

**MAY 16, 2018
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 7:02 P.M.

SEQR Review of Batavia-Bethany Townline Road Water District-Construction- Town Board reviewed the SEQR for the Batavia-Bethany Townline Road Water District

April 18, 2018 Public Hearing-Local Law 1 of 2018- Regulating and Licensing Peddlers & Solicitors, April 18, 2018 Public Hearing-Local Law 2 of 2018- Amending Vehicle & Traffic Law, April 18, 2018 Public Hearing-Local Law 3 of 2018- Amending Road Specifications, April 18, 2018 Public Hearing-Establishment of Oakwood Hills Drainage District, April 18, 2018 -Local Law 1 of 2018- Establishment Batavia-Bethany Townline Road Water District, April 18, 2018 Regular Town Board Meeting, and May 8, 2018 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 115 :

Councilwoman White offered the following:

TOWN OF BATAVIA

SEQR RESOLUTION – NEGATIVE DECLARATION

BATAVIA BETHANY TOWNLINE ROAD WATER PROJECT

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as Lead Agency on April 18, 2018, to conduct an environmental review of the Batavia Bethany Townline Road Water Project. The project involves the installation of

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4,400 linear feet of 8-inch water main along Batavia-Bethany Townline Road between Bethany Center and Shepard Roads. Activities include the installation of watermain, fire hydrants, valves, watermain connections, residential hook-ups, road crossings, excavation and bedding materials and surface restoration.

- 2) The Town Board has determined that the proposed action is an Unlisted action as defined under SEQR.
- 3) The Town Board, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the potential environmental impact of the action described above, and the significance thereof.
- 4) The Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated part 1 of the short Environmental Assessment Form (EAF).
- 5) Comments on the EAF from Involved and Interested Agencies have been addressed (see Negative Declaration). The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved and Interested Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board declares that it will serve as Lead Agency for the Batavia Bethany Townline Road Water Project; and

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is, therefore, issued for this project.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 116:

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR COMPTROLLER APPROVAL
OF BATAVIA-BETHANY TOWNLINE ROAD WATER DISTRICT**

WHEREAS, the Batavia Town Board has elected to pursue the establishment of a water district to bring public water to areas along Batavia-Bethany Townline Road within the Town of Batavia; and

WHEREAS, the Town Board has heretofore authorized and directed Andrew W. Meier, Attorney for the Town of Batavia, to prepare an application for submission to the New

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York State Comptroller for permission to establish Batavia-Bethany Townline Road Water District,

NOW, THEREFORE, BE IT RESOLVED, that the attached application was prepared at the direction of this Board, and is hereby approved as to form and content; and be it further

RESOLVED, that this Board believes the contents of such application to be accurate; and be it further

RESOLVED, that this Board has and does hereby determine that the proposed water district proceedings are in the public interest of the inhabitants of the Town of Batavia, and will not constitute an undue burden on the property which will bear the cost thereof; and be it further

RESOLVED, that all of the real property proposed to be assessed for the cost of the proposed water improvement benefit area will be benefited by the proposed improvements, and that no benefited property has been excluded; and be it further

RESOLVED, that the Town Board of the Town of Batavia does hereby direct Supervisor Gregory H. Post to sign the Comptroller's Application for the Batavia-Bethany Townline Road Water District as prepared by Attorney Andrew W. Meier.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

TOWN OF BATAVIA
COUNTY OF GENESEE : STATE OF NEW YORK

In the Matter of the Application of the Town Board of
The Town of Batavia in the County of Genesee, New York,
For Approval By the State Comptroller of Batavia-Bethany
Townline Road Water District Under Article 12 of the
Town Law of the State of New York

Application To
State Comptroller

TO THE STATE COMPTROLLER OF THE STATE OF NEW YORK:

The Petition of the Town Board of the Town of Batavia, Genesee County, New York, for the approval of proposed Batavia-Bethany Townline Road Water District pursuant to Article 12 of the Town Law of the State of New York in said Town (hereinafter the "District"), specifically Section 194, and NYCRR, title 2, Part 85, respectfully shows:

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A) Pursuant to §85.3 (b)(1), annexed hereto as Exhibit A is a certified copy of a resolution of the Town of Batavia Town Board stating that the within application was prepared at the direction of the said Town Board, approving the within application, determining among other things that the District is in the public interest, and authorizing its submission.

Pursuant to §85.3 (b)(2), annexed hereto as Exhibit B is the opinion of Andrew W. Meier, as legal counsel to the Town of Batavia, that complies with section 85.5 of Part 85.

B) Pursuant to §85.4 (a), annexed hereto as Exhibit C are copies of all resolutions, proofs of publication and posting, and orders as required by Article 12 of the Town Law of the State of New York for the establishment of the proposed District.

C) Relative to §85.4 (b), the proposed improvements involve the installation of approximately 4,400 linear feet of 8" diameter water main within road right-of-ways or permanent easements as more particularly set forth in the map, plan and report submitted on even date herewith. The proposed Batavia-Bethany Townline Road Water District contains a total of 6 residential services connections.

D) Relative to §85.4 (c), the maximum cost of the improvements to be expended for the District is \$230,400.00.

E) Relative to §85.4 (d) the factors that the Batavia Town Board considered in making its determination that the proposed improvements constituting the District are in the public interest are as follows:

1) The proposal water project will provide safe potable water to the residents of the Batavia-Bethany Townline Road Water District and will eliminate the public health risks associated with the quality and quantity of ground water in the area.

2) The water distribution network contemplated by the District project will replace highly expensive individual water treatment units, thereby reducing the operation and maintenance costs currently borne by the residents.

3) Agriculture is important to the Town of Batavia, functioning as a part of the Town's economic base as well as being the foundation for the rural character the Town wishes to maintain. The project will be compliant with County Plans. Thus, there are no anticipated long-term impacts to the Agricultural Districts as a result of the proposed District including no change in use of agricultural/residential lands within any Agricultural Districts.

4) Fire protection will be enhanced. Currently, there is no public water system to provide fire protection in the proposed District.

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F) Relative to §85.4 (e)(1) & (2), the Town of Batavia will fund with the project with long-term bond indebtedness in the anticipated amount of \$126,800 at 3% interest for 38 years, which rate and term is reasonable under current market conditions for municipal borrowing.

G) Relative to §85.4 (f), the cost of operation and maintenance is included in the cost of water. The estimated average annexed water cost was estimated based on the proposed 2018 Town of Batavia water rate of \$5.36/1000 gallons and an average usage of 61,000 gallons. This water rate includes \$2.64/1000 gallons for the purchase of water, \$0.60/1000 gallons for the Genesee County Surcharge, \$0.46/1000 gallons for System Reserve and \$1.66/1000 gallons for Operation and Maintenance.

H) Relative to §85.4 (g), the estimated project unit costs are based on the estimate of the Town Engineer. The estimated average annual water cost was based on the Town of Batavia water rate of \$5.36/1000 gallons and an annual usage of 61,000 gallons.

Total capital cost	\$104,990
Contingency (6%)	\$5,250
Legal & Administration	\$5,520
Engineering	\$5,520
Construction Observation	\$5,520
Net Total Project Cost	<hr/> \$126,800
Annual debt service (38 years, 3.00%)	\$5,637
Debt service/unit (6 units)	\$940
Yearly water cost	\$327
Total unit cost	\$1,267.00

The unit benefit basis calculation is provided on page 7 of the Map, Plan and Report and the appendices referenced therein.

I) Relative to §85.4 (h), the aggregate assessed valuation of the taxable real property in the proposed District is \$984,213.

J) Relative to §85.4 (i), the aggregate assessed valuation of the taxable real property in the proposed benefitted area is \$984,213.

K) Relative to §85.4 (j), this is not an application made pursuant to section 258, 268, 269, 280-i, 280-t, 299-o, or 299-r of the County Law.

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L) Relative to §85.4 (k), the average full valuation of the taxable real property of the Town of Batavia computed pursuant to the first paragraph subdivision seven-a of section 2.00 of the Local Finance Law is \$381,980,351.

M) Relative to §85.4 (1) & (m), see Exhibit D, which contains a debt statement prepared as of May 15, 2018 in the manner prescribed in title 10 of article 2 of the Local Finance Law, which pursuant to §85.4 (n) may be presented in lieu of specific responses to §85.4 (1) & (m).

N) Relative to §85.4 (n), see debt statement annexed hereto as Exhibit D.

O) Relative §85.4 (o), the current tax rates and assessments applicable to the taxable real property which will the cost of the proposed improvement per \$1000 per assessment are as follows:

County	\$10.01
Town- including highway	\$2.64
School	\$21.16
Fire	\$2.34

P) Relative to §85.4 (p), the assessed value of a typical residential property in the Town of Batavia is \$90,000, and in the proposed District, it is \$90,000.

Q) Relative to §85.4 (q), the amount that is estimated that the owner of a typical one or two-family home will be required to pay in the first year following approval of the application is as follows:

<u>Hookup Fees</u>	
Service Line from ROW to House (\$8-\$20/LF)	\$8,000
Well Separation/Plumbing Modifications	<u>\$400</u>
Total	\$1,200
 <u>Cost of District</u>	
Debt service/unit charge	\$939
Yearly water cost	<u>\$327</u>
Total	\$1,266
 Total First Year Cost of District Typical Property And Typical One & Two Family Home	
	\$2,466

R) Relative to §85.4 (r), reference is made to the Map, Plan and Report, page 7, and Appendix B, which set forth with particularly the EDU calculations for units. Page 7 and Appendix B are incorporated herein by reference as if fully set forth herein.

S) Relative to §85.4 (s), no state lands are included in the area which will bear the cost of improvements.

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T) Relative to §85.4 (t), some portions of the proposed District are located within existing agricultural districts. Vacant parcels within agricultural districts were not included in the EDU total. Reference is made to pages 7 of the Map, Plan and Report.

U) Relative to §85.4 (u), there are 6 one- or two-family homes located in the proposed District and the assessed value of the typical one-or-two family home is \$90,000. The estimated total population of the proposed District is 15. The non-residential areas are composed of vacant land and farm land which is not developable.

V) Relative to §85.4 (v), the water mains will pass vacant land in the District. There are no proposals of which the Board has any knowledge to develop such land, and most such vacant land is not developable.

W) Relative to §85.4 (w), there is no contemplation that any water will be sold to out of District users.

X) Relative to §85.4 (x), there is no order of any court or agency, State or Federal relating to the proposed District, and no pending or threatened judicial or administrative proceeding which relate to the improvements. The Town is not aware of any material pending or threatened lawsuits or claims relating to the proposed District.

Y) Relative to §85.4 (y), in addition to the actions required by the applicable provisions of the Town Law, the Batavia Town Board conducted an informational meeting for residents on the proposed District on March 7, 2018 at the Town Hall, at which the Town engineers made a full presentation and there was an opportunity for residents to ask questions; the Town engineers have met with the agriculture community periodically with respect to its anticipated needs, the costs of the District and calculation of the EDU's; and the Board had updates at its regular meetings in the summer and fall as to the status of the project.

Z) Relative to §85.4 (z), no written objections expressing opposition to the undertaking of the proposed District have been received by the Town from any of the owners of real property that will bear the burden of the costs of the proposed improvement.

AA) The Town has completed the required NYSDEC Environmental Assessment Review and has made a Negative Declaration Determination.

Wherefore, the Town Board of the Town of Batavia, Genesee County, New York, through its Supervisor, Gregory H. Post, respectfully requests approval of the proposed Batavia-Bethany Townline Road Water District.

Dated at Batavia, New York, as of May _____, 2018.

Town of Batavia

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By: _____
Gregory H. Post, Supervisor

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

On the _____ day of May in the year 2018, 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 they executed the same in their capacity, and that by their 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)

Honorable Gregory Post
Supervisor
Town of Batavia
3833 West Main Street Road
Batavia, NY 14020

Re: Batavia-Bethany Townline Road Water District

Dear Supervisor Post:

As legal counsel for the Town of Batavia, I have examined the originals or true and complete copies of all of the records in connection with the formation and establishment of the water district area being designated as Batavia-Bethany Townline Road Water District, including but not limited to the Constitution of the State of New York, the Town Law, the State Environmental Quality Review Act, and other relevant State statutes, all orders and resolutions of the Town Board pertaining to the creation and establishment of the water district and the application to the Comptroller for approval thereof, the affidavits of posting and publication of any required notices, the map, plan and report as prepared by the Town's Engineers, and the application to be submitted to the office of the New York State Comptroller.

In my opinion, the application to be submitted to the New York State Comptroller contains all the information required by the applicable statutes and regulations. I am of the further opinion that the Town has undertaken all actions and proceedings required by applicable provisions of law for the establishment of the water district pursuant to Article 12 of the Town Law, and such district has been duly authorized by the Town as required by statute, except for obtaining the permission or consent of the Comptroller, the filing and publication of such permission as required by law,

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and recordation of the resolution of the Town Board authorizing the water improvement in the Genesee County Clerk's Office.

Neither the Town Officials nor I are aware of any pending or threatened lawsuits or claims relating to the improvement. Any assessment to finance the improvements are authorized by the Town Law, and all necessary actions that can be taken to this time have been taken by the Town to authorize the imposition and levy of such assessments, provided however, further legal steps are required to determine and finalize the amount of such assessments after the actual project cost has been determined.

Although this opinion is rendered to the Town of Batavia, the New York State Comptroller may rely upon it in considering the application for approval of the above water improvement.

Very truly yours,

Andrew W. Meier
Legal Counsel for the
Town of Batavia

AWM/trg

RESOLUTION NO. 117:

Supervisor Post offered the following:

**BORROWING AND GENERAL
FINANCIAL ADVISORY SERVICES AGREEMENT
MUNICIPAL SOLUTIONS, INCORPORATED**

WHEREAS, the agreement with Municipal Solutions, Incorporated will be expiring May 18,2018 for Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services; and

WHEREAS, to continue this service Municipal Solutions, Incorporated submitted a proposal of services agreement (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services, a copy of which is annexed hereto and made a part of the minutes. Said agreement is for a period of two years.

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

RESOLUTION NO. 118 :

Councilwoman Michalak offered the following:

DISCLOSURE FILINGS
FINANCIAL ADVISORY SERVICES AGREEMENT
MUNICIPAL SOLUTIONS, INCORPORATED

WHEREAS, the Town of Batavia issued certain bonds and notes with an Official Statement, it is agreed to disclose information on a periodic and continuing basis to the investing public for the life of the issue, pursuant to the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12; and

WHEREAS, Municipal Solutions, Incorporated submitted a proposal of services agreement to assist the Town with continuing disclosure filings and regulations pursuant to the Rule, as the current agreement expires May 18, 2018 (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for assistance with disclosure filings and regulations pursuant to the Rule, a copy of which is annexed hereto and made a part of the minutes. Said agreement is for a period of two years.

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

RESOLUTION NO. 119:

Councilman Zambito offered the following:

RESOLUTION TO APPROVE A
THIRD AMENDED ASSESSMENT SERVICES AGREEMENT
WITH THE TOWN OF BERGEN

WHEREAS, the Town of Batavia, (hereinafter “Batavia”) and the Town of Bergen, (hereinafter “Bergen”) entered into a contract entitled “Towns of Batavia and Bergen Assessment Services Agreement”, dated July 28, 2015; and

WHEREAS, both Towns desire to continue this relationship, allowing Batavia to provide assessment services to Bergen, and

WHEREAS, the Batavia has determined that it has the ability to provide the services by

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Third Amended Towns of Batavia and Bergen Assessment Services Agreement”, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia; and be it further

RESOLVED that the effective date of this Agreement shall be July 1, 2018.

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

THIRD AMENDED
TOWNS OF BATAVIA AND BERGEN
ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2018, by and between the **TOWN OF BERGEN**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 10 Hunter Street, Bergen, New York 14416, (hereinafter referred to as “Bergen”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

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

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

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

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

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.

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2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.

3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of Bergen. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

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

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

8. The terms and conditions of this Agreement shall begin on July 1, 2018, and shall end on June 30, 2019. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the

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termination date, unless on or before April 30, 2019, Bergen and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. In consideration and for compensation for the services set forth herein, Bergen shall pay to Batavia the total sum of) _twenty-five thousand, seven hundred, fifty dollars (\$25,750.00) for this Agreement. This sum shall be paid in two equal installments of twelve thousand, eight hundred, seventy-five_dollars. The first payment due on or before October 1, 2018and the second payment due on or before March 1, 2019.

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

11. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF BERGEN

By: Ernest Haywood, Town Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 2018, 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.

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Notary Public

State of New York }
County of Genesee }ss.

On this _____ day of _____, 2018, before me, the undersigned, personally appeared Ernest Haywood, 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. 120:

Councilwoman White offered the following:

**THIRD AMENDED
TOWNS OF BATAVIA AND ALEXANDER
ASSESSMENT SERVICES AGREEMENT**

WHEREAS, the Town of Alexander, (hereinafter “Alexander”), and the Town of Batavia, (hereinafter “Batavia”), entered into a contract entitled “Towns of Batavia and Alexander Assessment Services Agreement”, dated August 1, 2012, and

WHEREAS, both Towns desire to continue this relationship, allowing Batavia to provide assessment services to Alexander, and

WHEREAS, Batavia has determined that it continues to have the ability to provide these services by making available the Batavia Town Assessor and any other support personnel needed, 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.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Third Amended Towns of Batavia and Alexander 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.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

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THIRD AMENDED
TOWNS OF BATAVIA AND ALEXANDER
ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2018, by and between the **TOWN OF ALEXANDER**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3350 Church Street, Alexander, New York 14005, (hereinafter referred to as “Alexander”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

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

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

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

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

12. Batavia agrees to provide assessment services to Alexander and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.

13. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Alexander and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.

14. 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.

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15. The Assessor shall for all purposes be deemed an employee of Batavia. The Assessor shall not in any way be construed as an employee of Alexander. Batavia shall pay the Assessor's salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits.

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

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

18. The terms and conditions of this Agreement shall begin on August 1, 2018, and shall end on July 31, 2020. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before May 1, 2020, Alexander and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

19. In consideration and for compensation for the services set forth herein, Alexander shall pay to Batavia the total sum of \$16,392.00 for the first year of this Agreement. This sum shall be paid in two installments of \$8,196.00 on or before September 1, 2018, and \$8,196.00 on or before March 1, 2019. Alexander will pay to Batavia the total sum of \$16,392.00 for the second year of this Agreement to be paid in two installments of \$8,196.00 on or before September 1, 2019, and \$8,196.00 on or before March 1, 2020.

20. 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 Alexander, at its 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.

21. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

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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 ALEXANDER

By: Joseph Higley, Town Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 2018, 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 _____, 2018, before me, the undersigned, personally appeared Joseph Higley, 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.

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Notary Public

RESOLUTION NO. 121:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Kathy Jasinski, Don Partridge, Jeremy Liles, Jon Long, Paul Mc Cullough, and John Della Penna- NYSEDA Solar Workshop (was) Tuesday, May 8, 2018 at the Batavia Town Hall. There is no cost for this training

Teressa Morasco and Mary Cordes-NYS Archives Managing Electronic Records Tuesday, May 22, 2018 in Cheektowaga. There is no cost for this training and a Town vehicle will be used.

Teressa Morasco and Sandy Baubie-Electronic Death Registration Webinar June 12, 2018. There is no cost for this webinar.

Kenneth Pike- Cornell University Seminar on appraising July 18-19, 2018 at a cost of \$260.00 plus mileage and meals. The overnight accommodations will be paid by the Town of Middlebury.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 122:

Supervisor Post offered the following:

**ONLINE DOG LICENSE RENEWAL PAYMENT MODULE
BUSINESS AUTOMATED SYSTEMS SUPPORT AND SERVICES**

WHEREAS, the Town Clerk has had requests from constituents for online dog renewal payment services; and

WHEREAS, Business Automation Services, Incorporated, (BAS) Clifton Park, New York submitted a proposal for a Dog Module and Software/Services to accept online payments; and

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WHEREAS, there will be no cost for the online module, system configuration and training. The annual fee for hosting, maintenance and support services is \$300.00 (quote attached); and

WHEREAS, there are convenience fees associated with this service that will be paid by the consumers that utilize it.

NOW, THEREFORE, BE IT RESOLVED the Batavia Town Board hereby authorizes BAS to provide an Online Dog Module and Services, as proposed, a copy of which is annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the Supervisor is authorized to execute the necessary documents to provide this service; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A3510.400.

Second by: Councilwoman White

Ayes: Post, White, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 123:

Councilwoman Michalak offered the following:

RESOLUTION TO MAINTAIN DRAINAGE IMPROVEMENTS AT THE BARRETT DRIVE/NYS ROUTE 5 AND GALLOWAY ROAD/NYS ROUTE 63 INTERSECTIONS

WHEREAS, the Town of Batavia needs to replace the cross culverts under the roadway at the following intersections:

1. Barrett Drive at NYS Route 5
2. Galloway Road at NYS Route 63

WHEREAS, the replacement of these culverts requires that the Town acquires a New York State Department of Transportation work permit since the new pipes, end sections and catch basins will be within the NYS right of way. New York State requires that the Town clean and maintain the new pipes, end sections and catch basins within their right of way. As part of the work, the Town is required to clean the existing pipes under the State roadways that the new catch basins and pipes are connected to.

NOW, THEREFORE, BE IT RESOLVED, the Town of Batavia will install, clean and maintain new drainage pipes, end sections and catch basins within the New York State right of way at the intersections of Barrett Drive and NYS Route 5 and Galloway Road and NYS Route 63. In addition, the Town of Batavia will clean the existing pipes under the State roadways at these locations.

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Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 124:

Councilman Zambito offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2018

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

General Fund:

<u>From</u>		<u>Amount</u>	<u>To</u>	
A5132.402	Garage contractual	\$15,392.26	A5132.200	Garage Equipment

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 125:

Councilwoman White offered the following:

PURCHASE NEW BOILER FOR
TOWN HIGHWAY GARAGE

WHEREAS, the 2018 Town Budget reflects appropriations to purchase a new boiler for the Highway Garage, and

WHEREAS, the Town solicited bids for a new boiler and three bids were received. The low bidder was JL Kingdon Mechanical Inc., 5067 East Main St Rd Batavia NY 14020 at a price of \$15,392.26.

WHEREAS, the Town Highway Superintendent reviewed the bids and recommends awarding the bid to JL Kingdon Mechanical Inc.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new boiler for the Town Highway Garage from JL Kingdon Mechanical at a cost of \$15,392.26 and be it

FURTHER RESOLVED, the expenditure will be appropriated from account A5132.200.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 126:

Deputy Supervisor Underhill offered the following:

**FAIR HOUSING POLICY
REVIEWED**

WHEREAS, the Town of Batavia has had an Fair Housing policy in effect since 2008,
and

WHEREAS, the Batavia Town Board has reviewed the Fair Housing Policy; and

WHEREAS, there are no amendments at this time to the Fair Housing Policy.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby has reviewed the Fair Housing Policy and there are no amendments to it at this time.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White Michalak, Post

APPROVED by unanimous vote (5-0)

TOWN OF BATAVIA

FAIR HOUSING POLICY

The following is the policy of the Town of Batavia (hereinafter “Town”) to provide legal protection to prohibit housing choices from being restricted on the basis of race, color, national origin, sex, religion, handicap or other protected class:

1. This Fair Housing Policy represents the Town’s commitment to actions to affirmatively further fair housing in the Town of Batavia by endorsing positive steps to ensure equal access to housing, employment, public facilities/services, contracting and business opportunities, Community Development Block Grant Program (CDBG) benefits/services and displacement protection. The primary purpose of this Policy is the maintenance of a positive fair housing environment in the Town of Batavia.
2. In order to promote equal access to housing opportunities the Town will actively pursue Federal and State funding sources that primarily assist low and moderate income persons to achieve affordable housing opportunities. The Town will carefully monitor the activities of agencies and contractors engaged in these programs to ensure that the funds are primarily benefiting low to moderate income persons and benefiting the target population of the program. The Town will require agencies to report data and performance statistics to the Town as part of any contract the Town enters into with an agency performing housing services as a condition of receiving payment from the Town.

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3. The Town shall have a representative at meetings of the Genesee Region Housing Initiatives Committee to advocate for affirmatively furthering fair housing practices in the community and require that the Housing Initiatives Committee take affirmative steps to promote fair and equal access to housing, regardless of the type of grant.
4. The Town will require contractors and/or agencies who the Town contracts with to administer CDBG funded housing programs to:
 - A) Demonstrate they afford equal employment opportunities to all persons.
 - B) Take affirmative steps to ensure that all segments of the community regardless of economic, racial or ethnic status are informed of grant opportunities.
 - C) Demonstrate that their program benefits are not awarded in ways that discriminate.
 - D) Take affirmative steps to promote fair and equal housing.
 - E) In addition to equal access, affirmatively further fair housing and accessibility for persons with disabilities.

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5. All CDBG funded projects for which the Town is the recipient whether it is for housing, infrastructure, or economic development, attention to the civil rights, fair housing and equal opportunity component for the CDBG project must be all-inclusive, from the project design phase to final progress report.
6. The Town shall incorporate and promote fair housing opportunities in the Town's Comprehensive Plan.
7. The Town shall notify local banks of fair housing activities and enlist their support and active participation.
8. The Town shall notify local realtors of fair housing activities and enlist their support and active participation.
9. The Town shall appoint a Fair Housing Officer. The Fair Housing Officer will be responsible for the implementation of the Town's Fair Housing Policy. The Fair Housing Officer will also receive complaints from Town residents who believe they are an aggrieved person with regard to unfair housing practices by a local municipality or bank or a realtor. The Fair Housing Officer will assist the aggrieved person with filing a complaint with the proper Federal Office. The Fair Housing Officer shall file a copy of the complaint with the Regional or Field Office of the United States Department of Housing and Urban Development. The Fair Housing Officer is delegated to investigate the allegations of any complaint including requesting a response from the entity charged in the complaint. Following completion of the investigation the Fair Housing Officer will issue a final investigative report to the Town.

RESOLUTION NO. 127:

Supervisor Post offered the following:

**TOWN OF BATAVIA
WEST SIDE SANITARY SEWER IMPROVEMENTS-PHASE I
STATE AND MUNICIPAL FACILITIES PROGRAM (SAM)
DORMITORY AUTHORITY OF THE STATE OF NEW YORK
(DASNY) AGREEMENT-Project ID #6532**

WHEREAS, the Town submitted a Preliminary grant application in 2015; and

WHEREAS, the Town has been selected to receive a State and Municipal Facilities Program (SAM) grant in the amount of \$50,000 for the West Side Sanitary Sewer Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a Grant Disbursement Agreement between the Town of Batavia and the Dormitory Authority of the State of New York (DASNY) and all related documents associated with grant Project No. 6532, which is annexed hereto and made a

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part of the minutes.

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

RESOLUTION NO. 128:

Councilwoman Michalak offered the following:

**BID AWARD
KIP WIDE FORMAT PRINTER**

WHEREAS, the 2018 Town Budget reflects appropriations to purchase a new Wide Format Printer, and

WHEREAS, the Town solicited bids for a Kip 860 Wide Format Printer and two bids were received (bid results attached). The low bidder was Toshiba Business Solutions at a price of \$16,000.00; and

WHEREAS, the Town Engineer reviewed the bids and recommends awarding the bid to Toshiba Business Solutions.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a Kip 860 Multi-Function Color System Copier with Kip Stacker from Toshiba Business Solutions at a cost of \$16,000.00 and be it

FURTHER RESOLVED, the expenditure will be appropriated from account A1680.200.

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

RESOLUTION NO. 129:

Councilman Zambito offered the following:

RESOLUTION TO APPROVE AMENDED SANITARY SEWER EASEMENT

WHEREAS, the Town of Batavia accepted a permanent easement in September 2017 from Batavia Farms, Incorporated for tax map no. 4.-1-56 to install or have installed sanitary sewer lines upon portions of Oak Orchard Road for the Mercy Flight project; and

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WHEREAS, the existing easement required modification to adjust the westerly boundary line of easement area to fully include all areas anticipated to be required for the installation of the sewer line contemplated by this Easement.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the Amended Sanitary Sewer Easement for tax map no. 4.-1-56 for Batavia Farms, Incorporated is hereby approved and accepted at a cost of one dollar (\$1.00), and copies of the proposed Amended Sanitary Sewer Easement is 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 Permanent Easement.

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

AMENDED SANITARY SEWER EASEMENT

THIS INSTRUMENT, made this _____ day of _____, 20__.

BETWEEN

BATAVIA FARMS INC. , hereinafter referred to as “Owner”, and

TOWN OF BATAVIA, NEW YORK, a New York Municipal Corporation having offices located at 3833 West Main Street Road, Batavia, New York 14020, hereinafter referred to as “Town”.

W I T N E S S E T H

WHEREAS, the party of the first part is the owner of all that tract or parcel of land situated in the Town of Batavia, County of Genesee and State of New York, said lands being locally known as, Tax Map No. 4.-1-56 filed subdivision map #2465, being part of Lot 7, Section 14, Township 12, Range 1 of the Holland Purchase and formerly known as 4.-1-26.112 and as conveyed to Owner by Deed recorded in the Genesee County Clerk’s Office in Liber 652 of Deeds at Page 83 (the “Property”); and

WHEREAS, the Town seeks the permission of the Owner for an easement to install or have installed sanitary sewer lines and appurtenances over a portion of said premises and to operate, maintain and make repairs in connection therewith; and

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WHEREAS, parties hereto have previously entered into an Sanitary Sewer Easement (“Existing Easement”) dated the 18th day of September, 2017, and recorded in the Genesee County Clerk’s Office at Instrument Number DE2017-1530, and

WHEREAS, the Existing Easement requires modification to adjust the westerly boundary line of easement area to fully include all areas anticipated to be required for the installation of the sewer line contemplated by this Easement,

NOW, THEREFORE, the Owner, in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and lawful consideration paid by the Town, receipt of which is hereby acknowledged, does hereby grant and release unto the Town, its successors and assigns, a permanent and perpetual easement and right of way over property of the Owner generally described above and more particularly described as follows:

All that tract or parcel of land, situate in the Town of Batavia, County of Genesee, State of New York, being part of Lot 7, Section 14, Township 12, Range 1 of the Holland Purchase and further described as follows.

Beginning at an iron pin set in the east bounds of Oak Orchard Road (66.0 feet wide) (New York State Route 98) at a northwest corner of lands now or formerly belonging to Genesee Gateway Local Development Corporation, as recorded in liber 842 of deeds at page 547, said pin being 512.48 feet northerly from the southwest corner of Lot 7, as measured along the east bounds of Oak Orchard Road; thence

- 1) N 00°-52’-23” W along the east bounds of Oak Orchard Road (being the west line of Lot 7), a distance of 20.00 feet to a point; thence the following 3 courses being 20 feet northerly from and parallel to the north bounds of said lands of Genesee Gateway Local Development Corporation
- 2) N 89°-14’-45” E a distance of 197.58 feet to a point; thence
- 3) N 75°-13’-41” E a distance of 641.59 feet to a point; thence
- 4) N 89°-14’-45” E a distance of 146.00 feet to a point; thence
- 5) N 12°-47’-45” W a distance of 231.68 feet to a point on the north bounds of Parcel C as shown on a map of the Batavia Farms Route 98 Land Separation (Filed May 22, 2017 in Cabinet 3, Slide 65, as Map No. 2465); thence

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- 6) N 89°-40'-09" E, along the north line of said Parcel C, a distance of 33.03 feet to a point; thence
- 7) S 11°-09'-00" E, a distance of 250.45 feet to a point in the north bounds of the aforesaid lands of Genesee Gateway Local Development Corporation; thence the following 3 courses along said lands of Genesee Gateway Local Development Corporation.
- 8) S 89°-14'-45" W a distance of 173.43 feet to a point; thence
- 9) S 75°-13'-41" W a distance of 641.59 feet to a point; thence
- 10) S 89°-14'-45" W a distance of 200.00 feet to the point of beginning.

The above described easement to Town of Batavia being shown on a map of the "Revised Batavia Farms Route 98 Land Separation" prepared by Welch and O'Donoghue, Land Surveyors, P.C., dated May 8, 2017, revised May 15, 2018 and designated as Job No. G17-4370S.

The above premises are more fully set forth on the survey of the easement area attached hereto as Exhibit A.

IT IS FURTHER UNDERSTOOD AND AGREED THAT:

1. Owner does hereby grant to the Town a perpetual, non-exclusive easement over, across, under, through and upon that portion of the Property as described above, for the purpose of installing, constructing, operating, repairing, maintaining, relocating, replacing, removing and/or changing the size of the sanitary sewer pipes. The Sanitary Sewer Easement is given together with the right of the Town to enter upon the Property over such drives, lanes, and ways as exist on the Property and are reasonably convenient to the Sanitary Sewer Easement.

2. The Town shall have the right to remove trees and shrubs or branches from within the Sanitary Sewer Easement area, which is necessary, in the sole, but reasonable, opinion of the Town, for the use of the Sanitary Sewer Easement by the Town. Notwithstanding anything to the contrary, the Town shall not be liable to Owner for the value of trees, shrubs or branches that are removed from within the permanent easement area, or any value that they may add to the property of Owner.

3. The Owner shall have the right to use the surface of the Sanitary Sewer Easement provided that such use shall not interfere with, obstruct or endanger any of the rights herein granted, and further provided that no house or other structure shall be erected or ground surface grades changed within the permanent easement area without prior written consent of the Town.

4. The easement and right of way granted herein is permanent and perpetual and shall for all purposes be construed as a covenant running with the land and shall be binding upon the heirs, distributees,

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successors and assigns of Owner.

5. Owner does hereby lawfully covenant with the Town that the Owner is lawfully seized and possessed of the real estate above described and that said Owner has a good and lawful right to convey it or any part of it to the Town.

6. In further consideration of said grant the Town shall, after the initial installation or subsequent maintenance of any of the Sanitary Sewer Facilities, restore the surface disturbed as nearly as practicable to the same condition as before said installation or maintenance work.

7. This Amended Sanitary Sewer Easement supplants and replaces the Existing Easement recorded in the Genesee County Clerk's Office at Instrument Number DE2017-1530.

IN WITNESS WHEREOF, Owner has executed this instrument on this _____ day of _____, 20__.

BATAVIA FARMS, INC.

TOWN OF BATAVIA

By: _____

By: _____

Name: Peter R. Call

Name: Gregory H. Post

Title: Secretary

Title: Supervisor

State of New York)
County of Genesee) ss.

On this _____ day of _____, 20__, 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 _____, 20__, before me, the undersigned, personally appeared Peter R. Call, 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

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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. 130:

Councilwoman White offered the following:

ELECTRONIC DEATH REGISTRATION SYSTEM (EDRS)

WHEREAS, the New York State Department of Health (NYSDOH) is implementing an Electronic Death Registration System; and

WHEREAS, all municipal clerks are required to execute a Participant Organization Agreement.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Town Clerk to execute a Participant Organization Agreement with NYSDOH and any related documents.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 131:

Deputy Supervisor Underhill offered the following:

2018 ASSESSMENT PICTURE PROJECT

PROFESSIONAL REAL PROPERTY ASSESSMENT SERVICES

WHEREAS, the Real Property Picture Database of all improved properties in the Town of Batavia has not been done since 2004 or earlier, and

WHEREAS, the Assessor has prepared a work statement to conduct a 2018 Real Property Picture Project to update the Town database (work statement attached); and

WHEREAS, the Assessor is requesting the Town retain Irene Will, who is also an Assessor for the Town of Alabama to complete this project at a cost of \$2.00 per picture (request attached).

NOW, THEREFORE, BE IT RESOLVED the Batavia Town Board hereby authorizes retaining Irene Will to complete the 2018 Real Property Picture Project as outlined on the Work Statement at a cost of \$2.00 per picture not to exceed six thousand dollars (\$6,000.00). A copy of the request and picture

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project work statement is annexed hereto and made a part of the minutes, and

BE IT FURTHER RESOLVED that the expenditure will be appropriated from line item A1355.400.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 132:

Supervisor Post offered the following:

**RESOLUTION TO FILE A PRELIMINARY APPLICATION FOR FUNDS FROM
DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY)
STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM (SAM)
WEST SIDE SEWER IMPROVEMENTS**

WHEREAS, the New York State Senate has allocated \$200,000 for the Town of Batavia for the continuation of the West Side Sanitary Sewer Improvements, funded through the State and Municipal Facilities Capital Program.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes and directs the Supervisor to file a preliminary application for State and Municipal Facilities Capital Program (SAM) grant funding for the continuation of the West Side Sanitary Sewer Improvements.

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Underhill, Michalak

APPROVED by unanimous vote (5-0)

Abstract No. 5-2018: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$62,134.01
Highway	13,467.92
Sewer No. 1	41,986.64
Sewer No. 2	56,059.03
Water	24,085.06
Ellicott Trail	13.00
Southwest Water	377,967.71
Kings Pump Station	1,989.60
Bat-Beth Twln Water	1989.60
Total	\$579,692.57

Check numbers 21190-21253, ACH: \$9,475.62, Online: \$9,666.10

Ayes: Underhill, White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Town Supervisor reported on the following departments:

Building – Read the Building Inspectors Report-Attached

Historian- Read the Historian Report-Attached

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. at County Building 2. Hosted by the Town of Pembroke.

State Street Road Sewer District-There will be an informational meeting on the petition filed for Sanitary Sewer for State Street Road on May 30, 2018 at 7:00 P.M.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$2,286.50, remitted \$2,059.92 to the Supervisor for the Local Share.

Training- 2018 Local Government Training is May 30, 2018 at the Buffalo History Museum and there is a webinar on May 30, 2018 on Form-based code. Town officials have been advised.

West Main Speed Reduction- Received a letter from the NYSDOT regarding the request for speed reduction on West Main Street Road. Based on the study done in 2016 a speed reduction isn’t warranted at this time.

Genesee County Animal Shelter Reports- Received the Genesee County Dog Control Officer Inspection Report and the Municipal Shelter Inspection Report from NYS Ag and Market. Dog shelter service and dog control officer services are both rated Satisfactory.

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ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:25 P.M.

Ayes: Zambito, White, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk