

JULY 20, 2016
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Sharon White, Councilwoman led the pledge to the flag.

Roll Call

Present:

Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Absent: Supervisor Post

Others

Present:

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

The Supervisor called the meeting to order at 7:07 P.M.

June 22, 2016 Regular Town Board Meeting: Motion Councilwoman White, second Councilwoman Michalak to approve the minutes as written.

Ayes: White, Michalak, Zambito, Underhill

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 133:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

Kenneth Pike- NYS Assessor's Association Seminar in Ithaca, New York July 11 – 14, 2016. There is no cost to the Town for this seminar. Expenses will be submitted to NYS for reimbursement.

John DellaPenna-Association of Towns Planning and Zoning Summer School Friday, August 12, 2016 at the Quality Inn, Batavia, New York at a cost of \$80.00 each.

Greg Lang-Western New York Water Operator School September 12 – 13, 2016 in Tonawanda, New York at a cost of \$375.00

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

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RESOLUTION NO. 134:

Deputy Supervisor Underhill offered the following:

KIWANIS PARK DONATION

RESOLVED, the Batavia Town Board hereby accepts the following donations for use of the Kiwanis Park:

\$25.00 from Suzanne Kimmel for park use on June 26, 2016
\$25.00 from Robert and Dorothy Smith for park use on July 1, 2016
\$25.00 from Grace Stewart for park use on July 9, 2016
\$25.00 from Elizabeth and Laurence Peplin for park use on July 10, 2016

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

Discussion- Deputy Supervisor Underhill expressed the Town's appreciation for the donations.

RESOLUTION NO. 135:

Councilwoman Michalak offered the following:

**SERGI CONSTRUCTION INCORPORATED
CONTRACT A (BASE BID A)
APPROVAL OF CHANGE ORDER NO. 3
TOWNLINER WATER PROJECT**

WHEREAS, Sergi Construction, Incorporated is under contract with the Town of Batavia for the construction of approximately 107,000 linear feet of 8 inch and 12 inch water main, valves, hydrants and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford; and

WHEREAS, the project was separated into two bids – Base Bid A and Base Bid B; and

WHEREAS, Sergi was awarded Base Bid A contract, and

WHEREAS, additional work was added to and deleted from the project; and

WHEREAS, Sergi Construction, Incorporated has submitted a change order request for the requested revisions in the increased amount of forty-seven thousand, six hundred eighty dollars (\$47,680.00) as shown on the attached Change Order No.3; and

WHEREAS, Clark Patterson Lee and the Town Engineer have reviewed the change order request and recommend approval of the change order request.

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NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No.3 and authorizes the Supervisor to execute the attached Change Order No.3 in the increased amount of forty-seven thousand, six hundred eighty dollars (\$47,680.00).

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 136:

Councilman Zambito offered the following:

VISONE CONSTRUCTION INCORPORATED
CONTRACT B (BASE BID B)
APPROVAL OF CHANGE ORDER NO. 3
TOWNLIN WATER PROJECT

WHEREAS, Visone Construction, Incorporated is under contract with the Town of Batavia for the construction of approximately 107,000 linear feet of 8 inch and 12 inch water main, valves, hydrants and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford; and

WHEREAS, the project was separated into two bids – Base Bid A and Base Bid B; and

WHEREAS, Visone was award Base Bid B contract, and

WHEREAS, additional work was added to and deleted from the project; and

WHEREAS, Visone Construction, Incorporated has submitted a change order request for the requested revisions in the increased amount of sixteen thousand, sixty-one dollars and thirty-seven cents (\$16,061.37) as shown on the attached Change Order No.3; and

WHEREAS, Clark Patterson Lee and the Town Engineer have reviewed the change order request and recommend approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No.3 and authorizes the Supervisor to execute the attached Change Order No.3 in the increased amount of sixteen thousand, sixty-one dollars and thirty-seven cents (\$16,061.37).

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 137:

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Councilwoman White offered the following:

RESOLUTION ADOPTING POST-ISSUANCE TAX COMPLIANCE PROCEDURES

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, the Town previously adopted interim post-issuance tax compliance procedures (the "Original Procedures"); and

WHEREAS, it was intended that the Original Procedures would be periodically updated and supplemented; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt updated and more comprehensive post-issuance tax compliance procedures;

NOW THEREFORE, BE IT RESOLVED, that the Town hereby adopts the updated and more comprehensive post-issuance tax compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 138:

Deputy Supervisor Underhill offered the following:

**RESOLUTION ADOPTING SEC-DRIVEN
CONTINUING DISCLOSURE COMPLIANCE PROCEDURES**

WHEREAS, Securities Exchange Commission ("SEC") Rule 15c2-12 (the "Rule")

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generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Town is an occasional issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, the Town Board deems it to be in the best interest of the Town to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT

RESOLVED, that the Town hereby adopts the continuing disclosure compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 139 TABLED:

Councilwoman Michalak made a motion to Table Resolution No. 139, entitled, “Town of Batavia Vision Statement.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill

TABLED by unanimous vote (4-0)

RESOLUTION NO. 140:

Councilman Zambito offered the following:

AMENDMENT NO. 2
ENGINEERING AGREEMENT – CLARK PATTERSON LEE
TOWNLIN WATER DISTRICT

BATAVIA NORTH WATER DISTRICT
ELBA WATER DISTRICT #1
OAKFIELD DISTRICT #6

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WHEREAS, a joint water project – Townline Water Project is being undertaken by the Towns of Batavia, Elba, and Oakfield; and

WHEREAS, the Town of Batavia is serving as the project agent/administrator for all municipalities and as such has contracted for professional services for the project; and

WHEREAS, Clark Patterson Lee has submitted the attached proposed Amendment No. 2 to the agreement for additional design and inspection services in the amount of \$66,900; and

WHEREAS, the Town of Batavia 's Town Engineer has reviewed these increases to the project budget (attached) with each of the Town Supervisors and all have concurred with the need, justification and increase.

NOW THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute Amendment No.2 to the agreement between the Town of Batavia and Clark Patterson Lee for services to be rendered in connection with the Townline Water Project, in the amount of sixty-six thousand, nine hundred dollars (\$66,900.00), a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 141:

Councilwoman White offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO. 1
PRATT ROAD WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Pratt Road Water District, and

WHEREAS, the Town has requested additional services for the Pratt Road Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment for construction inspection services in the amount of Nine Thousand Six Hundred dollars (\$9,600) (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the Engineering Agreement Amendment No. 1 with Clark Patterson Lee in the amount of Nine Thousand Six Hundred dollars (\$9,600), a copy of which is annexed hereto and made a part of the minutes, contingent upon

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approval by USDA – Rural Development.

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

RESOLUTION NO. 142:

Deputy Supervisor Underhill offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO. 2
WEST MAIN STREET ROAD SEWER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the West Main Street Road Sewer District, and

WHEREAS, the Town has requested additional services for the West Main Street Road Sewer District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment for additional construction inspection services in the amount of Twenty One Thousand dollars (\$21,000) (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the Engineering Agreement Amendment No. 2 with Clark Patterson Lee in the amount of Twenty One Thousand dollars (\$21,000), a copy of which is annexed hereto and made a part of the minutes, contingent upon approval by USDA – Rural Development.

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

RESOLUTION NO. 143:

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE A FIRST AMENDMENT TO A SEWER SERVICE
AGREEMENT WITH OTB

WHEREAS, Western Regional Off Track Betting Corporation (hereinafter “OTB”) would like the Town of Batavia, (hereinafter “Town”) to maintain the existing sewer main which are located on the east side of their building and including a future extension to the south bounds of Richmond Avenue, and

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WHEREAS, OTB has agreed to pay all expenses for the maintenance and future extension of this sanitary sewer service line, upon other terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “First Amendment to Sewer Service Agreement for Batavia Downs”, a copy of which shall be made a part of the Town Board Minutes, is hereby approved and the Town Supervisor is hereby authorized and directed to execute this First Amendment on behalf of the Town.

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

RESOLUTION NO. 144:

Councilman Zambito offered the following:

RESOLUTION TO APPROVE A SANITARY SEWER EASEMENT WITH OTB

WHEREAS, Western Regional Off Track Betting Corporation (hereinafter “OTB”) would like the Town of Batavia, (hereinafter “Town”) to maintain the existing sewer mains which are located on the east side of their building and includes a future extension up to the south bounds of Richmond Avenue, and

WHEREAS, the Town will need an Easement to maintain the sanitary sewer and the future extension.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed Sanitary Sewer Easement, which has been executed by OTB, a copy of which shall be made a part of the Town Board Minutes, is hereby approved.

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

Abstract No. 7-2016: Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$61,070.34
Highway	241,426.39
Sewer No. 1	1,989.88
Sewer No. 2	6,003.70
Water	204,781.60
Townline	275,393.12
Southwest	6,131.50
West Main	26,195.00
Sewer Capacity	359.71
Total	\$823,351.24

Check numbers 17027 thru 17097, SM: 1083-1086, Online: \$6,769.80

Ayes: Zambito, Michalak, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Deputy Supervisor reported the following:

Highway is busy paving.

Water Department is tending to a water main break this evening. The Town Supervisor is overseeing.

Supervisor's Report:

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

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$9,473.40, remitted \$8,839.32 to the Supervisor for the Local Share.

Trainings-The Association of Towns 2016 Planning and Zoning School is August 12, 2016. Town personnel have be notified of this training.

GLOW Hazardous Waste Collection is Saturday September 17, 2016 in Batavia, New York. Appointments are required by contacting the GLOW office at 344-2580, ext. 5463.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:26 P.M.

Ayes: Zambito, Michalak, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,
Teresa M. Morasco
Town Clerk