

AUGUST 21, 2019
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

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:05 P.M.

July 17, 2019 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 118:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

Paul McCullough, Kathy Jasinski, Jeremy Liles, John Della Penna and Keith Boenheim- Association of Towns 2019 Planning and Zoning School September 30, 2019 at Quality Inn & Suites Palm Island in Batavia. The cost for the training is \$80.00 each.

Michael Pullinzi- NYS Local Government Services Training Online (Meetings & Hearings, Aging in Place, and Making Good A Good Record, and Zoning Board of Appeals Overview) and NYMIR Online University Training (Special Use Permits). There was no cost for these trainings.

Kenneth Pike- NYS Assessor Association Annual Seminar September 22 – 25, 2019 in Lake Placid. The cost for this training to the Town of Batavia is approximately \$519 (total cost is approximately \$1,557.00 shared with Geneseo and Middlebury).

Second by: Councilwoman Michalak

Ayes: White, Michalak, Underhill, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 119:

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Deputy Supervisor Underhill offered the following:

RE-APPOINTMENT – TOWN ASSESSOR

WHEREAS, Rhonda Saulsbury has been the Assessor for the Town of Batavia since June 2011;
and

WHEREAS, her term will expire as of September 30, 2019; and

WHEREAS, she has served the Town in an exemplary fashion.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Rhonda Saulsbury, 8795 Rollin Circle, Batavia, New York 14020, as Assessor for the Town of Batavia. The term will begin October 1, 2019 and end September 30, 2025.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 120:

Supervisor Post offered the following:

**RESOLUTION TO APPROVE A SIXTH AMENDED
JOINT ASSESSMENT SERVICES AGREEMENT WITH THE
TOWNS OF LEROY AND PAVILION**

WHEREAS, the Town of LeRoy, (hereinafter “LeRoy”), the Town of Pavilion, (hereinafter “Pavilion”) and the Town of Batavia, (hereinafter “Batavia”), entered into a contract entitled “Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement”, dated January 23, 2014, and

WHEREAS, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

WHEREAS, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, and

WHEREAS, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Sixth Amended Towns of Batavia, LeRoy and Pavilion Joint Assessment Services Agreement”, a copy of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia; and; be it further

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RESOLVED that the Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$51,400.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

SIXTH AMENDED
TOWNS OF BATAVIA, LEROY AND PAVILION
JOINT ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of _____, 201__, by and between the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”); the **TOWN OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as “LeRoy”); and the **TOWN OF PAVILION**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as “Pavilion”).

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the three Towns are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in the Towns of Batavia, LeRoy and Pavilion.

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

1. Batavia agrees to provide assessment services to both LeRoy and Pavilion, and shall provide qualified individuals to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Batavia, LeRoy and Pavilion for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other

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duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.

3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of either LeRoy or Pavilion. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

6. Batavia shall indemnify and hold LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the others with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.

8. The terms and conditions of this Agreement shall be effective on October 18, 2019, and shall end on October 17, 2020. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2020, Batavia, LeRoy and Pavilion enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. It is agreed that the effective date of this Agreement shall be retroactive to October 18, 2019, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2019, until

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the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.

10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$51,400.00 for this Agreement. This sum shall be paid in two installments of \$25,700.00 on or before March 1, 2020, and \$25,700.00 on or before September 1, 2020. Pavilion will pay to LeRoy the total sum of \$8,665.00 for this Agreement to be paid in two installments of \$4,332.50 on or before March 1, 2020 and \$4,332.50 on or before September 1, 2020.

11. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then LeRoy and Pavilion, at their sole option and discretion, may terminate this Agreement with at least ninety (90) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

12. There are no other agreements or understandings, either oral or written, by and among the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

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

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF LEROY

By: Stephen R. Barbeau, Town Supervisor

TOWN OF PAVILION

By: Rob LaPoint, Town Supervisor

State of New York }

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County of Genesee}ss.

On this _____ day of _____, 201__, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York}
County of Genesee}ss.

On this _____ day of _____, 201__, before me, the undersigned, personally appeared Stephen R. Barbeau, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York}
County of Genesee}ss.

On this _____ day of _____, 201__, before me, the undersigned, personally appeared Rob LaPoint, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 121:

Councilwoman Michalak offered the following:

KIWANIS PARK DONATION

RESOLVED, the Batavia Town Board hereby accepts the following donations for use of the Kiwanis Park:

\$25.00 from Grace Stewart for use of the Park on August 3, 2019

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\$50.00 from Eileen Corcoran for scheduled use of the Park on August 15 and 16, 2019 for the YMCA Challenge Program.

Second by: Councilwoman White
Ayes: Michalak, White, Underhill, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 122:

Councilwoman White offered the following:

LEAD AGENCY STATUS
NEW YORK POWER AUTHORITY
COMMUNICATIONS BACKBONE EXECUTION PLAN

WHEREAS, the New York Power Authority (NYPA) has developed a Communications Backbone Execution Plan (the Plan) to protect the security of its telecommunications and is seeking SEQRA Lead Agency;

WHEREAS, the Batavia Town Board does not object to the NYPA assuming this role.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the attached SEQR Lead Agency Form concurring with NYPA being designated as SEQRA Lead Agency for the Communication Backbone Execution Plan.

Second by: Deputy Supervisor Underhill
Ayes: White, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 123:

Deputy Supervisor Underhill offered the following:

ELLICOTT TRAIL PROJECT
CHANGE ORDER NUMBER 2

WHEREAS, the Town of Batavia awarded Keeler Construction Company the construction contract including change order number 1 for the Ellicott Trail Project in the amount of one million nineteen thousand one hundred ten dollars and no cents (\$1,019,110.00); and

WHEREAS, the plans for the new pedestrian bridge over the Tonawanda Creek required driving steel piles for the bridge abutment. During construction it became apparent that driving the piles would have required temporary relocation of the overhead electric lines at an estimated cost of approximately \$90,000. To avoid this cost the design and construction team revised the design to allow the use of drilled king piles to support the bridge at a net cost of \$37,626.85; and

WHEREAS, the Town Engineer and Assistant Town Engineer reviewed Keeler Construction

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change order request for \$37,626.85 and recommends the Change Order Number 2 be awarded to Keeler Construction Company, Inc.

NOW THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute Change Order Number 2 in the amount of \$37,626.85 to increase the Keeler Construction Company, Inc. contract from \$1,019,110.00 to \$1,056,736.85.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 124:

Supervisor Post offered the following:

PITNEY BOWES POSTAGE METER
RENTAL AGREEMENT

WHEREAS, on September 17, 2014 the Town entered into a Postage Meter Rental agreement for 60 months at a cost of \$94.60 per month; and

WHEREAS, the agreement is said to expire in September 2019 and

WHEREAS, the Town received a new quote from Pitney Bowes to replace the obsolete postage meter and re-enter into a new postage meter rental agreement, at a cost of \$79.10 per month, billed quarterly.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the replacement of the obsolete postage meter (from DM225 to C425) and enter into a Postage Meter Rental Agreement with Pitney Bowes in the amount of seventy-nine dollars and ten cents (\$79.10) per month, billed quarterly, effective September 2019 for 60 months; and be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized to execute the Postage Meter Rental Agreement, a copy of which is annexed hereto and made part of the Town Board Minutes.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 125:

Councilwoman Michalak offered the following:

PROPOSAL FOR ADDITIONAL PROFESSIONAL SERVICES BETWEEN THE TOWN OF
BATAVIA AND DESIGN AND DRAFTING BY GINA, LLC
TOWN HALL ADDITION CONCEPTIONAL PLAN

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WHEREAS, the Town of Batavia engaged in professional services in July 2018 with Design & Drafting by Gina, LLC for a conceptional floor plan and elevations for an addition to the Town Hall; and

WHEREAS, the scope of the project changed from a small addition to the existing building to a new constructed “free standing: building; and

WHEREAS, Design & Drafting by Gina, LLC submitted a proposal for the additional services for the conceptional floor plan and elevations at a cost of \$60.00 per hour not to exceed \$2,500.00.

NOW THREFORE BE IT

RESOLVED, the Batavia Town Board hereby retains Design & Drafting by Gina, LLC for the additional services for the conceptional floor plan and elevations for a new constructed “free standing” building to the Town Hall at a cost of \$60.00 per hour, not to exceed \$2,500.00; and be it further

RESOLVED, the expenditure will be from line item A1620.404.

Second by: Councilwoman White
Ayes: Michalak, White, Underhill, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 126:

Councilwoman White 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
247	Dell Lattitude 3330	9JMH3Z1
248	Dell Lattitude 3330	DJMH3Z1
250	Dell Lattitude 3330	8JMH3Z1
251	Dell Lattitude 3330	CJMH3Z1

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 foregoing 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,

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erase, and smash the hard drives from the above referenced computers.

Second by: Deputy Supervisor Underhill
Ayes: White, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 127:

Deputy Supervisor Underhill offered the following:

ESTABLISH LINE ITEMS
FOR CAPITAL PROJECTS

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

HH – AGRI-BUSINESS PUMP STATION IMPROVEMENTS

HH 1380.400 Fiscal Agent - Contractual
HH 1420.400 Legal Expense - Contractual
HH 1440.400 Engineering – Contractual
HH 1989.400 Advertising - Contractual
HH 8340.400 Transmission/Distribution – Contractual
HH 9710.600 Serial Bonds Principal
HH 9710.700 Serial Bonds Interest
HH 9730.600 BAN – Principle
HH 9730.700 BAN – Interest
HH 9901.900 Transfers To Other Funds
HH 2401 Interest & Earnings
HH 2770 Miscellaneous Revenues
HH 3591 State Aid Highway
HH 4589 Federal Aid Highway
HH 4990 Sewer Capital Grants
HH 5031 Interfund Transfers
HH 5710 Serial Bonds
HH 5730 BAN Proceeds
HH 5731 BAN Redeemed From Appropriations

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 128:

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 August 21,

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2019.

PRESENT:

Hon. Gregory H. Post, Town Supervisor
Hon. Daniel Underhill, Deputy Supervisor
Hon. Sharon White, Councilwoman
Hon. Patti, Michalak Councilwoman

-----X

In the Matter
of the

Establishment of the Agri-Business Park Sewer
Improvement Area, in the Town of
Batavia, County of Genesee, New York,
pursuant to Article 12-C of the Town Law.

-----X

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
SEPTEMBER 18, 2019
REGARDING THE PROPOSED
ESTABLISHMENT OF THE AGRIBUSINESS PARK
SEWER IMPROVEMENT AREA (2019)**

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 Agri-Business Park Sewer 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, such sewer system improvements project will generally consist of improvements to the Ag-Park Pump Station including, but not limited to, the installation of larger sanitary sewer pumps, electrical improvements and the installation of a new generator, 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 (collectively, the "Sewer Improvement"); and

WHEREAS, the proposed Improvement will benefit the entire proposed Agri-Business Park Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

**TOWN OF BATAVIA
PROPOSED AGRIBUSINESS PARK SEWER IMPROVEMENT
AREA**

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The boundary of the proposed Town of Batavia, Agri-Business Park 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 southerly right-of-way of East Main Street Road and the centerline of AgPark Drive North; thence,

1. Easterly, along the southerly right-of-way of East Main Street Road, a distance of 270 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-161; thence,
2. Southerly, along the easterly line of Tax Parcel numbers 13.-1-161, 13.-1-162, 13.-1-171, and 13.-1-174, a distance of 1466 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-158.12; thence,
3. Easterly, along a northerly line of Tax Parcel number 13.-1-174, a distance of 358 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-174; thence,
4. Southerly, along the easterly line of Tax Parcel number 13.-1-174, along the southerly extension of the easterly line of Tax Parcel number 13.-1-174 through the lands of Tax Parcel number 13.-1-174, and continuing along the easterly line of Tax Parcel number 13.-1-165.111, a distance of 2838 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-165.111; thence,
5. Westerly, along a southerly line of Tax Parcel number 13.-1-165.111, a distance of 2172 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-165.111; thence,
6. Northerly, along a westerly line of Tax Parcel number 13.-1-165.111, a distance of 660 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-167.1; thence,
7. Westerly, along a southerly line of Tax Parcel number 13.-1-165.111, a distance of 261 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-165.111; thence,
8. Northerly, along a westerly line of Tax Parcel number 13.-1-165.111 and along the northerly extension of a westerly line of Tax Parcel number 13.-1-165.111 across AgPark Drive West (66 feet wide right-of-way), a distance of 928 feet, more or less, to the intersection of the northerly extension of a westerly line of Tax Parcel number 13.-1-165.111 and the northerly right-of-way of AgPark Drive West; thence,
9. Easterly, along the northerly right-of-way of AgPark Drive West, a distance of 796 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
10. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 468 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
11. Easterly, along the southerly line of Tax Parcel number 13.-1-106.1, a distance of 784 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-106.1; thence,
12. Northerly, along the easterly line of Tax Parcel number 13.-1-106.1, a distance of 70 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-106.1; thence,
13. Westerly, along the northerly line of Tax Parcel number 13.-1-106.1, a distance of 814 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
14. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 134 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,

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15. Easterly, along a southerly line of Tax Parcel number 13.-1-105.214, a distance of 383 feet, more or less, to a southeasterly corner of Tax Parcel number 13.-1-105.214; thence,
16. Northerly, along an easterly line of Tax Parcel number 13.-1-105.214, a distance of 107 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-105.214; thence,
17. Westerly, along a northerly line of Tax Parcel number 13.-1-105.214, a distance of 381 feet, more or less, to a southwesterly corner of Tax Parcel number 13.-1-170; thence,
18. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 896 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
19. Easterly, along a northerly line of Tax Parcel number 13.-1-170, a distance of 400 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-45; thence,
20. Northerly, along a westerly line of Tax Parcel number 13.-1-170, a distance of 163 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170; thence,
21. Easterly, along a northerly line of Tax Parcel number 13.-1-170, a distance of 445 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-164.2; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 13.-1-164.2 and 13.-1-164.1, a distance of 1002 feet, more or less, to The north westerly corner of Tax Parcel number 13.-1-164.1; thence,
23. Easterly, along the southerly right-of-way of East Main Street Road, a distance of 205 feet, more or less, to the point of beginning.

All as shown on the map prepared by the Town of Batavia entitled, “Agri-Business Park Sewer Improvement Area – Sewer Capacity Purchase,” dated 1/2015. The Town of Batavia, Agri-Business Park Sewer Improvement Area, as described above, contains approximately 150.7 acres of land.

WHEREAS, the Engineer has estimated the total cost of the Sewer Improvement to be \$400,000; said cost to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$400,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Batavia, New York, on September 18, 2019, at 7 o'clock P.M. (Prevailing Time) to consider the establishment of the proposed Agri-Business Park Sewer Improvement Area and the construction of the improvement therein, 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 be it

FURTHER ORDERED, that the Town Board may establish sewer rents as provided in subdivision 12-a of Town Law Section 209-q and paragraph (l) of subdivision one of Town Law Section 198; and it is hereby

FURTHER ORDERED, the estimated maximum amount proposed to be expended for the construction of the Agri-Business Park Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$400,000, 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 Agri-Business Park Sewer 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

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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

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper designated as the 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.

DATED: August 21, 2019

TOWN BOARD OF THE
TOWN OF BATAVIA

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Post
 Deputy Supervisor Underhill
 Councilwoman Michalak
 Councilwoman White

NOES:

ABSENT: Councilman Zambito

The Order Calling for Public Hearing was declared adopted.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

Abstract No. 8-2019: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

**AUGUST 21, 2019
REGULAR TOWN BOARD MEETING**

General	\$51,091.15
Highway	97,555.34
Sewer No. 1	85,856.36
Sewer No. 2	60,291.94
Water	16,829.66
Bigelow Creek	1,030.00
Ag Park PS	80,980.00
Ellicott Trail	125,713.05
Total	\$519,347.50

Check numbers 22247-22306, 22308-22316, ACH: \$36,160.78

Ayes: Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Water/Wastewater- Busy with restoration work, inspections, maintenance and preparing for the construction of the Kings Plaza Pump Station

Building - Busy with numerous applications coming in, inspections and training.

Highway – Busy with Ellicott Trail surfacing and prepping for Veteran’s Memorial Drive milling and paving in September

Historian – Purchasing fireproof cabinets for historical documents

Supervisor’s Report:

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

GAM – The next GAM meeting is September 19, 2019

Work Session- The August 28, 2019 is cancelled.

COMMUNICATIONS:

The Town Clerk reported on the following:

July Town Clerk monthly report collected a total of \$13,281.00, remitted \$12,790.24 to the Supervisor for the Local Share.

Training- Complete Streets Workshop August 28, 2019 at GCC, GFLRPC Clean Energy Communities Roundtable September 12 in Pittsford, Association of Towns 2019 Planning and Zoning School September 30, 2019 at the Quality Inn, and NY Department of State 5th Annual Local Government Innovation Conference October 17 – 18, 2019 in Albany. Town officials have been notified.

GLOW Region Solid Waste Collection and Electronic Collection- Reminder that September 14, 2019 GLOW Region Solid Waste will be having their annual household hazardous waste collection and on September 21, 2019 will be having an Electronics Collection, both are by appointment only. For further details contact the GLOW office at 585-815-7906 or visit the Town of Batavia website.

Kiwanis Park Donations- Received a donations Grace Stewart and Eileen Corcoran for use of the park. A thank you letter was sent to them.

AUGUST 21, 2019
REGULAR TOWN BOARD MEETING

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:32 P.M.

Ayes: Underhill, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk