

**JUNE 17, 2015
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
Councilman Lang
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Sharon White, Planning Board Secretary
Roger Muehlig, Daily News Reporter
Mike Pettinella, Buffalo News Reporter
1 Constituent

The Supervisor called the meeting to order at 7:06 P.M.

May 20, 2015 Regular Town Board Meeting and May 27, 2015 Special Town Board Meeting:

Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Lang, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 131:

Councilman Lang offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 3 OF 2015

WHEREAS, proposed Local Law No. 3 of 2015 of the Town of Batavia entitled “A Local Law to Amend Portions of Chapter 169 of the Code of the Town of Batavia, Entitled ‘Parks’”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on May 20, 2015, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on June 17, 2015, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 3 of 2015 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New

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York that said proposed Local Law No. 3 of 2015 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 3 of 2015 be filed with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 132:

Deputy Supervisor Underhill offered the following:

USE OF TOWN PARK FACILITIES
APPLICATION/HOLD HARMLESS AGREEMENT AMENDED

WHEREAS, in 2008 the Town of Batavia's insurance carrier recommended that a certificate of insurance and /or a hold harmless agreement and application be obtained for use of the park pavilions; and

WHEREAS, the application and hold harmless agreement need to be updated.

RESOLVED, the Batavia Town Board hereby amends the required application and a hold harmless agreement for use of the Town park facilities (amended application/agreement attached).

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

APPLICATION FOR USE OF PARK FACILITIES

Today's Date: _____ **Date Requested:** _____

Pavilion Requested: _____ A _____ B

INFORMATION ABOUT YOUR GROUP

Name of Organization or Individual: _____

Person In Charge: _____

Mailing Address: _____

Telephone: (Day) _____ (Night) _____

INFORMATION ABOUT YOUR INTENDED USE OF MUNICIPAL FACILITIES

Purpose of Use: _____

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Total Participants Expected: _____

HOLD HARMLESS AGREEMENT

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the municipality for the use and care of the facilities. He/she on behalf of _____ does hereby covenant and agree to defend, indemnify and hold harmless the **Town of Batavia** from and against any and all liability, loss damages, claims or actions (including costs and attorneys fees) for bodily injury and/or property damage to the extent permissible by law, arising out of or in connection with the actual or proposed use of the **Town of Batavia's** property, facilities and or services by _____.

Signature of Person in Charge

OFFICE USE ONLY

Date & Time Received _____ Permit Issued _____

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PARK FACILITIES REGULATIONS

The use of the Parks Facilities shall be subject to the approval and rules of the Town of Batavia.

1. Organizations or Individuals wishing to use Park Facilities must first apply to the Town Clerk's Office on the prescribed form at least 72 hours in advance of the time of the reservation requested. In the event more applications are received than space is available, such applications shall be considered in the chronological order received.
2. Each application for such permit shall be accompanied by a deposit of \$25.00. Said deposit shall be for the purpose of ensuring that the pavilion and/or reserved area is undamaged and free of debris upon completion of use. If the same is undamaged and free of debris, said deposit shall be returned. If said area is either damaged or not free of debris, said deposit shall be forfeited to the Town to cover the cost of repair or cleaning. In addition, the Town may institute legal proceedings against any person for the recovery of damages caused by the use of the park or park pavilion.
3. Park Opens at 8:00 A.M. and Closes at 10:00 P.M.
4. In the event of inclement weather or an emergency, any portion of the park may be closed to the public, to vehicles or to designated persons.
5. No Alcoholic Beverages and No Glass Bottles
6. No person shall build an open fire, except in park or portable grills. Fires shall be extinguished upon leaving the park.
7. No person shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow or other dangerous weapon.
8. No person shall bring into or keep in the park any dog, cat, household pet or other animal destructive to birds and other wildlife, except dogs and cats that are in control by a leash while in the park.
9. No person shall hunt or trap game within any park boundaries. No person shall kill, injure or unnecessarily disturb any wildlife found in a park.
10. No person shall erect an inflatable structure in the park. Inflatable Structures are prohibited.
11. No person shall leave behind, dump or similarly dispose of trash, garbage, and materials of any kind in the park. Refuse is not to be dropped, thrown or scattered on park property. Carry In – Carry Out Policy is in effect.
12. No person shall, either within or outside of a park, discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through a park, any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook or stream within any park, interfere with the natural resources of any park or endanger the health of visitors to any park.
13. Certificate of Insurance required for Commercial Users:
 - ❖ General Liability Insurance- \$1,000,000 per occurrence/\$2,000,000 aggregate
 - ❖ Naming the Town as an unrestricted additional insured on the user's policy
 - ❖ The policy naming the Town as an additional insured shall: be an insurance policy from a "secured" New York State licensed insurer; contain a 30 day notice of cancellation; state that the organization's coverage shall be primary coverage for the Town; and additional insured status shall be provided with ISO endorsement CG2026 or its equivalent.
 - ❖ The user agrees to indemnify the Town for any applicable deductibles
 - ❖ Enclose a copy of the endorsement providing additional insured status
14. In case of an emergency; contact the Town Hall at (585)343-1729 or (585)356-7153.

RESOLUTION NO. 133:

Supervisor Post offered the following:

MITEL/INTER-TEL 5000 TELECOMMUNICATION SYSTEM
SOFTWARE ASSURANCE PACKAGE

WHEREAS, Rel-Comm, Inc. installed the Mitel CS 5000 telecommunications system upgrade in the Town Hall and Highway Facility in 2009, which also included enrollment in the Software

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Assurance Program; and

WHEREAS, the Software Assurance contract expired; and

WHEREAS, Rel-Comm is offering customers an opportunity to renew the Software Assurance for up to an additional five (5) years on guaranteed software upgrades (pricing and contract attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board authorizes the purchase of an additional three (3) Year Software Assurance at a cost of \$900.00; and be it

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

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 134:

Councilwoman Michalak offered the following:

JUNKYARD LICENSES

RESOLVED, the Batavia Town Board hereby approves the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate contingent upon the recommendation of the Building Inspector.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 135:

Councilman Zambito offered the following:

TRAINING WORKSHOP

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

John Della Penna- Orleans County Department of Planning Special Use Permits Workshop June 17, 2015. There is no cost for this training.

Rhonda Saulsbury-Cornell University Seminar, July 13 - July 16, 2015 at a cost of \$1,000 (includes course fee, hotel and meals). A Town vehicle will be used.

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

RESOLUTION NO. 136:

Councilman Lang offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT
RECORDS AND DOCKETS WAS CONDUCTED**

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditor's letter along with a copy of this resolution to New York State Office of Court Administration, Joan Casazza, Internal Control Liaison, 2500 Pond View, Suite LL01, Castleton-on-Hudson, New York 12033.

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

RESOLUTION NO. 137:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO RATIFY TWO STORMWATER EASEMENTS REGARDING
THE BIG TREE GLEN EAST PROJECT**

WHEREAS, Conifer Realty, LLC has submitted an application with the required documentation for a project known as Big Tree Glen East, to be located upon property at 3727 West Main Street Road in the Town of Batavia, and

WHEREAS, this project has been proposed to be completed in two phases with Phase 1 (Lot 1), to be developed into a 56 unit residential rental complex with a community building, and Phase 2 (Lot 2) to be developed into a 40 unit residential rental complex, both with associated amenities, and

WHEREAS, Lot 1 for Phase 1 has been transferred to the Big Tree Glen Housing Development

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Fund Company, Inc. and Big Tree Glen, LLC, (hereinafter “Lot 1 Owners”), and

WHEREAS, Lot 2 has been transferred to CFB Realty, LLC, (hereinafter “Lot 2 Owner”), and

WHEREAS, part of the approval process required the Lot 1 and Lot 2 Owners to construct a Stormwater Drainage System, and to agree to maintain the same, and

WHEREAS, as part of the approval process, the Town of Batavia has required the Lot 1 Owners and the Lot 2 Owner to provide Stormwater Drainage Easements running to the Town of Batavia to allow the Town to provide any maintenance or other required work in the event that the Owners fail to do so properly, with the Owners further agreeing to pay any Town costs associated with performing maintenance upon the Easement areas, and

WHEREAS, a Stormwater Drainage Easement running from the Lot 1 Owners to the Town of Batavia, New York, (hereinafter “Lot 1 Easement”), was drafted and thereafter reviewed and approved by Town staff, including the Town Attorney, and

WHEREAS, a Stormwater Drainage Easement running from the Lot 2 Owner to the Town of Batavia, New York, (hereinafter “Lot 2 Easement”), was drafted and thereafter reviewed and approved by Town staff, including the Town Attorney, and

WHEREAS, as part of the transfer process to the Lot 1 Owners and Lot 2 Owner, both of these Stormwater Drainage Easements were recorded in the Genesee County Clerk’s Office on April 29, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that both the Lot 1 Stormwater Drainage Easement and the Lot 2 Stormwater Drainage Easement, copies of which are to made a part of the Town Board Minutes, are hereby ratified and retroactively approved, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to undertake any maintenance or other activities needed with regard to both Easements in the event that the Lot 1 Owners and/or the Lot 2 Owner fail to do so properly, provided, that any Town costs associated with performing these activities shall be billed to and collected from the appropriate Owner(s).

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 138:

Supervisor Post offered the following:

RESOLUTION TO APPROVE AGREEMENT WITH GAR ASSOCIATES, INC.

FOR PROFESSIONAL REAL PROPERTY ASSESSMENT SERVICES

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WHEREAS, GAR Associates, Inc. has proposed to provide professional real property assessment services to the Town of Batavia, pursuant to the terms and conditions contained within a proposed “Agreement for Professional Services”, (hereinafter “Agreement”), and

WHEREAS, this Agreement has been reviewed by both the Town Assessor and the Town Attorney and it is acceptable to both of them as to form and content.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Agreement for Professional Services”, a copy of which shall be made a part of the Town Board Minutes, by and between the Town of Batavia and GAR Associates, Inc., is hereby approved and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to pay GAR Associates, Inc. a sum not to exceed \$9,800.00 for the professional real property assessment services set forth in the Agreement, pursuant to the payment schedule annexed to the Agreement as Schedule A.

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

AGREEMENT
FOR
PROFESSIONAL SERVICES

Agreement made this ___day of June 2015 by and between the **TOWN OF BATAVIA**, a municipality of the State of New York, (hereinafter referred to as the “**TOWN**”) and **GAR ASSOCIATES, INC.**, having a principal place of business at 2399 Sweet Home Road, Amherst, New York 14228, (hereinafter referred to as the “**CONTRACTOR**”).

WHEREAS, the **TOWN** has resolved to cyclically reassess properties and maintain equity. This hereinafter referred to as the “**PROJECT**” and

NOW, THEREFORE, for and in consideration of the mutual promises hereinafter set forth, and for other good and valuable consideration, the parties hereto agree as follows:

1. EMPLOYMENT

The **TOWN** engages the **CONTRACTOR** and the **CONTRACTOR** hereby accepts to provide

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the **professional services requested** upon the terms and conditions as hereinafter set forth.

2. SERVICES & RESPONSIBILITIES

The **CONTRACTOR** will provide professional real property reassessment support services to encompass all commercial improved parcels (approx. 198 parcels) as provided to GAR. Support services include but are not limited to: commercial sales verification and valuation modeling, create Valuation Factor File (VFF), consultation field review, project meetings, mailing of Commercial Income & Expense (I&E) forms with response to owners, two copies of assessment sales and assessment books, data verification (desk and field) including data entry (update Real Property Services software (RPS)), creating digital sketches, and or digital photographs as needed and assessment administration support. See proposal for details on limits based on fixed price.

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ROLL SECTION RESPONSIBILITY GRID (1)

<u>ROLL SECTION</u>	<u>RESPONSIBLE PARTY</u>	
1	Taxable	Contractor/Town
3	State Owned Properties	ORPTS
5	Special Franchise	ORPTS and TOWN
6	Utility	ORPTS and TOWN-
	Structural	
7	Railroads	ORPTS and TOWN
8	Wholly Exempt only	Contractor - IDA Properties
		ORPTS and TOWN -All other parcels

Also see Proposed Payment Schedule A

The **TOWN** is responsible and assisted by the **CONTRACTOR** for meeting the requirements of New York State Office of Real Property Tax Services (NYSORPTS) Cyclical Reassessment Program for sustaining equity and possibility of receiving reimbursement from NYS as stated under current NYSORPTS requirements. If these requirements change, the **CONTRACTOR** and the **TOWN** have the option to renegotiate services **CONTRACTOR** may be asked to provide.

The **TOWN** agrees that the **CONTRACTOR** shall be the **TOWN**'s exclusive provider of Support Services for the term of this **Agreement** and the **TOWN** further agrees that it shall not engage the services of any consultant, subcontractor or any other entity to perform any aspect of the above-described Support Services during the term of this **Agreement**, without the prior written consent of **CONTRACTOR**.

3. TERM

This Agreement shall commence on July ____, 2015 and shall continue through June 30, 2016.

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4. COMPENSATION

For all professional services provided by the **CONTRACTOR**, the **TOWN** agrees to pay to the **CONTRACTOR** the aggregate sum of **Ninety Eight Hundred Dollars** (\$9,800.00), to be paid as indicated by the payment schedule attached (Schedule A).

In addition to the services outlined and covered under the fixed price contract, additional services may be added to the contract at the request of the **TOWN**. Fees for additional services follow:

Vacant Land Verification/Create Land Table	\$2,500
Informal Reviews	\$750 per man/day
Scheduling and Phone Support	\$2,000

If other services are required, **CONTRACTOR** to provide a proposal for said services to **TOWN** for authorization.

All invoices shall be paid promptly and no later than forty five (45) days, after submission, after which interest will accrue on a daily basis using a monthly rate of 1% one percent.

6. Guarantee of Payment of Contract.

The **TOWN** will make payment of contract in total, based on satisfactory completion of project specifications related in the **CONTRACTOR'S** response.

7. LIABILITY INSURANCE

The **CONTRACTOR** shall maintain in full force and effect adequate insurance and shall file a certificate demonstrating such with the office of **TOWN** Clerk prior to performing this agreement or receiving any payment hereunder. Such insurance shall name the **TOWN** as additional insured.

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8. TERMINATION

CONTRACTOR may cancel this Agreement only in the event of non-payment by the **TOWN** of any sum due hereunder for forty five (45) days following the day such payment first fell due; however, the **CONTRACTOR** must provide to the **TOWN**, within forty five (45) days, written notice of intention to terminate and opportunity to cure. The **TOWN** may cancel this Agreement only in the event of material breach by **CONTRACTOR** of its obligations hereunder and the continuation of such breach following, forty-five (45) days written notice to **CONTRACTOR** and the opportunity to cure, from **TOWN** specifying such breach in reasonable detail.

In the event of termination of this Agreement, the **CONTRACTOR** shall be entitled to payment in the same proportion of total contract price, including interest, as it relates to the proportion of the services provided up to termination date. Both parties may mutually agree in writing to terminate this contract at any time.

9. WAIVER OF BREACH

The failure of either party to enforce at any time any provision of this agreement, including all attachments, shall not affect or impair the validity of the provisions of the agreement.

10. ENTIRE AGREEMENT

This agreement contains all the terms and conditions agreed to by the parties hereto, and no other agreements oral or otherwise regarding the subject matter of this agreement shall be deemed to exist or bind either party. This agreement may be modified and amended at any time upon mutual agreement, in writing, of both parties.

11. INDEPENDENT CONTRACTOR

The relationship of the **CONTRACTOR** to the **TOWN** shall be that of an independent contractor and no principal-agent or employee-employer relationship is created by this agreement.

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12. OWNERSHIP OF DATA

Data collected is the property of the **TOWN**. That data used by the **CONTRACTOR** in the services contemplated herein shall remain the property of the **TOWN** and no use or copying shall be made thereof beyond that listed in the agreement without the written permission of the **TOWN**.

13. EMPLOYMENT LAWS

The **CONTRACTOR** shall comply with all the applicable provisions of Federal and New York State Laws, rules and regulations regarding employment and shall further specifically comply with those sections related to discrimination.

14. DOCUMENTS

Upon the completion of the **PROJECT**, the **CONTRACTOR** will deliver to the **TOWN** the required documents as agreed by the **CONTRACTOR** and **TOWN**.

15. LAWS GOVERNING

This agreement shall be construed in accordance with the laws of the State of New York.

16. NON-DISCLOSURE

In order to protect the interests of the **TOWN**, and **CONTRACTOR**, no valuation data will be released to the general public without the express written consent of the **TOWN**. In the event the **CONTRACTOR** shall be made a party to any suit seeking to compel the disclosure of information, which the **TOWN** has declined to permit **CONTRACTOR** to disclose, the **TOWN** shall indemnify and hold **CONTRACTOR** harmless from all costs, expenses and judgments, including reasonable attorney's fees incurred in such suit. Upon delivery to the Project Administrator all specific work products shall belong to the **TOWN**, and the **CONTRACTOR** shall not sell or otherwise disclose any information concerning specific properties or classes of property within the **TOWN** during or after the completion of this contract without the express written consent of the **TOWN**.

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17. U.S.P.A.P COMPLIANCE

All valuation and appraisal methodology will be utilized in accordance with U.S.P.A.P. (Uniform Standards of Professional Appraisal Practice) Standards and will be performed on appropriate parcels according to the terms of the contract. The **CONTRACTOR** agrees and the **TOWN** acknowledges the U.S.P.A.P. compliance required by **CONTRACTOR**. Further the **TOWN** acknowledges that under the U.S.P.A.P. compliance, **CONTRACTOR** is obligated to support any and all assessment valuations developed by **CONTRACTOR** and accepted by the **TOWN**, for the purpose of the reassessment project. Accordingly, the **CONTRACTOR** shall appear as an expert witness on behalf of the **TOWN** in all certiorari proceedings resulting from the final assessed values, which the **CONTRACTOR** made and which were placed on parcels on the final assessment roll and only if that grievance has been filed prior to grievance day. This service is not part of the **CONTRACTOR'S** fixed price but is indicated at an hourly rate of \$75-\$200 per hour.

Therefore, the **CONTRACTOR** continues to be bound by the U.S.P.A.P. standard compliance in the succeeding Maintenance Calendar Years. In consideration of this professional compliance, the **TOWN** agrees that any future (beyond the scope of this contract) related appraisal and related services associated with tax certiorari actions, and related services, which the **TOWN** may require as a result of the reassessment project and maintenance effort contemplated by this agreement, the **TOWN** releases the **CONTRACTOR** of any conflict of interest and or obligation to said assessment values **CONTRACTOR** was engaged to create as a result of this agreement, unless the **CONTRACTOR** is further engaged to represent the **TOWN**, with respect to such matters. The **CONTRACTOR** will not provide any appraisal services on behalf of a Petitioner in a proceeding under Real Property Tax Law Article 7 for the duration of the contract term.

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18. CLARIFICATION OF PROPOSAL TERM – Project Staffing

The **CONTRACTOR** acknowledges project staffing, shall be interpreted to require the **CONTRACTOR** to provide personnel and services as mutually agreed upon. The **CONTRACTOR** will attempt to assign consistent personnel including but not limited to Project Manager, Field Review Appraisers and Informal Hearing Officers. At the request of the **TOWN**, the **CONTRACTOR** will make reasonable accommodations to assign the same Field Review Staff and Informal Hearing Officers, but the **CONTRACTOR** cannot guarantee which specific personnel shall perform said services, given changes in staff, etc. that may occur. The **CONTRACTOR** further agrees that in the event staffing changes may occur, the Assessor will have the ability to approve the use of alternative Field Review and Informal Hearing Officer staff.

19. INDEMNIFICATION

The **CONTRACTOR** shall defend, indemnify and hold the **TOWN** harmless from any liability, claim, demand and attorney's fees or judgment arising from negligence, willful act or omission of the **CONTRACTOR** in connection with this contract of the work to be performed hereunder. The **TOWN** must promptly inform **CONTRACTOR** of any claim or threatened claim requiring indemnity and afford the **CONTRACTOR** and its insurer the opportunity to assume defense.

Notwithstanding the foregoing, nothing in this Agreement or otherwise shall be construed as a guaranty of the **CONTRACTOR'S** assessment of market value of any parcel of real property covered by this Agreement, it being understood and agreed that the techniques and procedures to be employed hereunder by the **CONTRACTOR** have been developed for mass appraisals.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
this _____th day of _____, 2015.

TOWN OF BATAVIA, NEW YORK

BY, _____

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**RESOLUTION TO ESTABLISH POSITION
CLEANER**

RESOLVED, the Batavia Town Board hereby establishes part-time Cleaner position (MSD222 duties statement attached).

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

RESOLUTION NO. 140:

Councilman Zambito offered the following:

**APPROVAL OF ENGINEERING AMENDMENT NO.2
CREEK ROAD WATER DISTRICT**

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Creek Road Water District, and

WHEREAS, the Town has requested additional services for the Creek Road Water District Construction Administration and Inspection, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment for additional construction administrative and inspection services in the amount of Nineteen Thousand Seven Hundred dollars (\$19,700) (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the Engineering Agreement Amendment No. 2 with Clark Patterson Lee, in the amount of Nineteen Thousand Seven Hundred dollars (\$19,700), a copy of which is annexed hereto and made a part of the minutes and will be made contingent upon USDA Rural Development approval.

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

RESOLUTION NO. 141:

Councilman Lang offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
OAKWOOD HILLS WATER DISTRICT**

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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 June 16, 2015; and

WHEREAS, the Town Board has determined that the Owner of the Oakwood Hills Subdivision, (hereinafter referred to as “Subdivision”), is in favor of obtaining municipal water through the formation of the proposed Water District, and

WHEREAS, the Town Board believes that it would be in the best interest of the future residents of the Subdivision to create the proposed Water District, and

WHEREAS, pursuant to the authority of Article 12-A of the New York State Town Law, the Town Board does intend to form proposed Oakwood Hills Water District, pursuant to the said Map, Plan and Report, subject to holding a Public Hearing, and further subject to the permissive referendum process, 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 4,300 linear feet of eight (8) inch water main running from the end of the existing water main to the boundary of the Subdivision, and then within the boundary of the Subdivision; 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, (referred to herein as “water improvement”),and

WHEREAS, all of the water improvements will be constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the owner and the developer, with no initial capital cost to the residents of the Water District, and

WHEREAS, upon completion and inspection of the water improvements by the Town, these water improvements will be dedicated to the Town of Batavia, and

WHEREAS, capital costs may be incurred in the future for any upgrades or replacement of portions of the water system, which may require incurring debt service for funding of these costs and expenses, and thereby, any future debt service will be paid using the unit structure, as set forth in the Map, Plan and Report, and

WHEREAS, a typical household uses 63,000 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 \$4.60 per 1,000 gallons used; thereby the average household can expect to pay approximately \$290.00 per year for water purchase, and

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WHEREAS, based upon the foregoing estimates, the total initial annual cost of the typical property in the proposed district is estimated to be \$290.00 per year, and

WHEREAS, any future payment of 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; plus approximately \$8.00-\$20.00 per linear feet of pipe for a service line; 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 15th day of July, 2015, 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 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, and it is further

ORDERED, that based upon the fact that there will be no initial debt service, thereby, the estimated total annual cost of the typical property in the proposed Water District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2015 calendar year, approval of this District by the State Comptroller is not required, however, the Town Clerk is hereby authorized and directed to mail a certified copy of the "Public Notice", which contains the notice concerning the public hearing, along with other required information, to the Office of the State Comptroller, to be completed no later than fourteen (14) calendar days after this Public Notice has been published in the official newspaper.

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

EXHIBIT "A"

TOWN OF BATAVIA
PROPOSED OAKWOOD HILLS WATER DISTRICT

**JUNE 17, 2015
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The boundary of the proposed Town of Batavia, Oakwood Hills 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 southwesterly corner of Tax Parcel number 13.-1-153.1; thence,

1. Westerly, along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 1,705 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-107.2; thence,
2. Southerly, along the westerly line of Tax Parcel number 13.-1-107.2, a distance of 65 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-107.2; thence,
3. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2, a distance of 4,759 feet, more or less, to the intersection of the southerly line of Tax Parcel number 13.-1-107.2 and the boundary of the existing Consolidated Water District; thence,
4. Northerly, following the existing Consolidated Water District along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,098 feet, more or less, to a northwesterly corner of the existing Consolidated Water District; thence,
5. Easterly, following the existing Consolidated Water District through the lands of Tax Parcel number 13.-1-153.1, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
6. Northerly, following the existing Consolidated Water District along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111 and continuing along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,127 feet, more or less, to the intersection of the existing Consolidated Water District and the northerly line of Tax Parcel number 13.-1-153.1; thence,
7. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 886 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
8. Northerly, along an easterly line of Tax Parcel number 13.-1-153.1, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
9. Southwesterly, along the westerly line of Tax Parcel number 13.-1-153.1, a distance of 3,266 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Water District Map – Oakwood Hills Subdivision," dated 4/2014. The Town of Batavia, Oakwood Hills Water District, as described above, contains approximately 109.1 acres of land.

RESOLUTION NO. 142:

Deputy Supervisor Underhill offered the following:

SEQRA RESOLUTION TO ESTABLISH LEAD AGENCY STATUS

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FOR OAKWOOD HILLS WATER DISTRICT

WHEREAS, the improvements proposed consists of the construction and installation of approximately 4,300 linear feet of eight (8) inch water main running from the end of the existing water main to the boundary of the Oakwood Hills Subdivision, and then within the boundary of the Subdivision; 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 Oakwood Hills Water District, and

WHEREAS, the 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 Oakwood Hills Water District is an “Unlisted Action”, as defined under SEQRA, and

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

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

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 143:

Supervisor Post offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
OAKWOOD HILLS SANITARY SEWER 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 Sanitary Sewer District is proposed to be established; and said Map, Plan and Report has been filed in the office of the Town Clerk of the

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Town of Batavia on June 16, 2015; and

WHEREAS, the Town Board has determined that the Owner of the Oakwood Hills Subdivision, (hereinafter referred to as “Subdivision”), is in favor of obtaining municipal sewer through the formation of the proposed Sanitary Sewer District, and

WHEREAS, the Town Board believes that it would be in the best interest of the future residents of the Subdivision to create the proposed Sanitary Sewer District, and

WHEREAS, pursuant to the authority of Article 12-A of the New York State Town Law, the Town Board does intend to form proposed Oakwood Hills Sanitary Sewer District, pursuant to the said Map, Plan and Report, subject to holding a Public Hearing, and further subject to the permissive referendum process, and

WHEREAS, the boundaries of the proposed Sanitary Sewer District are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 3,060 linear feet of eight (8) inch diameter gravity sewer main, 1,600 linear feet of four (4) inch diameter force main running from the end of the existing sewer main to the boundary of the Subdivision, and then within the boundary of the Subdivision; together with one sanitary pump station , all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto, (referred to herein as “sewer improvement”),and

WHEREAS, all of the sewer improvements will be constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the owner and the developer, with no initial capital cost to the residents of the Sanitary Sewer District, and

WHEREAS, upon completion and inspection of the sewer improvements by the Town, these sewer improvements will be dedicated to the Town of Batavia, and

WHEREAS, capital costs may be incurred in the future for any upgrades or replacement of portions of the sewer system, which may require incurring debt service for funding of these costs and expenses, and thereby, any future debt service will be paid using the unit structure, as set forth in the Map, Plan and Report, and

WHEREAS, a typical household uses 63,000 gallons of water per year, and the sewer usage is based upon and is measured by the water usage, and the estimated cost of the sewer usage to be purchased by the Sanitary Sewer District’s users is a total of \$5.46 per 1,000 gallons used; thereby the average household can expect to pay approximately \$344.00 per year for the sewer cost, and

WHEREAS, based upon the foregoing estimates, the total initial annual cost of the typical property in the proposed district is estimated to be \$344.00 per year, and

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WHEREAS, any future payment of debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the Sanitary Sewer 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 \$15.00-\$30.00 per linear feet of pipe; 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 15th day of July, 2015, at 7:05 p.m. for the purpose of conducting a public hearing on the proposal to establish said Sanitary Sewer 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 of Batavia, and to mail a copy to all owners of property located within the proposed Sanitary Sewer District, in the time and manner required by law, and it is further

ORDERED, that based upon the fact that there will be no initial debt service, thereby, the estimated total annual cost of the typical property in the proposed Sanitary Sewer District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2015 calendar year, approval of this District by the State Comptroller is not required, however, the Town Clerk is hereby authorized and directed to mail a certified copy of the "Public Notice", which contains the notice concerning the public hearing, along with other required information, to the Office of the State Comptroller, to be completed no later than fourteen (14) calendar days after this Public Notice has been published in the official newspaper.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

EXHIBIT "A"

TOWN OF BATAVIA
PROPOSED OAKWOOD HILLS SANITARY SEWER DISTRICT

The boundary of the proposed Town of Batavia Oakwood Hills Sanitary Sewer District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being

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described as follows:

Beginning at a point which is the southwesterly corner of Tax Parcel number 13.-1-153.1; thence,

1. Westerly, along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 1,705 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-107.2; thence,
2. Southerly, along the westerly line of Tax Parcel number 13.-1-107.2, a distance of 65 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-107.2; thence,
3. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2, a distance of 1,788', more or less, to the northwesterly corner of Tax Parcel number 13.-1-110.11; thence,
4. Southerly, along the westerly line of Tax Parcel number 13.-1-110.11 and continuing along the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11, a distance of 568 feet, more or less, to the intersection of the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11 and the centerline of East Main Street Road (99 feet wide right-of-way); thence,
5. Easterly, along the centerline of East Main Street Road, a distance of 743 feet, more or less, to the intersection of the centerline of East Main Street Road and the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1; thence,
6. Northerly, along the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1 and continuing along the easterly line of Tax Parcel numbers 13.-1-21.1 and 13.-1-110.12, a distance of 530 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-110.12; thence,
7. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2 and continuing along the easterly extension of the southerly line of Tax Parcel number 13.-1-107.2, a distance of 2,653 feet, more or less, to the intersection of the easterly extension of the southerly line of Tax Parcel number 13.-1-107.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way); thence,
8. Northerly, along the centerline of Seven Springs Road, a distance of 75 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2; thence,
9. Westerly, along the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2 and continuing along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 226 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-11; thence,
10. Northerly, along the westerly line of Tax Parcel numbers 13.-1-11 and 13.-1-4.2, a distance of 450 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.2; thence,
11. Easterly, along the northerly line of Tax Parcel number 13.-1-4.2 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2, a distance of 232 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way); thence,
12. Northerly, along the centerline of Seven Springs Road, a distance of 349 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-152; thence,

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13. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-152 and continuing along the southerly line of Tax Parcel number 13.-1-152, a distance of 230 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-152; thence,
14. Northerly, along the westerly line of Tax Parcel number 13.-1-152, a distance of 204 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-152; thence,
15. Westerly, along the southerly line of Tax Parcel number 13.-1-4.121, a distance of 71 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
16. Northerly, along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111, a distance of 350 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.111; thence,
17. Easterly, along a northerly boundary of the Consolidated Water District and the northerly line of Tax parcel number 13.-1-4.111, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-151; thence,
18. Northerly, along the westerly line of Tax Parcel numbers 13.-1-151, 13.-1-150, and 13.-1-149, a distance of 605 feet, more or less, the northwesterly corner of Tax Parcel number 13.-1-149; thence,
19. Easterly, along the northerly line of Tax Parcel number 13.-1-149 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-149, a distance of 226 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-149 and the centerline of Seven Spring Road (49.5 feet wide right-of-way); thence,
20. Northerly, along the centerline of Seven Spring Road, a distance of 49 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-9; thence,
21. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-9 and continuing along the southerly line of Tax Parcel number 13.-1-9, a distance of 225 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-9; thence,
22. Northerly, along the westerly line of Tax Parcel number 13.-1-9, a distance of 152 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-9; thence,
23. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 942 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
24. Northerly, along the westerly line of Tax Parcel number 13.-1-8.121, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
25. Southwesterly, along the westerly line of Tax Parcel number 13.-1-153.1, a distance of 3,266 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Sanitary Sewer District Map – Oakwood Hills Subdivision," dated 4/2014. The Town of Batavia, Batavia North Water District, as described above, contains approximately 121.5 acres of land.

RESOLUTION NO. 144:

Councilwoman Michalak offered the following:

SEQRA RESOLUTION TO ESTABLISH LEAD AGENCY STATUS
FOR OAKWOOD HILLS SANITARY SEWER DISTRICT

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WHEREAS, the improvements proposed consists of the construction and installation of approximately 3,060 linear feet of eight (8) inch diameter gravity sewer main, 1,600 linear feet of four (4) inch diameter force main running from the end of the existing sewer main to the boundary of the Subdivision, and then within the boundary of the Subdivision; together with one sanitary pump station, all related right-of-way costs, site work and other ancillary work, apparatus and other improvements and costs incidental thereto, to be named Oakwood Hills Sanitary Sewer District, and

WHEREAS, the 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 Oakwood Hills Sanitary Sewer District is an “Unlisted Action”, as defined under SEQRA, and

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

BE IT FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to file a Short Environmental Assessment Form regarding the formation of the Oakwood Hills Sanitary Sewer District.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 145:

Councilman Zambito offered the following:

RESOLUTION TO APPROVE WATER EASEMENTS

WITH U.S. GYPSUM CO. FOR THE TOWNLINE WATER PROJECT

WHEREAS, the Town of Batavia has or will be installing water lines and appurtenances with regard to the Townline Water Project, and

WHEREAS, it will be necessary to obtain two Easements to construct a water main, operate, maintain and make repairs in connection therewith, as part of this Project, upon properties owned by U.S. Gypsum Co., (hereinafter referred to as the “Owner”), and

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WHEREAS, the Owner's parcels of lands are situated in the Town of Oakfield, being designated with Tax Map Nos. 8.-1-76 and 8.-1-86.1, (hereinafter referred to as the "Properties"), and

WHEREAS, the Owner of the Properties has signed two Water Easements granted to the Town of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that certain Water Easements granted by the Owner of the Properties, as set forth herein, running to the Town of Batavia are hereby approved and accepted, and copies of the proposed Water Easements are hereby made a part of this Resolution by reference and shall be made part of the Town Board Minutes, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the Easements.

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

Abstract No. 6-2015: Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$59,671.97
Highway	89,596.41
Sewer No. 1	8,098.48
Sewer No. 2	5,797.86
Water	35,077.77
Creek	917,908.74
Townline	260.00
Ellicott Trail	19,446.75
Townline Joint	287,292.60
Total	\$1,516,172.93

Check numbers 20018 thru 20092, SM: 1008-1015, ACH: \$4,292.50, Online: \$6,780.22, Wire: \$908,526.24

Ayes: Lang, Zambito, Underhill, Michalak, Post
MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported for the following departments:

Highway: Keeping very busy replacing collapsed culverts and mowing road sides. The new mowers have reduced the time spent on mowing.

Water/Wastewater- Keeping very busy and working on leak detection,

Building- Keeping very busy with 4 or 5 new homes going up and commercial projects.

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Supervisor's Report:

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

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

COMMUNICATIONS:

The Town Clerk reported on the following:

May Town Clerk monthly report collected a total of \$7,312.10, remitted \$6,488.03 to the Supervisor for the Local Share.

Training- Association of Towns 2015 Planning and Zoning Summer School training sessions begin July 15. Town personnel have been advised of this.

COMMITTEE REPORTS:

Parks- Councilman Zambito reported that last week there was an Ellicott Trail meeting and there will be another in July.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:45 P.M.

Ayes: Zambito, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk