Genesee County, New York, are hereby authorized to execute the Grantee Certification, which is annexed hereto and made a part of the minutes, for the Ellicott Trail Project SAM Grant in the amount of \$250,000.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 34:

Councilwoman White offered the following:

**ZONTA CLUB OF BATAVIA, GENESEE COUNTY
TOWN HALL**

WHEREAS, the Zonta Club of Batavia, Genesee County an organization empowering women through service and advocacy would like to conduct scholarship interviews at the Town Hall on April 1 and 2, 2017 from 8:00 A.M. to 3:00 P.M

NOW, THEREFORE, BE IT

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RESOLVED, the Batavia Town Board hereby authorizes the Zonta Club of Batavia, Genesee County to conduct scholarship interviews at the Town of Batavia Town Hall on April 1 and April 2, 2017 from 8:00 A.M. to 3:00 P.M.; and be it

FURTHER RESOLVED, that Zonta Club of Batavia, Genesee County must provide the Town of Batavia a Certificate of Liability Insurance naming the Town as additional insured.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambtio, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 35:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA
ADOPTION OF THE NEW YORK STATE UNIFIED SOLAR PERMIT

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) desires to streamline the approval process for installing solar in communities by promoting a standardized permit for municipalities across New York State to adopt, and

WHEREAS, NYSERDA is offering a grant of \$2,500 to municipalities that adopt the standardized New York State Unified Solar Permit, and

WHEREAS, the adoption of the New York State Unified Solar Permit is an action item to help the Town of Batavia be designated by New York State and a Clean Energy Community, and

WHEREAS, the designation as a Clean Energy Community provides an opportunity for the Town of Batavia to receive additional grant funding for clean energy projects, and

WHEREAS, the Batavia Town Code, section 235-53.1, accommodates the use of solar energy systems.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Batavia, New York, hereby formally adopts the New York State Unified Solar Permit; and

BE IT FURTHER RESOLVED that the Batavia Building & Zoning Department is hereby directed to use said Unified Solar Permit as an attachment to the Building Permit for building projects involving the installation of solar energy systems.

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Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 36:

Supervisor Post offered the following:

**ANNUAL PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL
(GEOGRAPHICAL INFORMATIONAL SYSTEM) GIS PROGRAMMING,
MAINTENANCE AND TRAINING**

WHEREAS, Wendel Consulting Services LLC (Wendel), continues with additional GIS services such as program and website additions, additional training and software/hardware support which allows the advancement of the Town's GIS needs; and

WHEREAS, Wendel has prepared a proposal (attached) as requested by the Town Engineer for the following:

Task 1 – ArcGIS Server Web Map Site Annual Maintenance and Hosting

Task 2 – GPS, Web Map Training and Support Services

for a total not to exceed fee of seventeen thousand five hundred fifty dollars (\$17,550.00); and

WHEREAS, the Town Engineer recommends approval of these services to continue the Town's advancement and fulfillment of its GIS needs as well as providing better service to our shared services partners.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement for services of Wendel Consulting Services, LLC, a copy of which is annexed and made part of the Town Board Minutes, to assist the Town in the advancement of the Town's GIS system at a cost not to exceed seventeen thousand five hundred fifty dollars (\$17,550.00).

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 37:

Councilwoman Michalak offered the following:

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**PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL CONSULTING SERVICES
GIS PROPERTY INSPECTOR DEVELOPMENT**

WHEREAS, in 2015 the Town contracted with Wendel Consulting Services LLC (Wendel), to provide an integrated GIS based inspection software solution to assist us with all our inspection operations and documentation; and

WHEREAS, Wendel has prepared a proposal (attached) as requested by the Town Engineer and the Code Enforcement Officer to continue with the hosting, support and training of the GIS Property Inspector Application and will provide the following:

Task 1 – Annual Property Inspector Application Hosting

Task 2 – GIS Support and Training

for a total not to exceed fee of eight thousand dollars (\$8,000.00); and

WHEREAS, the Town Engineer and Code Enforcement Officer recommends approval of these services for our internal needs and for providing better service to our shared services partners.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement for professional services with Wendel Consulting Services, LLC, a copy of which is annexed and made part of the Town Board Minutes, is hereby approved for the Annual Hosting, Support and Training of the Property Inspector Application at a cost not to exceed eight thousand dollars (\$8,000.00); and be it further

RESOLVED, the expenditure will be appropriated from line items A3620.400 (50%), SS1-8120.400, SS2-8120.400 and SW-8340.400.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 38:

Councilman Zambito offered the following:

PROFESSIONAL SERVICES AGREEMENT

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**CLARK PATTERSON LEE FOR
ENGINEERING SERVICES-KINGS PLAZA PUMP STATION IMPROVEMENTS**

WHEREAS, engineering services are needed for the construction of a new Kings Plaza Pump Station; and

WHEREAS, the Town's engineering department will complete a portion of the design, survey and construction services but will require additional engineering support, and

WHEREAS, the Town Engineer has requested a proposal from Clark Patterson Lee to provide the additional support services, and

WHEREAS, Clark Patterson Lee has prepared a proposal (attached) as requested by the Town Engineer for the following:

Task 1- Preliminary Services	\$ 5,500
Task 2- Design	\$21,000
Task 3- Bidding	\$ 2,500
Task 4- Construction Administration	\$ 6,600
Task 5- Resident Inspection	\$30,720

for a total lump sum fee of sixty-six thousand three hundred twenty dollars (\$66,320.00); and

WHEREAS, the Town Engineer has reviewed and recommends acceptance of the Clark Patterson Lee proposal.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Engineering Consultant Agreement with Clark Patterson Lee to complete the engineering support work for the Kings Plaza Pump Station Improvements in the amount of sixty-six thousand three hundred twenty dollars (\$66,320.00), a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 39:

Councilwoman White offered the following:

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FINAL ORDER ESTABLISHING
BATAVIA SOUTHWEST WATER DISTRICT
JANUARY 18, 2017

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of the Batavia Southwest Water District in the Town (the “District”), which petition was signed by a number of owners within the District, and was greater than the percentage required by law; and

WHEREAS, such petition was accompanied by a map, plan and report, dated January, 2016 , prepared by Steven J. Mountain, P.E., a competent engineer duly licensed by the State of New York, for the establishment of the District; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said proposed improvements consist of a project to provide a safe and reliable potable water supply and fire protection in the proposed District; and

WHEREAS, the overall project will generally consist of the construction and installation of approximately 20,400 linear feet of 12-inch and 8-inch water main along various roads in the Town including, but not limited to, Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, 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 and in connection with the financing thereof (collectively, the “Project”); and

WHEREAS, the estimated maximum amount proposed to be expended for the Project is estimated to be \$1,210,000; and

WHEREAS, pursuant to the Order duly adopted on March 16, 2016, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of the Project in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk’s office and is available for public inspection and specifying April 20, 2016, at 7:00 o’clock p.m. (Prevailing Time) as the time when the Town Board would meet to consider the proposed establishment of the District and to

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hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted April 20, 2016, determined that the Petition to Request the Water District was signed and acknowledged or proved or authenticated, as required by law, and was otherwise sufficient, the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of the Project in connection with the District as hereinabove described at an estimated maximum cost of \$1,210,000; and

WHEREAS, the plan of financing is for a) the application of up to approximately \$500,000 of grant funds from the United States of America, Department of Agriculture – Rural Development Agency and b) the issuance of serial bonds in an aggregate principal amount not to exceed \$710,000, said amount to be offset by the receipt of any additional federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs for the establishment of the District will be 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 to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control, as required by Town Law; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on December 28, 2016, the State Comptroller issued an order that such application of the Town Board of the Town of Batavia for permission to establish the Batavia Southwest Water District was approved and permitted the establishment of said District in accordance with the description referred to in a resolution of April 20, 2016, at an estimated maximum cost of \$1,210,000;

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved and will be known as the Batavia Southwest Water District, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

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TOWN OF BATAVIA
PROPOSED BATAVIA SOUTHWEST WATER DISTRICT

The boundary of the proposed Town of Batavia, Batavia Southwest 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/Alexander Municipal Boundary and the centerline of Upton Road; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 1,032 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-23; thence,
2. Northerly, along the westerly line of Tax Parcel number 16.-1-23, a distance of 693 feet, more or less, to the northwesterly corner of Tax Parcel number 16.-1-23; thence,
3. Westerly, along the southerly line of Tax Parcel number 16.-1-22, a distance of 405 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-22; thence,
4. Northerly, along the westerly line of Tax Parcel number 16.-1-22, a distance of 2,664 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-22 and a southerly line of Tax Parcel number 16.-1-19.11; thence,
5. Westerly, along a southerly line of Tax Parcel number 16.-1-19.11, a distance of 1,248 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-20 and the southerly and easterly lines of Tax Parcel number 16.-1-19.11; thence,
6. Southerly, along the easterly line of Tax Parcel numbers 16.-1-19.11 and 16.-1-26, a distance of 3,092 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-26; thence,
7. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 5,245 feet, more or less, to a southwesterly corner of the Batavia Municipal Boundary; thence,
8. Northerly, along the Batavia/Darien Municipal Boundary and the Batavia/Pembroke Municipal Boundary, a distance of 2,090 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-30.1; thence,
9. Easterly, along the southerly line of Tax Parcel number 16.-1-30.1, a distance of 1,246 feet, more or less, to the northeasterly corner of Tax Parcel number 16.-1-1.111; thence,
10. Northerly, through the lands of Tax Parcel number 16.-1-30.1, a distance of 106 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-13; thence,
11. Easterly, following the existing Wilkinson Road Water District along the northerly line of Tax Parcel number 16.-1-30.1, across Wilkinson Road (49.5 feet wide right-of-way), and along a northerly line of Tax Parcel number 16.-1-19.11, a distance of 2,114 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-16; thence,
12. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 16.-1-19.11, across Lear Road (49.5 feet wide right-of-way), and along a westerly line of Tax Parcel number 14.-1-41, a distance of 1,752 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,

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13. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-44, a distance of 16 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-44; thence,
14. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-41, a distance of 450 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-44; thence,
15. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-45, a distance of 8 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-45; thence,
16. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-44, a distance of 494 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
17. Easterly, following the existing Wilkinson Road Water District along a northerly line of Tax Parcel number 14.-1-41, a distance of 651 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-47; thence,
18. Northerly, following the existing Wilkinson Road Water District along the easterly line of Tax Parcel number 14.-1-47, a distance of 29 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
19. Easterly, along a northerly line of Tax Parcel numbers 14.-1-41 and 14.-1-37.111, a distance of 2,042 feet, more or less, to a southeasterly corner of Tax Parcel number 14.-1-21; thence,
20. Northerly, along a westerly line of Tax Parcel number 14.-1-37.111, a distance of 719 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-37.111; thence,
21. Easterly, along a northerly line of Tax Parcel number 14.-1-37.111, a distance of 1,022 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-72; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 14.-1-35.11, a distance of 1,205 feet, more or less, to the northwesterly corner of Tax Parcel number 14.-1-35.11; thence,
23. Easterly, along the northerly line of Tax Parcel number 14.-1-35.11, across Upton Road (49.5 feet wide right-of-way), and continuing along a northerly line of Tax Parcel number 14.-1-58 a distance of 2,399 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
24. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 1,249 feet, more or less, to a southwesterly corner of Tax Parcel number 14.-1-25.1; thence,
25. Easterly, along a northerly line of Tax Parcel number 14.-1-58, a distance of 387 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
26. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 926 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-58; thence,
27. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 14.-1-58, a distance of 48 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-34; thence,

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28. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 14.-1-34, across Rose Road (66 feet wide right-of-way), and continuing along the easterly line of Tax Parcel number 17.-1-1, a distance of 2,027 feet, more or less, to the southwesterly corner of Tax Parcel number 17.-1-3; thence,
29. Easterly, following the existing Rose Road Water District along the northerly line of Tax Parcel number 17.-1-34.121, a distance of 1,547 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-34.121; thence,
30. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 17.-1-34.121, a distance of 115 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-34.121; thence,
31. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 17.-1-34.121, a distance of 18 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
32. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 219 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
33. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 167 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
34. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 653 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
35. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 241 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
36. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 640 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-33.12; thence,
37. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-28.12, a distance of 155 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-28.12; thence,
38. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,320 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
39. Westerly, along a southerly line of Tax Parcel number 17.-1-28.12, a distance of 330 feet, more or less, to a northwesterly corner of Tax Parcel number 17.-1-26; thence,
40. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,338 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
41. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,871 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, "Batavia Southwest Water District – Water

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System Improvements,” dated 12/2015. The Town of Batavia, Batavia Southwest Water District, as described above, contains approximately 1,176.0 acres of land.

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and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing and the resolution establishing the District, at an estimated maximum cost of \$1,210,000, and the plan of financing is by a) the application of up to approximately \$500,000 of grant funds from the United States of America, Department of Agriculture – Rural Development Agency and b) the issuance of serial bonds in an aggregate principal amount not to exceed \$710,000, said amount to be offset by the receipt of any additional federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs for the establishment of the District will be 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 to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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 further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk

Dated: January 18, 2017

TOWN BOARD OF THE
TOWN OF BATAVIA

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The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:

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

NOES:

ABSENT:

The foregoing order was thereupon declared duly adopted.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Zambito, Underhill, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 40:

Deputy Supervisor Underhill offered the following:

A BOND RESOLUTION, DATED JANUARY 18, 2017, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE BATAVIA SOUTHWEST WATER DISTRICT IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$1,210,000 AND AUTHORIZING A) THE APPLICATION OF UP TO APPROXIMATELY \$500,000 IN GRANT FUNDS FROM THE USDA – RURAL DEVELOPMENT AND B) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$710,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), pursuant to Article 12 of the Town Law, created a water district designated and known as the Batavia Southwest Water District (the “District”); and

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WHEREAS, the Town Board desires to undertake a water system capital improvements project (the “Project”) generally consisting of the construction of the infrastructure for the District; and

WHEREAS, the Town received a Preliminary Funding Estimate for a grant in the amount of \$500,000 from the United States Department of Agriculture – Rural Development Agency for the Project; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project and (e) received permission to establish the District from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1: The Town is hereby authorized to undertake a certain capital improvements project generally consisting of the construction and installation of approximately 20,400 linear feet of 12-inch and 8-inch water main along various roads in the Town including, but not limited to, Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, 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 and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of said purpose is \$1,210,000.

SECTION 2: The Town Board plans to finance the estimated maximum cost of said purpose by a) the application of up to approximately \$500,000 of grand funds from the United States of America, Department of Agriculture – Rural Development Agency and b) the issuance of serial bonds in an aggregate principal amount not to exceed \$710,000, said amount to be offset by the receipt of any additional federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs for the establishment of the District will be 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 to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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

SECTION 3: It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4: Current funds are not required to be provided prior to the issuance of the bonds

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authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5: It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6: The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the District 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 such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7: Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9: The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10: The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing

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provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11: The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12: In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13: The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14: The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15: This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

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

NOES:

[Type text]

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ABSENT:

The foregoing resolution was there upon declared duly adopted.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 41:

Supervisor Post offered the following:

**PURCHASE USED PLATE TAMPER FOR
HIGHWAY AND WATER/WASTEWATER DEPARTMENTS**

WHEREAS, the Town Highway and Water /Wastewater Departments have been renting or borrowing a Plate Tamper to install water and drainage pipes for several years; and

WHEREAS, the Town of Stafford would like to sell their used 2012 Magnum RHP 20V Plate Tamper which the Town of Batavia has borrowed for several years; and

WHEREAS, the Town of Batavia Highway Superintendent recommends purchasing the Town of Stafford's 2012 Magnum RHP 20V Plate Tamper for \$5,500 which is the fair market value of the machine.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a used 2012 Magnum RHP 20V Plate Tamper from the Town of Stafford at a cost of \$5,500; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items DA5130.200 (50%), SS1-8120.200 (10%), SS2-8120.200 (10%), SW-8340.200 (30%)

Second by: Councilwoman White

Ayes: Post, White, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 42:

Councilwoman Michalak offered the following:

**PURCHASE NEW FORD PICKUP TRUCK FOR
HIGHWAY DEPARTMENT**

WHEREAS, the 2017 Town Budget reflects appropriations to purchase a new pickup truck for the Highway Department; and

[Type text]

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WHEREAS, the Highway Superintendent recommends purchasing a 2017 Ford F250 4x4 extended cab pickup truck from Van Bortel Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$29,390.88; and

WHEREAS, the current 2015 Ford F250 Pickup Truck (VIN 1FT7X2B66FEC99187) will no longer be needed for highway purposes and will be sold at auction after the new truck is received.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2017 Ford F250 4x4 extended cab pickup truck from Van Bortel Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$29,390.88 and sell the 2015 Ford F250 Pickup Truck (VIN 1FT7X2B66FEC99187) at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA 5130.200.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 43:

Councilman Zambito offered the following:

**TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
KINGS PLAZA PUMP STATION IMPROVEMENTS**

“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 Kings Plaza Pump Station Improvements. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project includes the replacement of the pumps, piping, valves, electrical components, generator, and controls. In addition a new parshall flume and new magnetic flow meter will be installed on the discharge piping. Building deficiencies that will be addressed include the roof and door replacements. In addition, the current forcemain from the pump station will be replaced.

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

FURTHER RESOLVED, that The Town Board hereby accepts the long form Environmental Assessment part 1 that has been prepared for this project, and be it

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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 long form Environmental Assessment form part 1. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it anticipates 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.

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White Underhill, Post
APPROVED by unanimous vote (5-0)

Abstract No. 13-2016 & 1-2017: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	38,497.61
Highway	5,058.39
Sewer No. 1	1,812.87
Sewer No. 2	6,649.53
Water	226,515.04
Ellicott Trail	1,004.38
Sewer Capacity	9,825.00
Southwest Water	234.00
Total	\$289,596.82

Check numbers 17457 – 17500, 19501-19507 Online: \$6,706.97

General	299,427.92
Highway	23,012.35
Sewer No. 1	2,103.00
Sewer No. 2	988.96
Water	6,480.07
Batavia Fire District	916,858.00
Southwest Water	85.00
Total	\$1,248,955.30

Check numbers 19508 – 19553, 19555-19558, Online: \$833.56

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

DEPARTMENT REPORTS:

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The Supervisor reported on the following departments:

Building Inspector –The Supervisor read the attached Building Inspector’s report.

Highway- Working on maintenance issues.

Water/Wastewater- Busy with maintenance, leak detection, meter reading and flushing hydrants.

Supervisor’s Report:

Status Report on expenditures and revenues is available for the Board’s review.

GAM Meeting will be tomorrow evening at the Batavia City Centre at 7:00 P.M. hosted by the City of Batavia

COMMUNICATIONS:

The Town Clerk reported on the following:

December Town Clerk monthly report collected a total of \$2,065.92, remitted \$1,862.25 to the Supervisor for the Local Share.

Taxes- Tax Collection is in full swing.

Electronic Collections- There will be an Electronics Collections in Genesee County on April 8, 2017 sponsored by Assemblyman Steve Hawley at a location to be determined

Planning/Zoning Training- USDA Rural Development’s Single Family Housing Program is having an informational meeting on February 22, 2017 at Genesee County Building #2 from 10:00 a.m. to 12:00 p.m.

Genesee/Finger Lakes Regional Planning Council are having webinar series in January and February as part of the Finger Lakes Region Clean Energy Communities Program. Town personnel have been notified of these trainings.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:40 P.M.

Ayes: Underhill, Zambito, White, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk