

**NOVEMBER 6, 2019  
SPECIAL 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 Michalak  
Councilman Zambito

**Absent:** Councilwoman White

**Others**

**Present:** Town Clerk Morasco

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

**Public Hearing 2020 Sewer Rates-** The Supervisor called the Public Hearing to Order for the 2020 Sewer Rates at 7:06 P.M. - Minutes for public hearing entered separately.

**Public Hearing 2020 Water Rates-** The Supervisor called the Public Hearing to Order for the 2020 Water Rates at 7:10 P.M. - Minutes for public hearing entered separately.

**Public Hearing 2020 Town Budget-** The Supervisor called the Public Hearing to Order for the 2020 Town Budget at 7:15 P.M. - Minutes for public hearing entered separately.

**SUSPEND THE RULES-**Motion Deputy Supervisor Underhill, second Councilman Zambito to suspend the rules to introduce a resolution.

**Ayes:** Underhill, Zambito, Michalak, Post

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 163:**

Deputy Supervisor Underhill offered the following:

**WATER SUPPLY AGREEMENTS -USDA WAIVER REQUEST**

**WHEREAS,** Genesee County established a Countywide Water Program and entered into Water Supply Agreements with several municipalities and authorities across the County, and

**WHEREAS,** many Water Districts use Rural Development funds made available from the United State Department of Agriculture (USDA) to finance or fund their district, and

**WHEREAS,** the USDA requests that the term of these District's Water Supply Agreement match the financing period used in the formation or extension to said District as to ensure a constant source of water is made available to the financed District, and

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**WHEREAS**, the Town has multiple Water Supply Agreements that might need to be amended should new water districts or water district extensions occur, potentially even multiple times per year in towns with higher District growth, and

**WHEREAS**, the Genesee County Water Supply Agreements contain language that was designed to sunset after the initial term and extensions to the term of the Agreements would impact this arrangement, and

**WHEREAS**, the significant legislative and administration negotiations that will occur each time a Water Supply Agreement is opened for extension will cause an undue burden on the Town of Batavia and the municipalities it serves, and

**WHEREAS**, the Town of Batavia is subject to regulations by a State Agency whose jurisdiction is expected to prevent unwarranted curtailment of water supply; and

**WHEREAS**, these entities are bound by New York State Law and by self-interest to continue providing quality and affordable water to the residents of any existing or newly formed Water Districts, therefore.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Batavia does hereby request from the USDA a waiver that allows the Town to avoid renegotiating its Water Supply Agreements so that the terms may match that of any USDA financing obtained by a specific Water District, and be it

**FURTHER RESOLVED**, that certified copies of this resolution shall be filed with the Office of Rural Development located at the United States Department of Agriculture, 29 Liberty Street, Suite 2, Batavia, New York 14020.

**Second by:** Councilman Zambito  
**Ayes:** Underhill, Zambito, Michalak, Post  
**APPROVED by unanimous vote** (4-ayes)

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Special Town Board Meeting at 7:18 P.M.

**Ayes:** Underhill, Zambito, Michalak, Post  
**APPROVED by unanimous vote** (4-ayes)

Respectfully submitted,

Teressa M. Morasco  
Town Clerk