

**APRIL 15, 2015  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Greg Post, Supervisor led the pledge to the flag.

**Roll Call**

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

**Absent:** Deputy Supervisor Underhill

**Others**

**Present:** Town Clerk Morasco  
Planning Board Chair Jasinski  
Roger Muehlig, Daily News Reporter  
Clinton and Barbara Worthington  
6 other constituents

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

**March 18, 2015 Regular Town Board Meeting, March 18, 2015 Public Hearing-Local Law 2 Amending the Zoning Map and April 3, 2015 Special Town Board Meeting:** Motion Councilman

Lang, second Councilman Zambito to approve the minutes as written.

**Ayes:** Lang, Zambito, Michalak,

Abstain: Post

**MOTION CARRIED** (3-ayes, 1-abstain)

**RESOLUTION NO. 95:**

Councilman Lang offered the following:

**AUTHORIZATION TO EXECUTE – FIRST AMENDED  
AGREEMENT BETWEEN GENESEE COUNTY SOIL AND WATER CONSERVATION  
DISTRICT AND TOWN OF BATAVIA  
FOR SURVEY, DIGITAL TERRAIN MAPPING, PLOTTING AND DESIGN OF  
CONSERVATION PRACTICES**

**WHEREAS**, Genesee County Soil and Water Conservation District and the Town of Batavia entered into a contract entitled “Agreement Between Genesee County Soil and Water Conservation District (GCSW) and Town of Batavia for Survey, Digital, Terrain Mapping, Plotting and Design of Conservation Practices,”, dated November 12, 2014, and

**WHEREAS**, the Town and (GCSW) desire to continue to share equipment and personnel for the purposes of conducting surveys, digital terrain mapping, plotting and design of conservation practices, including but not limited to drainage and erosion control; and

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**WHEREAS**, the sharing of equipment will alleviate the need for both to purchase the same identical equipment and the need for both to receive the same training;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the “First Amended Agreement Between Genesee County Soil and Water Conservation District and Town of Batavia for Survey, Digital Terrain Mapping, Plotting and Design of Conservation Practices,” a copy of which is annexed to and made a part of the minutes, subject to the approval by the Town Attorney; and be it

**FURTHER RESOLVED**, said agreement shall expire on December 31, 2025.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 96:**

Supervisor Post offered the following:

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

**WHEREAS**, the Town of Batavia and the Village of Alexander entered into a contract entitled “Code Enforcement Agreement Between the Town of Batavia and the Village of Alexander”, dated January 22, 2014 and

**WHEREAS**, both Towns desire to continue this relationship, allowing Batavia to provide Code Enforcement Services to Alexander, 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**

**RESOLVED**, pursuant to Article 5-G of the General Municipal Law, by the Town Board of the Town of Batavia, New York, that a proposed “First Amended Code Enforcement Agreement”, a copy of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Michalak, Zambito  
**APPROVED by unanimous vote (4-0)**

**Discussion:** The Town Supervisor commented that the Village Mayor contacted the Town and they are extremely satisfied with the service the Town of Batavia Code Officials are providing.

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**FIRST AMENDED  
CODE ENFORCEMENT  
AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **Village of Alexander**, a municipal corporation with offices at 3323 Buffalo 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 2015 budget year to provide services for the year of 2015.

**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.

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**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, 2015 and expire on March 31, 2016 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**

\_\_\_\_\_  
**Richard Scharlau, 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 **Richard Scharlau**, 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)**  
**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.

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Notary Public

**RESOLUTION NO. 97 :**

Councilwoman Michalak offered the following:

**RENEW ANNUAL SONICWALL LICENSE  
HURRICANE TECHNOLOGIES, INCORPORATED**

**WHEREAS**, the current SonicWall License expires May 1, 2015; and

**WHEREAS**, the cost to renew the SonicWall license for one year is \$425.00 (quote attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes renewing the SonicWall License through Hurricane Technologies, Incorporated at a cost of \$425.00; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute the acceptance of proposal, a copy of which is annexed hereto and made part of the Town Board Minutes; and be it further

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

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 98:**

Councilman Zambito offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS  
INSURANCE RECOVERY FUNDS**

**RESOLVED**, the Batavia Town Board hereby authorizes the following budget line item increases to account for insurance recovery funds:

**Revenue Line Item:**

SW3680      \$ 6,385.01

**Expenditure Line Item:**

SW8340.400      \$ 6,385.01

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 99:**

Councilman Lang offered the following:

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**RESOLUTION TO ESTABLISH LINE ITEMS FOR CAPITAL PROJECTS**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items:

**SOUTHWEST WATER DISTRICT**

HW1380.400 Fiscal Agent - Contractual  
HW1420.400 Legal Expense - Contractual  
HW1440.400 Engineering  
HW1989.400 Advertising - Contractual  
HW8340.400 Transmission/Distribution – Contractual  
HW9730.600 BAN – Principle  
HW9730.700 BAN – Interest  
HW9901.900 Transfers To Other Funds  
HW2401 Interest & Earnings  
HW2770 Miscellaneous Revenues  
HW2710 Premium on Obligations  
HW4991 Capital Grants  
HW5031 Interfund Transfers  
HW5710 Serial Bonds  
HW5730 BAN Proceeds  
HW5731 BAN Redeemed From Appropriations

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 100:**

Supervisor Post offered the following:

**RESOLUTION TO ESTABLISH LINE ITEMS FOR CAPITAL PROJECTS**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items:

**WESTSIDE SANITARY SEWER IMPROVEMENTS**

HY1380.400 Fiscal Agent - Contractual  
HY1420.400 Legal Expense - Contractual  
HY1440.400 Engineering  
HY1989.400 Advertising - Contractual  
HY8340.400 Transmission/Distribution – Contractual  
HY9730.600 BAN – Principle  
HY9730.700 BAN – Interest

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HY9901.900 Transfers To Other Funds  
HY2401 Interest & Earnings  
HY2770 Miscellaneous Revenues  
HY2710 Premium on Obligations  
HY4991 Capital Grants  
HY5031 Interfund Transfers  
HY5710 Serial Bonds  
HY5730 BAN Proceeds  
HY5731 BAN Redeemed From Appropriations

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Michalak, Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 101 :**

Councilwoman Michalak offered the following:

**RESOLUTION ESTABLISHING AND INCREASING BUDGETARY LINE ITEMS  
FOR EAST SIDE SEWER PLANNING GRANT #41684**

**WHEREAS**, the Town of Batavia was awarded an Engineering Planning Grant in the amount of \$30,000 for the East Side Sewer Planning Study-Planning Grant #41684; and

**WHEREAS**, in order to account for these funds an expenditure line item needs to be established and the expenditure and revenue line items need to be increased.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby establishes line item A8684.403- East Side Sewer Study and increases the following line items:

**Expenditure Line Items:**

A8684.403                 \$30,000

**Revenue Line Item:**

A2773                     \$30,000

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 102:**

Councilman Zambito offered the following:

**UNITED WAY DAY OF CARING**

**RESOLVED**, the Batavia Town Board hereby authorizes a team of five employees (Steven Mountain, Hiedi Librock, Teresa Morasco, Sandra Baubie, and Jason Armbrewster) from the Town of Batavia to participate in the United Way Day of Caring, Wednesday, May 13, 2015.

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**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 103:**

Councilman Lang offered the following:

**TRAINING WORKSHOP**

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

Gordon Offhaus, Donna Morrill, and Don Partridge- "In House Training-“Green Genesee/Smart Genesee Project Work Session” was March 25, 2015. Members to be credited for 1.5 hours of training.

Sarah Sauka and Melissa Mason- Town/Village Court Clerk’s Spring Training was April 10, 2015. There was no cost for this training. A Town vehicle was used.

Berneda Scoins- GAHWNY 2015 Spring Meeting April 18, 2015. The cost for this training is \$30.00.

Dan Miles- Heavy Duty Brake Clinic April 28, 2015. There is no cost for this training and a Town vehicle will be used

Sarah Sauka, Melissa Mason and Kate Parmenter- Southern Tier West Annual Local Government Conference May 6, 2015 at a cost of \$50.00 each. A Town vehicle will be used.

John Della Penna- GFLRPC Spring 2015 Local Government Workshop May 14, 2015 at a cost of \$75.00.

Hiedi Librock and Marcy Crandall- AOT and OSC Finance School May 14 – 15, 2015 at a cost of \$200.00 each. A Town vehicle will be used.

Tom Lichtenthal- 2015 Highway School June 1 – June 3, 2015, at an approximate cost of \$530.00. A Town vehicle will be used.

Marcy Crandall, Tom Lichtenthal, Doug Smart, Dan Miles, Burt Swable, Paul Barrett, Greg Lang, Keith Wilkinson and Keith Wilkinson Jr. –Hogweed Identification & Precautions Seminar May 27, 2015. There is no cost for this training.

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Post  
**APPROVED by unanimous vote (4-0)**



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**RESOLUTION NO. 104:**

Supervisor Post offered the following:

**RESOLUTION TO ESTABLISH POSITION**  
**WATER/WASTEWATER MAINTENANCE WORKER**

**RESOLVED**, the Batavia Town Board hereby establishes one additional full-time Water/Wastewater Maintenance Worker (MSD222 duties statement attached).

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 105:**

Councilwoman Michalak offered the following:

**RESOLUTION TO HIRE**  
**WATER/WASTEWATER MAINTENANCE WORKER**

**WHEREAS**, current Water/Wastewater Maintenance staff's workload is such that they are unable to meet their inspection duty needs for such projects as the Town Line Water, Oakwood Hills subdivision, Pratt and Powers, West Main Sewer projects, and

**WHEREAS**, Keith A. Wilkinson, Jr. has the experience and satisfies the need for inspection duties (which will be reimbursable through the capital project funding, ie Rural Development, District or other project funding) as well as having the necessary skills allowing for a backup of the Water/Wastewater Maintenance staff.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the hiring of Keith A. Wilkinson, Jr. as a permanent full-time Water/Wastewater Maintenance Worker for the Water/Wastewater Department at a rate of \$22.00 per hour, with a start date on or after April 16, 2015; and be it

**FURTHER RESOLVED**, as per the Town of Batavia policy, Mr. Wilkinson is subject to a physical, background and driver's license check and drug and alcohol testing; and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from the appropriate Capital Project funds for inspection duties or line items SS1-8120.107, SS2-8120.107, and SW8340.107 when required; and be it

**FURTHER RESOLVED**, there is a six month probationary period for this position, at which time an evaluation of performance will be accessed for an increase in pay or dismissal of duties.

**Second by:** Councilman Zambito

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**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 106:**

Councilman Zambito offered the following:

**ADOPTION OF AMENDED WATER/SEWER FEE SCHEDULE**

**WHEREAS,** the Water/Sewer Fee Schedule was last amended in June 2007; and

**WHEREAS,** the Town of Batavia Engineer has presented to the Batavia Town Board an amended water and sewer fee schedule.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby adopts the amended Water/Sewer Fee Schedule, a copy of which is annexed here to and made a part of the minutes. Said fee schedule is effective immediately.

**Second by:** Councilwoman Lang  
**Ayes:** Zambito, Lang, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**WATER FEE SCHEDULE**  
**APRIL 2015**

<b><u>New Service Tap Size</u></b>	<b><u>Connection Fee</u></b>
2 inch or smaller*	\$2,500
Larger than 2 inch	By Owner – actual cost if performed by Town at Owner’s request
*Connection Fee includes all work to be done within the right-of-way by the Town of Batavia.	

<b><u>Part to be Replaced</u></b>	<b><u>Replacement Fee</u></b>
Meter - 2 inch or smaller	\$375
Meter - larger than 2 inch	By Owner - actual cost if provided by Town at Owner’s request
Frost Plate	\$25
Miscellaneous repairs to Town owned facilities (e.g. curb box extensions, meter pit extensions)	Actual Cost
Fire Hydrant – Full Replacement	\$8,500

<b><u>Service</u></b>	<b><u>Fee</u></b>
Shut Off	\$25
Turn On*	\$25
*The Turn On Fee only applies to an existing service that has been shut off.	

**SEWER FEE SCHEDULE**

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APRIL 2015

<u>New Service Connection</u>	<u>Connection Fee</u>
Residential*	Actual Cost (Estimate provided by Town Engineer)
Non-Residential	By Owner – actual cost if performed by Town at Owner’s request
*Connection Fee includes all work to be done within the right-of-way by the Town of Batavia.	

**RESOLUTION NO. 107 :**

Councilman Lang offered the following:

**CARPET CLEANING**

**WHEREAS**, the Town Hall carpets were last cleaned in February 2008 and are in need of cleaning; and

**WHEREAS**, the Town Clerk received two (2) quotes to clean all the carpeting in the Town Hall; and

**WHEREAS**, Kleen All Company LLC was the lowest responsible quote received, at a cost of \$920.00.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Kleen-All Company LLC, 8720 Seven Springs Road, Batavia, New York to clean all the carpeting in the Town Hall at a cost of nine-hundred, twenty dollars (\$920.00); and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute the acceptance of proposal, a copy of which is annexed hereto and made part of the Town Board Minutes; and be it further

**RESOLVED**, the expenditure will be appropriated from line item A1620.402.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 108:**

Supervisor Post offered the following:

**RESOLUTION TO PARTICIPATE IN A COLLECTIVE  
GOVERNMENT EFFICIENCY PLAN**

**WHEREAS**, the second year of Governor Cuomo’s Property Tax Freeze program requires local

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governments to submit a Government Efficiency Plan; and

**WHEREAS**, local governments can join in on a county-wide efficiency plan.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby agrees to participate in a Collective Government Efficiency Plan with Genesee County being the lead unit.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 109:**

Councilwoman Michalak offered the following:

**WEBSITE CONVERSION SERVICES**  
**HURRICANE TECHNOLOGIES, INCORPORATED**

**WHEREAS**, Rockhopper Technologies posts updates to the Town of Batavia's website; and

**WHEREAS**, the Town would like to post updates in house, as there are times the Town needs immediate postings; and

**WHEREAS**, Hurricane Technologies, Incorporated submitted a proposal of \$600.00 to convert and setup a new hosting server to allow updates in-house.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Website Conversion Services by Hurricane Technologies, Incorporated, Avon, New York at a cost of six hundred dollars (\$600.00); and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute the acceptance of proposal, a copy of which is annexed hereto and made part of the Town Board Minutes; and be it further

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

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 110:**

Councilman Zambito offered the following:

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**APPOINTMENT TO ASSESSMENT BOARD OF REVIEW TO  
FILL AN UNEXPIRED TERM**

**WHEREAS**, Erik Lang, 9296 Wortendyke Road, Batavia, New York, was appointed to the Town of Batavia Assessment Board of Review in 2013, his term expiring September 30, 2018; and

**WHEREAS**, Erik Lang has resigned from this position, creating a vacancy; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Tammy Sotir, 3890 Pike Road, Batavia, New York, to the Town of Batavia Assessment Board of Review to fill Erik Lang's unexpired term, commencing immediately and expiring September 30, 2018; and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 111:**

Councilman Lang offered the following:

**APPOINTMENT TO ASSESSMENT BOARD OF REVIEW TO  
FILL AN UNEXPIRED TERM**

**WHEREAS**, Douglas Strang, 9192 Wilkinson Road, Batavia, New York, was appointed to the Town of Batavia Assessment Board of Review in 2011, his term expiring September 30, 2015; and

**WHEREAS**, Mr. Strang passed away earlier this year, creating a vacancy; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Heidi DeAngelo, 3825 Pike Road, Batavia, New York, to the Town of Batavia Assessment Board of Review to fill Douglas Strang's unexpired term, commencing immediately and expiring September 30, 2015; and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each

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calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 112:**

Supervisor Post offered the following:

**A BOND RESOLUTION, DATED APRIL 15, 2015, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF MAINTENANCE VEHICLES AND EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$141,000, AND AUTHORIZING (A) THE APPLICATION OF TRADE-IN AMOUNTS OF APPROXIMATELY \$24,450 AND (B) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$116,550 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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.**

BE IT RESOLVED, by the Town Board of the Town of Batavia, in Genesee County, New York (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 acquire maintenance vehicles and equipment for use by the Town including any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$141,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by (a) the application of trade-in amounts of approximately \$24,450 and (b) the issuance of serial bonds in an aggregate amount not to exceed \$116,550 of the Town, hereby authorized to be issued therefor 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, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the Town to pay the principal of said bonds and the interest thereon as the same will become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 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

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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 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 date hereof) 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 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.

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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 hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy 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 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 at 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 such publication; 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 said Local Finance Law, in a newspaper having a general circulation in the Town and 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:

NOES:



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ABSENT:

The foregoing resolution was thereupon declared duly adopted.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 113:**

Councilwoman Michalak offered the following:

**PURCHASE 2 NEW TRACTORS FOR THE  
HIGHWAY DEPARTMENT WITH TRADE IN OF TRACTORS**

**WHEREAS**, the Highway Department is in need of two new tractors and is proposing purchasing them with a five year Bond Anticipation Note (BAN); and

**WHEREAS**, the Highway Superintendent solicited bids for the purchase of two tractors for the Highway Department. The first tractor was specified as a 100hp tractor with rear and side flail mowers which included the trade in on the Town's 1994 Ford 5030 tractor (VIN B099238) with a 7 ft. wide Alamo rear rotary mower. The second tractor was specified as a 85hp tractor with a front end loader and 8 ft. broom attachment which included the trade in of the Town's 2004 New Holland TL90 tractor (VIN 1302647) with 7 ft. wide Kodiak rear rotary mower; and

**WHEREAS**, the first tractor the Highway Superintendent recommends purchasing is a 2015 100 hp John Deere tractor with Diamond rear and side flail mowers which includes the trade in of the Town's 1994 Ford 5030 tractor (VIN B099238) with a 7 ft. wide Alamo rear rotary mower from Lakeland Equipment 3237 Union Street North Chili 14514 at a cost of seventy-three thousand, two hundred, forty-three dollars (Tractor cost \$79,043 less trade in value of \$5,800=\$73,243.00); and

**WHEREAS**, the second tractor the Highway superintendent recommends purchasing is a 2015 85 hp New Holland tractor with front end loader and broom which included the trade in on the Town's 2004 New Holland TL90 tractor (VIN 1302647) with 7 ft. wide Kodiak rear rotary mower from Empire Tractor 5072 Main Road Batavia NY 14020 at a cost of thirty-seven thousand, four hundred, ninety-nine dollars (Tractor cost \$56,150 less trade in value of \$18,650=\$37,499.00).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new 2015 100 hp John Deere tractor with Diamond rear and side flail mowers which includes the trade in on the Town's 1994 Ford 5030 tractor (VIN B099238) with a 7 ft. wide Alamo rear rotary mower from Lakeland Equipment 3237 Union Street North Chili 14514 at a cost of seventy-three thousand, two hundred, forty-three dollars (Tractor cost \$79,043 less trade in value of \$5,800=\$73,243.00); and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a 2015 85

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hp New Holland tractor with front end loader and broom which includes the trade in on the Town's 2004 New Holland TL90 tractor (VIN 1302647) with 7 ft. wide Kodiak rear rotary mower from Empire Tractor 5072 Main Road Batavia NY 14020 at a cost of thirty-seven thousand, four hundred, ninety-nine dollars (Tractor cost \$56,150 less trade in value of \$18,650=\$37,499.00); and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes an inter-fund temporary loan to pay for the tractors until the BAN proceeds are received in September, at which time the BAN proceeds will repay the inter-fund temporary loan.

**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 114:**

Councilman Zambito offered the following:

**FINAL ACCEPTANCE OF PROJECT AS COMPLETE**  
**CREEK AND EAST WATERMAIN**

**WHEREAS**, Sergi Construction has certified completion of the Creek and East Road water main project, and

**WHEREAS**, the Town Engineer has certified and approved the project as complete, and

**WHEREAS**, the Town of Batavia has an operator, Paul Barrett (NYSDOH# NY0037009), appropriately licensed by New York State to oversee operation of the Creek and East Road Water Project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby accepts the project as complete and has previously approved final payment.

**Second by:** Councilman Lang  
**Ayes:** Zambito, Lang, Michalak, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 115:**

Councilman Lang offered the following:

**BID AWARD**  
**PROCUREMENT OF APPURTENANCES**  
**FOR**  
**TOWN OF ALEXANDER WATER DISTRICT NO.2**  
**CUSTOMER METER PITS**

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**WHEREAS**, the Town of Alexander Water District No. 2 water customers are in need of water meter pit parts, and

**WHEREAS**, the Town of Alexander did not include the meters or meter pits in their capital project, and

**WHEREAS**, the Town of Batavia sent out a request for a procurement bid for the meter pit parts and received two bids on April 2, 2015 at 10:00 A.M., and

**WHEREAS**, HD Supply Waterworks, Ltd, of Rochester, New York was the lowest responsible bidder at a cost of Fifteen Thousand Five Hundred and Fifty-Four dollars and Ten cents (\$15,554.10) equating to \$223 per each meter pit, and

**WHEREAS**, the Town of Batavia will either be reimbursed by the customer through the hookup fee or by the Town of Alexander if sufficient funds are available at the conclusion of the Project.

**NOW THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby awards the bid to HD Supply Waterworks, Ltd, of Rochester, New York at a cost of Fifteen Thousand Five Hundred and Fifty-Four dollars and Ten cents (\$15,554.10); and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item SW8320.400.

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Post  
**APPROVED by unanimous vote** (4-0)

**Discussion-** The Supervisor commented that with the new designed meters there's a savings of several hundred dollars. The cost went from approximately \$600 to \$224.

**SUSPEND THE RULES-**Motion Councilman Lang, second Councilman Zambito to suspend the rules to introduce an additional resolution.

**Ayes:** Lang, Zambito, Michalak, Post  
**MOTION CARRIED by unanimous vote** (4-0)

**RESOLUTION NO. 116:**

Supervisor Post offered the following:

**RESOLUTION ESTABLISHING AND MODIFYING  
BUDGETARY LINE ITEMS  
FOR WATER AND SEWER**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items;

SS18120.107 Personal Services-Wilkinson, Jr.

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SS28120.107 Personal Services-Wilkinson, Jr.  
SW8340.107 Personal Services-Wilkinson, Jr. ; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the following budget transfers:

**Sanitary Sewer I & II**

SS1-8120.409 Sanitary Sewer -Add'l Imp	\$1,980.00	SS1-8120.107 Personal Srv-Wilkinson Jr.
SS2-8120.409 Sanitary Sewer-Add'l Imp	\$1,980.00	SS2-8120.107 Personal Srv-Wilkinson Jr.

**Water**

SW8340.405 Large Meters	\$11,800.00	SW8340.107 Personal Srv-Wilkinson Jr.
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**Second by:** Councilwoman Michalak  
**Ayes:** Post, Michalak, Zambito, Lang  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 117:**

Councilwoman Michalak offered the following:

**WILLIAMSON LAW BOOK MAINTENANCE AGREEMENT  
ACCOUNTING SOFTWARE**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the annual renewal Accounting Software Maintenance Agreement between the Town of Batavia and Williamson Law Book at a cost of nine hundred, seven dollars and fifty cent (\$907.50) for one (1) year, from May 1, 2015 to April 30, 2016, a copy of which is annexed hereto and made a part of the minutes.

**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**Abstract No. 4-2015:** Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$85,893.83
Highway	42,365.32
Sewer No. 1	2,919.15
Sewer No. 2	5,817.30
Water	210,381.80
West Main Sewer	12,632.18
CDBG	55,101.69
Townline Water	1,306.50
Sewer Capacity Purchase	2,034,588.00
Ellicott Trail	590.90
Townline Joint	1,597.22
<b>Total</b>	<b>\$2,453.193.89</b>

Check numbers 19863 thru 19937, HQ- 1009, SM- 1004-1005, Online: \$9,398.27, ACH; 33,016.40

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

**MOTION CARRIED by unanimous vote (4-0)**

**RETIREMENT PLAQUES PRESENTATION-** Councilman Zambito presented Clinton Worthington, who completely retired in December 2014, a plaque of appreciation for his years of service to the Town. Murray (Mickey) Morrow who retired in February 2015, was unable to attend to receive his plaque for his years of service.

**DEPARTMENT REPORTS:**

**The Supervisor reported on the following departments:**

**Water/Wastewater-** They have been busy with waterline projects, leak detection, water meter readings and review of specifications for materials.

**Highway Department-** They have been doing routine maintenance after this long winter. There are two collapsed culverts, one on Rose Road and one on Wortendyke Road that they are repairing.

**Supervisor's Report:**

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

**GAM-** is tomorrow evening at 7:00 P.M. hosted by the Town of Pembroke at the Pembroke Town Hall.

**COMMITTEE REPORTS:**

**Ellicott Trail** –Councilman Zambito reported that recently they had an Ellicott trail meeting. There is still a lot of work to be done but it is moving along. The next meeting is April 27.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**March Town Clerk monthly report collected a total of \$1,422.40, remitted \$1,185.87 to the Supervisor for the Local Share.**

**March Tax Collection monthly report collected a total of \$254,573.22 remitted \$4,894.42 to**

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the Supervisor for the Penalty fees and the remainder to the Genesee County Treasurer.

**Southern Tier West Annual Local Government Conference** is May 6, 2015 and Town personnel have been notified of this training.

**ADJOURNMENT:**

Motion Councilwoman Michalak, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:45 P.M.

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

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk