

**JUNE 21, 2017
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
Town Engineer Mountain
Mike Pettinella, Batavian Reporter

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

Public Hearing Local Law 2 of 2017- The Supervisor called the Public Hearing to Order for Local Law 2 of 2017 to Amending the Town of Batavia Parks Rules and Regulations at 7:08 P.M. - Minutes for public hearing entered separately.

Public Hearing-Joint Increase & Improvement of Facilities of the Town of Batavia Sewer District No. 2 & West Main St Rd Sewer District- The Supervisor called the Public Hearing to Order at 7:09 P.M.- Minutes for public hearing entered separately.

Public Hearing-Establishment of 2017 North Commerce Sewer Improvement Area- The Supervisor called the Public Hearing to Order at 7:10 P.M.- Minutes for public hearing entered separately.

May 17, 2017 Public Hearing-CDBG Grant-Freightliner (Fleet Maintenance), May 17, 2017 Regular Town Board Meeting, and June 7, 2017 Special Town Board Meeting: Motion Councilwoman Michalak, second Councilman Zambito to approve the minutes as written.
Ayes: Michalak, Zambito, White, Underhill, Post
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 109:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 2 OF 2017

WHEREAS, proposed Local Law No. 2 of 2017 of the Town of Batavia entitled “A Local Law Amending the Town of Batavia Park Rules and Regulations Law”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on May 17, 2017, 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

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WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on June 21, 2017, 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. 2 of 2017 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 2 of 2017 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 2 of 2017 be filed with the New York State Secretary of State in accordance with Law.

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

Local Law Filing New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Batavia, Genesee County, New York
~~Town~~
~~Village~~

Local Law No. 2 of the year 2017.

A local law known as Amending the Town of Batavia Park Rules and Regulations Law.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of **Batavia, Genesee County, New York** as follows:
~~Town~~
~~Village~~

ARTICLE I: **ENACTMENT AND AUTHORIZATION**

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The Town Board and the Town of Batavia does hereby ordain and enact this local law Amending the Town of Batavia Park Rules and Regulations Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law.

ARTICLE II: FORMER LAW REPEALED

Chapter 169 of the Code of the Town of Batavia is hereby repealed and replaced with a new law contained in Article III of this local law.

ARTICLE III: TOWN OF BATAVIA PARK RULES AND REGULATIONS LAW

§ 169-1 Title.

This chapter shall be known as the "Town of Batavia Park Rules and Regulations Law."

§ 169-2 Purpose.

The purpose of this chapter is to preserve the public peace and good order on lands operated as public parks by the Town of Batavia and to contribute to the safety and enjoyment of park users by establishing rules and regulations governing the use of parks maintained by the Town of Batavia.

§ 169-3 Word usage and definitions.

A. Words used in the present tense shall include the future, words in the masculine gender shall include the feminine and neuter, the singular number shall include the plural, and the plural the singular.

B. For the purpose of this chapter, the terms used herein are defined as follows, unless the context specifically indicates otherwise:

PARK

The land, including all buildings, waters and other property located thereon and constituting a part thereof, which is designated as a park by the Batavia Town Board and which is maintained, operated and controlled by the Town of Batavia for public park purposes.

PERSON

Any individual, firm, partnership, company, corporation, association, society, group or municipality.

VEHICLE

Every device in, upon or by which a person or property is or may be transported or drawn, whether or not by motorized power.

§ 169-4 Applicability.

This chapter shall apply to all parks under the control, supervision and jurisdiction of the Town of Batavia.

§ 169-5 Dates and hours of operation.

A. All parks shall open and close for the season as designated by resolution of the Town Board.

B. No person or vehicle shall enter or remain in any park between the hours of 10:00 p.m. and sunrise or when

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closed for the season, except as otherwise provided by the Town Board, by resolution.

C. In case of an emergency, any portion of a park may be closed to the public, to vehicles or to designated persons.

§ 169-6 Use of park pavilions and reserved areas.

A. No person may reserve for use any park pavilion or other reserved areas without first obtaining a permit for such use.

B. An application for a permit may be obtained from and must be filed with the Batavia Town Clerk.

C. Each application for such permit shall be accompanied by a deposit to be set from time to time by the Town Board, by resolution. 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. Following use, said pavilion and/or reserved area shall be inspected by the town. 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. Nothing herein shall prevent the town from instituting legal proceedings against any person for the recovery of damages caused by the use of any park or park pavilion.

D. Application for a permit shall be made 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.

E. The Town Board may require applicants utilizing a park for a business or organizational purpose to provide any appropriate certificates of insurance as the Town Board deems necessary in its sole discretion.

F. The Town Board may require all applicants to execute indemnity agreements in connection with applications for use of park facilities.

§ 169-7 Park rules and regulations.

The Town Board shall from time to time, by resolution, promulgate such further rules regulations for the use of town park facilities as it deems necessary and appropriate to preserve park improvements and the public's access thereto, and to protect the public health, safety and general welfare.

§ 169-8 Enforcement.

This chapter and the Park Rules and Regulations adopted from time to time by the Town Board shall be enforced by the Town of Batavia through its constables, by the Genesee County Sheriff's Department and by all other police agencies having jurisdiction within the Town of Batavia.

§ 169-9 Penalties for offenses.

Any person found in violation of this chapter or the duly adopted Park Rules and Regulations shall be guilty of an offense and, upon conviction, shall be subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or both.

ARTICLE IV: **EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Department of State.

ARTICLE V: **SEVERABILITY**

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The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect. **(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2017, of the ~~(County)~~ **(City)** ~~(Town)~~ ~~(Village)~~ of Batavia, New York was duly passed by the Town Board on June 21, 2017, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2006, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved) ~~(not disapproved)~~ ~~(repassed after disapproval)~~ by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

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5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Teressa M. Morasco
Town Clerk, Town of Batavia

Date: _____, 2017

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Town Attorney
County
City of Batavia

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Town
Village

Date: _____

RESOLUTION NO. 110:

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING ADOPTION OF
PARK FACILITIES USE APPLICATION AND RULES AND REGULATIONS**

WHEREAS, with the adoption of Local Law No. 2 of 2017 the Park Facilities Use Application and Rules and Regulations need to be amended.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the following Park Facilities Rules and Regulations:

A. Conduct.

1. No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other device for money, chips, credit or any other representative of value, nor shall any person maintain or exhibit any gaming table or other instrument of gambling.
2. No person, except authorized peace officers or other law enforcement officers, shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow, or other dangerous weapon.

B. Fires.

No person shall build an open fire, except in park or portable grills. Fires shall be extinguished upon leaving the park.

C. Hunting and molesting wildlife.

No person shall hunt or trap game within any park boundaries. No person shall kill, injure or unnecessarily disturb or molest any wildlife found in a park.

D. Preservation of property and natural features.

No person shall injure, deface, disturb or dirty any part of a park or any buildings, signs, equipment or other property found therein, nor shall any tree, shrub, rock or other mineral be intentionally removed, injured or destroyed.

E. Littering, rubbish, garbage, sewage and noxious material.

1. No person shall leave behind, dump or similarly dispose of materials of any kind in any park. Refuse is not to be dropped, thrown or scattered on park property.
2. 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.
3. No person shall have in his possession or control or shall carry in a basket or other container owned by him any glass beverage container, regardless of the contents of such container.

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4. Anyone using park facilities in the Town of Batavia shall be required to remove when leaving the park any trash, garbage, litter, or any items of any kind or nature that are brought into the park.

F. Alcoholic beverages and glass bottles.

The consumption and/or possession of alcoholic beverages (including alcohol, spirits, liquor, wine, beer, cider, and every liquid or solid, patented or not, containing alcohol, sprits, wine or beer and capable of being consumed by a human being), as well as the possession or use of glass bottles containing any beverage, shall be prohibited at all times from any and all areas of parks located within and maintained by the Town of Batavia, including pavilions, parking lots and rights-of-way.

G. Dogs, cats and other household pets.

No person shall bring into or keep in any park any dog, cat, household pet or other animal destructive to birds and other wildlife, except that dogs or cats are permitted if held in control by a leash while in a park.

H. Inflatable structures.

Inflatable structures, defined as any games or equipment of any kind or nature that are inflated by forced air, are prohibited.

I. Traffic rules.

1. No person shall use or operate any motor vehicle within a park except upon roadways specifically designated for the operation of motor vehicles.

2. No vehicle shall be operated on any park road or drive at a speed exceeding 10 miles per hour.

3. No person shall park any vehicle on any park road or drive between the hours of 10:00 p.m. and sunrise., except as otherwise provided by the Town Board, by resolution.

4. No person shall park or cause to be parked any vehicle at any point where a sign prohibiting parking has been erected pursuant to direction of the Town Board

J. Use of Park Facilities.

1. All users of park facilities must comply with the Park Rules and Regulations as adopted from time to time by the Town Board.

2. Every application for reserved use of the park facilities shall be accompanied by a deposit of \$25.00, pursuant to the Town of Batavia Parks Law.

3. Certificate of Insurance required for applicants seeking reserved use of park facilities for business or organizational purposes: 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

K. Emergencies.

In case of a medical emergency; contact 911. In case of emergency relating to the use of the Park Facility contact the Town Hall at (585)343-1729 or (585)356-7153.

and be it further

RESOLVED, the Batavia Town Board hereby adopts the Park Facility Use Application, a copy of which is annexed hereto and made a part of the minute.

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Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Zambito, 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: _____

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

Adopted by the Town Board of the Town of Batavia on _____ (date) by Resolution No. _____

A. Conduct.

1. No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other device for money, chips, credit or any other representative of value, nor shall any person maintain or exhibit any gaming table or other instrument of gambling.
2. No person, except authorized peace officers or other law enforcement officers, shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow, or other dangerous weapon.

B. Fires.

No person shall build an open fire, except in park or portable grills. Fires shall be extinguished upon leaving the park.

C. Hunting and molesting wildlife.

No person shall hunt or trap game within any park boundaries. No person shall kill, injure or unnecessarily disturb or molest any wildlife found in a park.

D. Preservation of property and natural features.

No person shall injure, deface, disturb or dirty any part of a park or any buildings, signs, equipment or other property found therein, nor shall any tree, shrub, rock or other mineral be intentionally removed, injured or destroyed.

E. Littering, rubbish, garbage, sewage and noxious material.

1. No person shall leave behind, dump or similarly dispose of materials of any kind in any park. Refuse is not to be dropped, thrown or scattered on park property.
2. 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.
3. No person shall have in his possession or control or shall carry in a basket or other container owned by him any glass beverage container, regardless of the contents of such container.
4. Anyone using park facilities in the Town of Batavia shall be required to remove when leaving the park any trash, garbage, litter, or any items of any kind or nature that are brought into the park.

F. Alcoholic beverages and glass bottles.

The consumption and/or possession of alcoholic beverages (including alcohol, spirits, liquor, wine, beer, cider, and every liquid or solid, patented or not, containing alcohol, sprits, wine or beer and capable of being consumed by a human being), as well as the possession or use of glass bottles containing any beverage, shall be prohibited at all times from any and all areas of parks located within and maintained by the Town of Batavia, including pavilions, parking lots and rights-of-way.

G. Dogs, cats and other household pets.

No person shall bring into or keep in any park any dog, cat, household pet or other animal destructive to birds and other wildlife, except that dogs or cats are permitted if held in control by a leash while in a park.

H. Inflatable structures.

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Inflatable structures, defined as any games or equipment of any kind or nature that are inflated by forced air, are prohibited.

I. Traffic rules.

1. No person shall use or operate any motor vehicle within a park except upon roadways specifically designated for the operation of motor vehicles.
2. No vehicle shall be operated on any park road or drive at a speed exceeding 10 miles per hour.
3. No person shall park any vehicle on any park road or drive between the hours of 10:00 p.m. and sunrise., except as otherwise provided by the Town Board, by resolution.
4. No person shall park or cause to be parked any vehicle at any point where a sign prohibiting parking has been erected pursuant to direction of the Town Board

J. Use of Park Facilities.

1. All users of park facilities must comply with the Park Rules and Regulations as adopted from time to time by the Town Board.
2. Every application for reserved use of the park facilities shall be accompanied by a deposit of \$25.00, pursuant to the Town of Batavia Parks Law.
3. Certificate of Insurance required for applicants seeking reserved use of park facilities for business or organizational purposes: 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

K. Emergencies.

In case of a medical emergency; contact 911. In case of emergency relating to the use of the Park Facility contact the Town Hall at (585)343-1729 or (585)356-7153.

RESOLUTION NO. 111:

Supervisor Post offered the following:

**RESOLUTION AUTHORIZING ADOPTION OF
SCOUTING EVENT PARK FACILITES USE
APPLICATION AND RULES AND REGULATIONS**

WHEREAS, the Town of Batavia Highway Superintendent has received several requests by Scout Troops for use of Galloway Park for overnight camping events; and

WHEREAS, the Town of Batavia Parks Local Law does not allow for overnight events; and

WHEREAS, the Boy and Girl Scout Organization provides youth development by building character, trains them in the responsibilities of participating citizenship and develops personal fitness and would benefit from such scouting event.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the following Scout Event Park Facilities

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Rules and Regulations:

1. Organizations or Individuals wishing to use Park Facilities for scouting events must first apply to the Highway Superintendent.
2. Park will remain open after regular Park hours for scouts only.
3. 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.
4. No Alcoholic Beverages and No Glass Bottles
5. Open fires will only be allowed in a fire pit which is approved by the Highway Superintendent before the event. Fires shall be extinguished upon leaving the park.
6. No person, except authorized peace officers or other law enforcement officers, shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow or other dangerous weapon.
7. 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.
8. 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.
9. No person shall injure, deface, disturb or dirty any part of a park or any buildings, signs, equipment or other property found therein, nor shall any tree, shrub, rock or other mineral be intentionally removed, injured or destroyed.
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. Any damage to municipal facilities shall be promptly repaired at the user's expense. No exceptions.
14. 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
15. In case of medical emergency contact 911
16. In case of emergency relating to the Park Facility Use; contact the Town Hall at (585)343-1729 or Town Highway Superintendent (585)356-7153 (cell).

and be it further

RESOLVED, the Batavia Town Board hereby adopts the Scouting Event Park Facility Use Application, a copy of which is annexed hereto and made a part of the minutes.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

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Address

Telephone Number

READ ATTACHED REQUIREMENTS AND RETURN APPLICATION TO:

Town of Batavia

3833 West Main Street Road

Batavia NY 14020

ATTENTION: TOWN HIGHWAY SUPERINTENDENT

Adopted by the Town Board of the Town of Batavia on (date) by Resolution No. ()

TOWN OF BATAVIA
PARK FACILITY USE REGULATIONS

The use of park facilities for scouting events shall be subject to the following rules and regulations:

1. Organizations or Individuals wishing to use Park Facilities for scouting events must first apply to the Highway Superintendent.
2. Park will remain open after regular Park hours for scouts only.
3. 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.
4. No Alcoholic Beverages and No Glass Bottles
5. Open fires will only be allowed in a fire pit which is approved by the Highway Superintendent before the event. Fires shall be extinguished upon leaving the park.
6. No person, except authorized peace officers or other law enforcement officers, shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow or other dangerous weapon.
7. 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.
8. 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.
9. No person shall injure, deface, disturb or dirty any part of a park or any buildings, signs, equipment or other property found therein, nor shall any tree, shrub, rock or other mineral be intentionally removed, injured or destroyed.
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. Any damage to municipal facilities shall be promptly repaired at the user's expense. No exceptions.
14. 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

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15. In case of medical emergency contact 911
16. In case of emergency relating to the Park Facility Use; contact the Town Hall at (585)343-1729 or Town Highway Superintendent (585)356-7153 (cell).

GENERAL INFORMATION FOR SCOUT EVENTS

- Troop Leader must call the Highway Superintendent 585-343-1729 x218 Mon-Fri 8-4:30 to check if date(s) are available for any proposed activity prior to scheduling.
- A "Scouting Event Use Permit" must be filled out before date(s) can be approved
- A certificate of insurance for the date(s) must be obtained from the District Scout office
- Town staff is **not** available during winter holidays which include: Columbus Day, Veterans Day, Thanksgiving, Christmas, New Year's Day, Dr. Martin Luther King Jr. Birthday, Lincoln and Washington's Birthday.

Overnight Camping

- Camping is allowed all year around
- There is **NO** Fee charged for overnight camping for Scouts
- **Keys** for unlocking gates in case of emergencies will be received from Town staff upon date of arrival during summer hours. During park winter hours' the keys will be picked up from the Town office at 3833 West Main Street Road, Batavia prior to scheduled date(s) during normal business hours Mon-Fri 8:30am-4:30pm. Keys must be returned to the Town Hall within 1 week of the event completion.
- **Parking** will be as approved by the Highway Superintendent. Vehicles may be driven down to the camping area for unloading and loading but must then be parked up at the designated parking lot. No vehicle will be left alongside the road unless you are unloading and loading. This is a hazard and makes it especially difficult to maintain the road during winter months. Please do not drive into scout camping area during the spring and fall months due to the usual saturation of the ground.
- **Firewood** can be gathered by scouts for camp fires from the surrounding woods. During the winter it is best to bring wood for the first night.
- A **Port-a-john will not be provided.**
- **Water** must be brought in by the Scout Troop.
- Only **Tent** camping is permitted at the Town Park and scout camping area. Camping trailers are not permitted.

Day Camps

- No **FEE** will be charged for a day camp.
- Water must be provided by the Scout Troop.
- Parking shall be coordinated with the Highway Superintendent prior to the event to avoid conflicts with scouts during activities.

RESOLUTION NO. 112:

Councilwoman Michalak 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

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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 report along with a copy of this resolution to Joan Casazza, Internal Control Liaison, New York State Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, New York 12033.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 113:

Councilman Zambito offered the following:

JUNKYARD LICENSES

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

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 114:

Councilwoman White offered the following:

COURT SECURITY

RESOLVED, the Batavia Town Board hereby appoints Brian A. Thompson to the position of Court Security Officer to serve on an as needed basis at a rate of eighteen dollars and fifty-four cents (\$18.54) per hour.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 115:

Deputy Supervisor Underhill offered the following:

WEBSITE HOSTING AND MONITORING SERVICES
HURRICANE TECHNOLOGIES, INCORPORATED

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WHEREAS, in July 2011 the Town of Batavia retained Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services; and

WHEREAS, the agreement is due to expire July 31, 2017; and

WHEREAS, Hurricane Technologies, Incorporated has provided an agreement and quote to renew the Website Hosting and Monitoring Services for up to three (3) years (agreement attached); and

WHEREAS, the monthly cost for a three-year agreement for the Website Hosting is \$9.49 and the monthly cost for the GFI Monitoring Service for the servers is \$104.46, which is a savings of 5% from the one year agreement.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for a three-year agreement for Website Hosting and GFI Monitoring Services at a total monthly cost of \$113.95, a copy of which is annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the agreement.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 116:

Supervisor Post offered the following:

**ESTABLISHING STANDARD WORKDAY AND REPORTING
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor;

Title	Name	Elected & Appointed Officials					Record of Activities	Tier 1 (Check only if member is in Tier 1)	Not submitted (Check box if record of activities completed on timekeeping system)
		Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Current Term Begins/Ends	Participates in Employer's Time Keeping System			
Town Justice	Thomas Williams	4103	34432955	6	01/01/2017-12/31/2020	N	2.05		

and be it further

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RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town's website and the sign board located in the Town Hall; and be it further

RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller's.

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

RESOLUTION NO. 117:

Councilwoman Michalak offered the following:

TOWN HALL PARKING LOT SEALING AND RESTRIPING

WHEREAS, the 2017 Town budget reflects appropriations to seal and restripe the parking lot for the Town Hall; and

WHEREAS, the highway superintendent solicited quotes to seal and restripe the parking lot for the Town Hall; and

WHEREAS, Champion Asphalt Maintenance was the lowest responsible bidder at a cost of four thousand, eighty-four dollars (\$4,084.00) (bid summary attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Champion Asphalt Maintenance to seal and restripe the Town Hall parking lot at a cost of four thousand, eighty-four dollars (\$4,084.00), and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1620.402.

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

RESOLUTION NO. 118:

Councilman Zambito offered the following:

RESCIND RESOLUTION NO. 100
DATED MAY 17, 2017
CPR AND FIRST AIDE TRAINING

RESOLVED, the Batavia Town Board hereby rescinds Resolution No. 100, dated May 17, 2017

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REGULAR TOWN BOARD MEETING

entitled, "CPR and First Aide Training".

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

RESOLUTION NO. 119:

Councilwoman White offered the following:

CPR AND FIRST AID TRAINING

RESOLVED, the Batavia Town Board hereby sponsors Town personnel to participate in CPR and First Aide training class at a cost not to exceed \$40.00 per person; and be it further

RESOLVED, the Training will be provided by Lake Plains Community Care Network and the Supervisor is hereby authorized to execute documents necessary to proceed with the training.

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

RESOLUTION NO. 120:

Deputy Supervisor Underhill offered the following:

NEW STREET LIGHT
CORNER OF SOUTH AG PARK DRIVE AND NYS ROUTE 63

WHEREAS, the safety officer from O-At-Ka Milk Products requested that a street light be installed at the corner of South Ag Park Drive and NYS Route 63 to improve lighting and safety at the intersection; and

WHEREAS, the Highway Superintendent agrees with the installation of the new street light, and

WHEREAS, the street light will be a new LED street light at an annual cost of approximately \$156.51 dollars.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to install a new street light at the corner of South Ag Park Drive and NYS Route 63 at an approximate yearly cost of one hundred, fifty-six dollars and fifty-one cents (\$156.51), and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A5182.400.

Second by: Councilman Zambito

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

RESOLUTION NO. 121:

Supervisor Post offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on June 21, 2017.

PRESENT:

Hon. Gregory H. Post, Supervisor
Hon. Daniel Underhill, Councilman/Deputy Supervisor
Hon. Sharon White, Councilwoman
Hon. Patti Michalak, Councilwoman
Hon. Chad Zambito, Councilman

-----X
In the Matter
of the

Joint Increase and Improvement of Facilities of the Town of Batavia Sewer District No. 2 and West Main Street Road Sewer District, in the Town of Batavia, in the County of Genesee, New York, pursuant to Section 202-b of the Town Law.

-----X

RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE JOINT INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWN OF BATAVIA SEWER DISTRICT NO. 2
AND WEST MAIN STREET ROAD SEWER DISTRICT

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law, created the Town of Batavia Sewer District No. 2 and West Main Street Road Sewer District (collectively, the “Districts”); and

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REGULAR TOWN BOARD MEETING

WHEREAS, the Town Board has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a preliminary map, plan and report for the Districts' sewer system capital improvements project; and

WHEREAS, in the Order Calling for the Public Hearing the Town provided a combined project description that merged two separate projects; and

WHEREAS, for purposes of providing clarity, the specific sewer system capital improvement project that the Districts are undertaking will generally consist of (but not be limited to) various upgrades to the Kings Plaza Pump Station in the Town, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (the "Project"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such joint increase and improvement of facilities of the Districts; and

WHEREAS, the estimated maximum cost of the Project is estimated to be \$390,706; and

WHEREAS, said cost is to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$390,706, offset by any federal, state, county and/or local funds received; and

WHEREAS, The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its June 7, 2017 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on June 21, 2017 at 7:05 o'clock P.M. (prevailing time) or shortly thereafter to consider said joint increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

JUNE 21, 2017
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NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the Districts as hereinabove described and referred to at the estimated maximum cost of \$390,706; and it is hereby

DETERMINED, that the parcels and lots of the Districts shall be benefited by said joint increase and improvement of the facilities of the Districts; and it is hereby

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said joint increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be annually apportioned among the Districts by the Town Board, financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$390,706 (said amount to be offset by any federal, state, county and/or local funds received), and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said increase and improvement of facilities, shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law; and it is hereby

FURTHER ORDERED, that the Town Board may establish sewer rents as provided in paragraph (l) of subdivision one of Town Law Section 198; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Genesee a copy of this Resolution and Order, certified by said Town Clerk.

DATED: June 21, 2017

TOWN BOARD OF THE
TOWN OF BATAVIA

The adoption of the foregoing Resolution Approving the Joint Increase and Improvement of Facilities of the Town of Batavia Sewer District No. 2 and West Main Street Road Sewer District was duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

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REGULAR TOWN BOARD MEETING

The Resolution approving the Joint Increase and Improvement of facilities of the Town of Batavia Sewer District No. 2 and West Main Street Road Sewer District was declared adopted.

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

RESOLUTION NO. 122:

Councilwoman Michalak offered the following:

A BOND RESOLUTION, dated JUNE 21, 2017, OF THE TOWN Board of the town OF BATAVIA, Genesee County, New York (the “town”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN the TOWN OF BATAVIA Sewer District No. 2 and West Main Street Road Sewer District AT AN ESTIMATED MAXIMUM cost OF \$390,706 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$390,706 of the town, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, said amount to be OFFSET BY ANY federal, state, county and/or local FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), has established the Town of Batavia Sewer District No. 2 and West Main Street Road Sewer District (collectively, the “Districts”); and

WHEREAS, the Town Board has determined by resolution to undertake a sewer system capital improvements project within the Districts; and

WHEREAS, the Town Board has determined to proceed with the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the Districts, such work to generally consist of (but not be limited to) various upgrades to the Kings Plaza Pump Station in the Town, as well as other such improvements as more fully identified in (or

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REGULAR TOWN BOARD MEETING

contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of the Project is \$390,706.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$390,706 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Such costs will be annually apportioned among the Districts by the Town Board and unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section

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REGULAR TOWN BOARD MEETING

62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and

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REGULAR TOWN BOARD MEETING

deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 123:

Councilman Zambito offered the following:

A meeting of the Town Board of the Town of

JUNE 21, 2017
REGULAR TOWN BOARD MEETING

Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on June 21, 2017.

PRESENT:

Hon. Gregory H. Post, Supervisor
Hon. Daniel Underhill, Councilman/Deputy Supervisor
Hon. Sharon White, Councilwoman
Hon. Patti Michalak, Councilwoman
Hon. Chad Zambito, Councilman

-----X

In the Matter

of the

Establishment of the 2017 North Commerce Sewer Improvement Area, in the Town of Batavia, County of Genesee, New York, pursuant to Article 12-C of the Town Law.

-----X

RESOLUTION ESTABLISHING THE 2017 NORTH COMMERCE SEWER IMPROVEMENT AREA IN THE TOWN, APPROVING THE UNDERTAKING OF SEWER IMPROVEMENTS FOR SUCH BENEFITTED AREA AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-C, caused Clark Patterson Lee (the "Engineer"), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the 2017 North Commerce Sewer Improvement Area (the "Improvement Area") and the undertaking of sewer improvements therein; and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, in the Order Calling for the Public Hearing the Town provided a combined project description that merged two separate projects; and

WHEREAS, for purposes of providing clarity, the specific sewer system capital

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REGULAR TOWN BOARD MEETING

improvement project that the Improvement Area is undertaking will generally consist of (but not be limited to) the installation of approximately 1,700 linear feet of 12-inch force main, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (the "Project"); and

WHEREAS, the Project will benefit the entire proposed Improvement Area, which area is outside of any incorporated villages and is described as follows:

The boundary of the Town of Batavia, 2017 North Commerce Sewer Improvement Area 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 easterly right-of-way of Oak Orchard Road and the centerline of West Saile Drive; thence,

1. Northerly, along the easterly right-of-way of Oak Orchard Road, a distance of 582 feet, more or less, to The northwesterly corner of Tax Parcel number 4.-1-23.1; thence,
2. Easterly, along the northerly line of Tax Parcel numbers 4.-1-23.1 and 4.-1-23.2, a distance of 1099 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-23.2; thence,
3. Northerly, along the westerly line of Tax Parcel number 4.-1-22.12, a distance of 273 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-22.12; thence,
4. Easterly, along the northerly line of Tax Parcel number 4.-1-22.12, along the easterly extension of the northerly line of Tax Parcel number 4.-1-22.12 through the lands of Tax Parcel number 4.-1-21.1 and across State Street Road (49.5 feet wide right-of-way), and continuing along the northerly line of Tax Parcel number 4.-1-47, a distance of 1215 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-47; thence,
5. Southerly, along an easterly line of Tax Parcel number 4.-1-47, a distance of 515 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.115; thence,
6. Easterly, along the northerly line of Tax Parcel numbers 4.-1-45.1 and 4.-1-22.21, a distance of 760 feet, more or less, to a southeasterly corner of Tax Parcel number 4.-1-42.1; thence,
7. Northerly, along a westerly line of Tax Parcel number 4.-1-22.21, a distance of 21 feet, more or less, to a northwesterly corner of Tax Parcel number 4.-1-22.21; thence,
8. Easterly, along the northerly line of Tax Parcel numbers 4.-1-22.21 and 4.-1-43.121, a distance of 673 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-43.121; thence,
9. Northerly, along the westerly line of Tax Parcel numbers 5.-1-105 and 5.-1-66, a distance of 1001 feet, more or less, to The northwesterly corner of Tax Parcel number 5.-1-66; thence,
10. Easterly, along the northerly line of Tax Parcel number 5.-1-66, a distance of 3259 feet, more or less, to the intersection of the northerly extension of the easterly line of Tax Parcel number 5.-1-104.2 and the northerly line of Tax Parcel number 5.-1-66; thence,
11. Southerly, along the northerly extension of the easterly line of Tax Parcel number 5.-1-104.2 through the lands of Tax Parcel number 5.-1-66 and across East Saile Drive (50 feet wide right-

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- of-way) and continuing along the easterly line of Tax Parcel number 5.-1-104.2, a distance of 1821 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-104.2; thence,
12. Westerly, along the southerly line of Tax Parcel numbers 5.-1-104.2 and 5.-1-104.12, a distance of 1051 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-104.12; thence,
 13. Southerly, along the easterly line of Tax Parcel number 5.-1-103.21, a distance of 395 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-103.21; thence,
 14. Westerly, along the southerly line of Tax Parcel numbers 5.-1-103.21 and 5.-1-103.11, a distance of 1538 feet, more or less, to a southwesterly corner of Tax Parcel number 5.-1-103.11; thence,
 15. Northerly, along a westerly line of Tax Parcel number 5.-1-103.11, a distance of 192 feet, more or less, to the northeasterly corner of Tax Parcel number 5.-1-98; thence,
 16. Westerly, along a southerly line of Tax Parcel number 5.-1-103.11, a distance of 192 feet, more or less, to a southwesterly corner of Tax Parcel number 5.-1-103.11; thence,
 17. Northerly, along a westerly line of Tax Parcel number 5.-1-103.11, a distance of 310 feet, more or less, to the northeasterly corner of Tax Parcel number 5.-1-101; thence,
 18. Westerly, along the northerly line of Tax Parcel number 5.-1-101 and following the westerly extension of the northerly line of Tax Parcel number 5.-1-101 across State Street Road (49.5 feet wide right-of-way), a distance of 232 feet, more or less, to the intersection of the westerly extension of the northerly line of Tax Parcel number 5.-1-101 and the westerly right-of-way of State Street Road; thence,
 19. Southerly, along the westerly right-of-way of State Street Road, a distance of 2425 feet, more or less, to the southeasterly corner of Tax Parcel number 4.-1-26.111; thence,
 20. Westerly, along the southerly line of Tax Parcel number 4.-1-26.111 and continuing along the westerly extension of the southerly line of Tax Parcel number 4.-1-26.111 across Oak Orchard Road (66 feet wide right-of-way) a distance of 3777 feet, more or less, to a southeasterly corner of Tax Parcel number 4.-1-27.11; thence,
 21. Southerly, along the easterly line of Tax Parcel number 8.-1-44.1, following the westerly right-of-way of Oak Orchard Road across Federal Drive (60 feet wide right-of-way), and continuing along the easterly line of Tax Parcel numbers 8.-1-64 and 8.-1-63.114, distance of 1111 feet, more or less, to a southeasterly corner of Tax parcel number 8.-1-63.114; thence,
 22. Westerly, along the southerly line of Tax Parcel numbers 8.-1-63.114, 8.-1-71, 8.-1-70, 8.-1-63.112, 8.-1-63.12, 8.-1-63.2, and 8.-1-46, a distance of 3367 feet, more or less, to the southwesterly corner of Tax Parcel number 8.-1-46; thence,
 23. Northerly, along the westerly line of Tax Parcel number 8.-1-46, a distance of 1511 feet, more or less, to the northwesterly corner of Tax Parcel number 8.-1-46; thence,
 24. Easterly, along the northerly line of Tax parcel numbers 8.-1-46, 8.-1-67, 8.-1-69, 8.-1-45.116, 8.-1-45.117, and 8.-1-44.1, a distance of 2257 feet, more or less, to the intersection of the southerly extension of the westerly line of Tax Parcel number 4.-1-27.2 and the northerly line of Tax Parcel number 8.-1-44.1; thence,
 25. Northerly, along the southerly extension of the westerly line of Tax Parcel number 4.-1-27.2 through the lands of Tax Parcel number 4.-1-27.11 and along the westerly line of Tax Parcel

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number 4.-1-27.2, a distance of 937 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-27.2; thence,

26. Easterly, along the northerly line of Tax Parcel number 4.-1-27.2 and across Oak Orchard Road (66 feet wide right-of-way), a distance of 467 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-26.112; thence,

27. Northerly, along the easterly right-of-way of Oak Orchard Road, a distance of 1734 feet, more or less, to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, "2017 North Commerce Sewer Improvement Area – Sewer Capacity Purchase," dated 6/2017. The Town of Batavia, 2017 North Commerce Sewer Improvement Area, as described above, contains approximately 513.3 acres of land.

WHEREAS, the Engineer has estimated the cost of the Project is \$347,294; said cost to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$347,294, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q; and

WHEREAS, the estimated maximum amount proposed to be expended for the construction of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$347,294, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law; and be it

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its June 7, 2017 meeting calling for a public hearing to be held at the Town Hall, Batavia, New York, on June 21, 2017 at 7:10 o'clock P.M. (Prevailing Time) or shortly thereafter, to consider the establishment of the Improvement Area and the undertaking of improvements therefor, and to hear all persons interested in the subject thereof, and further

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ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, as follows:

DETERMINED, that it is in the public interest to establish the Improvement Area as hereinabove described; and it is hereby

DETERMINED, that the estimated maximum cost of the Project that the Improvement Area is undertaking is \$347,294; and it is hereby

DETERMINED, that the parcels and lots of the Improvement Area shall be benefited by the establishment of the Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of the Project will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any village; therefore, permission of the State Comptroller is not required; and it is hereby

ORDERED, that the Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the establishment of the Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$347,294, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law; and it is hereby

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Genesee County within ten days after the adoption of this

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Resolution.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The resolution was declared adopted.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 124:

Councilwoman White offered the following:

A BOND RESOLUTION, DATED JUNE 21, 2017, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF BATAVIA 2017 NORTH COMMERCE SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$347,294 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$347,294, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), has determined to proceed with a certain sewer system capital improvements project for the Town of Batavia 2017 North Commerce Sewer Improvement Area (the “Improvement Area”); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps, plans and boundary description for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have an significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

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WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project; and

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a sewer system improvements project, such work to generally consist of (but not be limited to) the installation of approximately 1,700 linear feet of 12-inch force main, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of the Project is \$347,294.

SECTION 2. The Town plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$347,294 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, sewer rents), there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion

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to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State

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Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:
NOES:
ABSENT:

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The foregoing resolution was thereupon declared duly adopted.

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

RESOLUTION NO. 125:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO ESTABLISH LINE ITEMS FOR CAPITAL PROJECTS-
JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF THE SEWER DISTRICT 2
AND WEST MAIN SEWER DISTRICT
AND
2017 NORTH COMMERCE SEWER DISTRICT**

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

KINGS PLAZA PUMP STATION IMPROVEMENTS-PUMPS AND BUILDING

HA1380.400 Fiscal Agent - Contractual
HA1420.400 Legal Expense – Contractual
HA1440.400 Engineering
HA1989.400 Advertising - Contractual
HA8340.400 Transmission/Distribution – Contractual
HA9710.600 Serial Bonds – Principal
HA9710.700 Serial Bonds - Interest
HA9730.600 BAN – Principle
HA9730.700 BAN – Interest
HA9901.900 Transfers To Other Funds
HA2401 Interest & Earnings
HA2770 Miscellaneous Revenues
HA2710 Premium on Obligations
HA4990 Sewer Capital Grants
HA5031 Interfund Transfers
HA5710 Serial Bonds
HA5730 Bond Anticipation Notes
HA5731 BAN Redeemed From Appropriations

KINGS PLAZA PUMP STATION IMPROVEMENTS-FORCEMAIN

HB1380.400 Fiscal Agent - Contractual
HB1420.400 Legal Expense – Contractual
HB1440.400 Engineering
HB1989.400 Advertising - Contractual

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HB8340.400 Transmission/Distribution – Contractual
HB9710.600 Serial Bonds – Principal
HB9710.700 Serial Bonds - Interest
HB9730.600 BAN – Principle
HB9730.700 BAN – Interest
HB9901.900 Transfers To Other Funds
HB2401 Interest & Earnings
HB2770 Miscellaneous Revenues
HB2710 Premium on Obligations
HB4990 Sewer Capital Grants
HB5031 Interfund Transfers
HB 5710 Serial Bonds
HB5730 Bond Anticipation Notes
HB5731 BAN Redeemed From Appropriations

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

RESOLUTION NO. 126:

Supervisor Post offered the following:

**RESOLUTION WITH REFERENCE TO THE PROPOSED
TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK
NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION**

WHEREAS, the Town Board of the Town of Batavia has determined that it is in the Town’s best interest to apply for funding to assist in the financing of its Kings Plaza Pump Station Improvements: and

WHEREAS, affordability for the Town’s residents and property owners is a significant concern in advancement of the proposed project: and

NOW, THEREFORE, be it RESOLVED as follows:

1. The Town Board of the Town of Batavia authorizes Clark Patterson Lee to prepare applications for funding through the NYS Water Infrastructure Improvement Act.
2. The Town Board of authorizes Supervisor Gregory H. Post to execute the application for NYS Water Infrastructure Improvement Act grant application and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the Town of Batavia’s obligations under the grant agreement.

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2. This resolution shall take effect immediately.

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

RESOLUTION NO. 127:

Councilwoman Michalak offered the following:

**RESOLUTION ESTABLISHING REMOTE DEPOSIT CAPTURE
AND DESTROY PROCEDURES**

WHEREAS, the Town of Batavia utilizes the Remote Deposit Capture Services provided by Five-Star Bank; and

WHEREAS, the Town wishes to establish Remote Deposit Capture and Destroy Procedures.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby establishes the following Remote Deposit Capture and Destroy procedures:

1. Town Clerk, Deputy Town Clerk, Secretary to the Supervisor and Financial Clerk are authorized users.
2. Computer and Scanner located on Front Office Counter
3. Checks must be in secured location prior to and after scanning
4. Checks must be destroyed and disposed of after 60 days of deposit (Contingent upon NYS Archives approval)

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

RESOLUTION NO. 128:

Councilman Zambito offered the following:

**GENESEE SPEEDWAY
YOUNG EXPLOSIVES CORPORATION
FIREWORKS PERMIT**

WHEREAS, Genesee Speedway, 5056 East Main Street Road, Batavia wishes to hold a Fireworks Display by Young Explosives Corporation on July 6, 2017 at Genesee Speedway, 5056 East Main Street Road, Batavia, New York (application attached); and

WHEREAS, the Town of Batavia Fire Department has been notified of application made; and

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WHEREAS, a permit from the Town of Batavia is required.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the granting of a Fireworks Permit to the Genesee Speedway for Thursday, July 6, 2017.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 129:

Councilwoman White offered the following:

**GREAT LAKES BUILDING SYSTEMS
ACCESS CONTROL
SUPPORT AND SERVICES AGREEMENT**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Software Maintenance Upgrade Support and Services Agreement”, by and between the Town of Batavia and Great Lakes Building Systems, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, at a cost of \$2,575.00 and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1620.402.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 130:

Deputy Supervisor Underhill offered the following:

**ELLICOTT TRAIL PROJECT
INTER-MUNICIPAL AGREEMENT
BETWEEN
TOWN OF BATAVIA AND GENESEE COUNTY**

WHEREAS, the Town of Batavia in cooperation with the City of Batavia applied for and received funding through the New York State Transportation Enhancement Program (TEP) to develop a multi-use trail to be known as the Ellicott Trail, to cross through the City of Batavia, and

WHEREAS, the course of the trail is proposed to connect several parks and pass through the DeWitt Recreation Area; and

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WHEREAS, the Town intends to construct trail improvements in DeWitt Recreation Area; and

WHEREAS, the Town of Batavia has proposed an Inter-Municipal Agreement with Genesee County that lays out responsibilities relative to construction, funding and future maintenance of the trail, and

WHEREAS, the Highway Superintendent and the Attorney for the Town have reviewed the Inter-Municipal Agreement for the Ellicott Trail Project and recommends approval.

NOW, THEREFORE, BE IT,

RESOLVED, that the Batavia Town Board does hereby authorize the Supervisor to execute the Inter-Municipal Agreement between the Town of Batavia and Genesee County for the Ellicott Trail Project.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

ELLICOTT TRAIL PROJECT
INTER-MUNICIPAL AGREEMENT
BETWEEN
TOWN OF BATAVIA
AND
GENESEE COUNTY

THIS AGREEMENT, made the _____ day of _____, 2017, by and between

TOWN OF BATAVIA, a municipal corporation of the State of New York, with offices located at Town Hall, 3833 West Main St., Rd., Batavia, New York, (hereinafter “Town”), and

COUNTY OF GENESEE, a municipal corporation of the State of New York, with offices located at 15 Main Street, Batavia, New York, (hereinafter “County”), also jointly referred to hereinafter as “Municipalities”.

WITNESSETH

WHEREAS, the Town of Batavia has proposed to construct a trail system beginning at Pearl

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Street Road in the City of Batavia and thence running easterly for a distance of approximately 4.8 miles and ending at Seven Springs Road in the Town of Batavia, to be known as the Ellicott Trail Project, see attached map Exhibit A (hereinafter "Project"), and

WHEREAS, the proposed trail will offer alternate transportation opportunities for pedestrians and bicyclists by connecting commercial, industrial and residential areas in the Town and City of Batavia. The proposed trail will provide a more efficient and safer travel option than the limited opportunities that currently exist within the project area. A portion of said trail will traverse through Genesee County's Dewitt Recreation Area, and

WHEREAS, the Town intends to construct trail improvements in Dewitt Recreation Area including 3250 ft. of 10 ft. wide new or rehabilitated stone dust trail, replacement of 600 ft. of the existing 6 ft. asphalt path to make it 10 ft. wide and install associated striping and signage as shown on the map in Exhibit B, and

WHEREAS, the County intends to furnish and install a 63 ft. long 10 ft. wide pedestrian bridge which meets the New York State requirements for pedestrian trail bridges as part of the trail improvements in Dewitt Recreation Area as shown in Exhibit C. The County will donate the cost for the materials and labor to furnish and install the bridge. The estimated value of the materials for the bridge is \$85,000 and the estimated value of the labor is \$30,000, and

WHEREAS, the Town as the lead Municipality and Sponsor of the Project has applied to and received federal funding pursuant to the Transportation Enhancement Program, and

WHEREAS, pursuant to the terms and conditions of this Program, the Town of Batavia is responsible to pay for the cost and expenses of the Project, with the exception of the bridge the County intends to complete, and

WHEREAS, both the Town and County must now determine their full commitment to the Project, and

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

1. The Town as the Project Sponsor shall undertake the duties as set forth in the project, including arranging for and entering into a Contract for the preparation of the final design documents, permitting, right of way, construction and inspection and thereafter monitoring the progress of the overall project, including the portion within Dewitt Recreation Area.

2. The Town will pay all costs and expenses relating to the Engineering, Construction and Inspection of the Project.

3. The County agrees to furnish and install a 63 ft. long 10 ft. wide pedestrian bridge as part of the trail improvements in Dewitt Recreation Area using County forces. The bridge will be designed

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and built to meet the New York State requirements for pedestrian trail bridges. The County agrees to donate the materials estimated at \$85,000 and labor estimated at \$30,000 to the project. The County will track their labor costs to install the bridge and submit those to the Town. The Town will submit those labor costs as part of the local match for the overall project.

4. At the completion of the project it's agreed that the County will own and maintain the portion of the trail including the pedestrian bridge within the Dewitt Recreation Area.

5. This agreement will be in effect from the date the agreement is signed by both parties and shall remain in effect for a period of thirty (30) years. The project including the pedestrian bridge the County intends to build is anticipated to begin construction in Fall 2017 and be complete by Summer 2018. This Agreement may not be revoked or modified by either party without the prior written consent of the other party.

6. Any modifications to this agreement must be reviewed and approved by the New York State Department of Transportation Region 4 Right of Way Department before they can be adopted.

7. The County agrees to provide the Town and the contractor for the project access to the Dewitt Recreation Area for the duration of the construction of the trail.

8. The County hereby agrees to indemnify and hold harmless the Town for all claims, losses, costs and damages arising out of any activities of the County, pursuant to the terms and conditions of this Agreement, including costs of settling any actions and reasonable attorney's fees for defense.

9. The Town and their subcontractors hereby agrees to indemnify and hold harmless the County for all claims, losses, costs and damages arising out of any activities of the Town or subcontractors, pursuant to the terms and conditions of this Agreement, including costs of settling any actions and reasonable attorney's fees for defense. The Town and their subcontractors hereby agree to list the County as additional insureds on the certificate of insurance for the construction and inspection of the project.

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

TOWN OF BATAVIA (SEAL)

By: Gregory H. Post, Supervisor

COUNTY OF GENESEE (SEAL)

By: Raymond Cianfrini, Chair
Genesee County Legislature

RESOLUTION NO. 131:

Supervisor Post offered the following:

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**RESOLUTION TO APPROVE AMENDMENT No. 2 TO
AGREEMENT FOR THE
ELLICOTT TRAIL PROJECT
PIN 476079**

WHEREAS, the New York State Department of Transportation, (hereinafter referred to as “NYSDOT”), administers this funding program, and has proposed amendment #2 to the “Federal Aid Local Project Agreement”, (hereinafter referred to as the “Agreement”), and

WHEREAS, the Town of Batavia entered into an agreement with the NYSDOT in June 2014 and amendment #1 to that agreement in November 2015; and

WHEREAS, the NYSDOT has submitted the annexed amendment to schedule A and schedule B of the agreement to increase the project funding amount to a total of \$260,000 for the preliminary (\$69,000), final (\$102,000) design phases, and Right-of-Way Acquisition Phase (\$89,000).

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the aforesaid “Federal Aid Local Project Agreement”, Supplemental Agreement No. 2, amended Schedule A and Schedule B, annexed thereto, is hereby approved, and the Town will comply with all of the terms and conditions therein, and it is further

RESOLVED that the Town Board does hereby authorize and approve the design and right-of-way phase of the project at a new total cost of \$260,000.00 for the work on the Project covered by the Agreement with the sum of \$204,550.00 to be reimbursed by Federal aid, leaving the sum of \$55,450.00 as the local share, and it is further

RESOLVED that the aforesaid sum of \$260,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project set forth in the Agreement, and it is further

RESOLVED that the Town Supervisor and the Town Attorney are hereby authorized and directed to execute the aforesaid Amendment to the Agreement and any and all other Agreements, certifications or documents needed for Federal-Aid and/or Marchiselli-Aid, on behalf of the Town of Batavia with the NYSDOT in connection with the advancement or approval of the Project, and providing for the administration of the Project and the Town’s initial funding of the Project cost and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations thereof that are not so eligible, and it is further

RESOLVED that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by annexing it to any necessary Agreement in connection with the Project, and it is further

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RESOLVED that this Resolution shall take effect immediately.

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

RESOLUTION NO. 132:

Councilwoman Michalak offered the following:

RESOLUTION TO AUTHORIZE COMMUNITY SERVICE PROJECT

GALLOWAY ROAD PARK

BOY SCOUTS TROOP 6069

WHEREAS, Dominic Brown of Boy Scout Troop 6069, submitted an application to complete a Community Service project at the Galloway Road Park, and

WHEREAS, Troop 6069 is proposing to improve the picnic shelter and swim platform at Galloway Road Park for his Eagle Scout Project; and

WHEREAS, all the supplies and materials will be provided by Boy Scout Troop 6069, with the exception of the stone and delivery, which will be provided by the Town; and

WHEREAS, the Town Engineer recommends approval of this proposed project (recommendation and proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby approves Boy Scout Troop 6069 proposal to complete the Community Service Project at Galloway Road Park.

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

SUSPEND THE RULES-Motion Councilman Zambito, second Councilwoman Michalak to suspend the rules to introduce an additional resolution.

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

RESOLUTION NO. 133:

Councilman Zambito offered the following:

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TRAINING WORKSHOP

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

Kathy Jasinski and Don Partridge- Tour of the Village at Niagara-on the-Lake with Genesee County Planning Friday, July 21, 2017 at a cost of \$75.00 each.

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

Abstract No. 6-2017: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$66,214.06
Highway	11,728.65
Sewer No. 1	3,044.58
Sewer No. 2	15,812.94
Water	31,335.26
Kings PS Improve	314.40
Kings PS Force	207.40
Southwest Water	39.00
Ellicott Trail	874.50
Townline Joint	5,889.02
Total	\$135,459.81

Check numbers 19854 – 19891, 19893 -19913, 19915 – 19925, SM: 1103 -1104, ACH: \$36,697.50, Online: \$7,849.58

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

DEPARTMENT REPORTS:

The Supervisor reported for the following departments:

Engineering – Reviewing site plans from contractors and developers. Working on Ellicott Trail project, and various other projects.

Building: Supervisor read Building Inspectors report

Supervisor’s Report:

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

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COMMUNICATIONS:

The Town Clerk reported on the following:

May Town Clerk monthly report collected a total of \$3,582.85, remitted \$3,068.08 to the Supervisor for the Local Share.

Training- Association of Towns 2017 Planning and Zoning School dates in July and August, NYDOS Local Government Training, June 29,

Glenn S. Loomis Post American Legion- Received a thank you letter from American Legion for the Memorial Day flags the Town of Batavia supplied for Grandview Cemetery.

COMMITTEE REPORTS:

Logo – Councilman Zambito reported that there is a Logo meeting tomorrow morning at 7:15 a.m. to review submissions.

ADJOURNMENT:

Motion Councilwoman White, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:34 P.M.

Ayes: White, Michalak, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk