

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

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor led the pledge to the flag.

Roll Call

Present:

Deputy Supervisor Underhill
Councilman Lang
Councilman Zambito

Absent:

Supervisor Post
Councilwoman Michalak

Others

Present:

Town Clerk Morasco
Sharon White
Roger Muehlig, Daily News Reporter

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

The Deputy Supervisor called the Public Hearing on the Oakwood Hill Water District Formation to order at 7:01 P.M. and the Public Hearing on the Oakwood Hill Sewer District Formation to order at 7:06 P.M. Minutes of the public hearings entered separately from Regular Town Board Minutes.

June 17, 2015 Public Hearing-Empire and North Penn Cable Franchise, June 17, 2015 Public Hearing-Local Law 3 of 2015-Amend Parks, and June 17, 2015 Regular Town Board Meeting:

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

Ayes: Lang, Zambito, Underhill

MOTION CARRIED by unanimous vote (3-0)

Oakwood Hill Water District Formation -Review of SEQR-The Town Board reviewed Part 2 of the SEQR for the Oakwood Hill Water District Formation.

Oakwood Hill Sewer District Formation - Review of SEQR-The Town Board reviewed Part 2 of the SEQR for the Oakwood Hill Water District Formation.

RESOLUTION NO. 146:

Councilman Lang offered the following:

SEQRA RESOLUTION TO ADOPT A NEGATIVE DECLARATION

FOR OAKWOOD HILLS WATER DISTRICT

WHEREAS, the improvements proposed consists of the construction and installation of approximately 4,300 linear feet of eight (8) inch water main running from the end of the existing water

JULY 15, 2015
REGULAR TOWN BOARD MEETING

main to the boundary of the Oakwood Hills Subdivision, and then within the boundary of the Subdivision; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto, to be named Oakwood Hills Water District, and

WHEREAS, the Town Board has determined that the proposed formation of the Oakwood Hills Water District is an “Unlisted Action”, as defined under the State Environmental Quality Review Act (SEQRA), and has further established itself as the Lead Agency, and

WHEREAS, the Town Board, in its capacity as Lead Agency, has caused to be prepared a Short Environmental Assessment Form in order to determine the significance of any potential environmental impacts of the above listed action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Batavia, New York, hereby accepts the Short Environmental Assessment Form prepared by the Town Attorney and filed by the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Board does hereby declare that the proposed action of forming the Oakwood Hills Water District will result in no adverse environmental impacts or that any identified adverse environmental impacts will not be significant, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to sign Page 4 of the Short Environmental Assessment Form on behalf of the Town as the Responsible Officer in Lead Agency, to verify the determination that the proposed action to form the Oakwood Hills Water District will not result in any significant adverse environmental impacts.

Second by: Councilman Zambito
Ayes: Lang, Zambito, Underhill
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 147:

Deputy Supervisor Underhill offered the following:

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF
OAKWOOD HILLS WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia duly adopted a Resolution directing the Town Supervisor of the Town of Batavia to file a Map, Plan and Report as prepared by the Town’s engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a Water District was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said Map, Plan and Report in the office of the Town Clerk of the Town of Batavia on June 16, 2015, and the said Town Board did on June 17, 2015,

JULY 15, 2015
REGULAR TOWN BOARD MEETING

duly adopt an Order reciting a description of the boundaries of the proposed District, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a Map, Plan and Report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 17th day of July, 2017, for the purpose of conducting a public hearing on such proposal to establish the Water District with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the improvements proposed consist of the construction and installation of approximately 4,300 linear feet of eight (8) inch water main running from the end of the existing water main to the boundary of the Oakwood Hills Subdivision, and then within the boundary of the Subdivision; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as "water improvement"), and

WHEREAS, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

- (1) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all the property and property owners within the proposed Water District are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed Water District.
- (4) It is in the public interest to establish the proposed Water District as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Town of Batavia Oakwood Hills Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that all of the water improvements will be constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the owner and the developer of the Oakwood Hills Subdivision, with no initial capital cost to the residents of the Water District, and be it

FURTHER RESOLVED that upon completion and inspection of the water improvements by the Town, these water improvements will be dedicated to the Town of Batavia, and be it

JULY 15, 2015
REGULAR TOWN BOARD MEETING

FURTHER RESOLVED that capital costs may be incurred in the future for any upgrades or replacement of portions of the water system, which may require incurring debt service for funding of these costs and expenses, and thereby, any future debt service will be paid using the unit structure, as set forth in the Map, Plan and Report, and be it

FURTHER RESOLVED that a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the Water District's users is a total of \$4.60 per 1,000 gallons used; thereby the average household can expect to pay approximately \$290.00 per year for water purchase, and be it

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed District is estimated to be \$290.00 per year, and be it

FURTHER RESOLVED that any future payment of debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the Water District, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and be it

FURTHER RESOLVED that each property will also have to pay for service from their home to the road right-of-way; plus approximately \$8.00-\$20.00 per linear feet of pipe for a service line; as well as any internal plumbing charges, and be it

FURTHER RESOLVED that this Resolution and Order is subject to a permissive referendum, limited to the area encompassed by said Oakwood Hills Water District, in the manner provided by Article 7 of the Town Law, and Subdivision 11 of Section 209-q of the Town Law, and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof, and be it

FURTHER RESOLVED, that based upon the fact that there will be no initial debt service, thereby, the estimated total annual cost of the typical property in the proposed Water District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2015 calendar year, approval of this District by the State Comptroller is not required, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

Second by: Councilman Lang

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Ayes: Underhill, Lang, Zambito
APPROVED by unanimous vote (3-0)

EXHIBIT “A”

TOWN OF BATAVIA
PROPOSED OAKWOOD HILLS WATER DISTRICT

The boundary of the proposed Town of Batavia, Oakwood Hills Water District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the southwesterly corner of Tax Parcel number 13.-1-153.1; thence,

1. Westerly, along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 1,705 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-107.2; thence,
2. Southerly, along the westerly line of Tax Parcel number 13.-1-107.2, a distance of 65 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-107.2; thence,
3. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2, a distance of 4,759 feet, more or less, to the intersection of the southerly line of Tax Parcel number 13.-1-107.2 and the boundary of the existing Consolidated Water District; thence,
4. Northerly, following the existing Consolidated Water District along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,098 feet, more or less, to a northwesterly corner of the existing Consolidated Water District; thence,
5. Easterly, following the existing Consolidated Water District through the lands of Tax Parcel number 13.-1-153.1, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
6. Northerly, following the existing Consolidated Water District along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111 and continuing along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,127 feet, more or less, to the intersection of the existing Consolidated Water District and the northerly line of Tax Parcel number 13.-1-153.1; thence,
7. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 886 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
8. Northerly, along an easterly line of Tax Parcel number 13.-1-153.1, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
9. Southwesterly, along the westerly line of Tax Parcel number 13.-1-153.1, a distance of 3,266 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, “Oakwood Hills Water District Map – Oakwood Hills Subdivision,” dated 4/2014. The Town of Batavia, Oakwood Hills Water District, as described above, contains approximately 109.1 acres of land.

JULY 15, 2015
REGULAR TOWN BOARD MEETING

RESOLUTION NO. 148:

Councilman Zambito offered the following:

SEQRA RESOLUTION TO ADOPT A NEGATIVE DECLARATION
FOR OAKWOOD HILLS SANITARY SEWER DISTRICT

WHEREAS, the improvements proposed consists of the construction and installation of approximately 3,060 linear feet of eight (8) inch diameter gravity sewer main, 1,600 linear feet of four (4) inch diameter force main running from the end of the existing sewer main to the boundary of the Subdivision, and then within the boundary of the Subdivision; together with one sanitary pump station, all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto, to be named Oakwood Hills Sanitary Sewer District, and

WHEREAS, the Town Board has determined that the proposed formation of the Oakwood Hills Sanitary Sewer District is an “Unlisted Action”, as defined under the State Environmental Quality Review Act (SEQRA), and has further established itself as the Lead Agency, and

WHEREAS, the Town Board, in its capacity as Lead Agency, has caused to be prepared a Short Environmental Assessment Form in order to determine the significance of any potential environmental impacts of the above listed action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Batavia, New York, hereby accepts the Short Environmental Assessment Form prepared by the Town Attorney and filed by the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Board does hereby declare that the proposed action of forming the Oakwood Hills Sanitary Sewer District will result in no adverse environmental impacts or that any identified adverse environmental impacts will not be significant, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to sign Page 4 of the Short Environmental Assessment Form on behalf of the Town as the Responsible Officer in Lead Agency, to verify the determination that the proposed action to form the Oakwood Hills Sanitary Sewer District will not result in any significant adverse environmental impacts.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Lang

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 149:

Councilman Lang offered the following:

RESOLUTION AND ORDER FOR ESTABLISHMENT OF
OAKWOOD HILLS SANITARY SEWER DISTRICT

JULY 15, 2015
REGULAR TOWN BOARD MEETING

FOR A PORTION OF THE TOWN OF BATAVIA

WHEREAS, the Town Board of the Town of Batavia duly adopted a Resolution directing the Town Supervisor of the Town of Batavia to file a Map, Plan and Report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a Sanitary Sewer District was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said Map, Plan and Report in the office of the Town Clerk of the Town of Batavia on June 16, 2015, and the said Town Board did on June 17, 2015, duly adopt an Order reciting a description of the boundaries of the proposed District, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a Map, Plan and Report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 17th day of July, 2017, for the purpose of conducting a public hearing on such proposal to establish the Sanitary Sewer District with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the improvements proposed consists of the construction and installation of approximately 3,060 linear feet of eight (8) inch diameter gravity sewer main, 1,600 linear feet of four (4) inch diameter force main running from the end of the existing sewer main to the boundary of the Subdivision, and then within the boundary of the Subdivision; together with one sanitary pump station, all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto, (referred to herein as "sewer improvement"),and

WHEREAS, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

- (1) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all the property and property owners within the proposed Sanitary Sewer District are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed Sanitary Sewer District.
- (4) It is in the public interest to establish the proposed Sanitary Sewer District as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Sanitary Sewer District as hereinafter described to be known as the Town of Batavia Oakwood Hills Sanitary Sewer District. Said Sanitary Sewer District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that all of the sewer improvements will be constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the owner and the developer of the Oakwood Hills Subdivision, with no initial capital cost to the residents of the Sanitary Sewer District, and be it

FURTHER RESOLVED that upon completion and inspection of the sewer improvements by the Town, these sewer improvements will be dedicated to the Town of Batavia, and be it

FURTHER RESOLVED that capital costs may be incurred in the future for any upgrades or replacement of portions of the sewer system, which may require incurring debt service for funding of these costs and expenses, and thereby, any future debt service will be paid using the unit structure, as set forth in the Map, Plan and Report, and be it

FURTHER RESOLVED a typical household uses 63,000 gallons of water per year, and the sewer usage is based upon and is measured by the water usage, and the estimated cost of the sewer usage to be purchased by the Sanitary Sewer District's users is a total of \$5.46 per 1,000 gallons used; thereby the average household can expect to pay approximately \$344.00 per year for the sewer cost, and

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed District is estimated to be \$344.00 per year, and be it

FURTHER RESOLVED that any future payment of debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the Sanitary Sewer District, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and be it

FURTHER RESOLVED each property will also have to pay for service from their home to the road right-of-way, incurring estimated one-time costs of approximately \$15.00-\$30.00 per linear feet of pipe; as well as any internal plumbing charges, and be it

FURTHER RESOLVED that this Resolution and Order is subject to a permissive referendum, limited to the area encompassed by said Oakwood Hills Sanitary Sewer District, in the manner provided by Article 7 of the Town Law, and Subdivision 11 of Section 209-q of the Town Law, and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof, and be it

JULY 15, 2015
REGULAR TOWN BOARD MEETING

FURTHER RESOLVED, that based upon the fact that there will be no initial debt service, thereby, the estimated total annual cost of the typical property in the proposed Sanitary Sewer District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2015 calendar year, approval of this District by the State Comptroller is not required, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill

APPROVED by unanimous vote (3-0)

EXHIBIT “A”

TOWN OF BATAVIA
PROPOSED OAKWOOD HILLS SANITARY SEWER DISTRICT

The boundary of the proposed Town of Batavia Oakwood Hills Sanitary Sewer District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the southwesterly corner of Tax Parcel number 13.-1-153.1; thence,

1. Westerly, along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 1,705 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-107.2; thence,
2. Southerly, along the westerly line of Tax Parcel number 13.-1-107.2, a distance of 65 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-107.2; thence,
3. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2, a distance of 1,788', more or less, to the northwesterly corner of Tax Parcel number 13.-1-110.11; thence,
4. Southerly, along the westerly line of Tax Parcel number 13.-1-110.11 and continuing along the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11, a distance of 568 feet, more or less, to the intersection of the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11 and the centerline of East Main Street Road (99 feet wide right-of-way); thence,
5. Easterly, along the centerline of East Main Street Road, a distance of 743 feet, more or less, to the intersection of the centerline of East Main Street Road and the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1; thence,
6. Northerly, along the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1 and continuing along the easterly line of Tax Parcel numbers 13.-1-21.1 and 13.-1-110.12, a distance of 530 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-110.12; thence,
7. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2 and continuing along the easterly extension of the southerly line of Tax Parcel number 13.-1-107.2, a distance of 2,653 feet, more or less, to the intersection of the easterly extension of the southerly line of Tax Parcel

JULY 15, 2015
REGULAR TOWN BOARD MEETING

- number 13.-1-107.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way);
thence,
8. Northerly, along the centerline of Seven Springs Road, a distance of 75 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2; thence,
 9. Westerly, along the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2 and continuing along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 226 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-11; thence,
 10. Northerly, along the westerly line of Tax Parcel numbers 13.-1-11 and 13.-1-4.2, a distance of 450 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.2; thence,
 11. Easterly, along the northerly line of Tax Parcel number 13.-1-4.2 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2, a distance of 232 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way); thence,
 12. Northerly, along the centerline of Seven Springs Road, a distance of 349 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-152; thence,
 13. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-152 and continuing along the southerly line of Tax Parcel number 13.-1-152, a distance of 230 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-152; thence,
 14. Northerly, along the westerly line of Tax Parcel number 13.-1-152, a distance of 204 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-152; thence,
 15. Westerly, along the southerly line of Tax Parcel number 13.-1-4.121, a distance of 71 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
 16. Northerly, along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111, a distance of 350 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.111; thence,
 17. Easterly, along a northerly boundary of the Consolidated Water District and the northerly line of Tax parcel number 13.-1-4.111, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-151; thence,
 18. Northerly, along the westerly line of Tax Parcel numbers 13.-1-151, 13.-1-150, and 13.-1-149, a distance of 605 feet, more or less, the northwesterly corner of Tax Parcel number 13.-1-149; thence,
 19. Easterly, along the northerly line of Tax Parcel number 13.-1-149 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-149, a distance of 226 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-149 and the centerline of Seven Spring Road (49.5 feet wide right-of-way); thence,
 20. Northerly, along the centerline of Seven Spring Road, a distance of 49 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-9; thence,
 21. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-9 and continuing along the southerly line of Tax Parcel number 13.-1-9, a distance of 225 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-9; thence,

JULY 15, 2015
REGULAR TOWN BOARD MEETING

22. Northerly, along the westerly line of Tax Parcel number 13.-1-9, a distance of 152 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-9; thence,
23. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 942 feet, more or less, to the southwest corner of Tax Parcel number 13.-1-8.121; thence,
24. Northerly, along the westerly line of Tax Parcel number 13.-1-8.121, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
25. Southwest, along the westerly line of Tax Parcel number 13.-1-153.1, a distance of 3,266 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Sanitary Sewer District Map – Oakwood Hills Subdivision," dated 4/2014. The Town of Batavia, Batavia North Water District, as described above, contains approximately 121.5 acres of land.

RESOLUTION NO. 150:

Deputy Supervisor Underhill offered the following:

MEETING/COURT ROOM
EXTERIOR DOOR PURCHASE

WHEREAS, the exterior door in the meeting/court room is deteriorating and needs to be replaced; and

WHEREAS, the Town received a quote from Door Specialties, Incorporated at a cost of seven hundred, thirty-eight dollars (\$738.00) (quoted attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase and installation of a new door and hinge from Door Specialties, Incorporated at a cost of seven hundred thirty-eight dollars (\$738.00); and be it further

RESOLVED, the expenditure will be appropriated from line item A1620.200

Second by: Councilman Lang

Ayes: Underhill, Lang, Zambito

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 151:

Councilman Zambito offered the following:

AMENDMENT 2 TO RESOLUTION 2 OF 2015

ADOPTION OF SALARIES FOR 2015

JULY 15, 2015
REGULAR TOWN BOARD MEETING

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2015, entitled "Adoption of Salaries for 2015", as follows:

Position	From	To
Assessment Clerk – Part-time	\$12.00 - \$15.50 per hour	\$12.00-\$18.00/hour

Add:

Cleaner- Part-time \$9.00 - \$15.00 per hour

Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 152:

Councilman Lang offered the following:

TRAINING WORKSHOP

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

Kathy Jasinski, Paul McCullough, Paul Marchese, Lou Paganello, Jeremy Liles, Gordon Offhaus, Jonathan Long, and Don Partridge- "In House Training"-Green Genesee/Smart Genesee" (was June 16, 2015. Members to be credited for 1.5 hours of training.

Lou Paganello- Wyoming, Genesee, Livingston and Erie Counties presented training on Special Use Permits, Land Use Moratoria and Solar Energy Regulation (was) on June 18, 2015. There was no cost for this training.

Kenneth Pike –Commercial/Industrial Valuation Training at Cornell University July 12 through July 16, 2015 at an approximate cost to the Town of Batavia of \$432.00. (This is one third of the total cost of approximately \$1,296.00)

Second by: Councilman Deputy Supervisor

Ayes: Lang, Zambito, Underhill

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 153:

Deputy Supervisor Underhill offered the following:

**CONTRACT BETWEEN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION AND THE TOWN OF BATAVIA-BATAVIA FLOOD PROTECTION
PROJECT**

ANNUAL MOWING AND SHOAL REMOVAL

JULY 15, 2015
REGULAR TOWN BOARD MEETING

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has been contracting with the Town of Batavia for the purpose of maintaining the Batavia Flood Protection Project Annual Mowing and Shoal Removal; and

WHEREAS, the NYSDEC wishes to extend this contract from May 15, 2015 to May 14, 2018, reimbursing the Town in the amount of fourteen thousand dollars per year for 3 years for a total of forty two thousand dollars (\$42,000.00). (documentation attached).

NOW THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contact between the NYSDEC and the Town of Batavia, a copy of which is annexed hereto and made a part of the minutes, the Town providing the aforementioned service for the NYSDEC at a cost of fourteen thousand dollars per year for 3 years for a total of forty two thousand dollars (\$42,000.00).

Second by: Councilman Lang

Ayes: Underhill, Lang, Zambito

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 154:

Councilman Zambito offered the following:

WEBSITE HOSTING, MONITORING, AND EMAIL FILTERING SERVICES
HURRICANE TECHNOLOGIES, INCORPORATED

WHEREAS, in July 2011 the Town of Batavia retained Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services along with GFI Email Filtering Services in 2014; and

WHEREAS, the agreement is due to expire; and

WHEREAS, Hurricane Technologies, Incorporated has provided an agreement and quote to renew the Website Hosting, Monitoring and Email Filtering Services (agreement attached); and

WHEREAS, the monthly cost for the Website Hosting is \$9.99, the monthly cost for the GFI Monitoring Service for the Workstations is \$109.96 and the monthly cost for the GFI Emailing Filter Service is \$1.60 per number of email users (currently 32 users=\$51.20).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for Website Hosting, GFI Monitoring and Email Filtering Services at a monthly cost of \$171.15, and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the agreement, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilman Lang

13

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Ayes: Zambito, Lang, Underhill
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 155:

Councilman Lang offered the following:

RESOLUTION TO APPROVE AN ASSESSMENT SERVICES AGREEMENT
WITH THE TOWN OF BERGEN

WHEREAS, the Town of Batavia and the Town of Bergen intend to enter into an intermunicipal cooperative agreement to have the Town of Batavia provide assessment services to the Town of Bergen; and

WHEREAS, the Town of Batavia has determined that it has the ability to provide the services by using the Batavia Town Assessor, who is and will continue to be fully qualified as required by law to provide assessment services, with any support staffing, as necessary.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Towns of Batavia and Bergen Assessment Services Agreement”, a copy of which is 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; and be it further

RESOLVED that the effective date of this Agreement shall be retroactively to the date of July 1, 2015, and the Town Board does hereby ratify any and all acts, conduct or activities on behalf of the Town of Batavia already completed, in contemplation of implementing this Agreement.

Second by: Councilman Zambito
Ayes: Lang, Zambito, Underhill
APPROVED by unanimous vote (3-0)

TOWNS OF BATAVIA AND BERGEN
ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2015, by and between the **TOWN OF BERGEN**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 10 Hunter Street, Bergen, New York 14416, (hereinafter referred to as “Bergen”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

JULY 15, 2015
REGULAR TOWN BOARD MEETING

WHEREAS, pursuant to Article 5-G of the General Municipal Law, Bergen and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in both the Towns of Batavia and Bergen.

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

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units. Within the term of this agreement the Assessor shall also complete a revaluation of town properties to include commercial properties in cooperation with GAR Associates, with whom the Town of Bergen is separately under contract with.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.
4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.
5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of Bergen. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

JULY 15, 2015
REGULAR TOWN BOARD MEETING

6. Batavia shall indemnify and hold Bergen harmless from any claims made against Bergen by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. Bergen shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Bergen, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and Bergen shall pay all costs and expenses related to defending any assessment challenge brought in its jurisdiction.

8. The terms and conditions of this Agreement shall begin on July 1, 2015, and shall end on June 30, 2016. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before April 30, 2016, Bergen and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. It is agreed that the effective date of this Agreement shall be retroactive to July 1, 2015, and all acts and conduct by, and on behalf of, any of the parties from July 1, 2015, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by both Towns.

10. In consideration and for compensation for the services set forth herein, Bergen shall pay to Batavia the total sum of twenty-five thousand dollars (25,000.00) for this Agreement. This sum shall be paid in two equal installments of twelve-thousand, five-hundred dollars. The first payment due on or before October 1, 2015 and the second payment due on or before March 1, 2016.

11. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then Bergen, at its sole option and discretion, may terminate this Agreement with at least thirty (30) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

12. 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 parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

JULY 15, 2015
REGULAR TOWN BOARD MEETING

By: Gregory H. Post, Town Supervisor

TOWN OF BERGEN

By: Donald Cunningham, Town Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 2015, 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/she executed the same in his/her capacity, and that by his/her 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 this _____ day of _____, 2015, before me, the undersigned, personally appeared Donald Cunningham, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 156:

Deputy Supervisor Underhill offered the following:

JULY 15, 2015
REGULAR TOWN BOARD MEETING

RESOLUTION TO ESTABLISH POSITION
ASSESSMENT CLERK

RESOLVED, the Batavia Town Board hereby establishes a second part-time Assessment Clerk position (MSD222 duties statement attached).

Second by: Councilman Lang
Ayes: Underhill, Lang, Zambito
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 157:

Councilman Zambito offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
ELLCOTT TRAIL

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the Ellicott Trail Project. In accord with the likelihood that the Town Board will serve as lead agency, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the construction of a 4.6 mile long pedestrian trail in the Town and City of Batavia beginning at Route 33 traveling through the City of Batavia on various roads and abandoned railroads and ending at Seven Springs Road in the Town of Batavia. The project includes the construction of a 10 ft. wide stone dust trail on the off road sections and 10 ft wide sidewalk on the on road section.

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

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment Part 1 of this project, prepared by Barton & Loguidice, D.P.C., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the Short Environmental Assessment Form. The Town Board plans to make a Determination of Significance for the project after the 30-day comment period has elapsed.

Second by: Councilman Lang
Ayes: Zambito, Lang, Underhill
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 158:

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Councilman Lang offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2015

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

General Fund:

From	Amount	To
A1355.200 Assessor – Equip	9800.00	A1355.400 Assessor – Contractual
A8684.402 Planning & Mgmt Dev	3745.00	A9040.800 Workmens Comp
A8684.402 Planning & mgmt. Dev	1579.00	A9050.800 Unemployment Svc
A1989.400 Misc Exp	1521.00	A1940.400 Land acquisition
A1989.400 Misc exp	40.00	A1950.400 Taxes on Property
A8684.402 Planning & Mgmt Dev	3000.00	A3620.402 Bldg & Saf Insp – Engineering
A1989.400 Misc Exp	183.00	A8162.400 Trs St Contractual

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Zambito

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 159:

Deputy Supervisor Underhill offered the following:

PAYROLL PROCESSING HR MODULE AGREEMENT

WHEREAS, in 2007 the Town of Batavia retained Complete Payroll Processing, Incorporated, (CPP) located at 7488 State Route 39, Perry, New York 14530 for bi-weekly and monthly payroll services; and

WHEREAS, with the Affordable Care Act there are new reporting requirements; and

WHEREAS, CPP proposed adding the HR Module with ACA to ensure the accurate and timely reporting to the Internal Revenue System, at a cost of one dollar and eighty-five cents per month per employee (\$1.85/month/employee-currently 56 employees for a total of \$103.60/month) plus a one-time set up fee of two hundred ten dollars (\$210.00) (agreement attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Payroll Processing HR Module with ACA Agreement with CPP, a copy of which is annexed to and made a part of the minutes, at a cost of one dollar and eighty-five cents per month per employee (\$1.85/month/employee-currently 56 employees for a total of \$103.60/month) plus a one-time set up fee of two hundred ten dollars (\$210.00); and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1220.400.

Second by: Councilman Zambito

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Ayes: Underhill, Zambito, Lang
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 160:

Councilman Zambito offered the following:

RESOLUTION RESCINDING
RESOLUTION NO. 94 OF 2015
BID AWARD
PURCHASE OF USED UTILITY TRUCK FOR
WATER/WASTEWATER DEPARTMENT

RESOLVED, the Batavia Town Board hereby rescinds Resolution No. 94, dated April 3, 2015, entitled, "Bid Award-Purchase of Used Utility Truck for Water/Wastewater Department.

Second by: Councilman Lang
Ayes: Zambito, Lang, Underhill
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 161:

Councilman Lang offered the following:

PURCHASE NEW VEHICLES FOR
WATER/WASTEWATER DEPARTMENT

WHEREAS, the Town solicited bids for two new 2016 Ford F250 XL Extended Cab Pickup Trucks for the Water/Wastewater Department, with an option to trade in the 2013 Ford F350 pickup truck with the utility bed (VIN# 1FT8W3D61DEA99230) and the 2013 Ford F250 pickup truck with western pro plus 8 ft. snow plow (VIN# 1FT7X2B65DEA93095) and such bids were publicly received and opened on July 14, 2015 at 10:00 a.m.; and

WHEREAS, Orleans Ford, Medina, New York was the low bidder for the purchase of a new 2016 F250 with the 6.5 ft. short bed at a cost of twenty-eight thousand six hundred thirty-five dollars (\$28,635.00) with an option to trade in the Town's 2013 Ford F350 pickup truck with the utility bed, VIN# 1FT8W3D61DEA99230, (\$28,635.00 less trade-in value \$25,000) and the purchase of a new 2016 F250 with the 8 ft. long bed at a cost of twenty-eight thousand eight hundred sixteen dollars (\$28,816.00) with an option to trade in the Town's 2013 Ford F250 pickup truck with western pro plus 8 ft. snow plow, VIN# 1FT7X2B65DEA93095 (\$28,816.00 less trade-in value of \$22,000.00) (bid summary attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2016 F250 Truck with the 6.5 ft. short bed at a cost of twenty-eight thousand six hundred thirty-five dollars (\$28,635.00) with the option of trading with Orleans Ford, selling at auction or to another municipality,

JULY 15, 2015
REGULAR TOWN BOARD MEETING

the Town's 2013 Ford F350 pickup truck with the utility bed, VIN# 1FT8W3D61DEA99230 for a minimum of twenty-five thousand dollars (\$25,000) after all fees and expenses, and the purchase of a new 2016 F250 with the 8 ft. long bed, at a cost of twenty-eight thousand eight hundred sixteen dollars (\$28,816.00) with the option of trading with Orleans Ford, selling at auction or to another municipality, the Town's 2013 Ford F250 pickup truck with western pro plus 8 ft. snow plow, VIN# 1FT7X2B65DEA93095 for a minimum of twenty-two thousand dollars (\$22,000.00) after all fees and expenses, and be it

FURTHER RESOLVED, to account for these expenditures, revenue from the sale of the pick-up trucks and funds being appropriated from the unexpended-unappropriated water and sewer fund balance as follows:

Increase Revenue Line Items- SW2665 (75%), SS12665 (12.5%), and SS22665 (12.5%)
\$47,000.00

Increase Expenditure Line Items-SW8340.200 (75%), SS198120.200 (12.5%), and SS28120.200 (12.5%) \$57,451.00

Un-expended, unappropriated water and sewer fund balance (SW 75%, SS1 12.5% and SS2 12.5%) \$10,451.00

Second by: Councilman Zambito

Ayes: Lang, Underhill, Zambito

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 162:

Deputy Supervisor Underhill offered the following:

BID AWARD
PURCHASE OF USED UTILITY TRUCK FOR
WATER/WATERWASTER DEPARTMENT

WHEREAS, the Town has installed new water and sewer mains which will require routine maintenance and require a truck that has a lift crane to move heavy equipment and pull sewer pump station pumps. Since they currently do not have this type of vehicle, a used utility truck would suit their needs; and

WHEREAS, the Highway Superintendent solicited bids for four different classes of used utility trucks (Class 5, 6, 7, and 8) and such bids were publicly received and opened on July 14, 2015 at 10:00 a.m., and

WHEREAS, the Highway Superintendent, along with the Town Engineer and Water Department personnel reviewed the bids and hereby recommend purchasing the used utility truck that is Class 6 or larger to meet the short and long term maintenance needs for their department; and

WHEREAS, Coast Cities Equipment Sales, Incorporated, 1201 Highway 35, Neptune, New Jersey, is the lowest bid for a Class 6 truck or larger, at a cost of twenty-nine thousand nine hundred fifty

JULY 15, 2015
REGULAR TOWN BOARD MEETING

dollars (\$29,950.00) for 2007 International 4300 Utility Truck with a 4000 lb. crane and lift gate (Highway Superintendent memo and bid summary attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town hereby authorizes the purchase of 2007 International 4300 Utility Truck with a 4000 lb. crane and lift gate from Coast Cities Equipment Sales, Incorporated, 1201 Highway 35, Neptune, New Jersey at a cost of twenty-nine thousand nine hundred fifty dollars (\$29,950.00); and be it

FURTHER RESOLVED, the cost to deliver or pick up the utility truck shall not exceed \$750.00, and be it

FURTHER RESOLVED, \$15,000 will be appropriated from the 2015 budget from line items SW8340.200 - \$11,250.00, SS18120.200- \$1,875.00, SS28120.200- \$1,875.00 and \$15,700 will be appropriated from the unexpended-unappropriated water and sewer fund balance (SW 75%, SS1 12.5% and SS2 12.5%)

Second by: Councilman Zambito
Ayes: Underhill, Zambito, Lang
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 163:

Councilman Zambito offered the following:

TOWN OF ELBA
CONSOLIDATED FUNDING GRANT APPLICATION-
WATER PLANNING GRANT
LETTER OF SUPPORT

WHEREAS, the Town of Elba is proposing to submit a Community Development Block Grant/Consolidated Funding Application for a Water Districts and Operation/Maintenance Planning project; and

WHEREAS, the Town of Batavia pledges to provide any and all information and support necessary to carry out the Operation/Maintenance Planning portion of the project.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby supports the Community Development Block Grant/Consolidated Funding Application the Town of Elba is considering submitting and authorizes the Supervisor to send a letter in support to the Selection Committee.

Second by: Councilman Lang
Ayes: Zambito, Lang, Underhill
APPROVED by unanimous vote (3-0)

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

RESOLUTION NO. 164:

Councilman Lang offered the following:

**VILLAGER CONSTRUCTION INCORPORATED
APPROVAL OF CHANGE ORDER NO. 3
WEST MAIN SEWER IMPROVEMENTS
CONTRACT NO. 2**

WHEREAS, Villager Construction, Incorporated is under contract with the Town of Batavia for the West Main Street Road Sewer Improvements; and

WHEREAS, the final quantities of the project have been determined, and

WHEREAS, the final quantities result in a deduct to the contract, and

WHEREAS, Villager Construction, Incorporated has submitted the change order request for the final quantity adjustment for a deduct amount of Thirty Three Thousand Five Hundred Two dollars and seventy six cents (\$33,502.76), as shown on the attached Change Order No. 3 (Final), and

WHEREAS, the Town Engineer and the Town's consultant has reviewed the change order request along with the Clerk of the Works records and recommends approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No.3 for Contract No.2 and authorizes the Supervisor to execute Change Order No.3. The approved change order is subject to approval by USDA-Rural Development.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 165:

Deputy Supervisor Underhill offered the following:

**RANSCO PIPELINE APPROVAL OF CHANGE ORDER NO. 5
WEST MAIN SEWER IMPROVEMENTS**

WHEREAS, Ransco Pipeline is under contract with the Town of Batavia for the West Main Street Road Sewer Improvements, and

WHEREAS, the final quantities of the project have been determined, and

JULY 15, 2015
REGULAR TOWN BOARD MEETING

WHEREAS, the final quantities result in a deduct to the contract, and

WHEREAS, Randsco Pipeline has submitted the change order request for the final quantity adjustment for a deduct amount of Two Thousand Forty-One dollars and fifty cents (\$2,041.50), as shown on the attached Change Order No. 5 (Final), and

WHEREAS, the Town Engineer and the Town's consultant has reviewed the change order request along with the Clerk of the Works records and recommends approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No. 5 and authorizes the Supervisor to execute the attached Change Order No. 5. The approved change order is subject to approval by USDA-Rural Development.

Second by: Councilman Lang

Ayes: Underhill, Lang, Zambito

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 166:

Councilman Zambito offered the following:

FINAL ACCEPTANCE OF PROJECT AS COMPLETE
WEST MAIN SEWER

WHEREAS, Randsco Construction-Contract No. 1 and Villager Construction- Contract No.2 have certified completion of the West Main Street Road sewer project, and

WHEREAS, Clark Patterson Lee has certified and approved the project as complete (see attached), and

WHEREAS, the Town of Batavia has an operator, Paul Barrett appropriately certified to oversee operation of the West Main Street Road Sewer Project.

NOW, THEREFORE, BE IT

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

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Lang

APPROVED by unanimous vote (3-0)

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

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Ayes: Lang, Zambito, Underhill

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 167:

Councilman Lang offered the following:

CITY OF BATAVIA
CONSOLIDATED FUNDING GRANT APPLICATION-
WATER PLANNING GRANT
LETTER OF SUPPORT

WHEREAS, the City of Batavia is proposing to submit a Community Development Block Grant/Consolidated Funding Application for a Big Ditch Planning Study; and

WHEREAS, the big ditch conveys storm water from the Town through the City of Batavia and is a vital section of the storm drainage infrastructure for both municipalities. Preparing a plan for the continued long term operation and maintenance of the big ditch would prepare both parties for the future. The Town of Batavia is in support of the application.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby supports the Community Development Block Grant/Consolidated Funding Application the City of Batavia is considering submitting for a Big Ditch Planning Study and authorizes the Supervisor to send a letter of support to Jason Molino, Batavia City Manager.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill

APPROVED by unanimous vote (3-0)

Abstract No. 7-2015: Motion Councilman Zambito, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

JULY 15, 2015
REGULAR TOWN BOARD MEETING

General	\$79,491.63
Highway	154,036.00
Sewer No. 1	9,285.77
Sewer No. 2	12,600.52
Water	62,727.26
West Main Sewer	4,200.00
Pratt	4,500.00
Sewer Cap Purchase	10,160.00
Ellicott Trail	17,696.80
Twln Joint Water Project	717,525.76
CDBG	75,776.61
Total	1,148,000.35

Check numbers 20093 – 20162, 20164 – 20165, HQ-1010, SM 1016-1022, 1024, Online: \$6,288.15

Ayes: Zambito, Lang, Underhill

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Deputy Supervisor reported on the following departments:

Building Department- Keeping busy with permits and inspections

Highway Department- Finishing road sides and repaving on Pike Road

Supervisor's Report:

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

GAM- There are no GAM meetings in July and August.

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$5,190.05, remitted \$4,492.44 to the Supervisor for the Local Share.

Kiwanis Donations- Received a \$25.00 donations from Grace Stewart, Elizabeth Peplin, and Cathi Hazlett for Kiwanis Park.

A.D. Call & Sons- Received a letter from A.D. Call & Sons terminating the Harloff Road Land Lease Agreement effective July 7, 2015.

ADJOURNMENT:

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

Ayes: Zambito, Lang, Underhill

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

JULY 15, 2015
REGULAR TOWN BOARD MEETING

Teressa M. Morasco
Town Clerk