

**FEBRUARY 20, 2019
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Town 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
Building Inspector Lang
Brian Quinn, Daily News Reporter
Two Constituents

The Supervisor called the meeting to order at 7:04 P.M.

Public Hearing Local Law 1 of 2019- The Supervisor called the Public Hearing to Order for Local Law 1 of 2019 – Amend the Building Construction and Fire Prevention Code at 7:05 P.M. - Minutes for public hearing entered separately.

January 16, 2019 Regular Town Board Meeting: Motion Councilman Zambito, second Deputy Supervisor to approve the minutes as written.

Ayes: Zambito, Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (5-0)

January 23, 2019 Special Town Board Meeting: Motion Councilwoman White, second Deputy Supervisor to approve the minutes as written.

Ayes: White, Underhill, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 41:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 1 of 2019

WHEREAS, proposed Local Law No. 1 of 2019 of the Town of Batavia entitled “A Local Law to Amend the Building Construction and Fire Prevention Code of the Town of Batavia”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on January 16, 2019, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held

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on February 20, 2019, 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. 1 of 2019 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. 1 of 2019 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 1 of 2019 be filed with the New York State Secretary of State in accordance with Law.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, 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. 1 of the year 2019.

A local law known as Local Law to Amend the Building Construction and Fire Prevention Code of the Town of Batavia
(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 _____

SECTION I. **TITLE AND AUTHORITY**

This local law is entitled "Local Law to Amend the Building Construction and Fire Prevention Code of the Town of Batavia," and is adopted pursuant to authority granted in the Municipal Home Rule Law of the State of New York.

SECTION II. **AMENDMENT OF THE TOWN BUILDING CONSTRUCTION AND FIRE PREVENTION CODE**

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Chapter 89 of the Town Code, entitled “Building Construction and Fire Prevention,” is hereby amended as follows:

A. Section 2 of Chapter 89 shall be amended by the addition of the following defined term:

Property Maintenance Code Board of Appeals: The board established by the Uniform Code to hear appeals from determinations of the Code Enforcement Officer made pursuant to the Property Maintenance Code.

B. Chapter 89 shall be amended by the addition of the following section:

89-18 Property Maintenance Board of Appeals

The Property Maintenance Board of Appeals shall consist of three members appointed by the Town Board. Terms of office shall be for three years, and shall be overlapping with no two terms ending in the same year. The Town Board shall determine the compensation of the members on an annual basis, and the acceptance of compensation by any board member shall not disqualify the member from serving on the board under any provision of the Uniform Code.

C. Section 16 of Chapter 89 of the Town Code, entitled “Fees,” shall be deleted in its entirety and replaced with the following:

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, applications to the Property Maintenance Board of Appeals, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

D. Chapter 89 of the Town Code entitled “Building Construction and Fire Prevention” shall be amended by the addition of the following Section:

89-19: Code-Specific Provisions

The following standards shall govern the application of the Uniform Code, unless otherwise established by the Property Maintenance Code:

- (A) Weeds. Premises and Exterior property shall be maintained free from weeds or plant growth in excess of 10 inches.
- (B) Insect screens. Insect Screens shall be supplied from May 1 to October 31 of each year.
- (C) Heat Supply. Heat shall be supplied from October 1 to May 31 of each year.
- (D) Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to May 31 of each year.

SECTION III: EFFECTIVE DATE AND SEVERABILITY

This local law shall take effect upon the filing with the Secretary of State in accordance with the Municipal Home Rule Law and Town Law. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary

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to any portion of this local law are hereby repealed.

(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. 1 of 2019, of the ~~(County)~~ (City) (Town) (~~Village~~) of Batavia, New York was duly passed by the Town Board on _____, 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 _____ 2017, 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.**

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

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_____, 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: _____, 2018

(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
Town
~~Village~~

Date: _____, 2019

RESOLUTION NO. 42:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Doug Smart, Jamie Waff, Keith Wilkinson Jr, and Gregory Lang- Excavator Safety Seminar March 13, 2019 in Victor, New York. There is no cost for this seminar.

Paul Barrett, Kevin Finucane, Burt Swable, and Daniel Miles - Excavator Safety Seminar March

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14, 2019 in West Seneca, New York. There is no cost for this seminar.

Sarah Sauka- Leadership Genesee Planning Committee for Understanding Diversity & Exploring the Arts March 27, 2019.

Hiedi Librock and Marcy Crandall – Environmental Finance Center 2019 Local Leaders Conference April 2 – April 3, 2019 In Ellicottville, New York. The cost for the training, lodging, travel, and meals is approximately \$425.00 each. A Town vehicle will be used.

Teresa Morasco – New York State Town Clerk’s Conference May 5 – May 8, 2019 in Syracuse. The cost for the training, lodging, travel, and meals is approximately \$725.00.

Gregory Lang and Gregory Post – Backflow Recertification June 7, 2019 in Webster, New York. The cost for this training is \$195.00 each.

John Della Penna, Andrew Young, Donna Morrill, Brittany Witkop, Michael Pullinzi, Jennifer Zambito, and Keith Boheim- Sexual Harassment Prevention for Employees NYMIR Online training (was) February 19, 2019. One hour to be credited toward required training for each member in attendance.

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

RESOLUTION NO. 43:

Supervisor Post offered the following:

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

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

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

RESOLUTION NO. 44:

Councilwoman Michalak offered the following:

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**AMENDMENT 1 TO RESOLUTION 2 OF 2019
ADOPTION OF SALARIES FOR 2019**

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2019, entitled “Adoption of Salaries for 2019”, to amend as follows:

Court Justice Clerk	\$14.00 – \$20.60 per hour
Laborer	\$15.00 - \$24.50 per hour

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 45:

Councilman Zambito offered the following:

**2019 BUDGETARY LINE ITEMS
JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT AWARD**

WHEREAS, the Town of Batavia Court received notification on January __, 2019 from the State of New York Unified Court System that the Town has been awarded a Justice Court Assistance Program (JCAP) Grant in the amount of two hundred, fifty-six dollars (\$256.00) for Courtroom Equipment (letter attached); and

WHEREAS, line items need to be amended in the 2019 budget to account for these funds.

NOW, THEREFORE, BE IT

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

A3089 Revenues	\$256.00
A1110.200 Equipment Williams	\$128.00
A1110.201 Equipment Cleveland	\$128.00

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 46:

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
DESKTOP AND LAPTOP COMPUTERS
TOWN BOARD, TOWN CLERK, SECRETARY TO SUPERVISOR, FINANCIAL CLERK,
REPRODUCTION SERVICE OPERATOR, HISTORIAN. BUILDING INSPECTOR AND
ENGINEERING TECHNICIAN**

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RESOLVED, as part of the five year rotation plan for computer replacement and repurposing, the Batavia Town Board hereby authorizes the purchase of four (4) Dell Latitude 3590 Laptop computers at a cost of \$765.02 each, for the Town Board, three (3) Dell Latitude 5591 Laptop computers at a cost of \$1,071.95 each; one, for the Financial Clerk , one for the Secretary to the Supervisor and one for the Town Clerk; one (1) OptiPlex 7060 SFF Desktop Computer at a cost of \$1,087.11 for the Reproduction Service Operator, two (2) Dell OptiPlex 7760 AIO Workstation Computers at a cost of \$1,186.19, one for the Building Inspector and one for the Historian and one (1) Dell Precision 5820 Tower at a cost \$1,634.08 for the Engineer Technician, New York State Contract #56AHC, copies of the quotes are annexed hereto and made a part of the minutes; and be it further

RESOLVED, the expenditures will be appropriated from the following line items:

A1010.200	\$3,060.08
A1220.200	\$2,143.90
A1410.200	\$1,071.95
A1410.201	\$1,087.11
A1440.200	\$1,634.08
A3620.200	\$1,186.19
A7510.200	\$1,186.19

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

RESOLUTION NO. 47:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
IPADS
BUILDING AND ENGINEERING DEPARTMENTS**

WHEREAS, in July 2018 the Building Department began using an Ipad for field use and device compatibility; and

WHEREAS, it is working out well and the Building and Engineering Departments are requesting to each purchase additional 9.7” Ipad; and

WHEREAS, Apple was the lowest quote received at a cost of \$528.00 each (Ipad \$429.00 and Apple Pencil \$99.00).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two 9.7” Apple Ipad and two Apple Pencils from Apple at a cost of \$528 each; and be it further

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RESOLVED, the expenditure will be appropriated from A3620.200 and A1440.200.

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

RESOLUTION NO. 48:

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF A
FLIR C2 COMPACT THERMAL IMAGING SYSTEM
BUILDING DEPARTMENT**

WHEREAS, Building Department is requesting to purchase a thermal camera for field inspections; and

WHEREAS, the cost for a FLIR C2 Compact Thermal Imaging System is \$479.00 from Amazon.com ; and

WHEREAS, the 2019 Town Budget reflects appropriations for this purchase.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase one FLIR C2 Compact Thermal Imaging System from Amazon.com at a cost of \$479.00; and be it further

RESOLVED, the expenditure will be appropriated from A3620.200.

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

RESOLUTION NO. 49:

Councilwoman Michalak offered the following:

**RESOLUTION TO PROCLAIM
APRIL 2019 AS
FAIR HOUSING MONTH**

WHEREAS, the Declaration of Independence states “that all men are created equal; that they are endowed by their Creator with certain unalienable Rights”; yet we must face the harsh fact that in this nation, and in this state, all men do not have equal housing opportunities because of race, national origin or religion; and

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WHEREAS, we must, as individuals and as people, take our stand to make equal opportunity for all, including equal opportunity in housing a reality in our community; and

WHEREAS, the primary responsibility for this action lies with each individual citizen of this Town, and each of us can play a major role in removing the stain of discrimination and prejudice; and

WHEREAS, the Fifty-First Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, during the month of April, is an occasion for all Americans, individually and collectively, to rededicate themselves to the principle of freedom of choice and to participate in efforts to eliminate vestiges of housing discrimination wherever they exist.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Batavia, hereby proclaims April 2019 as:

“Fair Housing Month in the Town of Batavia”

and ask the citizens of the Town to join in reaffirming the obligation and commitment to fair housing opportunities for all.

Second by: Councilwoman White

Ayes: Michalak, White, Underhill, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 50:

Councilman Zambito offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2018

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

General Fund:

From	Amount	To
A1420.400 Attorney Contractual	48.00	A1420.402 Attorney Legal ads
A1420.400 Attorney Contractual	100.00	A1420.405 Attorney – DA
A1680.402 Central Data Web & Network	11.00	A1680.402 Central Data Maintenance
A8165.404 Superfund Legal	1116.00	A8165.405 Superfund leachate

Highway Fund:

From	Amount	To
DA5110.400 General repairs Contractual	1.00	DA5130.200 Machinery Equipment

Sewer District #1 Fund:

From	Amount	To
SS1-8110.120 Swr Admin Pers Svc	405.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.200 Swr Admin Equip	503.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.400 Swr Admin Contractual	2617.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.401 Swr Admin Backflow	3200.00	SS1-8130.400 Swr Treatment & Disp

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SS1-8110.403 Swr Admin Consulting	6400.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.102 San Swr Pers Svc	11724.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.103 San Swr Pers Svc	829.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.106 San Swr Pers Svc	4505.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.107 San Swr Pers Svc	401.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.120 San Swr Pers Svc	2142.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.200 San Swr Equipment	5622.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.400 San Swr Contractual	987.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.401 San Swr Legal svc	652.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.404 San Swr Pump Rep	251.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.406 San Swr Rep	8000.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.407 San Swr Cap City	24000.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.407 San Swr Meter Rep	16000.00	SS1-8130.400 Swr Treatment & Disp
SS1-9030.800 Soc Sec	67.00	SS1-8130.400 Swr Treatment & Disp

Sewer District #2 Fund:

From	Amount	To
SS2-8120.120 San Swr Pers Svc	54.00	SS2-8120.400 San Swr Contractual

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

RESOLUTION NO. 51:

Councilwoman White offered the following:

2018 BUDGET MODIFICATIONS – APPROPRIATED FUND BALANCE

RESOLVED, the Batavia Town Board hereby authorizes increasing the following expenditures from the Appropriated Fund Balance and Debt Services Other Governments to correct amounts budgeted for BAN payments:

FROM:		TO:	
SS1599 Appropriated Fund	\$2,616.50	SS19730.603 Principal Sewer Capacity	\$2,616.50
SS2599 Appropriated Fund	\$2,616.50	SS29730.603 Principal Sewer Capacity	\$2,616.50
SW2392 Debt Ser Other Gov	\$9,999.72	SW9730.712 Townline Interest	\$9,999.72

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

RESOLUTION NO. 52:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO ESTABLISH LINE ITEMS FOR
HIGHWAY EQUIPEMNT BAN- 2019 BUDGET**

RESOLVED, the Batavia Town Board hereby establishes the following Fiscal Agent and Debt Service line items for the Highway Equipment BAN:

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DA1380.400 Highway Equipment
DA1380.401 Excavator
DA9730.602 Principal-Excavator
DA9730.702 Interest-Excavator

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 53:

Supervisor Post offered the following:

RESOLUTION TO ESTABLISH A CAPITAL RESERVE FUND-FUEL FARM

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Batavia Town Board hereby establishes a Capital Reserve Fund to be known as the “Fuel Farm Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the upgrades and/or replacement of the Fuel Farm; and be it further

RESOLVED, the chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Batavia. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED, except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c; and be it further

RESOLVED, this resolution is effective as of January 1, 2018.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 54:

Councilwoman Michalak offered the following:

**ESTABLISH LINE ITEM
FOR CAPITAL RESERVE-FUEL FARM**

RESOLVED, the Batavia Town Board hereby establishes revenue line item 2210A-General Service Inter-Government-Fuel Farm.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Zambito, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 55:

Councilman Zambito offered the following:

**BATAVIA SOUTHWEST WATER DISTRICT
USDA FORM E BUDGET MODIFICATION**

WHEREAS, USDA requires board resolution for modifications to the Form E budget; and

WHEREAS, \$36,575.00 of additional cost was required for net interest BAN costs;

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes modification to the Form E budget as follows:

Move:

\$4,861.75 from Legal to contingency, and

\$3,946.00 from Bonding to contingency, and

\$9,550.00 from Fiscal Coordination to contingency, and

\$250.00 from Project Management to contingency, and

\$500.00 from Land & Rights of Way to contingency, and

\$0.40 from Miscellaneous to contingency, and

Move \$36,575.00 from contingency to direct expenditures net interest costs.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 56:

Councilwoman White offered the following:

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**BID AWARD
ELLICOTT TRAIL PROJECT**

WHEREAS, the Town of Batavia received bids December 13, 2018 at 3:00 P.M. for the construction of the Ellicott Trail Project. The project consists of construction of a 4.8 mile pedestrian and bicycle trail through the Town and City of Batavia; and

WHEREAS, Keeler Construction Company, Inc. located at 13519 West Lee Road, Albion, New York was the lowest responsible bidder at a cost of one million two hundred fourteen thousand nine hundred eighty five dollars and no cents (\$1,214,985.00) and twenty five thousand and no cents (\$25,000.00) for alternate bid no 1 for a total bid amount of one million two hundred thirty nine thousand nine hundred eighty five dollars and no cents (\$1,239,985.00), (bid tabulation attached); and

WHEREAS, Town Engineering Staff has completed a review of the low bidder (bid evaluation attached); and

WHEREAS, the Town Engineer and Assistant Town Engineer recommends award of the contract to Keeler Construction Company, Inc.; and

WHEREAS, the bid exceeded the project estimate; and

WHEREAS, to lower the overall project cost, the Town will utilize Town resources to construct the western portion of the trail and eliminate the western portion of the trail from the Keeler Construction Co. contract by a future change order no. 1. The Town has prepared the change order which will reduce the Keeler contract by \$220,875.00 (attached).

NOW THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby awards the bid to Keeler Construction Company, Inc. at a total contract amount of one million two hundred thirty nine thousand nine hundred eighty five dollars and no cents (\$1,239,985.00) for construction of a 4.8 mile pedestrian and bicycle trail through the Town and City of Batavia Roads contingent upon execution of change order no. 1 in the deduct amount of two hundred twenty thousand eight hundred and seventy five dollars and zero cents (\$220,875.00). The award is also contingent on the contractor providing the insurance and bonding as approved by the Town Attorney; and

BE IT FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contract agreement with Keeler Construction Company, Inc. once the aforementioned conditions are met. The Board further authorizes the Supervisor and Assistant Town Engineer to execute all necessary certifications or reimbursement requests for Federal Aid on behalf of the Town as necessary during the construction of the project, and

BE IT FURTHER RESOLVED, the Batavia Town Board hereby approves the deduct change order no. 1 in the amount of two hundred twenty thousand eight hundred and seventy five dollars and zero cents (\$220,875.00) once the agreement has been fully executed.

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

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilwoman Michalak to suspend the rules to introduce an additional resolution.
Ayes: Underhill, Michalak, Zambito, White, Post
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 57 :

Deputy Supervisor Underhill offered the following:

BUDGET TRANSFER 2018 – UNAPPORTIATED-UNEXPENDED FUND

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

SW8320.400 Source of Supply Contractual- \$272,563.00
and be it

FURTHER RESOLVED, to fund this expense, \$272,563.00 will be transferred from the SW Unappropriated-Unexpended Fund Balance.

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

Abstract No. 14-2018 and 2-2019: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

14-2018

General	\$4,738.62
Sewer No. 1	88,358.79
Sewer No. 2	48,563.03
Water	162.00
Kings Pump Station	10,611.20
Total	\$152,433.64

Check numbers 21847, 21849-21854

2-2019

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General	\$169,271.74
Highway	47,462.84
Sewer No. 1	3,932.54
Sewer No. 2	4,976.45
Water	146,141.48
Kings Pump	60.00
Southwest Water	5,175.00
Ellicott Trail	64.40
Townline Water	305,440.70
Total	\$682,525.15

Check numbers 21846, 21848, 21855-21919, SM: 116 -118, Online: \$10,091.20

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

DEPARTMENT REPORTS:

Building -Code Enforcement

Building Inspector reported on the following:

- Matthew Mahaney and I attended continued education classes last month
- Bruce Gerould will be attended continued education classes in March
- Ryan Home is setting up and preparing to continue to develop in Oakwood Hills
- Busy with commercial projects and solar projects
- Completing fire inspections and reporting
- Completing finalized building permits paperwork for March 1 deadline for assessment
- Our department hasn't slowed down
- Thanked the Town Board for reviewing and taking, action on the amendments to Building Construction and Fire Prevention Code

The Town Supervisor commended Mr. Lang and his staff for their efforts in preventing further litigation and Network with the Engineering Department for permits.

The Town Supervisor reported for the following departments:

Highway-

- Working on road and equipment maintenance
- Assisting in the Water/Wastewater department as needed

Water/Wastewater –

- Work on Sanitary Sewer Lines
- Training
- Continued maintenance and serving five Towns

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Historian – Read Historians 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 by the Town of Batavia.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$4,621.72, remitted \$4,431.88 to the Supervisor for the Local Share.

January Tax Collection- Collected \$5,593,330.04, remitted \$2,725,275.62 to the Supervisor for the Town Levy and the remainder was remitted to the Genesee County Treasurer.

Records Management Grant- The records management grant was filed on January 28, 2019.

Trainings- One Region Forward Workshop, “How are our local communities becoming more resilient?” will be held March 19, 2019, NYSDEC and FEMA sponsored trainings on Managing Floodplain Development and National Flood Insurance Program Community Rating System will be in Oriskany, New York March 11-14 and May 6-7., and NYMIR will be having a training on “Discrimination & Harassment Complaint/Investigation Process Train-The-Trainer” in March and April at various locations. Town Officials have been notified of these trainings.

Explosives Certificate- the NYS Department of Labor notified us of Batavia Marine Supply was issued an Explosives Magazine Certificate.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:35 P.M.

Ayes: Zambito, Michalak, White, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk