

**NOVEMBER 14, 2018
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco

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

October 17, 2018 Public Hearing-Local Law #6 of 2018-Tax Cap Override, October 17, 2018 Regular Town Board Meeting, November 7, 2018 Special Town Board Meeting, November 7, 2018 Public Hearing-2019 Sewer Rates, November 7, 2018 Public Hearing – 2019 Water Rates, November 7, 2018 and Public Hearing-2019 Town Budget: 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. 218:

Councilwoman White offered the following:

TOWN OF BATAVIA SEWER RATES – 2019

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

WHEREAS, these sewer rates are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines;

WHEREAS, in Sewer District No. 1 the sewer rates for 2019 has been set at six dollars and eighty-eight cents (\$6.88) per 1000 gallons;

WHEREAS, in Sewer District No. 2 the sewer rates for 2019 has been set at six dollars and eighty-eight cents (\$6.88) per 1000 gallons;

WHEREAS, as required by law and in conjunction with the public hearing held November 7, 2018 for the 2019 Town Budget, these rates were entered in and made a part of the record.

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NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the imposition of the aforementioned sewer rates in Sewer Districts No. 1 and No. 2 for one (1) year beginning January 1, 2019; and be it further

RESOLVED, the sewer rates are to be paid quarterly in the months of May, August and November, 2019 and February, 2020.

Second by: Councilwoman White

Ayes: White, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 219:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA WATER RATES – 2019

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

WHEREAS, as a courtesy to the consumers, the Town Board held a public hearing on November 7, 2018 for the establishment of the 2019 water rates; and

WHEREAS, the base water rate for May 2019 to February 2020 is set at six dollars and twenty-three cents (\$6.23) per 1,000 gallons; and

WHEREAS, the agricultural water rate for May 2019 to February 2020 is set at four dollars and ninety-six cents (\$4.96) per 1,000 gallons; and

WHEREAS, the base rate applies to all meters that are not dedicated to use within farming operations; and

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

WHEREAS, the formula for the Base Rate is

100% of the water purchase cost

100% of the Genesee County water surcharge cost

100% of the Town's debt reserve cost

100% of the Town's Operation and Maintenance cost

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WHEREAS, the formula for the new Agricultural Rate is
100% of the water purchase cost
100% of the Genesee County water surcharge cost
100% of the Town's debt reserve cost
10% of the Town's Operation and Maintenance cost

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the imposition of the aforementioned base water rate and agricultural water rate for one (1) year beginning January 1, 2019, and be it further

RESOLVED, the water usage is to be billed quarterly and are to be paid quarterly in the months of May, August and November, 2019 and February, 2020.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 220 :

Supervisor Post offered the following:

ADOPTION OF 2019 TOWN ANNUAL BUDGET

WHEREAS, the Town of Batavia Chief Fiscal Officer prepared a Tentative Budget for review by the Batavia Town Board, and

WHEREAS, the Town Board met in Budget sessions among themselves and with Town Employees in the formulation of the Preliminary Budget; and

WHEREAS, the 2019 Preliminary Budget was adopted on October 17, 2018 and after which a Public Hearing was held on November 7, 2018 for all interested parties to be heard.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the November 7, 2018 Preliminary Town Budget as the 2019 Annual Budget of the Town of Batavia.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 221:

Councilwoman Michalak offered the following:

TRAINING WORKSHOP

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

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training workshops:

Teressa Morasco and Sandy Baubie- Connect Explorer (Pictometry) (was) October 29, 2018 at Genesee County Building 2. There was no charge for this training

Hiedi Librock- NYS Retirement Committee Meeting (was) November 13, 2018 in Albay, New York. A Town vehicle will be used and the cost for lodging is \$113.00.

Paul Marchese- GFLRPC Fall Local Government Workshop (was) November 14, 2018 at the Batavia Quality Inn. The cost for this training was \$75.00.

Daniel Lang and Matthew Mahaney- Niagara Frontier Building Officials Education Conference January 28 through January 30, 2019 in Cheektowaga, New York. The cost of this training is \$325.00 each. A Town vehicle will be used.

Sarah Sauka and Melissa Mason- 2019 Mandatory Court Clerk Training- May 8, 2019 at Genesee Community College. There is no cost for this training.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 222:

Councilman Zambito offered the following:

**ORDER CALLING A PUBLIC HEARING
ON THE FIRE DEPARTMENT CONTRACT**

RESOLVED, that this Town Board hereby schedules a public hearing on the advisability of contracting with the Town of Batavia Fire Department, Inc. for fire protection to be provided to the Town of Batavia Fire Protection District by the Town of Batavia Fire Department, Inc., and that not less than ten (10) days notice of said hearing be published in the Daily News and posted on the signboard of the Town; and be it

FURTHER RESOLVED, that said hearing be scheduled for December 19, 2018 at the Batavia Town Hall at 7:00 o'clock p.m.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

**NOTICE FOR PUBLIC HEARING ON
FIRE PROTECTION CONTRACT FOR 2019**

Public Notice is hereby given, that a Public Hearing will be held Wednesday,

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December 19, 2018 by the Town Board of the Town of Batavia, Genesee County, New York, at the Batavia Town Hall located at 3833 West Main Street Road beginning at 7:00 P.M. of that day and for the purpose of considering contracting with the Town of Batavia Fire Department, Inc. for fire protection services to be furnished by the Town of Batavia Fire Department, Inc to the Fire Department District established in the Town of Batavia and known as the “Town of Batavia Fire Protection District” upon the following general terms, to wit:

1. The Town of Batavia Fire Department, Inc. shall answer and attend upon all calls in said District;
2. The Town of Batavia Fire Department Inc., shall purchase and maintain such property, crime, dishonesty bond and liability insurance as it deems prudent to protect its interests. Such insurance shall include Automobile Liability, General Liability naming the Town of Batavia, its agents and employees as Additional Insureds, Contractual Liability for this Contract and should include Ambulance Attendants Professional Liability, Volunteer Fire Department Errors and Omissions Liability and Liquor Law Liability coverages. Liability limits of at least \$1,000,000.00 each occurrence, claim or incident are recommended but not required. A Certificate of all liability insurances, providing the Town with at least 30 days written notice of cancellation or nonrenewable, shall be furnished to the Town Attorney, Town Hall, 3833 West Main Street Road, Batavia, New York, 14020.

The Town of Batavia Fire Department, Inc. shall also indemnify and hold harmless the Town of Batavia, its agents and employees from all claims, suits, loss, damages, injuries, liability, cost and expenses arising from the services provided for in this contract and from the activities of the Fire District, its officers, employees and volunteers to the extent this provision is insured by the Town of Batavia Fire District.

3. The Town of Batavia Fire Department, Inc. shall maintain public liability and property damage insurance policies for the benefit of said District and the Town of Batavia, and shall hold said District and Town harmless for losses not covered by insurance;
4. The Town of Batavia Fire Department, Inc. shall be responsible for loss or damage sustained in fire apparatus or other equipment while attending fires in said District;
5. The Town of Batavia and the Town of Batavia Fire Protection District shall pay or provide insurance coverage for authorized items;
6. The Town of Batavia Fire Department, Inc. shall participate in the Genesee County Mutual Aid Plan and reserves certain rights pertaining to said participation;
7. The Town of Batavia Fire Department, Inc. shall reimburse the Town of Batavia should its equipment not be usable;
8. For such services the Town of Batavia Fire Department shall receive the yearly sum of one million, forty-four thousand, seven hundred seventy-seven dollars (\$1,044,787.00).
9. The Town of Batavia shall plow and provide routine maintenance to the driveway and parking area of the Fire Department’s Fire Hall;
10. The Town of Batavia Fire Department, Inc. shall provide financial data and records to the Town of Batavia.
11. The contract shall run for one (1) year from January 1, 2019 and shall expire on December 31, 2019

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All persons interested in the matter will be heard at such time and place specified above.

Dated: November 14, 2018

Teresa M. Morasco
Town Clerk
Town of Batavia

RESOLUTION NO. 223:

Councilwoman White offered the following:

TOWN INSURANCE AWARD

WHEREAS, as of November 27, 2001 the Batavia Town Board retained New York Municipal Insurance Reciprocal to provide the Town with insurance coverage; and

WHEREAS, the Insurance Premium for 2019 (November 27, 2018 through November 27, 2019) has been quoted at sixty-nine thousand, forty-five dollars and five cents (\$69,045.05), which includes the Cyber Coverage (quote attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of sixty-nine thousand, forty-five dollars and five cents (\$69,045.05), copies of which are annexed hereto and made a part of the minutes; and be it further

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any documents necessary for the award.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 224:

Deputy Supervisor Underhill offered the following:

EXCESS EMPLOYER'S LIABILITY INSURANCE

RESOLVED, the Batavia Town Board hereby retains Franz-Manno Service Corporation to provide the Town's Excess Employer's Liability Insurance at a cost of One Thousand One Hundred Eleven Dollars, (\$1,111.00).

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 225 :

Supervisor Post offered the following:

**AUTHORIZING PARTICIPATION IN
YEAR 2019 JOINT YOUTH PROGRAM**

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

WHEREAS, the Town of Batavia's contribution to this joint youth project is \$6,251.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2019; and be it further

RESOLVED, that the year 2019 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2019:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Oakfield/Alabama (R005)	\$ 997.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	<u>\$ 906.00</u>
Total	\$6,251.00

Second by: Councilwoman Michalak

Ayes: Post, Michalak, White, Zambito, Underhill

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 226:

Councilwoman Michalak offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS
INSURANCE RECOVERY FUNDS**

RESOLVED, the Batavia Town Board hereby authorizes the following budget line item increases to account for insurance recovery funds for the following incidents:

September 17, 2018 Incident in the amount of \$24,500.00

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
SW2680	\$14,700.00	SW8340.200	\$14,700.00
SS12680	\$ 4,900.00	SS18120.200	\$ 4,900.00

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SS22680 \$ 4,900.00 SS28120.200 \$ 4,900.00

September 20, 2018 Incident in the amount of \$8,500.00

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
SW2680	\$8,500.00	SW8340.400	\$8,500.00

October 17, 2018 Incident in the amount of \$7,719.17

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
A2680	\$7,719.17	A1680.200	\$6,290.42
		A1680.402	\$1,428.75

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

RESOLUTION NO. 227:

Councilman Zambito offered the following:

**LATERAL RESTRICTIONS ADJACENT TO THE
TOWN OF ALABAMA WATER DISTRICT No. 2**

**TOWN OF BATAVIA
ALABAMA WATER DISTRICT No. 2
LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the Town Board of the Town of Batavia recognizes that there is land located adjacent to the Town of Alabama Water District No. 2 created pursuant to Article 12 of Town Law for the express purpose of providing public water to residents within the Town of Alabama and along portions of Macomber Road and Galloway Road (Alabama Phase 3 project) in the Town of Batavia where a district will not be created; and

WHEREAS, a portion of the land within the Town of Batavia adjacent to the Town of Alabama Water District No. 2 is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town of Alabama, the Phase 3 project sponsor, and Genesee County Economic Development Center (GCEDC), the Phase 4 project sponsor, have jointly filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agriculture District, and has requested the adoption of its Lateral Restriction policy to avoid potential adverse impacts to the Agricultural District;

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NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction-Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water lines located along the portions of Macomber Road and Galloway Road adjacent to the Town of Alabama Water District No. 2 within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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(5) Hydrants and valve boxes must not be placed directly in agricultural fields.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 228:

Councilwoman White offered the following:

**AUTHORIZATION TO EXECUTE
AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF
MOTOR VEHICLES FOR HEARING ROOM AT TOWN HALL**

WHEREAS, the Town of Batavia and the New York State Department of Motor Vehicles have had an annual agreement since 2003 for the use of a room at the Town Hall for the purpose of Motor Vehicle Hearings; and

WHEREAS, the current agreement expires December 31, 2018; and

WHEREAS, the New York State Department of Motor Vehicles requested to enter into another one year agreement.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Agreement between the New York State Department of Motor Vehicles and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

AGREEMENT

This Agreement is made by and between the New York State Department of Motor Vehicles (“DMV”), located at 6 Empire Plaza, Swan Street Building, Albany, New York 12228, and the Town of Batavia (the “Town”), with offices located at 3833 West Main Street Road, Batavia, NY 14020. DMV and the Town shall collectively be referred to herein as the “Parties”.

The purpose of this Agreement is for the rental of the currently used Hearing Room in the Batavia Town Hall, located at 3833 West Main Street Road, Batavia, NY, for conducting DMV Safety and Business Hearings.

The Parties agree as follows:

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1. **TERM & HOURS OF USE:** This Agreement shall take effect on January 1, 2019 and will remain in effect for a period of one (1) year, ending on December 31, 2019, with the option to amend or extend for additional one (1) year periods. DMV shall use the Hearing Room from no more than three days each month, between the hours of 10:00 A.M. and 3:00 P.M.

2. **FEE:** DMV shall pay the Town the sum of One Thousand, Two Hundred Dollars (\$1,200.00) in advance for the use of said Hearing Room, said sum representing a rental fee of One Hundred Dollars (\$100.00) per month for a period of twelve (12) months. Payment shall be made upon DMV's receipt of the Town's invoice for payment and in accordance with Article XI-A of the NYS Finance Law. Should either party terminate this Agreement, the Town agrees to reimburse DMV One Hundred Dollars (\$100.00) for each full month remaining from the date of termination to the expiration date of this agreement.

3. **CHANGE OF SCHEDULED USE OR LOCATION OF HEARING ROOM:** The Town shall make such Hearing Room available to DMV as scheduled. However, the Parties agree to make reasonable effort to accommodate each other's scheduling needs concerning any change in the location or scheduled use of the Hearing Room.

- a. **NOTICE OF CHANGE:** In the event DMV requires a change of the dates the Hearing Room will be used, or the Town needs to change the Hearing Room another location, the party requesting the change must provide the other party with written notice of such changes no later than 45 days before the next scheduled use date.
- b. The Town agrees that any change in location shall be to similar accommodations located in the same building, where possible, or to a building located in the same town.

Such similar accommodations must (a) be within a reasonable distance from the current site, and (b) provide adequate parking, heating, air conditioning, lighting, rest room, and electrical facilities required for conducting DMV's Safety and Business Hearings.

- c. DMV's use of the Hearing Room less than three days per month in any month shall not constitute a waiver of DMV's right to use the room as scheduled in any subsequent month.

4. **ACCESS TO HEARING ROOM:** The Town shall provide access to the Hearing Room to all individuals required for the conduct of such hearings, including all parties and witnesses.

5. The Town shall provide janitorial and maintenance services to the premises; and DMV will make reasonable effort to keep the Hearing Room clean and orderly.

6. **TERMINATION:** Either party may terminate this Agreement upon sixty (60) days' written notice to the other party.

Notice of termination must be directed as follows:

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<p>TO DMV: Dennis Ciotuszynski Senior Administrative Law Judge 295 Main Street, Room 468 Buffalo, New York 14203</p>	<p>TO TOWN: Gregory H. Post Town Supervisor Town of Batavia 3383 West Main Street Road Batavia, NY 14020</p>
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In Witness Whereof, the Parties hereto have executed this agreement by their duly authorized officer or representative.

Dated: _____

<p>Town of Batavia By, _____ Gregory H. Post Town Supervisor</p>	<p>New York State Department of Motor Vehicles By, _____ Maureen Younkin Director, Procurement Services</p>
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RESOLUTION NO. 229:

Deputy Supervisor Underhill offered the following:

**RESOLUTION INCREASING
2018 BUDGETARY LINE ITEMS FOR
CONSOLIDATED LOCAL STREET AND
HIGHWAY IMPROVEMENT PROGRAM (CHIPS)
PAVE NY AND EXTREME WINTER RECOVERY (EWR)**

WHEREAS, the Highway Superintendent received notification from the New York State Department of Transportation that the Town of Batavia’s State fiscal year 2018-2019 funding for Consolidated Local Street and Highway Improvement Program (CHIPS) is \$103,655.43, PAVE NY is \$23,660.38 and Extreme Winter Recovery (EWR) is \$18,555.60; and

WHEREAS, the 2018 Budget reflects appropriations of \$103,600.00 for CHIPS, \$23,600.00 for PAVE NY, and none for the EWR.

NOW, THEREFOE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes increasing the 2018 budgetary line items as follows:

DA5112.200 CHIPS - \$56.00	DA3501 CHIPS - \$56.00
DA5112.201 PAVE NY - \$61.00	DA3502 PAVE NY - \$61.00

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DA5112.202 EWR - \$18,856.00 DA3503 EWR - \$18,856.00

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

RESOLUTION NO. 230:

Supervisor Post offered the following:

**RESOLUTION TO RETAIN SPECIAL COUNSEL TO DEFEND THE TOWN IN THE
ALLIANCE ENERGY TRANSMISSIONS, LLC ASSESSMENT PROCEEDING**

WHEREAS, a Notice of Petition was filed in the Genesee County Clerk's Office on July 24, 2018, for the tax assessment case entitled Alliance Energy Transmissions, LLC vs. the Assessor of the Town of Batavia, Board of Assessment Review of the Town of Batavia, and the Town of Batavia, Index No. 66827, and

WHEREAS, the Town Assessor received a proposal letter from the Law Firm of Bennett DiFilippo & Kurtzhaltz, LLP and has recommended that the Town Board retain this law firm.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that Joel R. Kurtzhaltz, Esq. of the Law Firm Bennett, DiFillippo & Kurtzhaltz, LLP, be retained as special counsel to defend the Town in the above-named tax assessment litigation, upon the terms and rates as set forth in his letter to the Town Assessor, dated November 1, 2018, a copy of which is annexed hereto and made a part of the minutes, and

BE IT FURTHER RESOLVED that payment is hereby authorized for his attorney's fees, as billed, together with all necessary disbursements, fees and expenses, including expert witness fees. Any additional fees related to appraisals, or opinions of value must be approved prior to such services being ordered.

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

RESOLUTION NO. 231:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
WATER & ENERGY CONSERVATION
ADVANCED METERING PROJECT
SENSUS AGREEMENT**

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WHEREAS, the Town of Batavia has standardized on Sensus meter reading equipment for water/sewer usage for all customers; and

WHEREAS, the Town of Batavia will be entering into an agreement with Core and Main, L.P. to install and implement a Sensus based advanced meter infrastructure system and for an amount of \$120,491.57, including the first year of annual fees (Sensus Software as a Service), and

WHEREAS, as part of the project, a separate “agreement for Software as a Service with Sensus (attached)” is both desired by the Town of Batavia and required by Sensus for a term of five (5) years.

NOW THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to execute the Sensus Software as a Service Agreement.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 232:

Councilman Zambito offered the following:

DISPOSE AND REMOVE FROM INVENTORY
OBSOLETE OFFICE EQUIPMENT

WHEREAS, the Town Clerk recommended to the Batavia Town Board to declare the following equipment of no value to the Town, dispose of and remove it from the Town’s inventory:

Tag #	Item	Serial Number
77	Dell Latitude E6500	2MKXLJ1
94-95	Dell Precision M6500	DQYBVL1
96	Dell Precision T1500	1BLGML1
113	Dell Inspiron Mini 10	BWCB1M1
114	Dell Inspiron Mini 10	5XCB1M1
115	Dell Inspiron Mini 10	8KCB1M1
119-187	Dell Precision Workstation T7500	9RSC8P1
148	ASUSTeK Computer B121	BAOKAS063590
149	ASUSTeK Computer B121	BAOKAS063367
150	ASUSTeK Computer B121	BAOKAS063264
151	Dell OptiPlex 990	FZWXPS1
152	Dell OptiPlex 990	FZWYPS1
207	Dell OptiPlex 9010	4J6MZV1
215	Lenova IdeaPad Yoga 13	EB33665993
	Vicon Tower	1230886

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WHEREAS, Hurricane Technologies, Incorporated will remove, erase, and smash the hard drives from the computers.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment of no value to the Town and authorizes the Town Clerk to dispose of such and directs the bookkeeper to remove the items from the Town's inventory; and be it further

RESOLVED, the Batavia Town Board hereby authorizes Hurricane Technologies to remove, erase, and smash the hard drives from the above referenced computers.

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Abstract No. 11-2018: Motion Deputy Supervisor Underhill, second Councilman to authorize the Supervisor to pay the following vouchers:

General	\$270,546.24
Highway	138,318.31
Sewer No. 1	106,472.28
Sewer No. 2	68,882.43
Water	428,825.00
Bat-Beth	28,673.42
Fixed Base	97.50
Southwest	69,963.18
Total	1,111,778.36

Check numbers 21605 thru 21610, 21612-21674, 21676-21678 and 21680 ACH: \$17,430.62, Online: \$7,675.23

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Town Supervisor reported for the following departments:

Highway –Awarded over a million dollar grant for the Upton Road Bridge in collaboration with Genesee County and read Highway Superintendent's report (attached)

Historian – Read Historians report (attached)

Building Inspector- Read Building Inspector report (attached)

Supervisor's Report:

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

GAM -There will be a GAM meeting tomorrow evening at Genesee County Building 2, hosted

NOVEMBER 14, 2018
REGULAR TOWN BOARD MEETING

by the Town of Alexander

Work Session- The November 21, 2018 Work Session has been cancelled.

COMMUNICATIONS:

The Town Clerk reported on the following:

October Town Clerk monthly report collected a total of \$4,593.94, remitted \$1,948.66 to the Supervisor for the Local Share.

Town Clerk Office- On November 21 the Town Clerk's office will be closing at 4:30 p.m. rather than 7:00 p.m.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:25 P.M.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk