

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco

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

January 15, 2020 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. . 43::

Councilwoman White offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 1 of 2020
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to establish an Investment Policy by Local Law (previously established by resolution) by the Town of Batavia, also known as Town of Batavia Local Law No. 1 of 2020.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 1 of 2020 entitled "A Local Law Establishing an Investment Policy for the Town of Batavia", 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 March 18, 2020 and that a public hearing be held before this Town Board on the 18th day of March, 2020 at 7:00 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 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,

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

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: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

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 19th day of February, 2020, proposed Local Law No. 1 of 2020 entitled "A Local Law Establishing an Investment Policy for the Town of Batavia". Said Local Law primary objectives are to conform to all applicable legal requirements, safeguard principal, provide sufficient liquidity to meet operating requirements and obtain a reasonable rate of return.

PLEASE TAKE FURTHER NOTICE that on 18th day of March, 2020, at 7:00 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: February 19, 2020

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

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

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 2020.

A local law known as A Local Law Establishing an Investment Policy for 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~~

ARTICLE I: **ENACTMENT**

The title of this chapter shall be "A Local Law Establishing an Investment Policy for the Town of Batavia."

ARTICLE II: **INVESTMENT POLICY**

The text of the Investment Policy for the Town of Batavia shall be as follows:

1. Scope.

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

2. Objectives.

The primary objectives of the local government's investment activities are, in priority order:

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

- A. To conform to all applicable federal, state and other legal requirements (legal);
- B. To adequately safeguard principal (safety);
- C. To provide sufficient liquidity to meet all operating requirements (liquidity); and
- D. To obtain a reasonable rate of return (yield).

3. Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Supervisor, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability, based on a database of records incorporating description and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

4. Prudence.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Batavia to govern effectively.
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

5. Diversification.

It is the policy of the Town of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

6. Internal controls.

- A. It is the policy of the Town of Batavia for all moneys collected by any officer or employee of the government to be deposited within three days of collection, or within the time period specified in law, whichever is shorter. All said moneys collected for the month must be transferred to the Chief Fiscal Officer by the 5th of the following month.

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

- B. The Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

7. Designation of depositories.

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are and pursuant to this policy shall be established and reviewed annually and amended from time to time by Town Board, by resolution.

8. Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Town of Batavia, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- A. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

9. Safekeeping and collateralization.

- A. Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.
- B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Batavia or its custodial bank.

- C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

10. Permitted investments.

- A. As authorized by General Municipal Law § 11, the Town of Batavia authorizes the Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Batavia.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.
- (8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

- B. All investment obligations shall be payable or redeemable at the option of the Town of Batavia

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Batavia within two years of the date of purchase.

11. Authorized financial institutions and dealers.

The Town of Batavia shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Batavia. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

12. Purchase of investments.

A. The Supervisor is authorized to contract for the purchase of investments:

- (1) Directly, including through a repurchase agreement, from an authorized trading partner.
- (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the governing board.
- (3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Batavia by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

13. Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase agreements must be entered into subject to a master repurchase agreement.
- B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- D. No substitution of securities will be allowed.
- E. The custodian shall be a party other than the trading partner.

ARTICLE II: **EFFECTIVE DATE AND SEVERABILITY**

Section 1: Effective Date

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

Section 2: Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

(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 2020, 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.

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

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 _____ 2006, 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.)

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

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 Morasco
Town Clerk, Town of Batavia

Date: _____, 2020

1Certification 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: _____

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 44:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Paul Barrett, Keith Wilkinson, Dan Miles, and Doug Smart- Excavator Safety Seminar March 17, 2020 in Rochester. There is no cost for this training.

Greg Lang, Kevin Finucine, Jamie Waff, and Burt Swable - Excavator Safety Seminar March 18, 2020 in Rochester. There is no cost for this training.

Sarah Sauka- Leadership Genesee Planning Committee for Exploring Arts and Culture Day March 25, 2020.

Teressa Morasco – New York State Town Clerk’s Conference April 26 – April 29, 2020 in Albany. The cost for the training, lodging, travel, and meals is approximately \$1,129.00.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 45:

Supervisor Post offered the following:

**NEW STREET LIGHTS AT
OAK WOOD HILLS SUBDIVISION ENTRANCES**

WHEREAS, the main entrances to the Oakwood Hills Subdivision are very dark and the intersections are not apparent at night. The Highway Superintendent has recommending that street lights be installed at the following intersections:

1. Red Oak Lane and NYS Route 5
2. Cherry Bark Lane and Seven Springs Road
3. Red Oak Lane and Seven Springs Road

WHEREAS, the Town contracts with National Grid to provide street lighting throughout the Town. National Grid has estimated the following approximate costs for the street lights:

1. Red Oak Lane and NYS Route 5
 - Construction cost of \$2000.00 (96 watt LED light installed on new pole) and annual cost of \$158.06
2. Cherry Bark Lane and Seven Springs Road
 - No additional construction cost (48 watt LED light installed on existing pole) and

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

annual cost of \$112.63

3. Red Oak Lane and Seven Springs Road
- Construction cost of \$2500.00 (48 watt LED light and additional conduit installed on existing pole) and annual cost of \$112.63

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to install a new street lights at the following intersections:

1. Red Oak Lane and NYS Route 5
2. Cherry Bark Lane and Seven Springs Road
3. Red Oak Lane and Seven Springs Road

at a total construction cost four thousand five hundred dollars (\$4500.00) and a total annual cost of three hundred, eighty-three dollars and thirty- two cents (\$383.32), and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A5182.400.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 46:

Councilwoman Michalak offered the following:

PURCHASE NEW LAWN MOWER FOR
TOWN PARKS DEPARTMENT

WHEREAS, the 2020 Town Budget reflects appropriations to purchase a new 72” lawn o mower for the Parks Department and;

WHEREAS, the Town solicited bids for the new mower. Four bids were received for the mower. The low bidder was Alexander Equipment at a cost of is \$11,889.18; and

WHEREAS, the 2010 Ex-Mark mower (VIN #LZZ34KA726) is no longer needed and will be sold at auction.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase a new 2020 72” lawn mower from Alexander Equipment at a cost of is \$11,889.18 and sell the current 2010 Ex-Mark lawn mower at auction; and be it further

RESOLVED, the expenditures will be appropriated from the Parks Department account A7110.200.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 47:

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

RESOLUTION NO. 48:

Councilwoman White offered the following:

**PERMITTING ASSISTANCE FOR SPRING CREEK AND
STATE STREET ROAD
CC ENVIRONMENT AND PLANNING
PROFESSIONAL SERVICES AGREEMENT**

WHEREAS, the Town of Batavia is working on relocation of a ditch at the headwaters of Spring Creek and ditch maintenance and draining on State Street Road. To assist with the environmental permitting and design and to assure conformance with the Town’s Green Genesee Action Plan goals and objectives the Town would like to enter into an agreement with a reputable company to provide environmental design and permitting assistance services related to the project; and

WHEREAS, CC Environment and Planning provided the attached proposal and agreement for providing the required services in the amount not to exceed \$2,200.00 based on time and materials used in accordance with the 2020 rate sheet (proposal and rate sheet attached); and

WHEREAS, the Town Engineer reviewed and recommends the Town enter into the services agreement with CC Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Services Agreement, a copy of which is annexed hereto and made a part of the minutes, with CC Environment and Planning for permitting assistance for Spring Creek and State Street Road project in the amount not to exceed \$2,200.00 based on time and materials used in accordance with the 2020 rate sheet.

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

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

RESOLUTION NO. 49:

Deputy Supervisor Underhill offered the following:

**APPOINTMENT OF HEARING OFFICER
TOWN OF BATAVIA FIRE DEPARTMENT
NEW FIRE STATION FINANCING**

WHEREAS, Town of Batavia Fire Department is in the process of financing the proposed new fire station; and

WHEREAS, to close on the term loan, one of the requirements is for exemption from income taxation of the interest payable over the 10-year term of the loan; and

WHEREAS, under §147 of the Internal Revenue Code, there must be a hearing to approve the borrowing so that it is exempt from income taxation; and

WHEREAS, the Town of Batavia received a letter from Michael F. Chelus, Chelus Herdzik Speyer & Monte PC, attorney representing the Town of Batavia Fire, outlining the required steps (letter attached); and

WHEREAS, one of the steps is the designation of a Hearing Officer appointed by the Town of Batavia.

NOW, THEREFORE, BE

RESOLVED, the Batavia Town Board hereby appoints Scott Garlock, President of the Town of Batavia Fire Department as Hearing Officer to schedule, duly publish notice of, and conduct a Public Hearing relating to the financing of the proposed new fire station for exemption from income taxation; and be it further

RESOLVED, the Supervisor is hereby authorized and directed to execute any and all instruments necessary to carry out this resolution.

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

RESOLUTION NO. 50:

Supervisor Post offered the following:

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program;

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2020, appropriated from line item A7620.400.

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

RESOLUTION NO. 51:

Councilwoman Michalak offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2019

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

Sewer District #1 Fund:

From	Amount	To
SS1-8120.401 Sanitary Sewers Legal	38.00	SS1-8120.400 San Swr Contractual

Sewer District #2 Fund:

From	Amount	To
SS2-8120.401 San Swr Legal	38.00	SS2-8120.400 San Swr Contractual

Water District Fund:

From	Amount	To
SW8340.200 Trs & Dust Equipment	112.00	SW8340.400 Trs & Dist Contractual

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

RESOLUTION NO. 52:

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

Councilman Zambito offered the following:

RESOLUTION INCREASING 2019 BUDGETARY LINE ITEMS

RESOLVED, the Batavia Town Board hereby authorizes the following 2019 budget line item increases to account for increase of usage:

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
SS12120	\$117,995.00	SS18130.400	\$117,995.00

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

RESOLUTION NO. 53:

Councilwoman White offered the following:

**RESOLUTION TO PROCLAIM
APRIL 2020 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

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-Second 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 2020 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

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

opportunities for all.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 54

Deputy Supervisor Underhill offered the following:

UNITED WAY DAY OF CARING

RESOLVED, the Batavia Town Board hereby authorizes a team of five employees (Steven Mountain, Teressa Morasco, Joseph Neth, Melissa Mason, and Sherry Tacy) from the Town of Batavia to participate in the United Way Day of Caring, Wednesday, May 13, 2020.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 55:

Supervisor Post offered the following:

**GALLOWAY ROAD
SOLAR ENERGY SYSTEM DECOMMISSIONING AGREEMENTS
BRIGHT OAK SOLAR, LLC**

WHEREAS, Bright Oak Solar, LLC submitted applications to the Town of Batavia for Site Plan Approval for solar farm installation to be erected on parcel 3-1-123.114, located along on Galloway Road; and

WHEREAS, the Town of Batavia Planning Board approved the application on October 15, 2019, subject to the developer obtaining decommissioning bonds for such improvements in forms suitable to the Attorney for the Town, and

WHEREAS, the Attorney for the Town, in consultation with the Town Engineer, has presented a Solar Energy System Decommissioning Agreement for the solar installations to be located in the Town on said parcel for signature by the Town and the operator of such installation, and

WHEREAS, the Town desires to approve the Decommissioning Agreements as presented.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is authorized to sign the Bright Oak Solar, LLC, Solar project at located on Galloway Road, Batavia, by and between the Town of Batavia and Bright Oak Solar, LLC, copies of which are annexed hereto and made a part of the Town Board Minutes:

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

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

RESOLUTION NO. 56 :

Councilwoman Michalak offered the following:

**AS NEEDED MOTOR EQUIPMENT OPERATOR
FOR HIGHWAY DEPARTMENT**

WHEREAS, the 2020 Town Budget reflects appropriations to hire an as-needed motor equipment operators to assist the Highway Department to plow snow and mow roadsides; and

WHEREAS, the Highway Superintendent recommends hiring Aaron Swable and Gabriel Post.

NOW, THEREFORE, BE

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Aaron Swable and Gabriel Post as a motor equipment operator on an as-needed basis for up to 40 hours per week beginning on or after February 20, 2020 at an hourly rate of \$21.00 for the Highway Department, and be it

FURTHER RESOLVED, as per the Town of Batavia policy, Mr. Swable and Mr. Post are subject to a physical, background and driver's license check and drug and alcohol testing; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items DA 5142.101, DA5140.100, DA5148.100, A8164.101, A8165.101.

Second by: Councilman Zambito
Ayes: Michalak, Zambito, White, Underhill
Abstain: Post
APPROVED (4-ayes, 1 abstain)

RESOLUTION NO. 57 :

Councilman Zambito offered the following:

**AS NEEDED LABORER
FOR WATER/WASTEWATER DEPARTMENT**

WHEREAS, the 2020 Town Budget reflects appropriations to hire a laborer on an as-needed basis to assist the Water/Wastewater department for various as-needed tasks; and

WHEREAS, the Town Engineer recommends hiring Gabriel Post.

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

NOW, THEREFORE, BE

RESOLVED, the Batavia Town Board hereby authorizes hiring Gabriel Post as an as-needed laborer for up to 40 hours per week beginning on or after February 20, 2020 at an hourly rate of \$27.46, and be it

FURTHER RESOLVED, as per the Town of Batavia policy, Mr. Post is subject to a physical, background and driver's license check and drug and alcohol testing; and be it be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SW8340.109, SS18120.109 and SS28120.109.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White

Abstain: Post

APPROVED (4-ayes, 1-abstain)

RESOLUTION NO. 58:

Councilwoman White offered the following:

**AG-PARK PUMP STATION PROJECT
CONCORD ELECTRIC CORPORATION
CHANGE ORDER NUMBER GC-1**

WHEREAS, the Town of Batavia awarded Concord Electric Corporation the Electrical Improvements contract for the upgrade to the Agri-Business Park Pump Station in the amount of one hundred, forty-eight thousand dollars and no cents (\$148,000.00): and

WHEREAS, additional work was added/upgraded to the project; and

WHEREAS, Concord Electric Corporation has submitted a change order request for the requested revisions in the increased amount of four thousand, eight hundred, thirty-two dollars and sixty-three cents (\$4,832.63); and

WHEREAS, Clark Patterson Lee and the Town Engineer have reviewed the change order request and recommend approval of the change order request.

NOW THEREFORE BE IT

RESOLVED, he Batavia Town Board hereby authorizes the Supervisor to execute Change Order Number GC-1 in the amount of four thousand, eight hundred, thirty-two dollars and sixty-three cents (\$4,832.63) to increase the Concord Electric Corporation contract from \$148,000 to \$152,832.63.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 59:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO APPROVE SANITARY SEWER EASEMENT

WHEREAS, the Town of Batavia will be installing or having installed sanitary sewer lines and appurtenances over a portion of premises located at 425 – 525 West Main Street, parcel for the Sanitary Sewer Improvement Project; and

WHEREAS, it will be necessary to obtain a Temporary and Permanent Easements to install sanitary sewer lines over a portion of property owned by 425 West Main Associates (Batavia), L.P., (hereinafter referred to as the “Owner”); and

WHEREAS, the Owner parcel of land is situated in the City of Batavia, locally known as 425-525 West Main Street, part of Tax Map No. 84.005-2-1./1, (hereinafter referred to as the “Property”), and

WHEREAS, the Owner of the Property will sign a Sanitary Sewer Easement to the Town of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a certain Sanitary Sewer Easement granted by the Owner of the Property, as set forth herein, running to the Town of Batavia is hereby approved and accepted, and a copy of the proposed Sanitary Sewer Easement is hereby made a part of this Resolution by reference and shall be made part of the Town Board Minutes, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the Easement.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 60:

Supervisor Post offered the following:

**RESOLUTION OPPOSING THE PROPOSED NYS BUDGET
IMPACTING
VIDEO LOTTERY TERMINAL REVENUE**

WHEREAS, Video Lottery Terminal (VLT) revenue in the Town of Batavia is a significant source of revenue within the General (A) Fund that supplements taxes; and

WHEREAS, the Governor of the State of New York in his proposed NYS budget has recommended that Video Lottery Revenue for host Townships such as Batavia throughout New York

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

State, with the exception of Yonkers, be terminated; and

WHEREAS, If the Governor’s budget as proposed is adopted the Town of Batavia will lose +/- \$170,000 in VLT revenue in the tax year 2021; and

WHEREAS, a revenue loss of that magnitude will result in a general Town tax rate increase of 16%, that is substantially greater than the annual New York State tax cap mandate of 2%; and

WHEREAS, the Governor’s proposed elimination of this revenue stream would offer no reimbursement to the Town of Batavia for the significant expenses it occurs in conjunction with hosting the Batavia Downs Casino; and

WHEREAS, normal inflationary pressures upon the budget, notwithstanding, the Town would be forced to raise A fund taxes to a level that would be intolerable; and

WHEREAS, alternatively the Town would be forced to consider substantial cuts in Town- wide services, the number of employees and employee benefits to offset this tremendous loss in revenue

NOW THEREFORE BE IT

RESOLVED, That the Town of Batavia categorically opposes the elimination of the Video Lottery Terminal revenue; and be it further

RESOLVED, that the maintenance of the sum of \$170,000 must be sustained in order to preserve the standard of living and the quality of life that the people of Batavia have every right to expect; and be it further

RESOLVED, that the Town Clerk is hereby directed to send certified copies this resolution to the Governor of the State of New York, the Lieutenant Governor of the State of New York, New York State Senator Michael Ranzenhoffer, Assemblyman Stephen Hawley, Genesee County Legislature, and the City of Batavia.

Second by: Councilwoman White

Ayes: Post, White, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 61:

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE AN AGREEMENT FOR THE BIGELOW CREEK ECONOMIC DEVELOPMENT AND RESILIENCY PROJECT

WHEREAS, the Town of Batavia applied for and has received a Climate Smart Communities Grant for the Bigelow Creek Economic Development and Resiliency Project (hereinafter referred to as the “Project”), and

**FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING**

WHEREAS, the New York State Department of Environmental Conservation, (hereinafter referred to as the “DEC”), administers this funding program, and has proposed a “State of New York Master Contract for Grants, DEC contract # DEC01-C00785GG-3350000” (hereinafter referred to as the “Agreement”) and attached herewith, and

WHEREAS, the Agreement sets forth a total project budget of \$510,172.00 and requires the Town of Batavia to advance 100% of the cost for design, right of way and construction. The DEC will reimburse the Town for 50% of the project cost (\$255,172.00) leaving the sum of \$255,000 as the Town share, and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves the State of New York Master Contract for Grants for the Bigelow Creek Economic Development and Resiliency Project agreement, and it is further

RESOLVED, that the Town Board does hereby authorizes the initial payment of 100% of the project budget of \$510,172.00 with the sum of \$255,172.00 to be reimbursed by the New York State Department of Conservation, and it is further

RESOLVED, that the Town Supervisor is hereby authorized to execute the agreement and any other agreements, certifications, pay requests or documents needed on behalf of the Town of Batavia.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 14- 2019 and 2-2020: Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

Abstract No. 14-2019:

General	\$6,289.44
Sewer No. 1	118,032.21
Sewer No. 2	50,738.33
Water	112.50
Total	\$175,172.48

Check numbers 22696 -22702

Abstract No. 2-2020:

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

General	\$110,456.31
Highway	44,672.12
Sewer No. 1	5,263.96
Sewer No. 2	5,573.96
Water	150,856.16
Kings Pump	496.00
Bigelow Creek	2,400.00
Agri Bus PS	7,188.82
Ellicott Trail	9,220.01
Twln Water	327,125.84
Total	\$663,253.18

Check numbers 22695, 22703-22716, 22718-22732, 22734-22780 ACH: \$ 38,929.54
SM: 1127-1129

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

DEPARTMENT REPORTS:

The Town Supervisor reported on the following departments:

Historian- The Supervisor read the highlights of the Historians annual report, which is attached and will also be posted on the Town website.

Building Inspector – The Supervisor read the attached Building Inspector

Highway -Continuing work on Ellicott Trail as weather permits

Water/Wastewater – Very busy with maintenance and continued support with the water construction projects in our neighboring communities.

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 Village of LeRoy at County Building #2.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$3,290.00, remitted \$3,145.50 to the Supervisor for the Local Share.

January Tax Collector report collected a total of \$5,586,711.82, remitted \$2,828,444.82 to the Supervisor for the Town portion of the levy and the remainder to the Genesee County Treasurer.

Trainings- One Region Forward 2020 Learning Series on March 20, 2020 in Cheektowaga and the 2020 Office of the State Comptroller Accounting School on March 18 – 20, 2020 and September 1 – 3, 2020 at the City of Batavia. Town Officials have been notified of these trainings.

Batavia Dam Site Committee- Supervisor appointed Councilman Chad Zambito, Taylor McCabe,

FEBRUARY 19, 2020
REGULAR TOWN BOARD MEETING

Don Read, and himself to the Batavia Dam Site Committee to development a recreation area at the 2633 West Main Street site.

ADJOURNMENT:

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

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk