

**SEPTEMBER 18, 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
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Absent: Deputy Supervisor Underhill

Others

Present: Town Clerk Morasco

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

The public hearing for the Establishment of the Agri-Business Park Sewer Improvement Area (2019) scheduled for tonight was cancelled due to inadvertent omission of a few parcels in the boundary description.

August 21, 2019 Regular Town Board Meeting: Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

Ayes: Zambito, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 129:

Councilwoman White 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 September 18, 2019.

PRESENT:

Hon. Gregory H. Post, Town Supervisor
Sharon White, Councilwoman
Patti Michalak, Councilwoman
Chad Zambito, Councilman

-----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,

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pursuant to Article 12-C of the Town Law.

-----X

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
OCTOBER 16, 2019
REGARDING THE PROPOSED
ESTABLISHMENT OF THE AGRI-BUSINESS 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, the Town Board adopted an Order Calling Public Hearing for the establishment of the Agri-Business Park Sewer Improvement Area on August 21, 2019; and

WHEREAS, due to an inadvertent omission of a few parcels in the boundary description, the Town Board has decided to cancel the previously scheduled public hearing and re-adopt the Order Calling Public Hearing to include a complete boundary description; 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 Sewer 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 AGRI-BUSINESS PARK SEWER
IMPROVEMENT AREA**

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:

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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 1,466 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 an 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 2,838 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 2,172 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 continuing 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 southwesterly corner of Tax Parcel number 13.-1-169; thence,
9. Westerly, along the northerly right-of-way of AgPark Drive West, a distance of 836 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-168.1; thence,
10. Northerly, along the westerly line of Tax Parcel number 13.-1-168.1, a distance of 551 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-168.1; thence,
11. Easterly, along a northerly line of Tax Parcel number 13.-1-168.1, a distance of 63 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-168.1; thence,
12. Southerly, along an easterly line of Tax Parcel number 13.-1-168.1, a distance of 11 feet, more or less, to a southwesterly angle point of Tax Parcel number 13.-1-105.1; thence,
13. Easterly, along the northerly line of Tax Parcel numbers 13.-1-168.1 and 13.-1-169, a distance of 1,201 feet, more or less, to the northerly corner of Tax Parcel number 13.-1-169; thence,
14. Southeasterly, along the southerly line of Tax Parcel number 13.-1-106.1, a distance of 1,176 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-106.1; thence,
15. 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,
16. 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.-1-170.11; thence,

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17. Northerly, along a westerly line of Tax Parcel number 13.-1-170.11, a distance of 134 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170.11; thence,
18. Easterly, along a southerly line of Tax Parcel number 13.-1-141.112, a distance of 73 feet, more or less, to a southeasterly corner of Tax Parcel number 13.-1-141.112; thence,
19. Northerly, along a westerly line of Tax Parcel number 13.-1-170.11, a distance of 975 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170.11; thence,
20. Easterly, along a northerly line of Tax Parcel number 13.-1-170.11, a distance of 329 feet, more or less, to a southeasterly corner of Tax Parcel number 13.-1-45; thence,
21. Northerly, along a westerly line of Tax Parcel number 13.-1-170.11, a distance of 163 feet, more or less, to a northwesterly corner of Tax Parcel number 13.-1-170.11; thence,
22. Easterly, along a northerly line of Tax Parcel number 13.-1-170.11, a distance of 445 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-164.2; thence,
23. Northerly, along the westerly line of Tax Parcel numbers 13.-1-164.2 and 13.-1-164.1, a distance of 1,002 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-164.1; thence,
24. 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,” dated 9/2019. The Town of Batavia, Agri-Business Sewer Improvement Area, as described above, contains approximately 157.2 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 October 16, 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 received, and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said establishment shall be paid by the assessment,

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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 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: September 18, 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:

NOES:

ABSENT:

The Order Calling for Public Hearing was declared adopted.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 130:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

Michael Pullinzi- NYS Local Government Services Training Online (Introduction to SEQRA, Knowledge of Planning Boards, Historic Preservation, and Local Government Public Officers). There was no cost for these trainings

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Paul McCullough and Donna Morrill- Complete Streets Workshop (was) August 28, 2019 at GCC. There was not cost for this training.

Teressa Morasco, Mary Cordes, and Sherry Tacy- Laserfiche Educational Workshop by General Code September 27, 2019. There is no cost for this training. A town vehicle will be used.

Patti Michalak and Donna Morrill- Creating Thriving Communities: from Vision to Reality October 23, 2019 at GCC. The cost for this training is \$25.00 each.

Tom Lichtenthal, Dan Miles, Burt Swable, and Doug Smart- Draves Arboretum Tree Cutting Workshop October 2, 2019 in Darien. The cost is \$85.00 each.

Rhonda Saulsbury- 2019 Genesee County Decision Makers Ag Tour September 18, 2019. There is no cost for this training.

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

RESOLUTION NO. 131:

Councilwoman Michalak offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 3 of 2019
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2020 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Batavia Local Law No. 3 of 2019.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 3 of 2019 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until October 16, 2019, and that a public hearing be held before this Town Board on the 16th day of October, 2019 at 7:05 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each

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member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 18th day of September, 2019, proposed Local Law No. 3 of 2019 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c". Said Local Law will allow the Town of Batavia to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2020 that requires a real property tax levy in excess of the tax levy limit.

PLEASE TAKE FURTHER NOTICE that on 16th day of October, 2019, at 7:05 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for inspection during regular Office hours.

Dated: September 18, 2019

Teresa M. Morasco, Town Clerk
Town of Batavia, New York

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.)

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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. 3 of the year 2019.

A local law To Override the Tax Levy Limit Established in General Municipal Law 3-c

(Insert Title)

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

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law §3-c and to allow the Town of Batavia to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Batavia, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law, §3-c.

Section 4. Severability

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If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such other or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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

(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. 3 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

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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 _____, 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)

Teresa M. Morasco
Town Clerk, Town of Batavia

Date: _____, 2019

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

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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. 132:

Councilman Zambito offered the following:

**ABANDONMENT OF SEWER MAINS
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

WHEREAS, at the request of Western Regional Off-Track Betting Corporation (“OTB”), the Town accepted dedication of certain sewer lines located on OTB property as more particularly described by Resolution No. 152 adopted August 17, 2016, and

WHEREAS, in furtherance of such dedication, the Town also acquired a Sanitary Sewer Easement from OTB for lands sufficient to maintain the dedicated improvements, which was filed in the Genesee County Clerk’s Office on July 26, 2016 as Instrument Number DE2016-347, and

WHEREAS, the dedication and easement together enabled the Town of Batavia to maintain sanitary sewer mains located on OTB’s property (the “mains”), and

WHEREAS, due to the continued development of the OTB property and surrounding properties, and the construction of new buildings on top of the mains on private property, the Town has determined that it is no longer in the public interest to continue to maintain its dedication of such sewer lines, nor the aforementioned easement, and desires to abandon the same, and

WHEREAS, another user on a separate tax parcel, presently operating a structure thereon as a hotel (the “Hotel”), is connected to the same mains that are the subject of this resolution, such that the abandonment contemplated herein will result in such user being connected to a private main on OTB property, and

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WHEREAS, the Town of Batavia has requested from OTB a duly executed agreement between OTB and the Hotel relative to the ongoing maintenance and repair of the mains (the “Private Sewer Main Agreement”) to be rendered private by the adoption of this resolution and recordation of the quitclaim deed extinguishing the easement, and

WHEREAS, OTB has consented to the Town’s abandonment of the dedicated improvements, has agreed to accept a quit claim deed to extinguish all of the Town’s right, title and interest in and to such lands and improvements, and has agreed to procure a Private Sewer Main Agreement with the Hotel and provide a copy of same to the Town of Batavia,

NOW, THEREFORE, BE IT RESOLVED that the Town of Batavia hereby abandons all its right, title and interest in and to the sewer improvements previously dedicated to the Town as more particularly described within Resolution No. 152, adopted August 17, 2016; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver to OTB a Quit Claim deed extinguishing the Town’s interest in the Sanitary Sewer Easement recorded in the Genesee County Clerk’s Office on July 26, 2016 as Instrument Number DE2016-347, and be it further

RESOLVED, that Town Clerk is hereby directed to record said deed with the Genesee’s County Clerk’s Office.

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

QUITCLAIM DEED (INDIVIDUAL OR CORPORATION)

THIS INDENTURE, made the _____ day of _____, 2019,

between

TOWN OF BATAVIA, NEW YORK, a New York Municipal Corporation having offices located at 3833 West Main Street Road, Batavia, New York 14020, party of the first part,

and

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION, a domestic not-for-profit corporation having its office and principal place of business at 8315 Park Road, Batavia, New York 14020, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollars and No Cents (\$1.00), lawful money of the United States, paid by the party of the second part, does hereby remise,

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extinguish, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, all its right, title and interest in the premises of party of the second part more fully described within and arising from a certain Sanitary Sewer Easement between the parties dated the 14th day of July, 2016 and recorded in the Genesee County Clerk's Office as Instrument Number DE2016-347.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

TOWN OF BATAVIA, NEW YORK

By: Gregory H. Post, Supervisor

STATE OF NEW YORK)
) ss.:
COUNTY OF GENESEE)

On the _____ day of _____ in the year 2019, 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 they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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(signature and office of individual taking acknowledgment)

RESOLUTION NO. 133:

Councilwoman White offered the following:

AUTOCAD SUBSCRIPTION RENEWAL

WHEREAS, the 2019 Renewal Subscriptions for AutoCAD LT Government Single-user and Architecture Engineering & Construction Collection Single-user expire in December 2019; and

WHEREAS, the Engineer requested a quote from DTL to renew the existing subscriptions as well as adding an additional user subscription of the Architecture Engineering & Construction Collection with the trade in AutoCAD previously purchased software serial number 395-13510522 at a cost of \$4,155.36 (quote attached).

WHEREAS, the added subscription is for the remainder of the current subscription year and the new subscription year, 2020.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby authorizes the renewal and added subscription of AutoCAD LT Government Single-user and Architecture Engineering & Construction Collection Single-user with the trade in of AutoCAD software serial number 395-13510522 and renewal of Architecture Engineering & Construction Collection Single-user for the Engineering Department at a cost of four thousand, one hundred fifty-five dollars and thirty-six cents (\$4,155.36).

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambito, Post

APPROVED by unanimous vote (4-0)

Abstract No. 9-2019: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$70,586.69
Highway	93,035.14
Sewer No. 1	9,462.72
Sewer No. 2	9,700.68
Water	35,130.54
Kings Pump Station	360.00
Ag Park Pump Station	224.80
Ellicott Trail	374,548.67
Total	\$593,049.24

Check numbers 22353, 22355 – 22383 ACH: \$46,751.28

Ayes: Zambito, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Building - Read the attached Building Inspector report

History- Read the attached Historian report

Supervisor's Report:

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

GAM – meeting is tomorrow evening at 7:00 P.M. Hosted by the Town of Oakfield

COMMUNICATIONS:

The Town Clerk reported on the following:

August Town Clerk monthly report collected a total of \$14,027.60, remitted \$10,808.21 to the Supervisor for the Local Share.

Hunting Licenses – Busy selling hunting licenses as the deadline for the first round of Deer Management Permits is October 1

Records Management- Staff is currently working with new application for converting Water and Wastewater accounts into electronic format and doing their best to stay current with building permits, minutes, etc.

Training- Draves Arboretum Tree Academy Workshop is October 2, 2019 in Darien, NYMIR Safety During Snow and Ice Removal Operations Seminar is October 8, 2019 at the Town of Victor, Monroe County Land Use Decision-Making Trainings are various dates in October, Creating Thriving Communities: from Vision to Reality Workshop is October 23, 2109 at GCC and the Fall 2019 Regional Local Government Workshop is November 15, 2019 at the Quality Inn in Batavia. Town officials have been notified.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:30 P.M.

Ayes: Zambito, Michalak, White, Post

**SEPTEMBER 18, 2019
REGULAR TOWN BOARD MEETING**

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk