

**FEBRUARY 17, 2016
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Nelson Baker, City Resident 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
Planning Board Chair Kathy Jasinski
Lou Paganello, Planning Board Member
Jim Krencik, Daily News Reporter
John Michalak
Chuck Zambito
4 Redfield Park Residents
Paul Marchese, Planning Board Member

The Supervisor called the meeting to order at 7:00 P.M.

January 20, 2016 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

SPEAKERS:

The following City of Batavia residents addressed the Town Board with concerns of the proposed closure of Park Road:

Nelson Baker -Mr. Baker is concerned that if Park Road is closed it will turn Redfield Parkway into a thoroughfare. Mr. Baker distributed photos to the Town Board of the traffic back up on Redfield Parkway due to an emergency closure of Park Road in mid-January. There were 10 to 15 cars deep with cars driving over the medians.

Don Fryling- Mr. Fryling stated Batavia Downs has said in the past that they want to be a good neighbor but this kind of action is not being a good neighbor. He's concerned with the closure ruining his neighborhood.

Jim Owens- Mr. Owens would like the Town to really look at the traffic flow and alternative design proposals.

The Supervisor expressed his appreciation for the resident's attendance this evening. The resolution this

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evening is for the intent to declare lead agency for the Park Road closure. We intent to keep the City and its residents informed in the review of the project. The Town's track record demonstrates that with past projects, we have as many meetings and opportunities as possible to address the concerns. We would be remiss if we didn't look at every option. Throughout this process you will be able to attend the meetings. Our focus is to serve the community.

The Supervisor thanked everyone for their attendance. Mr. Post expressed that the Town Officials are available for their questions and comments.

RESOLUTION NO. 39:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

Jonathan Long, Kathleen Jasinski, Donald Partridge, Jeremy Liles, Paul McCullough, Brittany Witkop, and Gordon Offhaus- Green Genesee/Smart Genesee Workshop (was) February 2, 2016.

Steve Mountain and Greg Lang- NYWEA Environmental Conference March 15, 2016 at a cost of \$90.00 (member) and \$100.00 (non-member) respectively.

Paul Barrett, Keith Wilkinson, Jr., and Dan Miles- Dig Safely Excavator Safety Seminar March 23, 2016. There is no cost to the Town.

Keith Wilkinson, Burt Swable, Doug Smart, and Greg Lang- Dig Safely Excavator Safety Seminar March 24, 2016. There is no cost to the Town.

Melissa Mason and Sarah Sauka- Town Court Clerks Training April 22, 2016. There is no cost for this training. A Town vehicle will be used.

Teressa Morasco-NYSTCA Regional Meeting & Training March 6 -7, 2016, at an approximate cost of \$35.00. A Town vehicle will be used.

Steve Mountain- AWWA Spring Conference April 12 – April 14, 2016 at an approximate cost of \$820.00.

Teressa Morasco- NYSTCA Annual Conference April 17 – April 20, 2016, at an approximate cost of \$976.00. A Town vehicle will be used.

Matthew Mahaney- Leadership Genesee August 24, 2016. There is no cost for this training.

Second by: Councilman Zambito

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

RESOLUTION NO. 40:

Deputy Supervisor Underhill offered the following:

**AMENDING INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST
EMERGENCY PREPAREDNESS PLAN**

WHEREAS, the Town of Batavia has an Emergency Preparedness Plan in place;

WHEREAS, the Incident Command System Organizational Chart Contact List of personnel names and phone numbers has been amended (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Incident Command System Organizational Chart Contact List as amended; and be it

FURTHER RESOLVED, the Batavia Town Board hereby directs that the amended Incident Command System Organizational Chart Contact List be sent to all parties named on the Organizational Chart, along with the Emergency Preparedness Plan.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

**TOWN OF BATAVIA
INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST**

TOWN BOARD

	<u>HOME#</u>	<u>BUSINESS#</u>	<u>CELL#</u>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Sharon White	356-5306		585-356-5306
Chad Zambito	409-3558	343-1729	585-409-3558
Patti Michalak	343-7874	343-1729	585-813-8403

TOWN ATTORNEY

Kevin Earl		343-6320	
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OPERATIONS SECTION COORDINATOR:

Fire Department-

Paul Barrett, Fire Chief	344-3520	343-1729	585-409-1372
John Fitzsimmons, President	344-1901		585-356-1506
Dan Coffey, Deputy Fire Chief		345-6370	585-414-5920
Donald Newton, Jr., Fire Chief			585-813-4033
Steve Smelski, 1 st Asst Fire Chief			585-356-0984
Charles Chatley, 2nd Asst Fire Chief			585-356-4668

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Law Enforcement

Genesee County Sheriff's Department 343-5000
New York State Police 343-2200

Highway Operations

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

Public Utilities-Water/Wastewater

Steven Mountain, Town Engineer 343-2251 343-1729 ext. 220 585-755-6408

Emergency Medical Services

United Memorial Center 343-6030

PLANNING SECTION COORDINATOR:

Highway

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

Town Engineer/Water&Wastewater

Steve Mountain 343-2251 343-1729 ext. 220 585-755-6408

Code Enforcement/Fire Marshall

Daniel Lang 343-1729 ext 208 585-861-0878

Assessor

Rhonda Saulsbury 343-1729 ext 207 585-297-2472

Local Emergency Services

Genesee County Emergency Management 344-0078

Local Planning Board

Kathy Jasinski, Chairman 762-8239 343-1729

Local Health Department

Genesee County Health Department 344-8506

LOGISTICS SECTION COORDINATOR:

Local Emergency Services

Genesee County Emergency Management 344-0078

Highway Operations

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

HOME# BUSINESS# CELL#

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

FINANCE/ADMINISTRATION SECTION COORDINATOR:

Fiscal Officer

Gregory H. Post, Supervisor 343-2088 343-1729 716-474-3216

Town Accountant

Laura Landers, Freed, Maxick & Battaglia 344-1967

Town Justices

Michael Cleveland 762-4200 343-1729 ext 216 585-813-5319

Thomas Williams 343-2764 343-1729 ext 216 585-300-3612

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

RESOLUTION NO. 41:

Supervisor Post offered the following:

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**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program;

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2016.

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

RESOLUTION NO. 42:

Councilwoman Michalak offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
TOWN HALL**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Town Hall”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia.

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

RESOLUTION NO. 43:

Councilman Zambito offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
HIGHWAY FACILITY**

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RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Highway Facility”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia.

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

RESOLUTION NO. 44 :

Councilwoman White offered the following:

**AMENDING 2016 BUDGETARY LINE ITEMS
JCAP GRANT AWARD**

WHEREAS, the Town of Batavia Court received official notification from the State of New York Unified Court System that the Town has been awarded a grant under the 2015-2016 cycle of the Justice Court Assistance Program (JCAP) in the amount of two thousand fifty dollars (\$2,050.00) (letter attached); and

WHEREAS, line items need to be amended in the 2016 budget to account for these funds.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby amends the following line items:

A3089	State Aid Revenues Misc	\$2,050.00
A1110.200	Equipment-Williams	\$ 875.00
A1110.201	Equipment-Cleveland	\$ 875.00
A1110.400	Contractual-Williams	\$ 150.00
A1110.401	Contractual-Cleveland	\$ 150.00

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

RESOLUTION NO. 45:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
OFFICE FURNITURE FOR COURT CLERKS**

WHEREAS, the Town of Batavia Court received a Justice Court Assistance Program grant (JCAP) in the amount of \$2,050.00; and

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WHEREAS, \$1,750.00 of the grant is for Office Furniture; and

WHEREAS, the Court received a quote from LB Furniture Solutions, LLC to purchase Logiflex Office Furniture at a cost of \$2,657.88 plus \$425.00 for delivery and installation, New York State Contract #PC66456, (quote attached); and

WHEREAS, the Town Justice's request that the remaining amount of the expenditure be expended from the 2016 Budget, line items A1110.200 and A1110.201.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase Logiflex Office Furniture from LB Furniture Solutions, LLC, NYS Contract #PC66456, at a cost of two thousand, six hundred fifty-seven dollars and eighty-eight cents (\$2,657.88) plus deliver and installation at a cost of four hundred twenty-five dollars (\$425.00); and be it further

RESOLVED, the expenditure will be appropriated from line items A1110.200 and A1110.201.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 46:

Supervisor Post offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2015

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

General Fund:

From	Amount	To
A1220.200 Supv Equip	425.65	A1220.120 Supv Pers Svc
A1220.200 Supv Equip	18.39	A1220.401 Supv Contr
A1220.200 Supv Equip	55.96	A1220.400 Supv Contr
A1220.402 Supv Contr	483.32	A1220.400 Supv Contr
A1010.401 Town Board Contr	225.00	A1220.400 Supv Contr
A1010.402 Town Board Contr	225.00	A1220.400 Supv Contr
A1010.403 Town Board Contr	250.00	A1220.400 Supv Contr
A1010.404 Town Board Contr	205.00	A1220.400 Supv Contr
A1320.401 Auditor Contr	326.14	A1220.400 Supv Contr
A1110.107 Justice Pers Svc	431.61	A1110.103 Justice Pers Svc
A1110.107 Justice Pers Svc	185.02	A1110.104 Justice Pers Svc
A1110.107 Justice Pers Svc	441.29	A1110.402 Justice Contr
A1355.103 Assessor Pers Svc	113.39	A1355.100 Assessor Pers Svc
A1355.402 Assesor Contr	1967.80	A1380.401 Fiscal Agent
A1355.402 Assessor Contr	264.46	A1381.400 Fiscal Advisor
A1410.402 Town Clerk Contr	195.50	A1411.100 Clerk Pers Svc

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A1420.400 Attorney	4.80	A1420.402 Attorney
A1420.400 Attorney	100.00	A1420.405 Attorney
A1620.403 Buildings	490.39	A1640.402 Buildings
A1680.200 Central Printing Equip	5955.10	A1910.400 Unallocated Ins
A3620.400 Bldg & Insp Contr	1690.82	A3620.402 Bldg & Insp Contr
A3620.401 Bldg & Insp Contr	1000.00	A3620.402 Bldg & Insp Contr
A3620.120 Bldg & Insp Pers Svc	692.68	A3620.402 Bldg & Insp Contr
A5132.400 Garage	606.37	A5132.401 Garage
A5132.400 Garage	1800.00	A5132.403 Garage
A7110.401 Parks Contr	161.00	A7110.400 Parks Contr
A8010.101 ZBA Pers Svc	235.00	A8010.401 ZBA Contr
A8010.101 ZBA Pers Svc	75.00	A8010.402 ZBA Contr
A8020.403 Planning Board Contr	644.00	A8020.101 Planning Board Pers Svc
A8020.403 Planning Board Contr	663.00	A8020.404 Planning Board Contr
A8020.403 Planning Board Contr	51.00	A8020.400 Planning Board Contr
A8120.200 Swr Imp Equip	593.00	A8120.400 Swr Imp Contr
A8165.405 Superfund Contr	1557.00	A8165.402 Superfund Contr
A8165.405 Superfund Contr	409.00	A8165.406 Superfund Contr
A9060.800 Health Ins	2880.00	A9060.801 Health Ins
A1231.100 Dep Clerk Pers Svc	53.00	A1330.101 Tax Coll Pers Svc
A1355.103 Assessor Pers Svc	257.00	A1355.402 Assessor Contr
A1320.400 Auditor	1.00	A1220.400 Spvr Contr
A1440.106 Engineering Pers Svc	595.00	A1440.120 Engineering Pers Svc
A1989.400 Misc Expense	225.00	A4250.400 AAc contr

Highway Fund:

From	Amount	To
DA5130.200 Machinery Equip	26889.00	DA5112.200 Cap Outlay
DA5130.200 Machinery Equip	4776.00	DA5130.400 Machinery Contr
DA5130.200 Machinery Equip	2773.00	DA5140.100 Brush & Weeds Pers Svc
DA5130.200 Machinery Equip	184.00	DA5140.400 Brush & Weeds Contr
DA5142.101 Snow Removal Pers Svc	2028.00	DA5142.103 Snow Removal Pers Svc
DA5142.101 Snow Removal Pers Svc	2440.00	DA5142.400 Snow Removal Contr
DA9060.800 Health Ins	10618.00	DA9089.803 Medical reimb
DA9060.800 Health Ins	160.00	DA9089.802 Uniforms
DA5130.200 Machinery Equip	9.00	DA5130.400 Machinery Contr

Sewer Dist 1 Fund:

From	Amount	To
SS1-8110.403 Swr Admin Contr	1875.00	SS1-8110.401 Swr Admin Contr
Ss1-8110.400 Swr Admin Contr	717.00	SS1-8110.401 Swr Admin Contr
Ss1-8110.400 Swr Admin Contr	114.00	SS1-8110.100 Swr Admin Pers Svc
SS1-8110.200 Swr Admin Equip	412.00	SS1-8110.100 Swr Admin Pers Svc
SS1-8110.120 Swr Admin Pers Svc	103.00	SS1-8110.100 Swr Admin Pers Svc
SS1-8120.102 San Swr Pers Svc	1949.00	SS1-8120.104 San Swr Pers Svc

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SS1-8120.102 San Swr Pers Svc	421.00	SS1-8120.106 San Swr Pers Svc
SS1-8120.102 San Swr Pers Svc	1055.00	SS1-8120.107 San Swr Pers Svc
SS1-8120.103 San Swr Pers Svc	609.00	SS1-8120.107 San Swr Pers Svc
SS1-8120.406 San Swr Contr	139.00	SS1-8120.120 San Swr Pers Svc
SS1-8120.406 San Swr Contr	19825.00	SS1-8120.200 San Swr Equip
SS1-8120.406 San Swr Contr	7066.00	SS1-8120.400 San Swr Contr
SS1-9010.800 retirement	35.00	SS1-9089.802 Uniforms
SS1-8120.405 San Swr Contr	224.00	SS1-8120.400 San Swr Contr

Sewer Dist 2 Fund:

From	Amount	To
SS2-8110.401 Swr Admin Contr	629.00	SS2-8110.100 Swr Admin Pers Svc
SS2-8110.401 Swr Admin Contr	2435.00	SS2-8110.403 Swr Admin Contr
SS2-8110.401 Swr Admin Contr	1056.00	SS2-8120.102 San swr Pers Svc
SS2-8110.401 Swr Admin Contr	2229.00	SS2-8120.104 San swr Pers Svc
SS2-8110.401 Swr Admin Contr	421.00	SS2-8120.106 San swr Pers Svc
SS2-8110.401 Swr Admin Contr	2451.00	SS2-8120.107 San swr Pers Svc
SS2-8110.401 Swr Admin Contr	888.00	SS2-8120.120 San swr Pers Svc
SS2-8110.401 Swr Admin Contr	199.00	SS2-8120.200 San swr Equip
SS2-8130.400 Swr Treatment	4894.00	SS2-8120.200 San swr Equip
SS2-8130.400 Swr Treatment	842.00	SS2-9030.800 Soc Sec
SS2-8130.400 Swr Treatment	20.00	SS2-9089.802 Uniforms
SS2-9710.701 Serial Bond Int	6188.00	SS2-9710.601 Serial Bond Princ

Water District Fund:

From	Amount	To
SW9710.611 Serial Bond Princ	7661.00	SW9710.711 Serial Bond Int
Sw8310.200 Wtr Admin Equip	2075.00	SW8310.100 Wtr Admin Pers Svc
SW8310.200 Wtr Admin Equip	10504.00	SW8320.400 Wtr Admin Contr
SW1910.400 Unallocated Ins	1838.00	SW8320.400 Wtr Admin Contr
SW8310.120 Wtr Admin Pers Svc	1089.00	SW8320.400 Wtr Admin Contr
SW8310.400 Wtr Admin Contr	2516.00	SW8320.400 Wtr Admin Contr
SW8310.401 Wtr Admin Contr	2708.00	SW8320.400 Wtr Admin Contr
SW8310.403 Wtr Admin Contr	1345.00	SW8320.400 Wtr Admin Contr
SW8310.403 Wtr Admin Contr	3267.00	SW8340.104 Trs & Dist Pers Svc
SW8340.102 Trs & Dist Pers Svc	10971.00	SW8340.104 Trs & Dist Pers Svc
SW8340.102 Trs & Dist Pers Svc	1194.00	SW8340.106 Trs & Dist Pers Svc
SW8340.103 Trs & Dist Pers Svc	1352.00	SW8340.103 Trs & Dist Pers Svc
SW8340.103 Trs & Dist Pers Svc	2044.00	SW8340.107 Trs & Dist Pers Svc
SW8340.406 Trs & Dist Contr	10000.00	SW8340.107 Trs & Dist Pers Svc
SW8340.404 Trs & Dist Contr	5335.00	SW8340.107 Trs & Dist Pers Svc

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SW8340.404 Trs & Dist Contr	2440.00	SW8340.120 Trs & Dist Pers Svc
SW8340.401 Trs & Dist Contr	583.90	SW8340.120 Trs & Dist Pers Svc
SW8340.405 Trs & Dist Contr	700.00	SW8340.120 Trs & Dist Pers Svc
SW8389.401 Misc Wtr Mtrs	1802.00	SW8389.402 Misc Wtr Mtrs
SW9010.800 Retirement	2684.25	SW8389.402 Misc Wtr Mtrs
SW9030.800 Soc Sec	2925.32	SW8389.402 Misc Wtr Mtrs
SW9060.801 Helath ins	1191.00	SW8389.402 Misc Wtr Mtrs
SW9060.801 Health Ins	316.00	SW9089.802 Unifroms
SW9060.801 Health Ins	3673.00	SW8340.120 Trs & Dist Pers Svc
SW1910.400 Unallocated Ins	.24	SW9710.704 Serial Bond Int
SW8340.105 Trs & Dist Pers Svc	1.00	SW8340.102 Trs & Dist Pers Svc
SW8340.105 Trs & Dist Pers Svc`	561.00	Sw8340.120 Trs & Dist Pers Svc
Sw8310.403 Trs & Distr Contr	310.00	SW8340.120 Trs & Dist Pers Svc

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

RESOLUTION NO. 47:

Councilwoman Michalak offered the following:

**RESOLUTION RESCINDING
RESOLUTION NO. 161 OF 2015
BID AWARD
PURCHASE OF NEW VEHICLES FOR
WATER/WASTEWATER DEPARTMENT**

RESOLVED, the Batavia Town Board hereby rescinds Resolution No. 161, dated July 17, 2015, entitled, "Bid Award-Purchase of New Vehicles for Water/Wastewater Department.

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

RESOLUTION NO. 48:

Councilman Zambito offered the following:

**PURCHASE AND SURPLUS
FORD PICKUP TRUCKS
WATER/WASTEWATER DEPARTMENT**

WHEREAS, the Town solicited for bids and awarded the Bid to the lowest bidder, Orleans Ford of Medina in July 2015 to purchase two (2) new pickup trucks for the Water/Wastewater Department; and

WHEREAS, in late November the Highway Superintendent was notified by Orleans Ford that

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they could not provide the trucks for the price they bid and had to withdraw their bid;

WHEREAS, Chautauqua County bid pricing became available and the New York State law allows us to piggy back off another municipalities bid; and

WHEREAS, the pricing on the Chautauqua County bid is lower than the second low bidder from the bids received in July 2015; and

WHEREAS, the Town Engineer recommends purchasing a 2016 Ford F250 4x4 extended cab pickup truck with an 8 ft. bed and a 2016 Ford F250 4x4 extended cab pickup truck with a 6.5 ft. bed from Ed Shults Ford, through the Chautauqua County DPW Bid Group V- Item #3, at a cost of \$28,431.82 and \$28,340.46 respectively, and

WHEREAS, the 2013 Ford F350 VIN # 1FT8W3D61DEA99230 along with the spare pickup truck bed and the 2013 Ford F250 VIN# 1FT7X2B65DEA93095 with an 8 ft. western snow plow will be sold at auction.

NOW, THEREFORE

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2016 Ford F250 4x4 extended cab pickup truck with an 8 ft. bed and a new 2016 Ford F250 4x4 extended cab pickup truck with a 6.5 ft. bed from Ed Shults Ford through the Chautauqua County DPW Bid Group V- Item #3 at a cost of \$28,431.82 and \$28,340.46 respectively and be it,

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to sell at auction the 2013 Ford F350 VIN # 1FT8W3D61DEA99230 along with the spare pickup truck bed and the 2013 Ford F250 VIN# 1FT7X2B65DEA93095 with an 8 ft. western snow plow; and be it,

FURTHER RESOLVED, to account for these expenditures, revenue from the sale of the pick-up trucks and funds being appropriated from the unexpended-unappropriated water and sewer fund balance as follows:

Increase Revenue Line Items- SW2665 (75%), SS12665 (12.5%), and SS22665 (12.5%)

Increase Expenditure Line Items-SW8340.200 (75%), SS198120.200 (12.5%), and SS28120.200 (12.5%)

Un-expended, unappropriated water and sewer fund balance (SW 75%, SS1 12.5% and SS2 12.5%)

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 49:

Councilwoman White offered the following:

**ANNUAL PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL
(GEOGRAPHICAL INFORMATIONAL SYSTEM) GIS PROGRAMMING, MAINTENANCE
AND TRAINING**

WHEREAS, Wendel Consulting Services LLC (Wendel), continues with additional GIS services such as program and website additions, additional training and software/hardware support which allows the advancement of the Town's GIS needs; and

WHEREAS, Wendel has prepared a proposal (attached) as requested by the Town Engineer for the following:

Task 1 – ArcGIS Server Web Map Site Annual Maintenance and Hosting

Task 2 – GPS, Web Map Training and Support Services

for a total not to exceed fee of \$14,400; and

WHEREAS, the Town Engineer recommends approval of these services to continue the Town's advancement and fulfillment of its GIS needs as well as providing better service to our shared services partners; and

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement for services of Wendel Consulting Services, LLC, a copy of which is annexed and made part of the Town Board Minutes, to assist the Town in the advancement of the Town's GIS system at a cost not to exceed \$14,400.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 50:

Deputy Supervisor Underhill offered the following:

**PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL CONSULTING SERVICES
GIS PROPERTY INSPECTOR DEVELOPMENT**

WHEREAS, in 2015 the Town contracted with Wendel Consulting Services LLC (Wendel), to provide an integrated GIS based inspection software solution to assist us with all our inspection operations and documentation; and

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WHEREAS, Wendel has prepared a proposal (attached) as requested by the Town Engineer and the Code Enforcement Officer to continue with the hosting, support and training of the GIS Property Inspector Application and will provide the following:

Task 1 – Annual Property Inspector Application Hosting

Task 2 – GIS Support and Training

for a total not to exceed fee of \$8,000; and

WHEREAS, the Town Engineer and Code Enforcement Officer recommends approval of these services for our internal needs and for providing better service to our shared services partners.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement for professional services with Wendel Consulting Services, LLC, a copy of which is annexed and made part of the Town Board Minutes, is hereby approved for the Annual Hosting, Support and Training of the Property Inspector Application at a cost not to exceed \$8,000; and be it further

RESOLVED, the expenditure will be appropriated from line items A3620.400 (50%), SS1-8120.400, SS2-8120.400 and SW-8340.400.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 51:

Supervisor Post offered the following:

**STREETLIGHTING
AT OAKWOOD HILLS FOR PHASE 2 & 3**

RESOLVED, the Batavia Town Board hereby authorizes and directs National Grid to do the following work in the Town of Batavia, Bill Account #13736-63105:

Install: Streetlight conductor and direct embedded fiberglass poles, 100 watt high pressure sodium lamps and coach lamp luminaires at three locations in Oakwood Hills URD-Phase 2 & 3 as follows:

- NE corner of Red Oak Lane/White Oak Court
- SE corner of Red Oak Lane/Black Oak Lane
- SW corner of Red Oak Lane/Cherry Bark Lane

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Estimated Annual Cost: \$900.00

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

RESOLUTION NO. 52:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION
PARK ROAD CLOSURE**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the requested Park Road Closure.

The proposed project consists of the discontinuation of through traffic on Park Road, Batavia, New York. Through traffic is proposed to be stopped at approximately one hundred and fifty feet south of the center line of Richmond Avenue Extension on the existing Park Road and approximately eight hundred and fifty feet north of the intersection of Lewiston Road and the existing Park Road.

FURTHER RESOLVED, the Town Board has determined that the proposed action is an Unlisted action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Part 1 Environmental Assessment of this project, prepared by Fraser Engineering and Design Services., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form.

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

RESOLUTION NO. 53:

Councilman Zambito offered the following:

**SERGI CONSTRUCTION INCORPORATED
CONTRACT A (BASE BID A)
APPROVAL OF CHANGE ORDER NO. 2
TOWNLINE WATER PROJECT**

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

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

WHEREAS, Sergi was award Base Bid A contract, and

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

WHEREAS, Sergi Construction, Incorporated has submitted a change order request for the requested revisions in the deduct amount of One Hundred Thousand Five Hundred Ninety-Seven dollars and Six-Eight cents (-\$100,597.68) as shown on the attached Change Order No.2; 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.2 and authorizes the Supervisor to execute the attached Change Order No.2 in the deduct amount of One Hundred Thousand Five Hundred Ninety-Seven dollars and Six-Eight cents (-\$100,597.68).

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 54 :

Councilwoman White offered the following:

AMENDMENT NO. 2

**AUTHORIZATION TO ENTER INTO AGREEMENT FOR THE IMPLEMENTATION OF
CONSOLIDATED FUNDING AWARD RECEIVED FROM THE NEWYORK STATE
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

WHEREAS, the Town of Batavia (“Town”) received a 2013 Consolidated Funding Award (CFA) for a New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Community Grant in the amount of \$175,000.00 for Green Genesee/Smart Genesee Road Map project, (CFA #31078/Contract #39518); and

WHEREAS, the Town of Batavia and the NYSERDA entered into an agreement in September 2014, with the term of the agreement expiring June 30, 2016; and

WHEREAS, NYSERDA has submitted amendment No. 2 to Agreement No. 39518 to delete in its entirety Exhibit A State of Work, Payment Schedule and substitute it with Payment Schedule

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February 5, 2016 which amends the cost share from \$133,334 to \$91,000 and amends the total project cost from \$308,334 to \$266,100.

NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to execute Amendment No. 2 to Agreement No. 39518 between New York State Energy Research and Development Authority and the Town of Batavia, deleting in its entirety Exhibit A State of Work, Payment Schedule and substituting Payment Schedule February 5, 2016 which also includes an amendment the cost share from \$133,334 to \$91,000 and amendment to the total project cost from \$308,334 to \$266,100, a copy of which is annexed hereto and made a part of the minutes.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 55:

Deputy Supervisor Underhill offered the following:

PROFESSIONAL SERVICES AGREEMENT
WELCH & O'DONOGHUE FOR LAND SURVEYING SERVICES

WHEREAS, miscellaneous Land Surveying services are needed as part of the Ellicott Trail and other projects; and

WHEREAS, Town staff is required to work under the direction of a Licensed Land Surveyor as part of the certifying and licensing requirements; and

WHEREAS, Welch & O'Donoghue Land Surveyors, P.C. has quoted a not to exceed price of four thousand dollars (\$4,000.00) to complete the surveying services (proposal attached); and

WHEREAS, the Town Engineer has reviewed and recommends acceptance of Welch & O'Donoghue Land Surveyors, P.C.'s proposal.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the proposal with Welch & O'Donoghue Land Surveyors, P.C. to perform the aforementioned work at a cost not to exceed four thousand dollars (\$4,000.00) at the proposed rates, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 56:

Supervisor Post offered the following:

BUDGET TRANSFER 2015 – UNAPPORTIATED-UNEXPENDED FUND

RESOLVED, the Batavia Town Board hereby authorizes an increase in the following line item numbers:

SW8340.120 Transmission & Distribution Personal Services-	\$ 5,866.91
SW8340.200 Transmission & Distribution Equipment-	\$30,777.91
SW8340.400 Transmission & Distribution Contractual-	\$49,752.06

and be it

FURTHER RESOLVED, to fund this expense, \$86,396.88 will be transferred from the SW Unappropriated-Unexpended Fund Balance.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 57:

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE AN INTERMUNICIPAL AGREEMENT

WITH THE VILLAGE OF ELBA

WHEREAS, the Town of Batavia Attorney has drafted a proposed “Intermunicipal Agreement for Connection to Village of Elba Water System”, and

WHEREAS, the terms and conditions of this proposed Intermunicipal Agreement have been reviewed by the Batavia Town Engineer and the Attorney for the Village of Elba, and

WHEREAS, the Town of Batavia desires to enter into a contract to provide for the facilities work set forth in the proposed Intermunicipal Agreement, and

WHEREAS, the Village of Elba and Genesee County are negotiating a Water Supply Agreement, and

WHEREAS, entering into the proposed Intermunicipal Agreement shall be subject to the execution of a Water Supply Agreement by and between the Village of Elba and Genesee County.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Intermunicipal Agreement for Connection to Village of Elba Water System”, a copy of which shall be made part of the Town Board Minutes, is hereby approved, and the Batavia Town

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Supervisor is hereby authorized and directed to execute this Intermunicipal Agreement on behalf of the Town of Batavia; provided that said execution shall be delayed and subject to the final execution of a Water Supply Agreement by and between the Village of Elba and the County of Genesee.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

**INTERMUNICIPAL AGREEMENT FOR
CONNECTION TO VILLAGE OF ELBA WATER SYSTEM**

THIS AGREEMENT, made the _____ day of _____, 2016, by and between the **TOWN OF BATAVIA**, a municipality of the State of New York, with offices located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter “Batavia”); and the **VILLAGE OF ELBA**, a municipality of the State of New York, with offices located at 4 South Main Street, Elba, New York 14058, (hereinafter “Elba”).

WITNESSETH:

WHEREAS, pursuant to an Intermunicipal Agreement, Batavia has contracted with the Towns of Oakfield, Elba and Stafford, to engineer, design and construct a joint water distribution system referred to as the Townline Water Project, and

WHEREAS, as part of these responsibilities, Batavia has entered into a Contract with Visone Construction, (hereinafter “Contractor”), to construct a portion of this system located within the Town of Elba, and

WHEREAS, Elba would like to make a connection to the Townline Water Project distribution system, and

WHEREAS, it would be cost effective for Elba to have Batavia arrange for this construction by entering into a Change Order with the aforesaid Contractor because this work would be associated with the Townline Water Project, and

WHEREAS, the necessary work involves the installation of a new PRV meter vault at the Village of Elba line, along New York State Route 98, with a connection to the Village existing six inch water main; as well as cutting and capping of the existing water main at the Village’s water treatment plant located along Barrville Road, (hereinafter “facilities work”), and

WHEREAS, on _____, Elba contracted with Genesee County for the supply of water to Elba.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein,

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it is agreed as follows:

1. Batavia, on behalf of Elba, shall execute a Change Order with the Contractor to perform the facilities work, as part of the Townline Water Project.
2. Batavia, as necessary, may advance part or all of the sum of \$57,500.00 to the Contractor to perform the facilities work.
3. Upon completion of the facilities work to the satisfaction of both Batavia and Elba, Batavia shall invoice Elba for the sum of \$57,500.00, which shall be paid by Elba to Batavia within thirty (30) days after the date of the invoice.
4. After acceptance of the facilities work, Elba shall be solely responsible for any operation, maintenance or improvements regarding the same.
5. There are no other Agreements or understandings, either oral or written, by and between the parties affecting this Agreement.
6. No changes, additions or deletions of any portion of this Agreement shall be valid and binding upon the parties hereto, unless the same is approved in writing by both parties.
7. This Agreement may not be assigned by any party, in whole or in part, without the prior written consent of both parties.
8. This Agreement shall be binding upon and shall inure to the benefit of each of the parties hereto and their respective successors and permitted assigns.
9. This Agreement and any transactions between the parties hereunder shall be governed by, construed and interpreted in accordance with the laws of the State of New York.
10. This Agreement may be executed in several counterparts, each of which shall be an original and all which shall constitute the same instrument herein.

IN WITNESS WHEREOF, the parties have last signed this Agreement the day and year first written above.

TOWN OF BATAVIA

VILLAGE OF ELBA

By: Gregory H. Post, Supervisor

By: Scott Schuler, Mayor

State of New York }
County of Genesee }ss:

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On this _____ day of _____, 2016, 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 _____, 2016, before me, the undersigned, personally appeared Scott Schuler, 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. 58:

Councilman Zambito offered the following:

**ENVIRONMENTAL SERVICES AGREEMENT –
PROPOSED SOUTHWEST WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND LABELLA ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Labella Associates for the completion of the required environmental documents for the proposed Southwest extension of public water service to serve areas along Wilkinson, Upton, Brown and Lear Roads at a cost not to exceed Five Thousand Eight Hundred dollars (\$5,800) plus the cost of postage.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain and execute the agreement with LaBella Associates for the completion of the required environmental documents for the Southwest Water District at a cost not to exceed Five Thousand Eight Hundred dollars (\$5,800) plus the cost of postage, a copy of which is annexed hereto

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and made a part of the minutes.

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

RESOLUTION NO. 59:

Councilwoman White offered the following:

**RESOLUTION IN SUPPORT OF LEGISLATION
TAX BASE GROWTH VALUE OF PILOT AND TAX CAP**

WHEREAS, the new tax cap law ignores increases to the tax base of a community if that increase in tax base occurs under a Payment In Lieu of Taxes (PILOT) agreement, new growth that is subject to an IDA PILOT is excluded from the calculation for determining a jurisdiction's Tax Levy Growth Factor, even when the property comes off of a PILOT and is entered onto the taxable rolls, it isn't included in the calculation for determining the growth factor; and

WHEREAS, communities that are successful in attracting new economic growth through incentives provided by an IDA are penalized, and,

WHEREAS, action this year is especially important since local governments will realize nearly no new growth in their tax levies. Enactment of this provision would remedy the unfair treatment of assessed property under a PILOT, generate needed revenue for local taxing jurisdictions, and restore the partnership between school districts and economic development agencies that existed prior to enactment of the tax cap; and

WHEREAS, the Town of Batavia urges support for legislation Senate Bill 1151 and Assembly Bill 3611 to be included in the adopted 2016-2017 State Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to send a letter to our New York State Representatives urging support for legislation Senate Bill 1151 and Assembly Bill 3611 to be included in the adopted fiscal year 2016 -2017 State Budget.

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

Abstract No. 14-2015 and 2-2016: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	798.76
Highway	9.00
Sewer No. 1	223.58
Sewer No. 2	223.58
Water	1,341.49
Pratt	2,414.00
Sewer Capacity Purchase	2,540.00
Total	\$7,550.41

Check numbers 16720-16726

General	\$62,757.26
Highway	18,132.68
Sewer No. 1	61,729.31
Sewer No. 2	58,348.95
Water	57,294.89
Townline Water	254,103.70
Pratt	16,800.00
Total	\$529,166.79

Check numbers 16643-16718, 16727, SM: 1058-1063, Online: \$8,137.90

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported that all departments are engaged in new and ongoing business.

Supervisor's Report:

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

GAM Meeting is tomorrow evening hosted by the Town of Batavia at 7:00 P.M. at the Batavia Town Hall.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$2,135.46, remitted \$1,478.69 (\$1,491.94 less \$13.25 Deposit Slip Order) to the Supervisor for the Local Share.

January Tax Collectors report collected a total of \$4,452,326.95. Remitted \$1,932,637.84 to the Supervisor for the Town levy and the remainder to Genesee County Treasurer.

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ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:55 P.M.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk