

**FEBRUARY 15, 2017
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Patti Michalak, Councilwoman led the pledge to the flag.

Roll Call

Present:

Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Absent: Supervisor Post

Others

Present: Town Clerk Morasco
Mike Pettinella, Batavian Reporter

The Deputy Supervisor called the meeting to order at 7:08 P.M.

January 18, 2017 Regular Town Board Meeting: Motion Councilwoman Michalak, second Councilman Zambito to approve the minutes as written.

Ayes: Michalak, Zambito, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 44:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

John Della Penna- Monroe County Planning Spring Land Use Decision-Making Training April 13, 2017 at a cost of \$40.00.

Teressa Morasco-NYSTCA Regional Meeting & Training March 12 & 13, 2017, at a cost of \$35.00.

Teressa Morasco-NYSTCA Annual Conference April 23 – April 26, 2017, at a cost of \$790.00 for training, lodging, travel and meals.

Steve Mountain- AWWA Spring Conference April 25 – 27, 2017 at an approximate cost of \$1,013.00 for training, lodging, travel and meals.

Melissa Mason and Sarah Sauka- 8th Judicial District Court Clerks Training October 5, 2017. There is no cost for this training.

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Second by: Councilman Zambito
Ayes: White, Zambito, Underhill Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 45:

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 2017, appropriated from line item A7620.400.

Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 46:

Councilwoman Michalak offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
TOWN HALL**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Town Hall”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia,

Second by: Councilwoman White

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Ayes: Michalak, White, Underhill
Abstain: Zambito
APPROVED (3-ayes, 1-abstain)

RESOLUTION NO. 47:

Councilman Zambito offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
HIGHWAY FACILITY**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Highway Facility”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia,

Second by: Councilwoman Michalak
Ayes: Michalak, White, Underhill
Abstain: Zambito
APPROVED (3-ayes, 1-abstain)

RESOLUTION NO. 48:

Councilwoman White offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2016

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

General Fund:

| From | Amount | To |
|---------------------------------|---------|------------------------------------|
| A1220.200 Supv – Equip | 243.00 | A1220.120 Supv Prs Svc |
| A1220.200 Supv – Equip | 551.00 | A1220.400 Supv Contr |
| A1220.401 Supv – Bkp Contr | 165.00 | A1220.400 Supv Contr |
| A1220.402 Supv Sec Contr | 204.00 | A1220.400 Supv Contr |
| A1620.402 Bldg – Oper Exp | 354.00 | A1220.400 Supv Contr |
| A1355.200 Assessor – Equip | 201.00 | A1355.120 Assessor – Pers Svc |
| A1355.200 Assessor – Equip | 275.00 | A1355.400 Assessors – Contr |
| A1355.200 Assessor – Equip | 631.00 | A1355.402 Assessors – Attorney |
| A1440.106 Pers Svc Tech | 3353.00 | A1440.120 Pers Svc OT |
| A1620.200 Bldg Equip | 6935.00 | A1910.400 Unallocated Ins |
| A3620.200 Bldg & Safety – Equip | 101.00 | A3620.120 Bldg & Safety – Pers Svc |
| A5132.200 Garage – Equip | 2000.00 | A5132.403 Garage Ins |
| A5132.400 Garage – Utilities | 673.00 | A5132.403 Garage Ins |
| A5132.400 Garage – Utilities | 382.00 | A5132.401 Garage – Telephone |
| A5132.400 Garage – Utilities | 2044.00 | A5132.402 Garage – Other Oper Exp |
| A7110.401 Parks – Galloway | 101.00 | A7110.400 Parks – Contr |

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|--|----------|--------------------------------------|
| A8020.405 Planning Board – Master Plan | 537.00 | A8020.101 Planning Board – Secretary |
| A8020.405 Planning Board – Master Plan | 66.00 | A8020.102 Planning Board – Members |
| A8120.102 Swr Imp – Pers Svc | 374.00 | A8120.400 Swr Imp – Contr |
| A8164.402 San LF – Eng | 703.00 | A8164.403 San LF – Env Testing |
| A8165.405 Superfund Env Testing | 305.00 | A8165.406 Superfund – Post Maint |
| A1420.400 Attorney Contr | 32240.00 | A9060.800 Health Ins |
| A1420.403 Attorney Union | 100.00 | A1420.405 Attorney DA |
| A9089.800 In Lieu of Health Ins | 5192.00 | A9060.801 Health Reimb |
| A9089.801 Eye Exam | 31.00 | A9060.801 Health Reimb |
| A1410.201 Rec Mgmt Equip | 41.00 | A1410.401 Rec Mgmt Contr |
| A1620.101 Bldg Pers Svc | 4577.00 | A9060.801 Health Ins Reimb |

Highway Fund:

| From | Amount | To |
|--------------------------------|---------|--------------------------------|
| DA5130.200 Machinery Equip | 955.00 | DA5110.400 Gen Repairs – Contr |
| DA5130.200 Machinery Equip | 793.00 | DA5130.400 Machinery – Contr |
| DA5142.101 Snow Rem – Wing Men | 3298.00 | DA5142.100 Snow Rem – Pers Svc |
| DA5142.103 Snow Rem Pers Svc | 6056.00 | DA5142.400 Snow Rem – Contr |
| DA9060.800 Health iNs | 356.00 | DA9089.802 Uniforms |
| DA9060.800 Health iNs | 2447.00 | DA9089.803 Medical Reimb |

Sewer District #1 Fund:

| From | Amount | To |
|---------------------------------|---------|---------------------------------|
| SS1-8120.102 San Swr – Pers Svc | 507.00 | SS1-8120.120 Pers Svc OT |
| SS1-8120.102 San Swr – Pers Svc | 1754.00 | SS1-8120.400 San Swr Contr |
| SS1-8120.401 San Swr Legal Svc | 990.00 | SS1-8120.400 San Swr Contr |
| SS1-8120.408 San Swr Meter Repl | 786.00 | SS1-8120.400 San Swr Contr |
| SS1-8120.408 San Swr Meter Repl | 8789.00 | SS1-8120.404 San Swr – Pump Rep |
| SS1-8120.408 San Swr Meter Repl | 425.00 | SS1-9010.800 Satet Ret |
| SS1-8110.400 Swr Admin – Contr | 837.00 | SS1-9010.800 Satet Ret |
| SS1-8110.400 Swr Admin – Contr | 162.00 | SS1-9060.801 Med Reimb |
| SS1-8110.400 Swr Admin – Contr | 15.00 | SS1-9089.802 Uniforms |
| SS1-9030.800 Soc Sec | 803.00 | SS1-9060.800 Health Ins |
| SS1-8110.400 Swr Admin – Contr | 8.00 | SS1-9060.800 Health Ins |
| SS1-8110.403 Swr Admin Cons | 480.00 | SS1-8120.120 San Swr Pers Svc |
| SS1-8110.403 Swr Admin Cons | 65.00 | SS1-9010.800 State Retirement |
| SS1-8110.403 Swr Admin Cons | 50.00 | SS1-9060.801 Health Reimb |

Sewer District #2 Fund:

| From | Amount | To |
|-------------------------------------|---------|-------------------------------|
| SS2-8110.403 Swr Admin – Consulting | 1192.00 | SS2-8120.120 San Swr Pers Svc |
| SS2-8110.403 Swr Admin – Consulting | 4127.00 | SS2-8120.400 San Swr Contr |

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|--------------------------------|----------|-------------------------------|
| SS2-8120.102 San Swr Pers Svc | 155.00 | SS2-8120.400 San Swr Contr |
| SS2-8120.401 San Swr Legal | 552.00 | SS2-8120.403 San Swr Upgrade |
| SS2-8120.408 San Swr Meter Rep | 10000.00 | SS2-8130.400 Swr Treatment |
| SS2-8120.407 San Swr Capital | 9478.00 | SS2-8130.400 Swr Treatment |
| SS2-9030.800 Soc Sec | 650.00 | SS2-9010.800 State Ret |
| SS2-9060.800 Health Ins | 20.00 | SS2-9010.800 State Ret |
| SS2-9060.801 Health Reimb | 305.00 | SS2-9010.800 State Ret |
| SS2-8120.407 San Swr Capital | 287.00 | SS2-9010.800 State Ret |
| SS2-8120.407 San Swr Capital | 8.00 | SS2-9089.802 Uniforms |
| SS2-9730.603 Debst svc | 48723.00 | SS2-8130.400 Sewage treatment |
| SS2-8120.401 Legal | 65.00 | SS2-9010.800 State Ret |
| SS2-8120.401 Legal | 51.00 | SS2-9060.801 Medical Reimb |

Water District Fund:

| From | Amount | To |
|-----------------------------------|----------|------------------------------|
| SW8310.403 Wtr Admin Consulting | 8641.00 | SW8340.120 Trs Dist Pers Svc |
| SW8310.401 Wtr Admin Backflow | 15400.00 | SW8340.400 Trs Dist Contr |
| SW8310.401 Wtr Admin Backflow | 1.00 | SW8350.400 Wtr Supply |
| SW8310.401 Wtr Admin Backflow | 100.00 | SW9089.802 Uniforms |
| SW9060.801 Medical Reimb | 4888.00 | SW9010.800 State Ret |
| SW9060.800 Health Ins | 2459.00 | SW9010.800 State Ret |
| SW9030.800 Soc Sec | 9.00 | SW9010.800 State Ret |
| SW9030.800 Social Sec | 505.00 | SW9010.800 State Ret |
| SW9030.800 Social Sec | 302.00 | SW9060.801 Health Reimb |
| SW9030.800 Social Sec | 56.00 | SW8320.400 Source of Supply |
| SW1910.400 Unallocated Ins | 881.00 | SW8320.400 Source of Supply |
| SW8310.120 Wtr Admin –OT | 270.00 | SW8320.400 Source of Supply |
| SW8310.200 Water Admin Equip | 2400.00 | SW8320.400 Source of Supply |
| SW8310.400 Wtr Admin Contr | 3914.00 | SW8320.400 Source of Supply |
| SW8310.401 Wtr Admin – Backflow | 2359.00 | SW8320.400 Source of Supply |
| SW8310.403 Wtr Admin – Cons | 248.00 | SW8320.400 Source of Supply |
| SW8340.101 Trs/Dist – Pers Svc | 1.00 | SW8320.400 Source of Supply |
| SW8340.102 Trs/Dist Pers Svc | 4751.00 | SW8320.400 Source of Supply |
| SW8340.103 Trs/Dist Pers Svc | 2640.00 | SW8320.400 Source of Supply |
| SW8340.106 Trs/Dist Pers Svc | 1139.00 | SW8320.400 Source of Supply |
| SW8340.401 Trs/Dist Legal | 961.00 | SW8320.400 Source of Supply |
| SW8340.404 Trs/Dist Replacement | 47255.00 | SW8320.400 Source of Supply |
| SW8340.405 Trs/Dist Large Meters | 12500.00 | SW8320.400 Source of Supply |
| SW8340.406 Trs/Dist Res Meters | 10000.00 | SW8320.400 Source of Supply |
| SW8389.401 Wtr Meteres New Cusr | 296.00 | SW8320.400 Source of Supply |
| SW8389.402 Wtr Meters Radio Reads | 70.00 | SW8320.400 Source of Supply |
| | | |

Second by: Councilman Zambito
Ayes: White, Zambito, Michalak, Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 49:

Deputy Supervisor Underhill offered the following:

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**PURCHASE OF TOSHIBA
TOSHIBA E-STUDIO 5005AC COLOR COPIER/ PRINTER/FAX/SCANNER**

RESOLVED, the Batavia Town Board hereby authorizes the purchase, of a Toshiba E-Studio 5005AC Color Copier, Printer, Fax and Scanner System from Toshiba Business Solution at a cost of \$8,330.00, New York State Contract number PT66615; and be it

FURTHER RESOLVED, the Town Board hereby also authorizes the purchase of the annual maintenance agreement at a cost of \$873.60/year for black images, based on 96,000 black images per year, with overages being billed at \$.0091 and \$585.60/year for 12, 000 color images, with overages being billed at \$.0488 per copy; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1680.200; and be it

FURTHER RESOLVED, the Toshiba E-Studio 4520C Copier will be transferred to the Highway Facility.

Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 50:

Councilwoman Michalak offered the following:

**BID AWARD
UNIFORM AND MAT SERVICE CONTRACT**

WHEREAS, the 2017 Town Budget reflects appropriations to provide uniforms for the Highway and Water/Sewer Departments personnel along with mats for the Highway Facility and Town Hall; and

WHEREAS, the Highway Superintendent solicited bids and the low bidder was Doritex Corporation at a total bid cost as listed:

| Highway & Water/Sewer Uniforms/Air Freshener/Shop Towels | | |
|---|---|---------|
| 1- | 6 short sleeve shirts per employee (42 total) | \$8.40 |
| 2- | 5 long sleeve shirts per employee (35 total) | \$7.00 |
| 3- | 11 jeans per employee (77 Total) | \$19.25 |
| 4- | 3 coveralls for 3 employees (9 total) | \$4.50 |
| 5- | bathroom air freshener | \$1.75 |
| 6- | 25 shop towels | \$1.75 |

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|---------------------------------|----------------|
| 7- Energy Charge | \$2.50 |
| 9- Environmental Charge | \$4.50 |
| Highway Department Mats | |
| 1- 1-3x5 mat bi weekly service | \$1.50 |
| 2- 4-3x10 mat bi weekly service | \$6.00 |
| 3- 1-3x8 mat bi weekly service | \$2.40 |
| Town Hall Mats | |
| 1- 2-3x5 mat bi weekly service | \$1.50 |
| 2- 1-4x6 mat bi weekly service | \$2.40 |
| 3- 3-3x10 mat bi weekly service | \$6.00 |
| Total "Service" Bid | \$69.45 |

All new uniforms, names & logos included

; and

WHEREAS, the Highway Superintendent reviewed and recommends awarding the service contract to Doritex Corporation, with offices located at 11980 Walden Ave. Alden, NY 14004.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Town Supervisor to enter into an agreement with Doritex Corporation to provide uniforms for the Highway and Water/Sewer Departments personnel and mats for the Highway Facility and Town Hall, a copy of said agreement is annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items DA 9089.802, A1620.402, A5132.402, SS1-9089.802, SS2-9089.802, and SW9089.802.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 51:

Councilman Zambito offered the following:

**CODE ENFORCEMENT OFFICER THIRD AMENDED AGREEMENT BETWEEN
THE TOWN OF BATAVIA AND THE VILLAGE OF ALEXANDER**

WHEREAS, the Town of Batavia and the Village of Alexander wish to enter into a Code Enforcement Officer Agreement; and

WHEREAS, the agreement addresses the need for the Village of Alexander to have its Codes enforced by the Town of Batavia Code Officials.

NOW, THEREFORE, BE IT

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RESOLVED, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into a Code Enforcement Officer Third Amended Agreement between the Town of Batavia and the Village of Alexander for Code Enforcement services, a copy of which is annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White, Underhill
APPROVED by unanimous vote (4-0)

THIRD AMENDED
CODE ENFORCEMENT
AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____ by and between the **Village of Alexander**, a municipal corporation with offices at 3350 Church Street, Alexander, New York 14005 (“Alexander”), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

WHEREAS, pursuant to article 5-G of the General Municipal Law, Alexander and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and

WHEREAS, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

WHEREAS, Alexander has identified a need to have its Codes enforced by Batavia, and

WHEREAS, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Village of Alexander.

NOW THEREFORE, BE IT, RESOLVED, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

First: That Alexander shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers.

Second: In consideration for compensation for the services set forth herein, Alexander shall pay Batavia \$4,300.00 per year of this agreement. The sum shall be paid during the 2017 budget year to provide services for the year of 2017.

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Third: The services that will be provided will be to administer the adopted NYS Building Codes, Village of Alexander Zoning Code.

Fourth: Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm.

Fifth: The Code Officer shall for all purposes be deemed an employee of Batavia. The Code Officer shall not in any way be construed as an employee of Alexander. Batavia shall pay the Code Officers salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefit.

Sixth: This agreement does not include attorney services and Alexander shall provide and pay for all attorney services and expenses in its jurisdiction.

Seventh: This agreement shall become effective on April 1, 2017 and expire on March 31, 2018 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

Eighth: There are no other agreements or understandings, either oral or written, between the parties affecting this agreement. No changes, additions or deletions of any portions of this agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

IN WITNESS WHEREOF, the Towns have caused this Agreement to be signed by the Supervisors and the Town Seal attached on the date first set forth above.

Village of Alexander

TOWN OF BATAVIA

William Wagner, Mayor

Gregory H. Post, Supervisor

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

On the _____ day of _____, 201____ before me, the undersigned, a Notary Public in and for said State, personally appeared **William Wagner**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

On the _____ day of _____, 20__ before me, the undersigned, a Notary Public in and for said State, personally appeared **Gregory H. Post**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 52 :

Councilwoman White offered the following:

AMENDMENT 1 TO RESOLUTION 2 OF 2017

ADOPTION OF SALARIES FOR 2017

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2017, entitled “Adoption of Salaries for 2017”, to add as follows:

| | |
|-----------------------------------|-------------------------|
| MEO | \$1.48/hour on call pay |
| HEO | \$1.48/hour on call pay |
| Sr. Water/Waste Water Maintenance | \$1.48/hour on call pay |
| Water/Waste Water Maintenance | \$1.48/hour on call pay |

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 53:

Deputy Supervisor Underhill offered the following:

FIRST AMENDED

RESOLUTION TO APPROVE A SHARED SERVICES AGREEMENT

WITH THE NYS DEPARTMENT OF TRANSPORTATION

WHEREAS, the New York State Department of Transportation (hereinafter referred to as

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“NYSDOT”), has an effective mechanism that allows the NYSDOT to provide emergency assistance to municipalities in the absence of a Governor’s Emergency Declaration; and

WHEREAS, the current agreement entered in 2016 expired on December 31, 2016; and

WHEREAS, a proposed Shared Services Agreement has been approved as to form and content by the Town Highway Superintendent and representatives of the NYSDOT.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Shared Services Agreement Between the New York State Department of Transportation and Town of Batavia” for emergency assistance, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor and Highway Superintendent are authorized and directed to execute this Shared Services Agreement on behalf of the Town, and

BE IT FURTHER RESOLVED that the Highway Superintendent and all other employees are authorized and directed to take all steps to perform all duties as are necessary to complete the responsibilities of the Town of Batavia pursuant to this Shared Services Agreement.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (4-0)

SHARED SERVICES AGREEMENT
Between
NYSDOT and TOWN OF BATAVIA

THIS AGREEMENT, dated _____, 201_, is between the People of the State of New York, hereinafter referred to as "State" or “NYSDOT” and the Town of Batavia, hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary,

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insurance, benefits and Workers Compensation.

3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
4. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement. Subject to the availability of lawful appropriations and consistent with Section 8 of the State Court of Claims Act, the State shall hold the Municipality harmless from and indemnify it for any final judgment of a court of competent jurisdiction to the extent attributable to the negligence of the State or of their officers or employees when acting in the course and scope of their employment.
5. The term of this Agreement shall be for four (4) years. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

NYSDOT – Region 4

MUNICIPALITY

By: _____ Date: _____
Resident Engineer – Genesee County

By: _____ Date: _____
Gregory H. Post, Town Supervisor

By: _____ Date: _____
Thomas Lichtenthal
Town Highway Superintendent

NYSDOT – Region 4_

By: _____ Date: _____
Regional Director of Operations

SCHEDULE A

NYSDOT

Description of X services, X materials, or X equipment (Check All that apply) to be shared:

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Estimated Cost/Value of X Service X Equipment X Materials (Check All that apply):

Total NYSDOT Cost/Value: Not to exceed \$10,000_____

MUNICIPALITY

Description of X services, X materials, or X equipment (Check All that apply) to be shared:

Estimated Cost/Value of X Service X Equipment X Materials (Check All that apply):

Total MUNICIPALITY Cost/Value: Not to exceed \$10,000_____

RESOLUTION NO. 54:

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE RENEWAL OF
OFFICE 365 LICENSE SUBSCRIPTIONS**

WHEREAS, the 31 subscriptions to Office 365 expire in March; and

WHEREAS, the cost for renewing the 31 subscriptions of Office 365 are \$66.03 per subscription per year, Contract #70137 (Dell quote attached).

NOW, THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby authorizes the purchase of thirty-one (31) Office 365 subscriptions at a cost of \$66.03 each for one year; and be it further

RESOLVED, the expenditure will be appropriated from line item A1680.402.

Second by: Councilwoman White

Ayes: Michalak, White, Zambito, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 55:

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Councilman Zambito offered the following:

**ANTI-VIRUS PROTECTION
HURRICANE TECHNOLOGIES, INCORPORATED**

WHEREAS, the current ESET Anti-virus license that provides for up to 30 users expires April 1, 2017; and

WHEREAS, the Town has experienced some issues with ESET Anti-virus; and

WHEREAS, Hurricane Technologies, Incorporated has provided a quote for Webroot Endpoint Protection Anti-virus at a cost of \$1.85 per user per month (currently 43 users); and

WHEREAS, Webroot is an improved protection and is cloud managed.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board wishes to purchase Webroot Endpoint Protection Anti-virus from Hurricane Technologies, Incorporated for \$1.85 per user per month (currently 43 users = a cost of \$79.55 per month), a copy of which is annexed here to and made a part of the minutes; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the proposal; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1680.402.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 56 :

Councilwoman White offered the following:

**RESOLUTION TO APPROVE AN OPERATION AND MAINTENANCE AGREEMENT-
TOWN OF ELBA TO TOWN OF BATAVIA**

WHEREAS, the Town of Batavia has entered into agreements with Genesee County to be supplied with water and has developed a water distribution system of its own, and has authority to distribute water from its distribution system to customers, on behalf of other municipalities outside of the Town of Batavia, and

WHEREAS, the Town of Elba has already constructed a water distribution system project consisting of approximately 4,500 linear feet of new 6 inch diameter water main, together with all related hydrants, valves, apparatus, conduits, pipes, casings, meters and manholes; to also include all interests in real property of any kind or nature to the extent assignable; to be installed along a portion of Edgerton Road; and

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WHEREAS, Elba, in furtherance of this Project, has established the Edgerton Road Water Road Water District; and

WHEREAS, the Town of Elba on behalf of this District desires to authorize the Town of Batavia to operate and maintain the water system for this District; and

WHEREAS, a proposed Operation and Maintenance Agreement has been drafted, reviewed and approved by the respective Attorneys for both Towns.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the Supervisor is hereby authorized and directed on behalf of the Town of Batavia to execute a proposed “Agreement for Operation and Maintenance of the Water District-Town of Elba to Town of Batavia”, a copy of which is annexed and made part of the minutes of the Town Board, and be it

FURTHER RESOLVED that the distribution of water to the residents of the Town of Elba Edgerton Road Water District in the Town of Elba will not at this time reduce the supply of the Town of Batavia water so as to render the same insufficient to service all water districts within the Town of Batavia for the residents located therein, and be it

FURTHER RESOLVED that upon the completion of the execution of the aforesaid “Agreement for Operation and Maintenance of Water Districts-Town of Elba to Town of Batavia”, employees of the Town are hereby authorized and directed to take all steps necessary to effectuate all terms and conditions set forth in said Agreement.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

INTERMUNICIPAL AGREEMENT FOR OPERATION AND MAINTENANCE
OF WATER FACILITIES FOR THE
TOWN OF ELBA EDGERTON ROAD WATER DISTRICT

THIS AGREEMENT, made the _____ day of _____, 20____, by and among the **TOWN OF BATAVIA**, a Municipal Corporation of the State of New York, with offices located at 3833 West Main Street Road, Batavia New York 14020, (hereinafter “Batavia”); and the **TOWN OF ELBA**, a Municipal Corporation of the State of New York, with offices located at 7 Maple Avenue, Elba, New York 14058, (hereinafter “Elba”); (hereinafter referred to collectively as the “Towns”).

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WITNESSETH:

WHEREAS, Batavia has previously entered into a Water Supply Agreement with the County of Genesee, whereby the County supplies an adequate quantity of water for use by Batavia's residents who are obtaining water services, and

WHEREAS, Elba has previously entered into a Water Supply Agreement with the County of Genesee, whereby the County supplies an adequate quantity of water for use by Elba's residents who are obtaining water services, and

WHEREAS, a water distribution system project has already been constructed consisting of approximately 4,500 linear feet of new 6 inch diameter water main, together with all related hydrants, valves, apparatus, conduits, pipes, casings, meters and manholes; to also include all interests in real property of any kind or nature to the extent assignable; to be installed along a portion of Edgerton Road, (hereinafter referred to collectively as the "Facilities" or the "Project"), and

WHEREAS, there will be no debt service unless future capital improvements are made to the Facilities based upon the fact that the users have already paid for all of the costs and expenses to construct the system, and

WHEREAS, Elba, in furtherance of this Project, has established the Edgerton Road Water District, (hereafter "Water District"), and

WHEREAS, the Water District users have offered dedication of the Facilities to Elba, and Elba on behalf of the Water District has accepted dedication of the same, and

WHEREAS, Elba desires to contract for the operation and maintenance of the Facilities, as well as for the billing and collection of the costs to provide and pay for the water service, and

WHEREAS, Batavia will lease the Facilities from Elba in order to perform the services and responsibilities as set forth herein, pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. Elba does hereby lease the Facilities to the Town of Batavia for the term as hereinafter set forth in this Agreement.

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2. The leased Facilities include replacements, additions, betterments and improvements, which may hereinafter during the term of this Agreement be furnished and installed within or on behalf of the Water District.

3. Batavia agrees to operate, maintain and repair the entire Facilities and to distribute water on behalf of Elba to the Water District.

4. The cost for these services shall be determined in accordance with Batavia's current Rate Schedule in effect, and as amended from time to time by Batavia. Batavia's Rate Schedule currently requires payment by each customer for water service to be charged at the rate of \$5.10 per 1,000 gallons of water used for regular customer, and \$3.73 per 1,000 gallons of water used for Agricultural customer, with this cost determined as follows:

| | <u>User Rate</u> | <u>Agriculture Rate</u> |
|------------------------------|------------------|-------------------------|
| A. Purchase | \$2.55 | \$2.55 |
| B. Genesee County Surcharge | \$0.60 | \$0.60 |
| C. Capital Reserve | \$0.43 | \$0.43 |
| D. Operation and Maintenance | <u>\$1.52</u> | <u>\$0.15</u> |
| | \$5.10 | \$3.73 |

5. No later than at least forty-five (45) days in advance, Batavia will provide to Elba any proposed amendments to the Rate Schedule, which shall break out the various costs for water supply, operation, maintenance and capital improvement reserve. During this forty-five (45) day period, the Supervisors from Batavia and Elba shall meet at least once, to discuss any proposed rate change. During the term of this Agreement, users in both Towns will pay the same water rate.

6. Elba hereby retains the right to add any additional charges for the delivery of water service within the Water District, and shall be entitled to collect and remit any such charges from the Water District users to Elba.

7. Maintenance and repair by the Town of Batavia as referred to in this Agreement shall be defined as a project which costs the sum of \$20,000.00 or less. Any project or improvements costing more than \$20,000.00 shall be considered as a capital expense, and Elba shall be responsible to pay for or to reimburse Batavia for the full capital expenses.

8. All performance of services that will be provided by Batavia shall be pursuant to Subpart 5-1, Public Water Supplies of the New York State Sanitary Code and Batavia's Water Ordinance,

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(hereinafter the “Ordinance”). The Ordinance may be amended from time to time by Batavia. However, Batavia agrees to inform Elba at least forty-five (45) days prior to implementing any such amendments. During this forty-five (45) day period, the Supervisors from Batavia and Elba shall meet at least once to discuss the proposed Ordinance changes.

9. Upon request, Batavia shall supply to Elba copies of any test reports required by the New York State Department of Health.

10. Batavia shall read all meters and invoice the customers of the Water District.

11. All Batavia invoices to the Water District customers included in this Agreement, shall be due and paid according to the terms of the Ordinance, including penalties for late payments, in effect as of the date of the invoice for such water. In the event that any such customer is delinquent for more than ninety (90) days, Elba will have in effect rules and regulations to enforce collection of such charges, and to make payment to Batavia, including; but not limited to collecting payment by relaying upon tax bills.

12. Elba, upon request by Batavia, shall make payments to Batavia for any water bills of customers within the Water District that are more than ninety (90) days in arrears.

13. Batavia shall make any and all payments related to water supply to Genesee County on behalf of Elba, according to the terms set forth in the Water Supply Agreement in effect between Genesee County and Elba.

14. Customers within the Water District located in the Project area shall purchase water to serve present and future needs of this Water District pursuant to the Water Supply Agreements by and between the County of Genesee and Elba.

15. Any and all extensions of the Water District to be formed and constructed and/or addition of new Water Districts or appurtenances shall be in accordance with all of Batavia’s standards.

16. A map of the proposed Water District service areas to be served by Elba is annexed hereto and made a part of this Agreement as **EXHIBIT A**. This map shall be amended as necessary from time to time to reflect any customers added by the Water District. Any such amendment that expands or extends the Water District, shall be approved by Batavia and shall not negatively affect supply or service to existing Batavia customers.

17. Elba agrees that Batavia may use the Facilities of the Water District within the Project area or its extensions, without the imposition of any rentals or other charges of any kind or nature, to serve water to areas located outside of the initial limits of the Water District within the Project area. Batavia

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agrees that such use by it of the Facilities shall not reduce below accepted standards (as established by applicable Federal and State Laws, Rules and Regulations and Batavia's Ordinance), the supply or pressure of water to be furnished by Batavia to the residents and inhabitants within the Water District and/or other water customers within the two Towns.

18. Batavia agrees that service to other areas outside of the initial Water District area shall comply with the requirements of any and all existing Water Supply Agreements with Genesee County and the Towns of Batavia and Elba, and any amendments thereto.

19. All extensions to the Water District within the initial Project area, after the execution of this Agreement, shall be made under the exclusive control and jurisdiction of Elba and shall be subject to the provisions of the Town Law and any amendments thereof. In the event that Elba shall form one or more extensions, said extension shall be subject to the following terms and conditions:

A. At the request of the extending Water District, Batavia may provide the services of its Engineering Department to assist the extending District in the preparation and formation of necessary plans, drawings and specifications of the proposed distribution system construction. Said services may be provided to the extending District so long as Batavia is given reasonable notice of the need for, and the scope of such services, and Batavia and the extending District establishes mutually agreeable terms for the completion of services.

B. Said distribution system shall service the entire area of said extension and shall be installed without cost to Batavia.

C. Elba shall have the exclusive right to determine the amount of any fee to be charged to any such extension and to be paid to it by the customers in the extension for the right to connect to the existing Facilities of the Project area. The fee shall belong exclusively to Elba, and Batavia shall have no right or interest to this fee or any other charges related thereto.

D. The extension to the Water District shall comply with all applicable Laws, Rules and Regulations, including Batavia's Ordinance, and shall obtain all necessary governmental approvals with respect to the formation of any extensions and the construction of the distribution system therein.

20. Elba, on behalf of the Water District; as well as any other Water Districts now existing or developed in the future within Elba, shall bear the full costs related to the formation of any such Water District, or installation or maintenance of facilities, including meters, except as specifically agreed herein.

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21. This Agreement is subject to the consent and approval of the Genesee County Legislature; as well as consent and approval by the joint owners of the Townline Water Project facilities, namely, the Towns of Batavia, Elba and Oakfield.

22. As a condition of the County approval, Elba agrees to form any Water Districts as requested by Genesee County associated with any future construction of water supply or distribution facilities described in the February 1999 Genesee County Water Supply System Final Environmental Impact Statement. Genesee County shall provide the necessary District Formation Reports at no cost to Elba. Genesee County shall construct or cause to be constructed certain facilities in accordance with the February 1999 Genesee County Water Supply System Final Environmental Impact Statement. The determination and scheduling of the construction of such water supply facilities, shall be at the sole discretion of Genesee County.

23. It is understood and agreed that Batavia makes no guarantee as to the pressure, quantity, quality or continuity of service, and shall not, under any circumstances, be held liable for loss or damage from a deficiency or failure in the supply of water whether caused by shutting off water in case of accident, or for alterations, extensions, connections or repairs or for any other cause of any kind or nature.

24. In the event of an emergency or other necessity, Batavia shall have the right to shut off or reduce the flow of water for such periods that it deems necessary.

25. In the event that Batavia deems it necessary to shut off or reduce the flow of water supply, Batavia shall provide Elba with reasonable advance notice when possible. Batavia shall correct the situation as soon as practicable.

26. Elba shall have the right to request that Batavia temporarily turn off its transmission main and Elba shall be able to temporarily obtain its required water requirements from another source, only until such time as the corrective measures taken by Batavia have been inspected and approved by Batavia's Water Department.

27. If Batavia deems that there is a condition in the Water District that could contaminate the water supply, Batavia will notify Elba and Elba as the situation requires, will correct the problem as soon as practicable. Batavia may temporarily discontinue service the Water District until the necessary corrections have been made.

28. In the event that a water emergency is declared by Batavia, Batavia shall notify the Elba Supervisor, and the Elba Town Board shall declare a similar emergency with respect to all water supplied

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to customers within the Water District. Elba shall duplicate any emergency measures taken by Batavia during such water emergency.

29. Elba shall immediately notify Batavia of any information or complaints that it receives from customers within the Water District; as well as any problems or difficulties relating to the Facilities and the water distribution system.

30. There are no other Agreements or understandings, either oral or written, by and among the parties effecting this Agreement. No changes, addition or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto, unless the same is approved in writing by the parties.

31. This Agreement may not be assigned by any party, in whole or in part, without the prior written consent of both parties.

32. This Agreement shall be binding upon and shall inure to the benefit of both of the parties hereto and their respective successors and permitted assigns.

33. This Agreement and any transactions by and between the parties hereunder shall be governed by, construed and interpreted in accordance with the Laws of New York.

34. The parties shall execute such further instruments, documents or certificates as may be necessary or desirable to effectuate the purpose and intent of this Agreement.

35. No waiver of compliance with any provision or condition of this Agreement, and no consent provided for herein, shall be effective, unless evidenced by instrument in writing, duly executed by the parties sought to be charged therewith.

36. No failure on the part of either party to exercise and/or any delay in exercising any of its rights hereunder, shall operate as a waiver thereof, nor shall any single or partial exercise by either party of any right preclude any other or future exercise thereof or the exercise of any other right.

37. All the rights and duties of the parties created by this Agreement shall survive with respect to the services performed prior to such terminations.

38. This Agreement may be executed in several counterparts, each of which shall be an original and all which shall constitute the same instrument herein.

39. The term of this Agreement shall be for a period of forty (40) years, with the following provisions:

A. This Agreement may be terminated or extended upon a written instrument executed by both Towns.

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B. This Agreement shall terminate on the effective date of any contract with any entity assuming operation of the Town of Batavia Water Supply System.

C. Elba may terminate this Agreement upon at least two (2) years prior written notice to Batavia. In the event that Batavia provides operation and maintenance services to Elba water districts beyond the Edgerton Road Water District, then Elba must also terminate the services of Batavia for these additional areas in order to eliminate the possibility that there are any “gaps” in areas of water facilities for which Batavia is providing operation and maintenance.

D. Batavia may terminate this Agreement upon at least two (2) years prior written notice to Elba.

IN WITNESS WHEREOF the parties have last signed this Agreement the day and year first written above.

TOWN OF BATAVIA (SEAL)

Gregory H. Post, Supervisor

TOWN OF ELBA (SEAL)

Donna Hynes, Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 20_____, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York }
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County of Genesee}ss.

On this _____ day of _____, 20____, before me, the undersigned, personally appeared Donna Hynes, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 57:

Deputy Supervisor Underhill offered the following:

A BOND RESOLUTION, DATED FEBRUARY 15, 2017, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”) AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE CONSTRUCTION OF A PEDESTRIAN TRAIL (THE ELLICOTT TRAIL PROJECT), AT AN ESTIMATED MAXIMUM COST OF \$1,616,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,616,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, 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, in the County of Genesee, New York (the “Town”) desires to undertake a capital improvements project consisting of the construction of a pedestrian trail known as the Ellicott Trail project in the Town.

NOW THEREFORE,

BE IT RESOLVED, by the Town (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 capital improvements project known as the Ellicott Trail project generally consisting of the construction of an approximate 4.6 mile pedestrian trail, such work to include, where applicable, the reconstruction and installation of bike lanes, pedestrian bridges, signage, pedestrian safety improvements, streetscape improvements, installation of a new pedestrian bridge and the refurbishment of an old railroad bridge, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by Barton & Loguidice, D.P.C., including

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all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,616,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,616,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not 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 will 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, there will annually be levied on all the taxable real property of the 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 such 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 details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such 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

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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 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 such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

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

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such publication of this notice, or

2. such obligations were 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 the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak

APPROVED by unanimous vote (4-0)

SUSPEND THE RULES-Motion Councilwoman Michalak, second Councilman Zambito to suspend the rules to introduce additional resolutions.

Ayes: Michalak, Zambito, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 58:

Councilwoman Michalak offered the following:

**PURCHASE NEW UTILITY TRAILER FOR
HIGHWAY DEPARTMENT**

WHEREAS, the 2017 Town Budget reflects appropriations to purchase a new utility trailer for the Highway Department.

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WHEREAS, the Highway Superintendent solicited quotes for the utility trailer and the lowest quote was from Roy Teitsworth Inc. at a cost of \$1,530.00; and

WHEREAS, The Highway Superintendent recommends purchasing the trailer from Roy Teitsworth Incorporated; and

WHEREAS, the current 1994 utility trailer (VIN 1D9U61012R1152011) will no longer be needed for highway purposes and will be sold at auction after the new trailer is received.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2017 utility trailer from Roy Teitsworth Incorporated at a cost of \$1,530.00 and authorizes the Highway Superintendent to sell the 1994 utility trailer (VIN 1D9U61012R1152011) 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

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 59:

Councilman Zambito offered the following:

BUDGET TRANSFER 2016 – UNAPPORTIATED-UNEXPENDED FUND

RESOLVED, the Batavia Town Board hereby authorizes an increase in the following line item numbers:

SW8320.400 Source of Supply Contractual- \$14,459.00
and be it

FURTHER RESOLVED, to fund this expense, \$14,459.00 will be transferred from the SW Unappropriated-Unexpended Fund Balance.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 60:

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE SUBMITTAL OF PON2721 CLEANER GREENER
COMMUNITIES PROGRAM - CATEGORY I – NYSERDA GRANT APPLICATION
“STREAMLINED PV PERMITTING” THROUGH THE
CONSOLIDATED FUNDING APPLICATION PROCESS**

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"RESOLVED, that the Town Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town of Batavia to execute and submit a Grant application to New York State Energy and Research Development Authority through the Consolidated Funding Application, as an incentive for the adoption of the New York State Unified Solar Permit and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required and to execute such documents as may be required in connection with obtaining said grant funds.

Second by: Councilman Zambito
Ayes: White, Zambito, Michalak, Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 61:

Deputy Supervisor Underhill offered the following:

NATIONAL GRID
LED STREET LIGHT CONVERSION

WHEREAS, National Grid is offering a LED Street light conversion program that will convert all of the Town Street lights from high pressure sodium to energy saving LED street lights, and

WHEREAS, the Town's Comprehensive Plan and the Town's Green Action Plan recommends energy conservation measures, and

WHEREAS, the Highway Superintendent has solicited energy proposals from private electrical contractors and National Grid, and

WHEREAS, a review of those proposals showed the National Grid Proposal to be the most beneficial program (see attached), and

NOW THEREFORE BE IT RESOLVED, the Batavia Town Board hereby authorizes the Town Supervisor to complete the National Grid formal application and execute the agreement contingent on the review and approval of the Highway Superintendent and Town Attorney.

Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Zambito
APPROVED by unanimous vote (4-0)

Abstract No. 14-2016 and 2-2017: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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| | |
|----------------|---------------------|
| General | \$13,139.92 |
| Sewer No. 1 | 28,029.80 |
| Sewer No. 2 | 48,772.94 |
| Water | 302.08 |
| Townline Joint | 14,625.00 |
| Total | \$104,869.74 |

Check numbers 19561-19574, SM: 1096

| | |
|----------------|---------------------|
| General | \$67,448.71 |
| Highway | 24,493.11 |
| Sewer No. 1 | 3,174.18 |
| Sewer No. 2 | 7,839.40 |
| Water | 144,519.62 |
| Southwest | 316.25 |
| Ellicott Trail | 331.50 |
| Total | \$248,122.77 |

Check numbers 19575 – 19638, Online: \$13,758.70

Ayes: Michalak, Zambito, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Deputy Supervisor reported that all departments are keeping busy.

Supervisor’s Report:

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

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

Sewer Extension Meeting- There will be an informational meeting on Wednesday, February 22, 2017 at 7:00 P.M. regarding the Alexander and Pearl Street Road Sewer Extension.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$3,330.91, remitted \$3,171.29 to the Supervisor for the Local Share.

January Tax Collection- Collected a total of \$5,262,208.26. Remitted \$2,515,808.24 to the Supervisor for the Town levy and the remainder to the Genesee County Treasurer.

Planning/Zoning Training- Buffalo Niagara Riverkeeper is hosting a Watershed Management Plan Municipal Workshop on February 27, 2017 at 6:00 P.M. at the Richmond Library.

American Planning Association is hosting a Spring Planners Day March 17, 2017 in Syracuse.

Monroe County Department of Planning is hosting the Spring Land Use and Decision Making Training various dates in March and April. Town personnel have been notified of these trainings.

FEBRUARY 15, 2017
REGULAR TOWN BOARD MEETING

COMMITTEE REPORTS:

Ellicott Trail- Councilwoman Michalak reported that there is going to be an Ellicott Trail Meeting tomorrow. They received over 172 submittals for the Ellicott Trail logo and will be reviewing them at the meeting.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:35 P.M.

Ayes: Zambito, Michalak, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk