

**MARCH 16, 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
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:08 P.M.

February 17, 2016 Regular 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. 60:

Councilwoman White offered the following:

**PURCHASE NEW FORD PICKUP TRUCK FOR
HIGHWAY DEPARTMENT**

WHEREAS, the 2016 Town Budget reflects appropriations to purchase a new pickup truck for the Highway Department.

WHEREAS, the Highway Superintendent recommends purchasing a 2016 Ford F250 4x4 extended cab pickup truck from Ed Shults Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$28,673.76.

WHEREAS, the current 2014 Ford F250 Pickup Truck (VIN 1FT7X2B67EEB67585) will no longer be needed for highway purposes and will be sold at auction after the new truck is received.

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2016 Ford F250 4x4 extended cab pickup truck from Ed Shultz Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$28,673.76 and sell the 2014 Ford F250 Pickup Truck (VIN 1FT7X2B67EEB67585) at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA 5130.200.

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

RESOLUTION NO. 61:

Deputy Supervisor Underhill offered the following:

PURCHASE NEW FORD PICKUP TRUCK FOR
WATER/SEWER DEPARTMENT

WHEREAS, the 2016 Town Budge reflects appropriations to purchase a new pickup truck for the Water/Sewer Department.

WHEREAS, the Town Engineer recommends purchasing a 2016 Ford F250 4x4 extended cab pickup truck from Ed Shults Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$28,396.16.

WHEREAS, the current 2014 Ford F250 Pickup Truck (VIN 1FT7X2B65EEB67777) will no longer be needed for Water/Sewer Dept. purposes and will be sold at auction after the new truck is received.

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2016 Ford F250 4x4 extended cab pickup truck from Ed Shults Ford on the Chautauqua County Bid Group V- Item #3 at a price of \$28,396.16 and sell the 2014 Ford F250 Pickup Truck (VIN 1FT7X2B67EEB67777) at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SS1-8120.200, SS2-8120.200, and SW-8340.200.

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

RESOLUTION NO. 62:

Supervisor Post offered the following:

DECLARE SURPLUS
HIGHWAY EQUIPMENT

WHEREAS, the Highway Superintendent has determined that the following items are no longer needed for Town use and that they should be declared as surplus, deleted from inventory and sold at auction:

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1. Steel swing set
2. 1 piece playground equipment (rocking)
3. 6 ft. wide sweepster road sweeper
4. Titan 7.50-15nhs roller tires
5. 2 Coal doors for dump truck
6. 4 ft wide ditching bucket
7. 1000 gallon plastic water tank
8. Thieman model 4411H lift gate
9. Front bumper and spreader plate for dump truck
10. 2014 F350 Dually pickup truck bed with bumper
11. Heavy duty 2 way plow for dump truck
12. 16 in. diameter asphalt cutting wheel
13. Milwaukee Heavy Duty Electromagnetic Drill Press
14. Hubbel 400 Watt overhead light
15. 6' steel desk
16. 30 gallon hydraulic tank
17. 8- Motorola portable radios, 8 -Motorola mobile radios and 1- radio base station

NOW THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment as surplus and hereby authorizes the Highway Superintendent to sell them at auction.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 63 :

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
SONICWALL FIREWALL, OFFICE 365, AND IT APPLIANCES**

WHEREAS, the sonicwall firewall, various IT appliances and the server need replacing or upgrading; and

WHEREAS, the Town's IT provider recommended upgrading the sonicwall firewall appliance, various IT appliances, and annually purchasing Office 365 for email exchange rather than purchasing a server; and

WHEREAS, the IT committee reviewed the recommendations by Hurricane Technologies and concurs with the recommendation. The sonicwall includes a two year subscription, offering faster components, additional protection features and an enhanced content filtering service, the purchase of Office 365 annually provides updated office annually without the need to purchase Microsoft Office Version Updates and a server every four years; and

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WHEREAS, the cost for the sonicwall firewall is \$945.00, NYS Contract #56AHC; the cost for 26 subscriptions of Office 365 for one year is \$1,564.68, NYS Contract# 70137 and the cost for the various IT appliances is \$814.86 from Newegg (quotes attached).

NOW, THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby authorizes the purchase of the sonicwall firewall upgrade appliance at a cost of \$945.00, Office 365, 26 subscriptions at a cost of \$1,564.68, and the various IT appliances at a cost of \$814.86; and be it further

RESOLVED, the Batavia Town Board hereby authorizes the following budget transfer for this expenditure to be appropriated from line item A1680.200:

From: A1680.402 Web & Network Contractual \$3,324.54 **To:** A1680.200 Equipment

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 64: TABLED

Councilman Zambito made a motion to table resolution #64 entitled, "Inter-municipal Agreement Between The Town of Batavia and City of Batavia For Design, Construction and Inspection of the Ellicott Trail Project.

Second by: Councilman Deputy Supervisor

Ayes: Zambito, Post, Michalak, White, Underhill

TABLED by unanimous vote (5-0)

RESOLUTION NO. 65:

Councilwoman White offered the following:

CONSULTANT AGREEMENT
ELLCOTT TRAIL PROJECT
FINAL DESIGN & RIGHT OF WAY

WHEREAS, the Town of Batavia received funding from the N.Y.S. Department of Transportation for the design of the Ellicott Trail Project through the City and Town of Batavia (Project number 4760.79) in the amount of \$171,000 which included \$69,000 for preliminary and \$102,000 for final design; and

WHEREAS, the Town of Batavia has previously executed an agreement with Barton and Loguidice for the preliminary design of the project at a cost of \$69,000; and

WHEREAS, Barton and Loguidice has submitted a quote for the final design and Right of Way

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acquisitions on the project in the amount of \$89,000; and

WHEREAS, the Assistant Town Engineer reviewed and recommends awarding the final design and Right of Way acquisitions on the project to Barton & Loguidice per the attached Architectural/Engineering Consultant Supplemental Agreement and Scope of Services for the amount of \$89,000.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Architectural/Engineering Consultant Supplemental Agreement with Barton & Loguidice, D.P.C., a copy of which is annexed hereto and made a part of the minutes, to complete the final design and Right of Way acquisition work for the Ellicott Trail Project in the amount of \$89,000.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 66:

Deputy Supervisor Underhill offered the following:

PROFESSIONAL SERVICES AGREEMENT
CLARK PATTERSON LEE FOR
STRUCTURAL DESIGN SERVICES

WHEREAS, structural design services are needed for the rehabilitation of the CSX railroad bridge as part of the Ellicott Trial project; and

WHEREAS, the Town staff will assist with the design and drafting but are required to work under a structural engineer familiar with NYSDOT bridge design requirements; and

WHEREAS, Clark Patterson Lee has quoted a not to exceed price of nine thousand five hundred dollars (\$9,500) to provide structural design for the rehabilitation of the CSX railroad bridge; and

WHEREAS, the Assistant Town Engineer has reviewed and recommends acceptance of the Clark Patterson Lee proposal.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Engineering Consultant Agreement with Clark Patterson Lee, a copy of which is annexed hereto and made a part of the minutes, to complete the design work for the rehabilitation of the CSX railroad bridge for the Ellicott Trail Project in the amount of \$9,500.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, White Zambito, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 67:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

Kathleen Jasinski, Donald Partridge, Paul McCullough, and Paul Marchese – Planning for Solar Energy Workshop (was) February 29, 2016.

Berneda Scoins- Government Appointed Historians of Western New York 2016 Spring Meeting April 23, 2016 at a cost of \$30.00.

Sharon White, Hiedi Librock and Marcy Crandall- Association of Towns Annual Finance School May 5-6, 2016 at a cost of \$200.00 each. A Town vehicle will be used.

Melissa Mason, Sarah Sauka, and Kate Meier- Southern Tier West Court Clerk Training May 11, 2016 at a cost of \$50.00 each. A Town vehicle will be used.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 68:

Councilwoman Michalak offered the following:

**CODE ENFORCEMENT OFFICER SECOND AMENDED AGREEMENT BETWEEN
THE TOWN OF BATAVIA AND THE VILLAGE OF ALEXANDER**

WHEREAS, the Town of Batavia and the Village of Alexander wish to enter into a Code Enforcement Officer Agreement; and

WHEREAS, the agreement addresses the need for the Village of Alexander to have its Codes enforced by the Town of Batavia Code Officials.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into a Code Enforcement Officer Second Amended Agreement between the Town of Batavia and the Village of Alexander for Code Enforcement services, a copy of which is annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

SECOND AMENDED
CODE ENFORCEMENT
AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____ by and between the **Village of Alexander**, a municipal corporation with offices at 3323 Buffalo Street, Alexander, New York 14005 (“Alexander”), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

WHEREAS, pursuant to article 5-G of the General Municipal Law, Alexander and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and

WHEREAS, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

WHEREAS, Alexander has identified a need to have its Codes enforced by Batavia, and

WHEREAS, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Village of Alexander.

NOW THEREFORE, BE IT, RESOLVED, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

First: That Alexander shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers.

Second: In consideration for compensation for the services set forth herein, Alexander shall pay Batavia \$4,300.00 per year of this agreement. The sum shall be paid during the 2016 budget year to provide services for the year of 2016.

Third: The services that will be provided will be to administer the adopted NYS Building Codes, Village of Alexander Zoning Code.

Fourth: Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm.

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

Sixth: This agreement does not include attorney services and Alexander shall provide and pay for all attorney services and expenses in its jurisdiction.

Seventh: This agreement shall become effective on April 1, 2016 and expire on March 31, 2017 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

Eighth: 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 Towns have caused this Agreement to be signed by the Supervisors and the Town Seal attached on the date first set forth above.

Village of Alexander

TOWN OF BATAVIA

Richard Scharlau, Mayor

Gregory H. Post, Supervisor

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

On the _____ day of _____, 201__ before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Scharlau**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

On the _____ day of _____, 20__ before me, the undersigned, a Notary Public in and for said State, 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

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acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 69:

Councilman Zambito offered the following:

**DEDICATION OF AG PARK ROAD SOUTH TO
GENESEE COUNTY**

WHEREAS, The Town of Batavia received a Community Block Development Grant in the amount of \$1,000,000 for the construction of a road connecting the westerly end of Ag Park Rd West to NYS Route 63; and

WHEREAS, The Town successfully designed and constructed the roadway as shown on the drawings labeled Genesee Valley Agri-Business Park Phase III – NYS Route 63 Access Road dated September, 2013 and generally described as follows:

Roadway

Ag Park Road South (from NYS Rte 63 to the intersection of Ag Park Road West, approx. 3100 lf)

Total approximate value of roadways \$672,000

WHEREAS, the above noted improvements were constructed under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

WHEREAS, the Town of Batavia wishes to dedicate their interest in the roadway over to Genesee County for the long term ownership and maintenance of the roadway; and

WHEREAS, the Town of Batavia has requested Genesee County to accept dedication of said roadway improvements; and

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia dedicates their interest in Ag Park Road South, as described above, to Genesee County for the long term ownership and maintenance of the roadway.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 70:

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Councilwoman White offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 1 of 2016
AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend portions of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 1 of 2016 entitled “A Local Law to Amend the Town of Batavia Zoning Ordinance Regarding the Industrial Park (IP) District”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until April 20, 2016, and that a public hearing be held on the 20th day of April, 2016, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

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

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office; and

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

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 71:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO DECLARE LEAD AGENCY

WHEREAS, the Town Board has introduced Local Law No. 1 of 2016, which proposes to make certain changes to the Zoning Ordinance of the Town of Batavia, and

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

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

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

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 72:

Supervisor Post offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
BATAVIA SOUTHWEST WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a Map, Plan and Report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said Map, Plan and Report has been filed in the office of the Town Clerk of the Town of Batavia on February 18, 2016; and

WHEREAS, a "Petition to Request Water District" was filed in two parts at the Batavia Town Clerk's Office on February 26, 2016 and March 3, 2016, to be collectively considered as one Petition; signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Batavia Southwest Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:

See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 20,400 linear feet of twelve (12) inch and eight (8) inch diameter water main along portions of Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road; together with all related

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right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$1,210,000.00, which is planned to be financed through the USDA Rural Development at an interest rate of 3.0% for a 38 year term in an amount not to exceed \$710,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$500,000.00, and

WHEREAS, the proposed annual debt service (assuming 40 units) is estimated to be approximately \$789.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 61,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$4.95 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$302.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$1,091.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$8.00-\$20.00 per linear feet of pipe for a service line; plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; as well as any internal plumbing charges, and

WHEREAS, the Map, Plan and Report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 20th day of April, 2016, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town

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of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Zambito, White, Underhill

APPROVED by unanimous vote (5-0)

EXHIBIT "A"

TOWN OF BATAVIA
PROPOSED BATAVIA SOUTHWEST WATER DISTRICT

The boundary of the proposed Town of Batavia, Batavia Southwest Water District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the Batavia/Alexander Municipal Boundary and the centerline of Upton Road; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 1,032 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-23; thence,
2. Northerly, along the westerly line of Tax Parcel number 16.-1-23, a distance of 693 feet, more or less, to the northwesterly corner of Tax Parcel number 16.-1-23; thence,
3. Westerly, along the southerly line of Tax Parcel number 16.-1-22, a distance of 405 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-22; thence,
4. Northerly, along the westerly line of Tax Parcel number 16.-1-22, a distance of 2,664 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-22 and a southerly line of Tax Parcel number 16.-1-19.11; thence,
5. Westerly, along a southerly line of Tax Parcel number 16.-1-19.11, a distance of 1,248 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-20 and the southerly and easterly lines of Tax Parcel number 16.-1-19.11; thence,
6. Southerly, along the easterly line of Tax Parcel numbers 16.-1-19.11 and 16.-1-26, a distance of 3,092 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-26; thence,
7. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 5,245 feet, more or less, to a southwesterly corner of the Batavia Municipal Boundary; thence,
8. Northerly, along the Batavia/Darien Municipal Boundary and the Batavia/Pembroke Municipal Boundary, a distance of 2,090 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-30.1; thence,
9. Easterly, along the southerly line of Tax Parcel number 16.-1-30.1, a distance of 1,246 feet, more or less, to the northeasterly corner of Tax Parcel number 16.-1-1.111; thence,
10. Northerly, through the lands of Tax Parcel number 16.-1-30.1, a distance of 106 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-13; thence,
11. Easterly, following the existing Wilkinson Road Water District along the northerly line of Tax Parcel number 16.-1-30.1, across Wilkinson Road (49.5 feet wide right-of-way), and along a northerly line of Tax Parcel number 16.-1-19.11, a distance of 2,114 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-16; thence,

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12. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 16.-1-19.11, across Lear Road (49.5 feet wide right-of-way), and along a westerly line of Tax Parcel number 14.-1-41, a distance of 1,752 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
13. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-44, a distance of 16 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-44; thence,
14. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-41, a distance of 450 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-44; thence,
15. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-45, a distance of 8 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-45; thence,
16. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-44, a distance of 494 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
17. Easterly, following the existing Wilkinson Road Water District along a northerly line of Tax Parcel number 14.-1-41, a distance of 651 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-47; thence,
18. Northerly, following the existing Wilkinson Road Water District along the easterly line of Tax Parcel number 14.-1-47, a distance of 29 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
19. Easterly, along a northerly line of Tax Parcel numbers 14.-1-41 and 14.-1-37.111, a distance of 2,042 feet, more or less, to a southeasterly corner of Tax Parcel number 14.-1-21; thence,
20. Northerly, along a westerly line of Tax Parcel number 14.-1-37.111, a distance of 719 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-37.111; thence,
21. Easterly, along a northerly line of Tax Parcel number 14.-1-37.111, a distance of 1,022 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-72; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 14.-1-35.11, a distance of 1,205 feet, more or less, to the northwesterly corner of Tax Parcel number 14.-1-35.11; thence,
23. Easterly, along the northerly line of Tax Parcel number 14.-1-35.11, across Upton Road (49.5 feet wide right-of-way), and continuing along a northerly line of Tax Parcel number 14.-1-58 a distance of 2,399 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
24. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 1,249 feet, more or less, to a southwesterly corner of Tax Parcel number 14.-1-25.1; thence,
25. Easterly, along a northerly line of Tax Parcel number 14.-1-58, a distance of 387 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
26. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 926 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-58; thence,
27. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 14.-1-58, a distance of 48 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-34; thence,

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28. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 14.-1-34, across Rose Road (66 feet wide right-of-way), and continuing along the easterly line of Tax Parcel number 17.-1-1, a distance of 2,027 feet, more or less, to the southwesterly corner of Tax Parcel number 17.-1-3; thence,
29. Easterly, following the existing Rose Road Water District along the northerly line of Tax Parcel number 17.-1-34.121, a distance of 1,547 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-34.121; thence,
30. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 17.-1-34.121, a distance of 115 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-34.121; thence,
31. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 17.-1-34.121, a distance of 18 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
32. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 219 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
33. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 167 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
34. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 653 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
35. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 241 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
36. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 640 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-33.12; thence,
37. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-28.12, a distance of 155 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-28.12; thence,
38. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,320 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
39. Westerly, along a southerly line of Tax Parcel number 17.-1-28.12, a distance of 330 feet, more or less, to a northwesterly corner of Tax Parcel number 17.-1-26; thence,
40. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,338 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
41. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,871 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, "Batavia Southwest Water District – Water System Improvements," dated 12/2015. The Town of Batavia, Batavia Southwest Water District, as described above, contains approximately 1,176.0 acres of land.

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RESOLUTION NO. 73:

Councilwoman Michalak offered the following:

**SEQRA RESOLUTION TO ESTABLISH LEAD AGENCY STATUS
FOR BATAVIA SOUTHWEST WATER DISTRICT**

WHEREAS, the Town Board of the Town of Batavia has proposed improvements consisting of the construction and installation of approximately installation of approximately 20,400 linear feet of twelve (12) inch and eight (8) inch diameter water main along portions of Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto, to be named the Batavia Southwest Water District, and

WHEREAS, the Batavia Town Board intends to conduct an environmental review in accordance with Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (SEQRA), pursuant to the Rules and Regulations set forth in 6 NYCRR Part 617, and

WHEREAS, the District formation is an administrative act by the Batavia Town Board with no other actions or involvement by any other State, Federal or local agencies or municipalities; and thereby, notice and a coordinated review is not required.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the proposed formation of the Batavia Southwest Water District is an “Unlisted Action”, as defined under SEQRA, and

BE IT FURTHER RESOLVED that the Batavia Town Board does hereby establish itself as the lead agency to conduct an environmental review, and

BE IT FURTHER RESOLVED that the Batavia Town Board does hereby authorize and direct the Batavia Town Supervisor to file a Short Environmental Assessment Form regarding the formation of the Batavia Southwest Water District.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 74:

Councilman Zambito offered the following:

**TOWN OF BATAVIA
SOUTHWEST WATER DISTRICT**

SEQR RESOLUTION – INTENT TO DECLARE LEAD AGENCY STATUS

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“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 construction of public water supply improvements to serve the proposed Southwest Water District. The proposed action involves the installation of approximately 23,700 linear feet of waterline along portions of Brown Road, Halstead Road (Co Rd 5), Wilkinson Road (Co Rd 5), Lear Road, Upton Road, Windflower Drive, and Rose Road in the Town of Batavia. The project will provide public water to properties that are currently dependent upon individual groundwater supplies that historically have produced very low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board has commissioned LaBella Associates DPC to prepare Part 1 of the Environmental Assessment Form regarding the project.

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 completed Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

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

RESOLUTION NO. 75:

Councilwoman White offered the following:

**RESOLUTION TO APPROVE AN INTERMUNICIPAL AGREEMENT WITH
THE VILLAGE OF AKRON FOR SHARED SERVICES**

WHEREAS, the Village of Akron desires to use certain portable sewer flow meter equipment owned by the Town of Batavia, and

WHEREAS, the Town of Batavia Attorney has drafted a proposed “Intermunicipal Agreement for Shared Services with the Village of Akron”, which has been reviewed and approved by the Town Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Intermunicipal Agreement for Shared Services With the Village of Akron”, a copy of which shall be made a 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.

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

**INTERMUNICIPAL AGREEMENT FOR
SHARED SERVICES WITH THE
VILLAGE AKRON**

THIS AGREEMENT made the _____ day of _____, 2016, by and between the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”), and the **VILLAGE OF AKRON**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 21 Main Street, Akron, New York 14001, (hereinafter referred to as “Akron”).

WHEREAS, pursuant to Article 5-G of the General Municipal Law, Batavia and Akron are authorized to enter into an intermunicipal cooperative agreement for the provisions of shared services, as set forth herein, and

WHEREAS, Akron desires to use certain equipment owned by the Town of Batavia.

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

1. Until August 31, 2016, Batavia will allow Akron to use, on a shared basis, Batavia’s portable sewer flow meter equipment.
2. At the end of the term of this Agreement, as aforesaid, Akron will return the equipment in a clean and working order.
3. During the use of the equipment, Akron will be responsible for any necessary maintenance and/or repair.
4. In the event that any portion of the equipment is damaged beyond repair, Akron will replace said damaged equipment on an in-kind basis.
5. Akron hereby agrees to indemnify and hold Batavia harmless from all claims, losses, costs and damages arising out of any activities of Akron pursuant to the terms and conditions of this Agreement, 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.
6. This Agreement may not be assigned by either party, in whole or in party, without the prior written consent of the other party. Any assignment in violation of the foregoing shall be deemed void.

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7. This Agreement shall be binding upon and shall inure to the benefit of each of the parties hereto and their successors and permitted assigns.

8. 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.

9. 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 both parties.

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

TOWN OF BATAVIA

VILLAGE OF AKRON

By: Gregory H. Post, Town Supervisor

By: Carl E. Patterson, Mayor

State of New York }
County of Genesee }ss.

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 Erie }ss.

On this _____ day of _____, 2016, before me, the undersigned, personally appeared Carl E. Patterson, 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. 76:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO DECLARE LEAD AGENCY-SEQR
REQUESTED PARK ROAD CLOSURE

WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia announced February 17, 2016 its intention 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, and

WHEREAS, the Involved Agencies have been notified of its intention to act as Lead Agency for this project and have no objections, and

WHEREAS, the Town has requested additional information from Western Regional Off-Track Betting Council (WROTB) in order to conduct a review, and

WHEREAS, although the Town has not yet received the additional information requested, the Town in accordance with SEQR regulations must declare lead agency within the 30 days required.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that it shall be declared the Lead Agency with regard to an environmental review pursuant to the State Environmental Quality Review Act, and

BE IT FURTHER RESOLVED that the Town Board shall take all steps necessary to complete the environmental review assessment upon adequately receiving all information requested.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White, Post

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilman Zambito to suspend the rules to introduce an additional resolution.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

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RESOLUTION NO. 77:

Supervisor Post offered the following:

30 DAY LIQUOR LICENSE WAIVER NOTICE
NEW YUME ASIAN BISTRO, INCORPORATED

WHEREAS, the New York State Liquor Law requires an applicant who is renewing a liquor license to give the local municipality a 30 day advance notice; and

WHEREAS, New Yume Asian Bistro, Incorporated, located at 4140 Veterans Memorial Drive inadvertently notified the City of Batavia rather than the Town of Batavia; and

WHEREAS, Zhou Wang, Attorney for New Yume Asian Bistro is requesting a waiver of the thirty (30) day advance notice, as the current liquor license expires March 31, 2016 (request attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the waiver of the thirty (30) day advance notice of New Yume Asian Bistro, Incorporated, intent to renew their liquor license; and

BE IT FURTHER RESOLVED, the Town Clerk is hereby authorized and directed to notify Zhou Wang, Attorney for New Yume Asian Bistro, Inc. and the New York State Liquor Authority indicating that the Town has no objections to the renewal application of New Yume Asian Bistro, Inc. and the waiver of such thirty (30) day notification.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

Abstract No. 3-2016: Motion Councilman Zambito, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

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General	\$58,052.96
Highway	19,099.69
Sewer No. 1	40,955.71
Sewer No. 2	4,884.19
Water	190,950.66
Pratt	9,341.15
Townline	3,135,453.44
Sewer Capacity	2,531,075.36
Southwest Water	1,267.50
Townline Joint	344,743.22
Total	\$6,335,823.88

Check numbers 16728-16788, 16790-16793, 16795-16799 SM: 1064-1069 Online: 9,533.25 Wire: 3,081,191.00

Ayes: Zambito, Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported that all personnel are busy doing their jobs and attending training sessions. There is a lot going on in the Town.

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 Pembroke at 7:00 P.M. at the Corfu Fire Hall.

COMMUNICATIONS:

The Town Clerk reported on the following:

February Town Clerk monthly report collected a total of \$3,132.12, remitted \$1,442.47 to the Supervisor for the Local Share.

February Tax Collectors report collected a total of \$164,589.19, includes a \$48,121.33 ACH payment. Remitted \$1,132.62 to the Supervisor for the Tax Penalties and the remainder to Genesee County Treasurer.

Assembly Bill A3611 Support – Received an acknowledgement letter from Assemblyman Hawley on receipt of the Town's resolution of support for A3611

West Main Speed Limit and Lane Reduction Petition- Received notification from NYSDOT that the Speed Limit and Lane Reduction on West Main Street Road is not warranted at this time.

Electronic Collections – Received a notice from GLOW Region Solid Waste that NYS Assemblyman Hawley is sponsoring two dates for Free electronic collections.

Trainings- GFLRPC Spring Local Government Workshop, Southern Tier West Local Government Conference, and NYMIR Playground Equipment Training. Employees have been notified

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of these trainings.

Liquor License- Received notification from Genesee Speedway LLC, the Waggin Wheel Restaurant, and New Yume Asian Bistro of making application for Liquor License new and renewal.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:48 P.M.

Ayes: Zambito, Michalak, White, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk