

**AUGUST 16, 2017**  
**REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Greg Post, Supervisor led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman White  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Town Clerk Morasco

The Supervisor called the meeting to order at 7:06 P.M.

**Public Hearing Local Law 3 of 2017-** The Supervisor called the Public Hearing to Order for Local Law 3 of 2017 to Establish Facility Use Regulations” at 7:08 P.M. - Minutes for public hearing entered separately.

**July 19, 2017 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilwoman White to approve the minutes as written.

**Ayes:** Underhill, White, Michalak, Zambito, Post

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 137:**

Councilwoman White offered the following:

**RESOLUTION ADOPTING LOCAL LAW No. 3 OF 2017**

**WHEREAS**, proposed Local Law No. 3 of 2017 of the Town of Batavia entitled “A Local Law to Establish Facility Use Regulations”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on July 19, 2017, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on August 16, 2017, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 3 of 2017 is in the best interest of the Town of Batavia, New York.

**NOW, THEREFORE, BE IT**

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**RESOLVED**, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 3 of 2017 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law No. 3 of 2017 be filed with the New York State Secretary of State in accordance with Law.

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

Local Law Filing New York State Department of State  
41 State Street, Albany, NY 12231  
\_\_\_\_\_  
(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Batavia, Genesee County, New York  
Town  
Village

Local Law No. 3 of the year 2017.

A local law known as A Law Enacting Facility Use Regulations  
(Insert Title)

Be it enacted by the \_\_\_\_\_ Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

County  
City of **Batavia, Genesee County, New York** as follows:  
Town  
Village

**ARTICLE I: ENACTMENT, INTENT AND AUTHORIZATION**

The Town Board and the Town of Batavia does hereby ordain and enact this local law, entitled A Law Enacting Facility Use Regulations, pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law. The intent of this law is to establish the general parameters and procedures relating to usage of the Town facilities subject to applicable laws and regulations and the interpretations of the Town Board.

**ARTICLE II: TOWN OF BATAVIA FACILITY REGULATIONS**

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**§ 1. Application required.**

- A. Any and all usage of the Town of Batavia Buildings by outside organizations not affiliated with the Town of Batavia shall be permitted upon written application filed with the Town Clerk, subject to compliance with the requirements of this policy.
- B. Applications for use shall be made no sooner than sixty days prior to the applied-for date of occupancy.

**§ 2. Permitted uses of facilities.**

The Town will permit the use of the Town's facilities and its grounds, when not in use for Town business, by outside organizations (hereinafter "Users") for any of the following purposes:

- A. For instruction in any branch of education, learning or the arts.
- B. For meetings of community organizations, volunteer or otherwise, which serve Town residents.
- C. For meetings of other federal, state and local governments, including veterans' organizations.

**§ 3. Exits; occupancy.**

The Town and Users shall keep all exits clear at all times, and the authorized maximum occupancy posted shall be strictly observed. All Users shall inform participants of the location of exits and emergency response equipment.

**§ 4. Premises to be kept clean.**

Users shall keep the grounds and facilities clean and neat, and Users shall be responsible for any loss or damage to the demised premises and its equipment as well as the avenues of ingress and egress thereto. Upon completion of the use of the grounds or facilities by the User, the same are to be returned to the same condition as existed prior to the occupancy by the User.

**§ 5. Responsibility for lost or stolen articles.**

The Town of Batavia will not be held responsible for any articles lost or stolen during the occupancy of the User.

**§ 6. Maintenance of order.**

The User assumes the responsibility for keeping and maintaining order while occupying Town grounds and/or facilities. User shall immediately vacate the grounds or facilities upon a violation of any law or this policy, the purpose of which is to preserve the public peace and good order, by the User and/or its participants, guests or invitees.

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**§ 7. Procedures, rules and fees.**

Fees, deposit requirements, procedures and rules for the use of Town facilities pursuant to this policy shall be set and/or amended from time to time by the Town Board, by resolution.

**§ 8. Costs and damages to be charged to applicant.**

All costs resulting from User's failure to clean or return the premises to its pre-occupancy condition as required by paragraph 4 of this policy, or resulting from damage to the premises by the User or its participants, guests or invitees, shall be charged against the security deposit. If the deposit is not sufficient to cover all such costs, User shall reimburse the Town for same within 30 days after demand by the Town. Failure of the User to reimburse the Town after due demand will result in immediate termination of User's right to use the premises, and Town may commence an action in a court of competent jurisdiction to recover monetary losses resulting from User's failure to reimburse the Town. In the event the Town must sue User as above, User agrees to be responsible for all costs of the action, including but not limited to reasonable attorney's fees.

**§ 9. Garbage and trash. Carry In and Carry Out**

All garbage and trash created by Users shall not be left behind, dumped or disposed of on Town property.

**§ 10. General Liability Insurance required.**

Users shall obtain, at said User's expense, general liability insurance in form, content and amount satisfactory to the Town of Batavia, for protection against claims of personal injuries, including death or damage to property arising out of the use of any Town facility. Said insurance shall be issued by a reputable insurance company, authorized to do business in the State of New York, and said policy shall also name the Town of Batavia as an additional insured. The policy shall provide that in the event of cancellation or modification the insurer shall provide the Town with at least 10 days' written notice of such cancellation or modification. In no event, shall such liability insurance exclude from coverage any municipal operations or municipal property.

**§ 11. Indemnification of Town.**

User agrees to indemnify and hold harmless the Town of Batavia against any and all liability, loss, damage, suit, charge, attorney's fees, judgment, expenses of whatever kind or nature which the Town may directly or indirectly incur or be required to pay by reason or in consequence of the wrongful or negligent act or omission of the User, its agents employees or contractors. If a claim or action is made or brought against the Town for which the users may be responsible hereunder in whole or in part, then User shall be notified and shall handle and assume the defense of same.

**§ 12. Applicability.**

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This policy shall apply to Town Facilities including the Town Hall and the appurtenant real property; highway garage; and any other town-owned property, with the exception of public parks, which are specifically excluded from the application of this policy.

ARTICLE III:           **EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Department of State.

ARTICLE IV:           **SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No.   3   of 2017, of the ~~(County)~~ **(City)** (Town) ~~(Village)~~ of Batavia, New York was duly passed by the Town Board on August 16, 2017, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)~~ **(City)** ~~(Town)~~ (Village) \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)~~ **(City)** (Town) ~~(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

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I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved) ~~(not disapproved)~~ ~~(repassed after disapproval)~~ by the on \_\_\_\_\_ 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

\_\_\_\_\_  
Teresa Morasco  
Town Clerk, Town of Batavia

Date: \_\_\_\_\_, 2017

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF GENESEE

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I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Andrew W. Meier  
Town Attorney  
County \_\_\_\_\_  
City of Batavia  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. 138:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING ADOPTION OF  
FACILITY USE APPLICATION**

**WHEREAS**, with the adoption of Local Law No. 3 of 2017 a Facility Use Application, along with a summary of the rules and regulations needs to adopted.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the following summary of rules and regulation for the Facility Use:

The use of the Town Facilities shall be subject to the sole discretion of the Town of Batavia, pursuant to the following Rules & Regulations:

1. Organizations wishing to use the Town of Batavia Facility must first apply to the Town Clerk's Office on the prescribed Application not more than sixty days in advance of the time of the reservation requested.
2. Each application for a Permit shall be accompanied by a REFUNDABLE deposit fee of \$100.00. The Town reserves the right to bring legal proceedings against any person or organization for recovery of the damages caused by use of the Building.
3. The conduct of the group/individuals and cleanliness of the facilities are the responsibility of the person signing the Permit Application and/or the organization represented.
4. Parking is permitted in parking lot. No driving or parking anywhere else upon the facilities is permitted.
5. The Town and Users shall keep all exits clear at all times and the authorized maximum occupancy posted shall be strictly observed. All Users shall inform participants of the location of exits and emergency response equipment.
6. In the event of a Town Emergency, the Town may close any portion of the facility to the public, to vehicles or designated persons.
7. No alcoholic beverages are allowed.
8. No smoking allowed in the building at any time

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9. No pets or animals are allowed.
10. No person shall leave behind, dump, drop, throw or scatter any materials of any kind within the building facilities; all garbage and trash generated user shall not be left behind.
11. The Town requires a Certificate of Insurance naming the Town of Batavia as additional insured in an amount and form acceptable to the Town.
12. In case of medical emergency, contact 911
13. In case of an emergency relating to the use of the facility, contact Tom Lichtenthal, 356-7153 or Teresa Morasco, 356-7867.

and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby adopts the Facility Use Application, a copy of which is annexed hereto and made a part of the minutes;

**Second by:** Councilwoman White

**Ayes:** Underhill, White, Michalak, Zambito, Post

**APPROVED by unanimous vote (5-0)**

**FACILITY USE APPLICATION**

Date: \_\_\_\_\_

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Activity: \_\_\_\_\_ # of People: \_\_\_\_\_

Date Requested: \_\_\_\_\_ Time: \_\_\_\_\_ - \_\_\_\_\_

Room Requested:    Town Hall Meeting Room                      Town Hall Conference Room

A Certificate of Insurance listing the Town of Batavia as additional insured for the use of the facility is to be submitted to the Town Clerk's Office, 3833 West Main Street Road, Batavia, New York, 14020.

Payment, Application & Certificate of Liability Insurance must be received prior to facility use request can be reserved. Reservations are limited to 60 days in advance.

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**By signing below, the applicant represents and warrants:**

- 1.) He/she is authorized to act on behalf of the named organization
- 2.) He/she has received a copy of the Local Law No. 4 of 2017 - Facility Use Policy, along with the Summary of Facility Use Rules and Regulations dated August 16, 2017 and thereby understands the rules and regulations contained therein, and
- 3.) He/she hereby agrees to all provisions of the policy and rules and regulations without exception, on behalf of the named organization.

\_\_\_\_\_  
Name of Organization                      Date                      Signature of Organization's Representative

\_\_\_\_\_  
Address                      Telephone Number

**HOLD HARMLESS AGREEMENT**

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the municipality for the use and care of the facilities. He/she on behalf of the above- named organization, does hereby covenant and agree to defend, indemnify and hold harmless the **Town of Batavia** from and against any, and all liability, loss damages, claims or actions (including costs and attorneys' fees) for bodily injury and/or property damage to the extent permissible by law, arising out of or in connection with the actual or proposed use of the **Town of Batavia's** property, facilities and or services by such organization.

\_\_\_\_\_  
Signature of Person in Charge





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7. No alcoholic beverages are allowed.
8. No smoking allowed in the building at any time
9. No pets or animals are allowed.
10. No person shall leave behind, dump, drop, throw or scatter any materials of any kind within the building facilities; all garbage and trash generated user shall not be left behind.
11. The Town requires a Certificate of Insurance naming the Town of Batavia as additional insured in an amount and form acceptable to the Town.
12. In case of medical emergency, contact 911
13. In case of an emergency relating to the use of the facility, contact Tom Lichtenthal, 356-7153 or Teresa Morasco, 356-7867.

**RESOLUTION NO. 139:**

Supervisor Post offered the following:

**HEALTH INSURANCE FOR TOWN EMPLOYEES**

**WHEREAS**, the Town of Batavia currently provides Health Insurance to Town employees through Blue Cross Blue Shield of Western New York; and

**WHEREAS**, as of December 1, of each year the plans and premium rates are subject to change; and

**WHEREAS**, in an effort to continue to provide the best coverage for the employees, as well as cap the Town's cost, the Town Board and Secretary to the Supervisor reviewed several Health Insurance options; and

**WHEREAS**, with the Towns contributions, Tompkins Insurance Agency offers plans through Bright Choices Exchange; and

**WHEREAS**, Bright Choices Exchange helps employees to select a benefits portfolio that meets each employees' individual needs; and

**WHEREAS**, the Town is proposing to offer Health Insurance, at a capped sum of money and contracting with Tompkins Insurance Agency to purchase Health Insurance through the Bright Choices Exchange.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes a contract with Tompkins Insurance Agency to provide employee benefit services for Health Insurance coverage for each employee; and be it

**FURTHER RESOLVED**, the Health Insurance capped allotment for a full-time (40 hours) employee will be as follows;

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1. Family Plan           \$16,910.00
2. Two Person Plan   \$11,400.00
3. Single Plan           \$ 6,080.00     and be it

**FURTHER RESOLVED**, the Health Insurance capped allotment for a part-time (30 hours) employee will be 75% of the full-time employee capped allotment, which is as follows;

1. Family Plan           \$13,350.00
2. Two Person Plan   \$ 9,000.00
3. Single Plan           \$ 4,800.00     and be it

**FURTHER RESOLVED**, the Health Insurance capped allotment for a part-time (20 hours) employee will be 50% of the full-time employee capped allotment, which is as follows;

1. Family Plan           \$8,900.00
2. Two Person Plan   \$6,000.00
3. Single Plan           \$3,200.00     and be it

**FURTHER RESOLVED**, when the employees plan choice is less than the capped allotted amount, an HRA for that employee may be established for use only in that health insurance calendar year and cannot be rolled over, and be it

**FURTHER RESOLVED**, full-time employees who wish to opt out, providing they provide proof of health insurance through spouse or significant other, will be offered an annual in-lieu of payment, paid bi-weekly through payroll distribution, which will be based on the status of the plan the employee was enrolled in 2017, and will be as follows less applicable payroll taxes ;

1. Family Plan           \$10,680.00
2. Two Person Plan   \$ 6,420.00
3. Single Plan           \$ 3,840.00     and be it

**FURTHER RESOLVED**, part-time, 30 hour employees, who wish to opt out, providing they provide proof of health insurance through spouse or significant other, will be offered an annual in-lieu of payment, paid bi-weekly through payroll distribution, which will be based on the status of the plan the employee was enrolled in 2017 and will be as follows less applicable payroll taxes ;

1. Family Plan           \$ 8,010.00
2. Two Person Plan   \$ 4,815.00
3. Single Plan           \$ 2,880.00     and be it

**FURTHER RESOLVED**, part-time, 20 hour employees, who wish to opt out, providing they provide proof of health insurance through spouse or significant other, will be offered an annual in-lieu of payment, paid bi-weekly through payroll distribution, which will be based on the status of the plan the employee was enrolled in 2017, and will be as follows less applicable payroll taxes ;

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1. Family Plan           \$ 5,340.00
2. Two Person Plan   \$ 3,210.00
3. Single Plan           \$ 1,920.00     and be it

**FURTHER RESOLVED**, employees hired after August 16, 2017, will receive 25 percent less of the capped allotment or in lieu of payment relating to the respective employment status; and be it

**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute the contract with Tompkins Insurance Agency, a copy of which is annexed hereto and made a part of the minutes, and any other necessary, related documents.

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

**RESOLUTION NO. 140 :**

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING OVERTIME  
TOWN JUSTICE CLERKS**

**WHEREAS**, the assistant court clerk resigned in July; and

**WHEREAS**, there is a back log of approximately 180 hours of court files that need to be scanned in the system; and

**WHEREAS**, the Town Justices have requested authorization for the Court Clerks to work overtime to complete this task.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Court Clerks to work no more than a total of 180 hours combined to complete the back log to scan the court files; and be it further

**RESOLVED**, the expenditure will be appropriated from line items A1110.103 and A1110.104.

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

**RESOLUTION NO. 141:**

Councilman Zambito offered the following:

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**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE  
2017-2018 JUSTICE COURT ASSISTANCE PROGRAM**

**WHEREAS**, the New York Office of Court Administration is accepting applications and accompanying paperwork for the 2017-2018 Justice Court Assistance Program (JCAP) Grant until October 12, 2017; and

**WHEREAS**, the Court would like to prepare and submit an application the NYS Office of Court Administration; and

**WHEREAS**, a Town Board resolution is required to submit an application for the JCAP grant.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2017-2018 Justice Court Assistance Program for equipment and/or office supplies for the court; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute any documents necessary to file the application with NYS Office of Court Administration.

**Second by:** Councilwoman Michalak

**Ayes:** Zambito, Michalak, White, Underhill, Post

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 142:**

Councilwoman White offered the following:

**RESOLUTION TO APPROVE A FOURTH AMENDED  
JOINT ASSESSMENT SERVICES AGREEMENT WITH THE  
TOWNS OF LEROY AND PAVILION**

**WHEREAS**, the Town of LeRoy, (hereinafter “LeRoy”), the Town of Pavilion, (hereinafter “Pavilion”) and the Town of Batavia, (hereinafter “Batavia”), entered into a contract entitled “Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement”, dated January 23, 2014, and

**WHEREAS**, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

**WHEREAS**, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, and

**WHEREAS**, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

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**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “Fourth Amended Towns of Batavia, LeRoy and Pavilion Joint Assessment Services 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; and; be it further

**RESOLVED** that the Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$47,960.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

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

**FOURTH AMENDED**  
**TOWNS OF BATAVIA, LEROY AND PAVILION**  
**JOINT ASSESSMENT SERVICES AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between 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”); the **TOWN OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as “LeRoy”); and the **TOWN OF PAVILION**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as “Pavilion”).

**WHEREAS**, pursuant to Article 5-G of the General Municipal Law, the three Towns 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 the Towns of Batavia, LeRoy and Pavilion.

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

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1. Batavia agrees to provide assessment services to both LeRoy and Pavilion, and shall provide qualified individuals 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 Batavia, LeRoy and Pavilion 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.

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 LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.

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 either LeRoy or Pavilion. 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.

6. Batavia shall indemnify and hold LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion 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 and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the others 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 LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.

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8. The terms and conditions of this Agreement shall be effective on October 18, 2017, and shall end on October 17, 2018. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2018, Batavia, LeRoy and Pavilion 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 October 18, 2017, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2017, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.

10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$48,949.00 for this Agreement. This sum shall be paid in two installments of \$24,459.50 on or before March 1, 2018, and \$24,459.50 on or before September 1, 2018. Pavilion will pay to LeRoy the total sum of \$8,665.00 for this Agreement to be paid in two installments of \$4,332.50 on or before March 1, 2018, and \$4,332.50 on or before September 1, 2018.

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 LeRoy and Pavilion, at their sole option and discretion, may terminate this Agreement with at least ninety (90) 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, by and among 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

\_\_\_\_\_  
By: Gregory H. Post, Town Supervisor

TOWN OF LEROY

\_\_\_\_\_  
By: Stephen R. Barbeau, Town Supervisor

TOWN OF PAVILION

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\_\_\_\_\_  
By: Theron E. Howard, Town Supervisor

State of New York }  
County of Genesee }ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, 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 \_\_\_\_\_, 201\_\_, before me, the undersigned, personally appeared Stephen R. Barbeau, 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 \_\_\_\_\_, 201\_\_, before me, the undersigned, personally appeared Theron E. Howard, 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. 143:**

Deputy Supervisor Underhill offered the following:

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**PURCHASE PICKUP TRUCK SNOW PLOW**

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

**WHEREAS**, the Town solicited bids for the snow plow. One (1) bid was received and opened at 10:00 AM on August 10, 2017. The low bidder was Thru-way Spring, 1609 Mount Read Boulevard, Rochester, NY at a cost of five thousand, ninety-nine dollars (\$5,099.00).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new 2017 Western 8' Pro Plus pickup truck snow plow from Thru-Way Spring, 1609 Mount Read Boulevard, Rochester, NY at a cost of five thousand, ninety-nine dollars (\$5,099.00).

**RESOLVED**, an expenditure of \$5,099.00 will be appropriated from DA5130.200-highway equipment.

**Second by:** Councilman Zambito

**Ayes:** Underhill, Zambito, White, Michalak, Post

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 144:**

Supervisor Post offered the following:

**ACTING PLANNING BOARD SECRETARY AND  
ACTING ZONING BOARD OF APPEALS SECRETARY  
COMPENSATION**

**RESOLVED**, the Batavia Town Board hereby authorizes in the absence of the Planning Board Secretary or the absence of the Zoning Board of Appeals Secretary, that the Acting Secretary of said Board be compensated at the same rate as the current Secretary for said Board.

**Second by:** Councilman Zambito

**Ayes:** Post, Zambito, White, Underhill, Michalak

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 145:**

Councilwoman Michalak offered the following:

**PROFESSIONAL SERVICES AGREEMENT  
FRED MAXICK CPAS, P.C. FOR  
CYBER SECURITY SERVICES**

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**WHEREAS**, the Town has not had a comprehensive Cyber Security Vulnerability Assessment; and

**WHEREAS**, Freed Maxick CPAs, P.C. submitted a proposal to perform a comprehensive Cyber Security Vulnerability Assessment and Social Engineering Testing at a cost of ten thousand, nine hundred dollars (\$10, 900.00) and ongoing annual vulnerability assessments starting in 2018, at an annual cost of two thousand dollars (\$2,000.00).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes a Cyber Security Professional Services Agreement with Freed Maxick CPAs, P.C. to perform a Comprehensive Cyber Security Vulnerability Assessment and Social Engineering Testing at a cost of \$10,900.00 and ongoing Annual Vulnerability Assessments starting in 2018 at an annual cost of two thousand dollars (\$2,000.00), a copy of which is annexed here to and made a part of the minutes; and be it

**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute said agreement; and be it

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

**Second by:** Councilman Zambito

**Ayes:** Michalak, Zambito, White, Underhill, Post

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 146:**

Councilman Zambito offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 4 of 2017**

**AND TO SCHEDULE A PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the “Zoning Map of the Town of Batavia, New York.”, which was established in Section 235-7 of the Code of the Town of Batavia, adopted on August 15, 2001 by Local Law No. 4 of 2001, as amended through October 21, 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law No. 4 of 2017 entitled "A Local Law to Amend the Zoning Map of the Town of Batavia, New York", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until September 20, 2017, and that a public hearing be held on the 20<sup>th</sup> day of

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September, 2017, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than (10) ten calendar days, exclusive of Sunday, prior to the date of said public hearing; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least ten (10) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office; and

**BE IT FURTHER RESOLVED** that this matter shall be referred to the Genesee County Planning Board and the Town of Batavia Planning Board for consideration; and

**BE IT FURTHER RESOLVED** that at least ten (10) days prior to the public hearing, written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264 (2).

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

Local Law Filing New York State Department of State  
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Batavia, Genesee County, New York  
Town  
~~Village~~

Local Law No. 4 of the year 2017.

A local law known as to Amend the Zoning Map of the Town of Batavia, New York  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

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City of **Batavia, Genesee County, New York** as follows:  
Town  
Village

**SECTION I.**            **AMEND THE ZONING MAP**

The map entitled "Zoning Map of the Town of Batavia, New York", which was established in Section 235-7 of the Code of the Town of Batavia, adopted on August 15, 2001, by Local Law o. 4 of the year 2001, as amended through October 21, 2015 is hereby amended as per the Zoning Map annexed hereto and made a part hereof as EXHIBIT A. The revision to the Zoning Map is to change the classification of the following parcels of land from Agricultural Residential to Industrial:

The entirety of: Tax Map No. 15.-1-10.12, Tax Map No. 15.-1-10.112, Tax Map No. 15.-1-77, Tax Map No. 15.-1-11.2; and part of: Tax Map No. 15.-1-11.1, and Tax Map No. 15.-1-12 and

Amend the Zoning Map to change the classification of the following parcels of land from Hamlet Residential to Hamlet Commercial:

The entirety of: Tax Map No. 10.-1-47, Tax Map No. 10.-1-48, Tax Map No. 10.-1-49, Tax Map No 10.-1-111, Tax Map No. 10.-1-10, Tax Map No. 10.-1-14.1, Tax Map No. 10.-1-14.2, Tax Map No. 10.-1-15, Tax Map No. 10.-1-16, Tax Map No 10.-1-17, Tax Map No. 10.-1-18, Tax Map No. 10.-1-13, Tax Map No. 10.-1-51.12, Tax Map No. 10.-1-11 and Tax Map No. 10.-1-12; and part of: Tax Map No. 10.-1-51.11

**SECTION II:**            **EFFECTIVE DATE**

This local law shall take effect 10 days after publication and filing with the Department of State.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2017, of the (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of Batavia, New York was duly passed by the Town Board on September 20, 2017, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on

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\_\_\_\_\_20\_\_\_\_\_, and was (approved) (not disapproved)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted  
on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)~~  
~~(City)~~ (Town) (~~Village~~) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on  
\_\_\_\_\_ 20\_\_, and was (approved) (not disapproved) (repassed after  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted to  
the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of  
the qualified electors voting thereon at the (general) (special) (annual) election held on  
\_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)~~  
~~(City)~~ (Town) (~~Village~~) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the  
on \_\_\_\_\_ 20\_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting  
such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the  
City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section  
(36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified  
electors of such city voting thereon at the (special) (general) election held on \_\_\_\_\_ 20\_\_\_\_,  
became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the  
County of \_\_\_\_\_, State of New York, having been submitted to the electors at the  
General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal  
Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said  
county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting  
at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same

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is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

\_\_\_\_\_  
Teresa M. Morasco  
Town Clerk, Town of Batavia

Date: \_\_\_\_\_, 2017

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Andrew W. Meier  
Town Attorney  
County  
City of Batavia  
Town  
Village

Date: \_\_\_\_\_

**RESOLUTION NO. 147:**

Councilwoman White offered the following:

**RESOLUTION TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board has introduced Local Law No. 4 of 2017, which proposes to make changes to the Zoning Map of the Town of Batavia to change the classification of the following parcels of land from Agricultural Residential to Industrial:

The entirety of: Tax Map No. 15.-1-10.12, Tax Map No. 15.-1-10.112, Tax Map No. 15.-1-77, Tax Map No. 15.-1-11.2; and part of: Tax Map No. 15.-1-11.1, and Tax Map No. 15.-1-12 and

Amend the Zoning Map to change the classification of the following parcels of land from Hamlet Residential to Hamlet Commercial:

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The entirety of: Tax Map No. 10.-1-47, Tax Map No. 10.-1-48, Tax Map No. 10.-1-49, Tax Map No 10.-1-111, Tax Map No. 10.-1-10, Tax Map No. 10.-1-14.1, Tax Map No. 10.-1-14.2, Tax Map No. 10.-1-15, Tax Map No. 10.-1-16, Tax Map No 10.-1-17, Tax Map No. 10.-1-18, Tax Map No. 10.-1-13, Tax Map No. 10.-1-51.12, Tax Map No. 10.-1-11 and Tax Map No. 10.-1-12; and part of: Tax Map No. 10.-1-51.11 and

**WHEREAS**, the Town Board is the only agency that will be either approving, funding or directly undertaking an action.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that it shall be declared the Lead Agency with regard to an environmental review pursuant to the State Environmental Quality Review Act, and it shall prepare a Long Environmental Assessment Form for this Unlisted action, and

**BE IT FURTHER RESOLVED** that the Town Board shall take all other steps necessary to complete the environmental review assessment.

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

**RESOLUTION NO. 148:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO RETAIN SPECIAL COUNSEL TO DEFEND THE TOWN IN THE  
GITA MAA, INCORPORATED ASSESSMENT PROCEEDING**

**WHEREAS**, a Notice of Petition was filed in the Genesee County Clerk's Office on July 19, 2017 and served upon the Town of Batavia on July 26, 2017 for the tax assessment case entitled GITA MAA, Incorporated vs. Town of Batavia., Index No. 65916 and

**WHEREAS**, Joel R. Kurtzhalt, Esq. of the Law Firm of Bennett, DiFilippo & Kurtzhalt, LLP submitted a proposal to the Town Assessor to defend the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that Joel R. Kurtzhalt, Esq. of the Law Firm Bennett, DiFillippo & Kurtzhalt, LLP, be retained as special counsel to defend the Town in the above-named tax assessment litigation, upon the terms and rates as set forth in his letter to the Town Assessor, dated August 10, 2017, a copy of which is annexed hereto, and

**BE IT FURTHER RESOLVED** that payment is hereby authorized for his attorney's fees, as billed, together with all necessary disbursements, fees and expenses, including expert witness fees.

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

**RESOLUTION NO. 149:**

Supervisor Post offered the following:

**TRAINING WORKSHOP**

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

Rhonda Saulsbury- 2017 Assessment Administration Seminar October 1 -October 4, 2017 in Lake Placid, at a cost of \$1,283.00 for registration, room and meals. A Town vehicle will be used.

Daniel Lang and Matthew Mahaney- NYS Building Officials Conference September 27, 2017 in Liverpool, at a cost of \$55.00 each. A Town vehicle will be used.

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

**RESOLUTION NO. 150:**

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING THE SUPERVISOR TO  
FILE SETTLEMENT CLAIM  
U. S. DOLLAR LONDON INTERBANK OFFERED RATE (LIBOR)**

**"RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to file a settlement claim with U.S. Dollar London Interbank Offered Rate (LIBOR). The lawsuit claims that Barclays and the Non-Settling Defendants unlawfully manipulated the U.S. Dollar LIBOR rate, artificially lowering the rate to reduce payment to Class Members.

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

**RESOLUTION NO. 151:**

Councilman Zambito offered the following:

**AUTHORIZATION TO ENTER INTO AGREEMENTS FOR THE IMPLEMENTATION OF A  
COMMUNITY DEVELOPMENT BLOCK GRANT RECEIVED FROM THE NEW YORK  
STATE HOUSING TRUST FUND CORPORATION**

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**PROJECT #83ED886-17-**  
**FREIGHTLINER/WESTERN STAR**

**WHEREAS**, the Town of Batavia (“Town”) has received Federal grant assistance in the amount of four hundred, sixty-five thousand dollars (\$465,000.00) (the “Grant”) from the New York State Housing Trust Fund Corporation (“HTFC”) represented by the New York State Office of Community Renewal (“OCR”) through the Community Development Block Grant (“CDBG”) Program (OCR Grant #83ED886-17) for the purpose of providing financing to assist Freightliner/Western Star in establishing operations on State Street Road in the Town of Batavia, New York; and

**WHEREAS**, a portion of the Grant proceeds is to be used to fund administrative and program delivery costs associated with the implementation of the Grant; and

**WHEREAS**, the Genesee Gateway Local Development Corporation (the “Corporation”) has the capacity to provide such financing and to administer the Grant in the best interests of the Town, and

**WHEREAS**, the Corporation is a not-for-profit corporation eligible to receive grants of CDBG funds pursuant to Section 105(a)(15) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. §5305),

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Batavia Town Board hereby authorizes the Supervisor to execute the agreement between HTFC and the Town evidencing the Grant and all forms and documents related thereto, and be it further

**RESOLVED**, that the Town hereby authorizes the Supervisor to enter into an agreement with the Corporation for implementation and administration of the Grant under terms and conditions subject to review and approval by the Town Attorney, and be it further

**RESOLVED**, that the Town Supervisor is hereby designated as the Town’s Certifying Officer for all environmental review decisions made pursuant to the National Environmental Policy Act of 1969, as amended for all existing and future CDBG grants received by the Town.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Zambito, Underhill, Michalak, Post

**Abstain:** White

**APPROVED** (4-ayes, 1-abstain)

**Abstract No. 8-2017:** Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$52,580.45
Highway	32,794.59
Sewer No. 1	40,327.74
Sewer No. 2	60,008.76
Water	10,132.30
Townline Water	53.57
Ellicott Trail	12,938.05
Sewer Capacity Purchase	1,347.73
Southwest Water	3,300.00
<b>Total</b>	<b>\$213,483.19</b>

Check numbers 19991 – 20000, 20501-20552, 20554-20566 Online: \$6,620.38

**Ayes:** Underhill, Zambito, White, Michalak, Post

**MOTION CARRIED by unanimous vote (5-0)**

**DEPARTMENT REPORTS:**

**The Town Supervisor reported for the following departments:**

**Highway-** The Supervisor read the attached Highway Superintendents report

**Building** – The Supervisor read the attached Building Inspectors report

**Supervisor’s Report:**

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

**COMMUNICATIONS:**

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

**July Town Clerk monthly report** collected a total of \$4,076.23, remitted \$3,671.89 to the Supervisor for the Local Share.

**NYSDEC License** went on sale August 1, 2017 for the 2017-2018 season.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:23 P.M.

**Ayes:** Underhill White, Michalak, Zambito, Post

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk