

**OCTOBER 19, 2016  
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  
Councilman Zambito

**Absent:** Councilwoman Michalak  
Deputy Supervisor Underhill

**Others**

**Present:** Town Clerk Morasco  
Lynette Brown  
Mike Pettinella, Batavian Reporter

The Supervisor called the meeting to order at 7:05 P.M.

The Supervisor called the Public Hearing on Local Law 3 of 2016 to order at 7:06 P.M. Minutes of Public Hearing entered separately from Regular Town Board Minutes.

**September 20, 2016 Special Town Board Meeting:** Motion Councilwoman White, second Councilman Zambito to approve the minutes as written.

**Ayes:** White, Zambito, Post

**MOTION CARRIED by unanimous vote (3-0)**

**September 21, 2016 Regular Town Board Meeting:** Motion Councilman Zambito, second Councilwoman White to approve the minutes as written.

**Ayes:** Zambito, White, Post

**MOTION CARRIED by unanimous vote (3-0)**

**October 5, 2016 Special Town Board Meeting:** Motion Councilman Zambito, second Councilwoman White to approve the minutes as written.

**Ayes:** Zambito, White, Post

**MOTION CARRIED by unanimous vote (3-0)**

**SPEAKER:**

**Lynette Brown**, Town resident asked if the Big Tree Glen is paying taxes and how much. The Supervisor informed her that yes they are. The Town has an agreement to collect taxes and it is reasonable and adequate.

Mrs. Brown also inquired about the new East Pembroke Fire Department Building and the cost of that and if it is going to affect the fire rate. The Supervisor informed her that it is about 3 million dollars and it's already been included in the fire rate.

**RESOLUTION NO. 169 :**

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Councilwoman White offered the following:

**RESOLUTION ADOPTING LOCAL LAW No. 3 of 2016**

**WHEREAS**, proposed Local Law No. 3 of 2016 of the Town of Batavia entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2017”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on September 21, 2016, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on October 19, 2016, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 3 of 2016 is in the best interest 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. 3 of 2016 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law No. 3 of 2016 be filed with the New York State Secretary of State in accordance with Law.

**Second by:** Councilman Zambito

**Ayes:** White, Zambito, Post

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 170:**

Supervisor Post offered the following:

**TRAINING WORKSHOP**

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

Jeremy Liles, Paul McCullough, Kathleen Jasinski, Paul Marchese, and Jonathan Long, - GFLRPC Fall 2016 Regional Local Government Workshop November 16, 2016 at a cost of \$75.00 each.

John Della Penna- Niagara County Historic Preservation Training October 20, 2016. There is no cost for this training.

Tom Lichtenhal- Continuity of Operations Planning Training November 16, 2016. There is no cost for this training.

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Planning and Zoning Boards-Genesee County Smart Growth Plan Review October 24, 25, or 26, 2016.  
Hours to be credited toward required training for each member in attendance.

**Second by:** Councilwoman White  
**Ayes:** Post, White, Zambito  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 171:**

Councilman Zambito offered the following:

**AUTHORIZING PARTICIPATION IN  
YEAR 2017 JOINT YOUTH PROGRAM**

**WHEREAS**, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

**WHEREAS**, the Town of Batavia's contribution to this joint youth project is \$9,237.00.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2017; and be it further

**RESOLVED**, that the year 2017 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2017:

<b><u>Programs</u></b>	<b><u>Town of Batavia Share</u></b>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 997.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	<u>\$ 906.00</u>
Total	\$9,237.00

**Second by:** Councilwoman White  
**Ayes:** Zambito, White, Post  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 172:**

Councilwoman White offered the following:

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**LEVYING UNPAID WATER AND SEWER  
CHARGES AGAINST 2017 TAX WARRANT**

**WHEREAS**, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 19, 2016; and

**WHEREAS**, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list in the amount of \$67,385.72 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2017 tax warrant.

**Second by:** Councilman Zambito  
**Ayes:** White, Zambito, Post  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 173:**

Supervisor Post offered the following:

**ADOPTION OF THE  
2017 PRELIMINARY TOWN BUDGET**

**RESOLVED**, the Batavia Town Board hereby adopts the Preliminary Town Budget for 2017; and be it further

**RESOLVED**, that the 2017 Preliminary Town budget hereby be filed in the Office of Batavia Town Clerk.

**Second by:** Councilman Zambito  
**Ayes:** Post, Zambito, White  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 174:**

Councilman Zambito offered the following:

**CALLING A PUBLIC HEARING  
SEWER RENTS – MAY 2017 TO FEBRUARY 2018**

**WHEREAS**, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

**WHEREAS**, these sewer rents are imposed to pay for the cost of wastewater treatment and

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operation and maintenance of the sewer lines,

**WHEREAS**, the proposed sewer rents for May 2017 to February 2018 are Sewer District No. 1 - \$6.13/1,000 gallons, Sewer District No. 2 - \$6.13/1,000 gallons;

**WHEREAS**, a public hearing is required before the new sewer rents are imposed;

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2017 to February 2018 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:00 P.M. on Wednesday, November 9, 2016, at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

**Second by:** Councilwoman White

**Ayes:** Zambito, White, Post

**APPROVED by unanimous vote (3-0)**

**NOTICE OF PUBLIC HEARING  
SEWER RENTS – MAY 2017– FEBRUARY 2018**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 9, 2016 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:00 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2017 to February 2018 are, Sewer District No. 1 at \$6.13/1,000 gallons and Sewer District No. 2 at \$6.13/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 19, 2016

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 175:**

Councilwoman White offered the following:

**CALLING A PUBLIC HEARING  
WATER RATE – MAY 2017 TO FEBRUARY 2018**

**WHEREAS**, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

**WHEREAS**, in addition to modifying the Town as part of Agricultural and Farmland Protection

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are proposing a reduced water rate for the benefit of both agricultural users and all users within the Town's water service area, and

**WHEREAS**, the reduced water rate for this purpose shall be known as the "Agricultural Rate" and the normal user rate shall be known as the "Base Rate", and

**WHEREAS**, the definition of the two rates are:

Base rate: applies to all meters that are not dedicated to use within farming operations as described in the Agricultural Rate.

Agricultural Rate: applies to all meters serving parcels in a Certified Agricultural District and dedicated to use in farming operations, including providing drinking water for livestock, irrigation of crops, and operations related directly to agriculture. This rate does not apply to meters that also serve domestic, commercial, or industrial uses.

**WHEREAS**, the formula for the Base Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town's debt reserve cost
- 100% of the Town's Operation and Maintenance cost

**WHEREAS**, the formula for the Agricultural Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town's debt reserve cost
- 10% of the Town's Operation and Maintenance cost

**WHEREAS**, the proposed Base water rate for May 2017 to February 2018 is \$5.10/1,000 gallons; and

**WHEREAS**, the proposed Agricultural water rate for May 2017 to February 2018 is \$3.73/1,000 gallons; and

**WHEREAS**, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2017 to February 2018 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:05 P.M. on Wednesday, November 9, 2016, at which time and place all interested persons will be heard; and be it further

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**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

**Second by:** Councilman Zambito  
**Ayes:** White, Zambito, Post  
**APPROVED by unanimous vote (3-0)**

**NOTICE OF PUBLIC HEARING  
WATER RATE – MAY 2017 – FEBRUARY 2018**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 9, 2016 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:05 P.M. for the purpose of imposing water rates. The proposed base water rate for May 2017 to February 2018 is \$5.10/1,000 gallons and the proposed Agricultural water rate for May 2017 to February 2018 is \$3.73/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 19, 2016

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 176:**

Supervisor Post offered the following:

**CALLING FOR PUBLIC HEARING  
ON THE 2017 TOWN BUDGET**

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2017 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:10 P.M. on Wednesday, November 9, 2016 at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

**Second by:** Councilwoman White  
**Ayes:** Post, White, Zambito  
**APPROVED by unanimous vote (3-0)**

**NOTICE OF PUBLIC HEARING  
ON THE 2017 TOWN BUDGET**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Preliminary Budget of the Town of Batavia

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for fiscal year 2017 has been completed and filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the Preliminary Budget at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 7:10 P.M. on Wednesday, November 9, 2016 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

**Public Official Salaries are as follows:**

Supervisor	\$30,000.00
Deputy Supervisor	\$15,000.00
Councilman (3 )	\$10,000.00
Town Clerk/Tax Collector	\$66,229.00
Highway Superintendent	\$18,035.00
Town Justice (2)	\$25,235.00

The foregoing by order of the Batavia Town Board.

**Dated:** October 19, 2016

Teressa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 177:**

Councilman Zambito offered the following:

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

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

**WHEREAS**, Visone was award Base Bid B contract, and

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

**WHEREAS**, Visone Construction, Incorporated has submitted a change order request for the requested revisions in the increased amount of six thousand, five hundred, fifteen dollars (\$6,515.00) as shown on the attached Change Order No.4; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby approves Change Order No.4 and authorizes the Supervisor to execute the attached Change Order No.4 in the increased amount of six thousand, five hundred, fifteen dollars (\$6,515.00).

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**Second by:** Councilwoman White  
**Ayes:** Zambito, White, Post  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 178:**

Councilwoman White offered the following:

**HEALTH INSURANCE FOR TOWN EMPLOYEES**

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

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

**WHEREAS**, the Supervisor and Secretary to the Supervisor reviewed several Health Insurance Plans and premium rates with EMS Financial Services, LLC, Broker Agency for the Town; and

**WHEREAS**, Blue Cross Blues Shield Gold Plan appears to be the best plan for the cost and comparison; and

**WHEREAS**, the new rates for Health Insurance from Blue Cross Blue Shield are: employee only plan is \$456.29, employee & spouse plan is \$912.58, employee & child(ren) is \$775.69 and family plan is \$1,300.43 per month; and

**WHEREAS**, employees hired prior to September 18, 2013 contribute five percent (5%) of the monthly cost of health insurance; and

**WHEREAS**, employees hired after September 17, 2013 must contribute twenty-five (25%) of the monthly cost of health insurance; and

**WHEREAS**, the Town Board of the Town of Batavia supports continuing to have a Health Reimbursement Arrangement (HRA) for employees medical co-pays; and

**WHEREAS**, the HRA will continue to be through P&A Group, Buffalo, New York.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Town Employee Health Insurance Coverage with Blue Cross Blue Shield, Gold Standard Plan and EMS Financial Services, as the Broker Agency at a cost of \$456.29, employee only, \$912.58 for employee and spouse, \$775.69 for employee & child(ren) and \$1,300.43 for family plan , all are per month; and be it

**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute any necessary documents with Blue Cross Blue Shield, EMS Financial Services, and P&A Group; and be it

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**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes continuing the Health Reimbursement Arrangement (HRA) for employees medical co-pays; and

**FURTHER RESOLVED**, employees hired prior to September 18, 2013 will continue to contribute five percent (5%) and employees hired after September 17, 2013 will continue to contribute twenty-five (25%) of the monthly cost of health insurance.

**Second by:** Councilman Zambito  
**Ayes:** White, Zambito, Post  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 179:**

Supervisor Post offered the following:

**AUTOCAD SUBSCRIPTION RENEWAL**

**RESOLVED**, the Batavia Town Board hereby authorizes the Autodesk AutoCAD LT 2017 and Infrastructure Design Suite Premium 2017 renewal subscriptions for the Engineering department at a cost of \$1,217.39 (quote attached).

**Second by:** Councilman Zambito  
**Ayes:** Post, Zambito, White  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 180:**

Councilman Zambito offered the following:

**BUDGET MODIFICATION  
WATER AND SEWER DISTRICT #1 AND #2—FROM THE  
UNAPPROPRIATED UNEXPENDED FUND BALANCE**

**WHEREAS**, in 2016 Budget in Water and Sewer District #1 and #2 does not reflect appropriations for the necessary Radio Read Instrument, equipment and water meters; and

**WHEREAS**, there are sufficient funds in the Unappropriated Unexpended Fund Balance Accounts SS1915, SS2915 and SW915.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to increase the 2016 Budget as follows:

From		To
Unexpended Fund Balance-	1,000.00	SS1-8120.200 Sanitary Sewer Equip

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SS1915		
Unexpended Fund Balance-SS2915	4,900.00	SS2-8120.200 Sanitary Sewer Equip
Unexpended Fund Balance-SW915	12,600.00	SW8340.200 Trsm/Distr Equip
Unexpended Fund Balance-SW915	24,400.00	SW8340.400 Trsm/Distr Contr
Unexpended Fund Balance-SW915	10,000.00	SW8389.401 New Wtr Meters
Unexpended Fund Balance-SW915	42,600.00	SW8389.402 Radio Read Inst
	89,600.00 Total for SW	

**Second by:** Councilwoman White  
**Ayes:** Zambito White, Post  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 181:**

Councilwoman White offered the following:

**AUTHORIZATION TO PARTICIPATE IN THE  
CITY OF BATAVIA BUSINESS IMPROVEMENT DISTRICT  
"CHRISTMAS IN THE CITY" PARADE**

**WHEREAS**, the City of Batavia Business Improvement District is hosting "Christmas in the City" and parade on Friday, December 2, 2016; and

**WHEREAS**, Town of Batavia Employees wish to participate in the parade.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Town of Batavia Employees to participate in the "Christmas in the City" parade; and be it further

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

**Second by:** Councilman Zambito  
**Ayes:** White, Zambito, Post  
**APPROVED by unanimous vote (3-0)**

**Abstract No. 10-2016:** Motion Councilman, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	50,163.04
Highway	45,950.51
Sewer No. 1	2,350.24
Sewer No. 2	10,980.37
Water	300,284.05
Townline	245.00
Southwest	63.00
Ellicott Trail	9,753.50
Townline Joint	9,009.48
<b>Total</b>	<b>\$428,799.19</b>

Check numbers 17238 – 17307, SM: 1089 -1091, Online: \$279.98, ACH: \$34,196.71, Online: \$7,560.86  
**Ayes:** Zambito, White, Post

**MOTION CARRIED by unanimous vote (3-0)**

**DEPARTMENT REPORTS:**

**The Supervisor reported on the following departments:**

**Highway-** The Highway Department has completed the paving on Park Road. They are continuing to install drainage culverts and are preparing the equipment for winter.

**Water/Wastewater-** The Water/Wastewater Department has been reading meters, repaired a water main break and continue with maintenance and repairs throughout the Town.

**Building Inspector** – The Supervisor read the attached Building Inspector’s report.

**Supervisor’s Report:**

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

**GAM-** There is a GAM meeting tomorrow evening at 7:00 P.M. hosted by the Town of LeRoy. It is at the Masonic Community Center located at 12 Bank St.

**COMMUNICATIONS:**

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

**September Town Clerk monthly report collected** a total of \$11,768.04, remitted \$6,729.48 to the Supervisor for the Local Share.

**Pharmaceutical Collections-** On Saturday, October 22, 2016 from 10:00 a.m. to 2:00 p.m. there is going to be a pharmaceutical collection at three locations in Genesee County; Batavia Police Department, 10 West Main St, Batavia, Pembroke Town Highway Barns, Routes 5& 77and LeRoy Police Department, 3 West Main St, LeRoy.

**Electronics Collections-** There are various dates in October and November for electronic collections in the Rochester and Buffalo sponsored by NYS Senators and Assemblymen. List is posted on the Town Hall bulletin board.

**Liquor License-**Received notice from Western Regional Off Track Betting Corporation that they have applied for a liquor license to sell beer, liquor and wine at retail in the new hotel.

**Genesee County Smart Growth Plan-** The Genesee County Planning Board will have 3 public

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meetings regarding Smart Growth Plan, October 24, 25 and 26. List of locations is posted on the Town Hall bulletin board.

**NYS Public Service Commission-National Fuel Gas-** The NYS Public Service Commission is sponsoring a public statement hearing on October 26 at the Buffalo & Erie County Public Library regarding National Fuel Gas' proposed rate increases.

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:40 P.M.

**Ayes:** Zambito, White, Post

**MOTION CARRIED by unanimous vote (3-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk