

**SEPTEMBER 20, 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  
Councilwoman White  
Councilwoman Michalak  
Councilman Zambito

**Absent:** Deputy Supervisor Underhill

**Others**

**Present:** Town Clerk Morasco  
Deputy Town Clerk Baubie  
Building Inspector Lang  
Jim Krencik, Daily News Reporter  
14 Constituents

The Supervisor called the meeting to order at 7:10 P.M.

The Supervisor asked for a Moment of Silence for the passing of Former Supervisor June Vukman. Thoughts and prayers go out to the family.

The Town Board reviewed the SEQR for Local Law 4 of 2017 Amending the Zoning Map. Classifying the action as "Type I" rather than "Unlisted Action". All 3 parts of SEQR have been completed and the intent is to issue a Negative Declaration for this Local Law Amendment.

**Public Hearing Local Law 4 of 2017-** The Supervisor called the Public Hearing to Order for Local Law 4 of 2017 to Amend the Zoning Map at 7:11 P.M. - Minutes for public hearing entered separately.

**August 16, 2017 Public Hearing-Local Law 3 of 2017 Facility Use Regulations:** Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

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

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

**August 16, 2017 Regular Town Board Meeting:** Motion Councilwoman Michalak, second Councilman Zambito to approve the minutes as written.

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

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

**RESOLUTION NO. 152:**

Councilwoman White offered the following:

**RESOLUTION TO ADOPT A NEGATIVE DECLARATION**

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQR), the proposed Local Law No. 4 of 2017 to provide changes in certain Agricultural-Residential areas and certain Hamlet Residential areas upon the Zoning Map of the Town of Batavia, New York, is a Type I; and

**WHEREAS**, the Batavia Town Board acting as Lead Agency has reviewed the SEQR Long Environmental Assessment Form; and

**WHEREAS**, it has been determined that the proposed amendments will not have an adverse impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Batavia, New York, hereby directs the Supervisor to sign page 2 of the “Long Environmental Assessment Form Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance”, indicating that the proposed action will not result in any significant adverse environmental impacts, with regard to Local Law No. 4 of 2017, that makes a revision to the Zoning Map of the Town of Batavia, New York.

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

**RESOLUTION NO. 153:**

Supervisor Post offered the following:

**RESOLUTION ADOPTING LOCAL LAW No. 4 of 2017**

**WHEREAS**, proposed Local Law No. 4 of 2017 of the Town of Batavia entitled “A Local Law to Amend the Zoning Map of the Town of Batavia, New York”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on August 16, 2017, and a copy thereof was kept with the Town Clerk and copies were both laid upon the desks of the members of said Town Board and mailed to each member of the Town Board not in attendance at said meeting, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on September 20, 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**, all required referrals to the Genesee County Planning Board and the Batavia Town Planning Board, as well as all required publications and postings, have been properly completed; and

**WHEREAS**, the Town Board of the Town of Batavia, New York, is of the opinion that adoption

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

of said proposed Local Law No. 4 of 2017 is in the best interests of the Town of Batavia, New York,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 4 of 2017, be and the same hereby is adopted, and such Local Law shall be entered in the minutes of the Batavia Town Board; and

**BE IT FURTHER RESOLVED**, that the Zoning Map of the Town of Batavia, New York is hereby amended as more fully set forth in said Local Law; and

**BE IT FURTHER RESOLVED**, that certified copies of said Local Law No. 4 of 2017 be filed with the New York State Secretary of State in accordance with Law; and

**BE IT FURTHER RESOLVED**, that a summary of this provisions pursuant to Local Law No. 4 of 2017 be published once in The Daily News and that an affidavit of publication thereof be filed with the Town Clerk; and

**BE IT FURTHER RESOLVED**, that this Local Law shall become effective as provided by law upon its filing in the Office of the Secretary of State.

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

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

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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 \_\_\_\_\_ 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.)**

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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 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) \_\_\_\_\_

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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. 154:**

Councilwoman Michalak offered the following:

**KIWANIS PARK DONATION**

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

\$25.00 from Chad and Jennifer Zambito for park use on August 18, 2017.

**Second by:** Councilwoman White

**Ayes:** Michalak, White, Post

**Abstain:** Zambito

**APPROVED** (3-ayes, 1-abstain)

**RESOLUTION NO. 155:**

Councilman Zambito offered the following:

**TRAINING WORKSHOP**

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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

Paul McCullough- Renewables, NYS Goals and NYSEERDA and NY Sun August 31 and October 12, 2017 in Stafford. There is no cost for this.

Kathy Jasinski- Genesee County Planning Comprehensive Planning Presentation (was) September 11, 2017. There was no cost for this.

Mary Cordes and Sharon White- Genesee County Decision Makers Agriculture Form September 20, 2017. There is not cost for this.

Brittany Witkop- Fall 2017Regional Local Government Workshop November 17, 2017 in Batavia at a cost of \$75.00.

Jason Armbrewster- 2017 Fall Workshop-Using Modern Surveying Equipment October 9, 2017 at a cost of \$185.00.

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

**RESOLUTION NO. 156:**

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE COMMUNITY SERVICE PROJECT  
FIRE HYDRANTS IN MCWETHY SUBDIVISION  
BOY SCOUTS TROOP 6006**

**WHEREAS**, Joseph Marchese of Boy Scout Troop 6006, submitted an application to complete a Community Service project on Fairway, Valle, Woodland, and Edgewood Drives in the McWethy Subdivision, and

**WHEREAS**, Troop 6006 is proposing to repaint 18 fire hydrants on Fairway, Valle, Woodland, and Edgewood Drives; and

**WHEREAS**, all the supplies and materials will be provided by Boy Scout Troop 6006, with the exception of the safety vests and gloves, which will be provided by the Town; and

**WHEREAS**, the Town Engineer recommends approval of this proposed project (recommendation and proposal attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby approves Boy Scout Troop 6006 proposal to complete the Community Service Project on Fairway, Valle, Woodland, and Edgewood Drives in the

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

McWethy Subdivision.

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

**RESOLUTION NO. 157:**

Supervisor Post offered the following:

**RESOLUTION TO APPROVE SANITARY SEWER EASEMENT**

**WHEREAS**, the Town of Batavia will be installing or having installed sanitary sewer lines upon portions of Oak Orchard Road for the Mercy Flight project; and

**WHEREAS**, it will be necessary to obtain a Permanent Easements to install sanitary sewer lines over a portion of the properties owned by Batavia Farms, Incorporated and Mercy Flight, Incorporated; and

**WHEREAS**, the Town of Batavia needs these various easements in order to hereinafter operate and maintain these lines, and

**WHEREAS**, the required owners of real property have signed Sanitary Sewer Easements granted to the Town of Batavia, for compensate of \$1.00 per easement.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that certain Sanitary Sewer Easement granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia are hereby approved and accepted at a cost of one dollar (\$1.00) per easement, and copies of the proposed Sanitary Sewer Easements are hereby made a part of this Resolution by reference and shall be made part of the Town Board Minutes; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the following Permanent Easements:

1. From Batavia Farms, Incorporated regarding Tax Map No. 4.-1-54, situated in the Town of Batavia dated September 18, 2017;
2. From Mercy Flight, Incorporated regarding Tax Map No. 4.-1-55, situated in the Town of Batavia dated September 15, 2017;
3. From Batavia Farms, Incorporated regarding Tax Map No. 4.-1-56, situated in the Town of Batavia dated September 18, 2017.

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

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

**RESOLUTION NO. 158:**

Councilwoman Michalak offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 5 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 override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2018 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Batavia Local Law No. 5 of 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law No. 5 of 2017 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2018", 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 October 18, 2017, and that a public hearing be held before this Town Board on the 18<sup>th</sup> day of October, 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 ten (10) 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 five (5) 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.

**Second by:** Councilman Zambito

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

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

**Discussion-** Mary Martha Zoll-Webster asked what this Local Law is for. The Supervisor explained that it is a procedure we have done since enacted by New York State. With not knowing the needs and revenues, this law exempts the Town, if necessary to exceed the tax cap percentage.

**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD**

**SEPTEMBER 20, 2017  
REGULAR TOWN BOARD MEETING**

**OF THE TOWN OF BATAVIA, NEW YORK  
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW**

**PUBLIC NOTICE** is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 20<sup>th</sup> day of September, 2017, proposed Local Law No. 5 of 2017 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2018". Said Local Law will allow the Town of Batavia to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2018 that requires a real property tax levy in excess of the tax levy limit.

**PLEASE TAKE FURTHER NOTICE** that on 18<sup>th</sup> day of October, 2017, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for inspection during regular Office hours.

Dated: September 20, 2017

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

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. 5 of the year 2017.

A local law known as: A Law to Override the Tax Levy Limit Established in General Municipal Law §3-c for Fiscal Year 2018

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

~~County~~

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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

**SECTION I: LEGISLATIVE INTENT**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Batavia, pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a Town budget for (a) Town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**SECTION II: AUTHORITY**

This local Law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

**SECTION III: TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Batavia is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

**SECTION IV: SEVEREABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION V: EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State in accordance with law.

**(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. 5 of 2017, of the (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of Batavia, New York was duly passed by the Town Board on \_\_\_\_\_, 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\*.)**

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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.)**

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.)

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

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

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. 159:**

Councilman Zambito offered the following:

**RESOLUTION ESTABLISHING AND INCREASING  
2017 BUDGETARY LINE ITEMS FOR  
CONSOLIDATED LOCAL STREET AND  
HIGHWAY IMPROVEMENT PROGRAM (CHIPS)  
HIGHWAY, PAVE NY AND EXTREME WINTER RECOVERY (EWR)**

**WHEREAS**, the Highway Superintendent received notification from the New York State Department of Transportation that the Town of Batavia's State fiscal year 2017-2018 funding for

**SEPTEMBER 20, 2017  
REGULAR TOWN BOARD MEETING**

Consolidated Local Street and Highway Improvement Program (CHIPS) is \$103,617.77, PAVE NY is \$23,651.79 and Extreme Winter Recovery (EWR) is \$18,855.61; and

**WHEREAS**, the 2017 Budget reflects appropriations of \$103,600.00 for CHIPS, \$23,600.00 for PAVE NY, and none for the EWR; and

**WHEREAS**, budget line items need to be established for the EWR funds and line items need to be increased to account for these funds.

**NOW, THEREFOE, BE IT**

**RESOLVED**, the Batavia Town Board hereby establishes line items DA5112.202 State Aid-EWR and DA3503 State Aid-EWR; and be it further

**RESOLVED**, the Batavia Town Board hereby authorizes increasing the 2017 budgetary line items as follows:

DA5112.200 CHIPS	- \$18.00	DA3501 CHIPS	- \$18.00
DA5112.201 PAVE NY	- \$52.00	DA3502 PAVE NY	- \$52.00
DA5112.202 EWR	- \$18,856.00	DA3503 EWR	- \$18,856.00

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 160:**

Councilwoman White offered the following:

**BID AWARD  
SOUTHWEST WATER DISTRICT**

**WHEREAS**, the Town of Batavia received bids September 14, 2017 at 2:30 P.M. for the construction of approximately 20,400 linear feet of 8 inch and/or 12 inch water main along Brown, Halstead, Wilkinson, Lear and Upton Roads; and

**WHEREAS**, Morsch Pipeline, Incorporated., of Avon, New York was the lowest responsible bidder at a cost of nine hundred two thousand, seven hundred five dollars and no cents (\$902,705.00) for Base Bid; and

**WHEREAS**, Clark Patterson Lee has completed a review of the low bidder and the bid tabulation (attached); and

**WHEREAS**, the Town Engineer has reviewed the same and recommends award of the contract to Morsch Pipeline, Incorporated.

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

**NOW THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby awards the bid to Morsch Pipeline, Incorporated at a cost of nine hundred two thousand, seven hundred five dollars and no cents (\$902,705.00) for construction of approximately 20,400 linear feet of 8 inch and/or 12 inch waterline (Base Bid) along Brown, Halstead, Wilkinson, Lear and Upton Roads contingent upon approval by the USDA- Rural Development-Rural Utility Service and the insurance and bonding being in place as approved by the Town Attorney; and

**BE IT FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement with Morsch Pipeline, Incorporated and to issue the Notice to Proceed once the aforementioned conditions are met.

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

**RESOLUTION NO. 161:**

Supervisor Post offered the following:

**RESOLUTION TO APPROVE  
PARTICIPATION AGREEMENT  
GENESEE COUNTY MUTUAL SELF-INSURANCE PLAN**

**WHEREAS**, the Town of Batavia participates in Genesee County Workers Compensation Plan which was formed in 1956; and

**WHEREAS**, over the years the Workers Compensation Board has made many changes, as well as the way the plan is now administered; and

**WHEREAS**, the Town of Batavia was notified that the Genesee County Legislature enacted Local Law 3 of 2016 requiring all participants to enter into a Participation Agreement (letter, local law and agreement attached).

**NOW THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby approves the proposed Genesee County Participation Agreement between the Genesee County Mutual Self-Insurance Plan and the Town of Batavia, a copy of which is annexed hereto and made a part of the minutes; and

**BE IT FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the Participation Agreement.

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

**SEPTEMBER 20, 2017  
REGULAR TOWN BOARD MEETING**

**RESOLUTION NO. 162:**

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE  
AGREEMENT BETWEEN THE TOWN OF BATAVIA AND THE TOWN OF STAFFORD  
AUTHORIZING THE TOWN OF BATAVIA TO BORROW ON BEHALF OF THE TOWN OF  
STAFFORD FOR THE TOWNLINE WATER PROJECT**

**WHEREAS**, Batavia and Stafford entered into an Amended Intermunicipal Agreement For The Ownership, Engineering, Design, Construction And Financing For The Townline Water Project, made the 29<sup>th</sup> day of October, 2015 together with the Town of Elba (hereinafter “Elba”) and the Town of Oakfield (hereinafter “Oakfield”); (hereinafter referred to collectively as the “Towns”), and

**WHEREAS**, the aforementioned Amended Intermunicipal Agreement provided that each Town will finance its share of the Project capital costs by separately incurring debt service and paying for the same as set forth therein, and

**WHEREAS**, the aforementioned Amended Intermunicipal Agreement further provided that each Town will separately employ and contract for its respective bond counsel, fiscal advisors and/or attorneys, and

**WHEREAS**, given the small number of Stafford properties located within the Project, a separate bonding process for Stafford is expensive for the component properties, and

**WHEREAS**, Batavia is willing and able to borrow on behalf of Stafford to save on the cost of a separate bonding process by Stafford in connection with the Project, and

**WHEREAS**, Batavia borrowing on behalf of Stafford will result in savings to Stafford and thereby is in the public interest.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “Intermunicipal Agreement Authorizing the Town of Batavia to Borrow on behalf of the Town of Stafford for the Townline Water Project”, a copy of which is to be made a part of the Town Board Minutes, is hereby approved.

**Second by:** Councilman Zambito

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

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

**INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF BATAVIA AND THE TOWN  
OF STAFFORD**

**SEPTEMBER 20, 2017  
REGULAR TOWN BOARD MEETING**

**AUTHORIZING THE TOWN OF BATAVIA TO BORROW ON BEHALF OF THE TOWN OF  
STAFFORD FOR THE TOWNLINE WATER PROJECT**

**THIS INTERMUNICIPAL AGREEMENT**, made the \_\_\_\_\_ day of September, 2017, by and between the Town of Batavia, a municipal corporation of the State of New York, with offices located at 3833 West Main Street Road, Batavia, New York, 14020 (hereinafter “Batavia”) and the Town of Stafford, with offices located at 8903 Route 237, Stafford, New York, 14143, (hereinafter “Stafford”)

**WITNESSETH:**

**WHEREAS**, Batavia and Stafford entered into an Amended Intermunicipal Agreement For The Ownership, Engineering, Design, Construction And Financing For The Townline Water Project, made the 29<sup>th</sup> day of October, 2015 together with the Town of Elba (hereinafter “Elba”) and the Town of Oakfield (hereinafter “Oakfield”); (hereinafter referred to collectively as the “Towns”), and

**WHEREAS**, the aforementioned Amended Intermunicipal Agreement provided that each Town will finance its share of the Project capital costs by separately incurring debt service and paying for the same as set forth therein, and

**WHEREAS**, the aforementioned Amended Intermunicipal Agreement further provided that each Town will separately employ and contract for its respective bond counsel, fiscal advisors and/or attorneys, and

**WHEREAS**, given the small number of Stafford properties located within the Project, a separate bonding process for Stafford is expensive for the component properties, and

**WHEREAS**, Batavia is willing and able to borrow on behalf of Stafford to save on the cost of a separate bonding process by Stafford in connection with the Project, and

**WHEREAS**, Batavia borrowing on behalf of Stafford will result in savings to Stafford and thereby is in the public interest.

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

1. Batavia will employ and contract for bond counsel, fiscal advisors and/or attorneys for its bonding process to finance its share of the Project, and as a part thereof, Batavia will also borrow on behalf of Stafford to finance Stafford’s respective share of the Project.

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

2. In consideration of such borrowing by Batavia on behalf of Stafford, Stafford shall be responsible for its pro-rata share of the costs and expenses incurred by Batavia for bond counsel, fiscal advisors and/or attorneys in connection with such bond issuance. Batavia will render appropriate documentation to Stafford establishing the propriety of the costs incurred and Stafford will review the submittal of Batavia, and upon audit, Stafford will reimburse Batavia for Stafford's respective share.

3. Stafford shall be responsible for payment and interest of its respective share of the borrowing issuance made by Batavia.

4. Other than the foregoing set forth hereinabove, there are no other agreements or understandings, either oral or written, by and between Batavia and Stafford affecting the "Amended Intermunicipal Agreement for The Ownership, Engineering, Design, Construction And Financing For The Townline Water Project" made the 29<sup>th</sup> day of October, 2015.

**IN WITNESS WHEREOF** the Parties have last signed the Intermunicipal Agreement the day and year first written above.

TOWN OF BATAVIA (SEAL)

\_\_\_\_\_  
Gregory H. Post, Supervisor

TOWN OF STAFFORD (SEAL)

\_\_\_\_\_  
Robert S. Clement, Supervisor

STATE OF NEW YORK )  
COUNTY OF GENESEE ) ss.:  
)

On the \_\_\_\_\_ day of September in the year 2017, before me, the undersigned, personally appeared GREGORY H. POST, personally known to me or proved to me on the basis of satisfactory

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF GENESEE                )

On the \_\_\_\_\_ day of September in the year 2017, before me, the undersigned, personally appeared ROBERT S. CLEMENT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

**RESOLUTION NO. 163:**

Councilman Zambito offered the following:

**RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE  
GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION**

**WHEREAS**, on August 16, 2017, the Town adopted a Resolution entitled “Authorization to Enter Into Agreements for the Implementation of a Community Development Block Grant Received From the New York State Housing Trust Fund Corporation”, and

**WHEREAS**, the aforesaid Resolution concerned a 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 and Western Star of Batavia LLC in establishing a new truck service and education facility in the Town of Batavia, New York; and

**WHEREAS**, the terms and conditions of a proposed Grant Agreement by and between the Town and the Genesee Gateway Local Development Corporation (“LDC”) have been reviewed and approved by the Town Engineer and the Town Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed Grant Agreement by and between the Town and the LDC, a copy of which is annexed to and made a part of the Town Board Minutes, is hereby approved and the Supervisor is

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

authorized and directed to sign this Grant Agreement on behalf of the Town.

**Second by:** Councilman Zambito

**Ayes:** Zambito, Michalak, Post

**Abstain:** White

**APPROVED** (3-ayes, 1-abstain)

**RESOLUTION NO. 164:**

Councilwoman White offered the following:

**RESOLUTION FOR ACQUISITION AND TRANSFER OF  
REAL PROPERTY  
VETERANS MEMORIAL DRIVE**

**WHEREAS**, Morgan 4181 Veterans Drive LLC has offered to sell to the Town of Batavia a parcel of land located on Veterans Memorial Drive for future roadway development; and

**WHEREAS**, part of parcel known as tax map # 8.-1-62.2 consisting of approximately 0.11 acre; and

**WHEREAS**, the Town Board desires to accept the offer to purchase said parcel for \$1.00; and

**WHEREAS**, such action is not subject to a permissive referendum.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the purchase of part of parcel #8.-1-62.2 containing approximately .11 acre from Morgan 4181 Veterans Drive LLC for \$1.00 is hereby authorized, contingent upon Town Attorney approval; and be it further

**RESOLVED**, that said parcel of land shall be used for future development and that the Town Board finds this conveyance to be in the public interest, and be it further

**RESOLVED** that the Town Supervisor is hereby authorized and directed to sign all documents necessary to accept the Quit Claim Deed from 4181 Veterans Drive LLC and to record the deed.

**Second by:** Councilwoman Michalak

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

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

**Abstract No. 9-2017:** Motion Councilwoman Michalak, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

General	\$87,643.36
Highway	238,344.01
Sewer No. 1	3,627.98
Sewer No. 2	2,634.38
Water	17,993.32
Southwest	101.60
Sewer Capacity Purchase	206.47
<b>Total</b>	<b>\$350,551.12</b>

Check numbers 20568 – 20649, Online: \$12,140.15, ACH: \$11566.25

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

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

**DEPARTMENT REPORTS:**

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

**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.

**GAM-** meeting is tomorrow evening at 7:00 p.m. hosted by the Town of Elba at the Elba Rec Hall which is located at 7143 Oak Orchard Road, Elba

**COMMUNICATIONS:**

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

**August Town Clerk** monthly report collected a total of \$19,281.36, remitted \$14,336.31 to the Supervisor for the Local Share.

**Trainings-** The GFLRPC is offering the Fall 2017 Regional Local Government Workshop on Friday, November 14, 2017. Town personnel have been notified of this training.

**The Supervisor asked the Town Board if there was any old or new business they wanted to discuss.** The Town Board didn’t have any future business to discuss.

**Joseph Joyce stepped up to the podium** regarding a trailer and wall that is located on the corner of East Avenue. He expressed that he reported it last year and it is unsafe, is on Town property and nothing has been done about it. Building Inspector Lang has been at that site. The wall is stable at his time and it’s on private property.

Mr. Joyce also questioned why two or three drainage catch basins were installed on School Street a number of years ago and since then no more were installed in the area to help with the drainage issue. The Board didn’t debate that some had been installed before their time. Again, Mr. Joyce was

**SEPTEMBER 20, 2017**  
**REGULAR TOWN BOARD MEETING**

advised that a Drainage District would need to be formed.

Mr. Joyce also commented on the roads recently tarred and stoned by the Town have a lot of excess stone on them and they haven't been back to groom them. The Supervisor will convey Mr. Joyce's concerns to the Highway Superintendent.

Supervisor Post expressed that someone is available over 50 hours a week and these issues can be communicated by contacting the Town during the week.

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 8:45 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk