

APRIL 15, 2020
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor led the pledge to the flag.

Because of the Novel Corona virus (COVID-19) Pandemic and the State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued March 12, 2020 suspending the Open Meeting Law, the Town of Batavia Town Board meeting was held electronically via ZOOM video conference/call conference instead of a public meeting open for the public to attend in person.

<https://zoom.us/j/874774489?pwd=RFdHWHhNaXNIMXB4RFJqbVd1WitDdz09>

Meeting ID: 874 774 489

Password: 001819

1 646 558 8656 US (New York)

Meeting ID: 874 774 489

Roll Call

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

Others

Present: Town Clerk Morasco
Deputy Town Clerk Baubie
Building Inspector Lang
Planning Board Chair Jasinski
Alecia Kaus, Video News Service
Brian Quinn, Daily News

The Supervisor called the meeting to order at 7:03 P.M.

March 18, 2020 Public Hearing – Local Law 1 of 2020- Investment Policy: Motion Councilman Zambito, second Councilwoman White to approve the minutes as written.

Ayes: Zambito, White, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

March 18, 2020 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 84:

Councilwoman White offered the following:

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**MEMORIAL DAY
WREATHS FOR CEMETERIES**

WHEREAS, the Town of Batavia has provided three wreaths for Memorial Day in honor of our veterans; and

WHEREAS, the Town would like to continue to provide wreaths; and

WHEREAS, the wreaths will be placed at Daws Corners Cemetery and Grandview Cemetery by the Batavia Memorial Day Committee (Disabled American Veterans, VFW, American Legion, Marine Corp League, and Vietnam Veterans of America).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes three (3) wreaths to be purchased from Floral Fantasies at a cost of sixty-five dollars (\$65.00) each; and be it further

RESOLVED, the expenditure will be appropriated from line item A6510.400-Veterans Services.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 85:

Deputy Supervisor Underhill offered the following:

**MEMORIAL DAY
FLAGS FOR CEMETERIES**

WHEREAS, the Daughters of American Revolution and the American Legion place flags at the grave sites of our veterans on Memorial Day in the Town Cemeteries; and

WHEREAS, these organizations have requested the Town of Batavia to provide the flags as it was done in the past; and

WHEREAS, the 2020 budget reflects appropriations for this purchase; and

WHEREAS, the flags will be placed at Daws Corners Cemetery and Grandview Cemetery by the Daughters of the American Revolutionary War and/or the Batavia Memorial Day Committee (Disabled American Veterans, VFW, American Legion, Marine Corp League, and Vietnam Veterans of America).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase six (6) gross

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8” x 12” poly-cotton American Stick Flags from AmericanLegionFlags.com at a cost of \$89.95 per gross plus shipping cost; and be it further

RESOLVED, the expenditure will be appropriated from line item A6510.400-Veterans Services.

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

Discussion- Deputy Supervisor Underhill commented that the caretakers have begun cleaning up at Daws Corners Cemetery and is looking good.

RESOLUTION NO. 86:

Supervisor Post offered the following:

**BORROWING AND GENERAL
FINANCIAL ADVISORY SERVICES AGREEMENT
MUNICIPAL SOLUTIONS, INCORPORATED**

WHEREAS, the agreement with Municipal Solutions, Incorporated will be expiring May 18, 2020 for Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services; and

WHEREAS, to continue this service Municipal Solutions, Incorporated submitted a proposal of services agreement (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services, a copy of which is annexed hereto and made a part of the minutes. Said agreement is for a period of two years.

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

RESOLUTION NO. 87:

Councilwoman Michalak offered the following:

**DISCLOSURE FILINGS
FINANCIAL ADVISORY SERVICES AGREEMENT
MUNICIPAL SOLUTIONS, INCORPORATED**

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WHEREAS, the Town of Batavia issued certain bonds and notes with an Official Statement, it is agreed to disclose information on a periodic and continuing basis to the investing public for the life of the issue, pursuant to the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12; and

WHEREAS, Municipal Solutions, Incorporated submitted a proposal of services agreement to assist the Town with continuing disclosure filings and regulations pursuant to the Rule, as the current agreement expires May 18, 2020 (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for assistance with disclosure filings and regulations pursuant to the Rule, a copy of which is annexed hereto and made a part of the minutes. Said agreement is for a period of two years.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 88:

Councilman Zambito offered the following:

**ESTABLISH LINE ITEMS IN 2020 BUDGET
FOR RECORDS MANAGEMENT LGRMIF GRANT**

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

A1460.101 Temporary Part-time- Clerk – LGRMIF Grant

A1460.102 Temporary Part-time Clerk - LGRMIF Grant

A1460.200 LGRMIF Grant Equipment

A1460.400 LGRMIF Grant Contractual

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 89:

Councilwoman White offered the following:

**RESOLUTION TO AMEND AND INCREASE 2020 BUDGET
LGRMIF GRANT AWARD**

WHEREAS, the Town of Batavia received notification on September 19, 2019 from the State Education Department that the Town has been awarded a Shared Services Local Government Records Management Improvement Fund (LGRMIF) Grant in the amount of one hundred, eleven thousand, four hundred, fifty-six dollars (\$111,456.00) for Shared Services Document Conversion and Access; and

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WHEREAS, the 2019 budget was modified to reflect the LGRMIF funds; and

WHEREAS, funds received in 2019 totaled \$55,728.00 and the 2020 Budget needs to be amended to account for the remainder of these funds.

NOW, THEREFORE, BE IT

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

A3060 Revenues	\$ 55,728.00
A1460.101 Temporary Part-time- Clerk-A LGRMIF Grant	\$ 4,800.00
A1460.102 Temporary Part-time Clerk -B LGRMIF Grant	\$ 4,800.00
A1460.200 LGRMIF Grant Equipment	\$ 37,248.00
A1460.400 LGRMIF Grant Contractual	\$ 5,520.00
A9030.800 Social Security	\$ 3,360.00

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilwoman Michalak to suspend the rules to introduce additional resolutions.

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 90:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO RESCIND RESOLUTION 73 of 2020
APPROVAL OF BORROWING \$2,000,000 TO FINANCE STATION 2,
5045 CLINTON STREET ROAD, BATAVIA, NEW YORK
TOWN OF BATAVIA FIRE DEPARTMENT

WHEREAS, the Town of Batavia adopted Resolution 73, dated March 18, 2020 for the approval of borrowing of \$2,000,000 by the Town of Batavia Fire Department for Station 2; and

WHEREAS, since adoption of said resolution, the Town of Batavia Fire Department has considered borrowing a lesser amount for a shorter period of time, and

WHEREAS, the lenders attorney is requesting a new resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby rescinds Resolution 73 of 2020 for Approval of Borrowing \$2,000,000 to Finance Station 2, 5045 Clinton Street Road, Batavia, New York, Town of

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Batavia Fire Department.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 91:

Supervisor Post offered the following:

**APPROVAL OF BORROWING UP TO THE MAXIMUM PRINCIPAL AMOUNT OF
\$2,000,000 TO FINANCE CONSTRUCTION OF A FIRE HOUSE AND RELATED
IMPROVEMENT AT STATION 2,
5045 CLINTON STREET ROAD, BATAVIA, NEW YORK
TOWN OF BATAVIA FIRE DEPARTMENT**

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

WHEREAS, on February 19, 2020 the Batavia Town Board appointed a hearing officer to conduct the Public Hearing relating to the financing of the proposed new fire station for exemption from income taxation; and

WHEREAS, the Town of Batavia Fire Department held said Public Hearing on March 11, 2020 with no comments or written statements being submitted; and

WHEREAS, to continue the closing on the term loan, the Town of Batavia Town Board must approve of the borrowing.

NOW, THEREFORE, BE

RESOLVED, the Batavia Town Board hereby approves of the Town of Batavia Fire Department borrowing up to the maximum principal amount of two-million dollars (\$2,000,000) to finance construction of a fire house and related improvements at Fire Station 2, located at 5045 Clinton Street Road, Batavia, New York; 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: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 92:

Councilwoman Michalak offered the following:

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**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN PERMANENT
WATER AND SEWER
UTILITY AND ACCESS EASEMENT
WITH UNC REAL ESTATE II, LLC**

WHEREAS, the Town owns certain water and sewer improvements situated in the Agri-Business Park and located on property presently owned by Genesee County (the "Property"), within an existing easement running to the Genesee Gateway Local Development Corporation (the "Existing Easement"); and

WHEREAS, the Existing Easement may be extinguished as part of the sale of the Property to UNC Real Estate II, LLC; and

WHEREAS, UNC Real Estate II, LLC has agreed to enter into a new agreement with the Town that will provide for the continuation of an easement upon the Property to permit the Town to install, maintain and access the water and sewer improvements (the "Easement Agreement"); and

WHEREAS, the Town believes it to be in the public interest to enter into such easement agreement with UNC Real Estate II, LLC,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute the Easement Agreement on behalf of the Town, and all other documents reasonably necessary to carry out this Resolution, subject to approval of the Town Engineer and Attorney for the Town as to form and content.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 4-2020: Motion Councilman Zambito, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

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General	70,411.08
Highway	16,146.42
Sewer No. 1	12,065.19
Sewer No. 2	19,277.56
Water	548,312.61
Townline Water Dist	8,679.62
Agri-Bus Park PS	28,906.72
Sewer Capacity	2,439.25
Townline Water	9,740.15
Ellicott Trail	15,944.31
Total	\$731,922.91

Check numbers 22853-22878, 22880-22921 SM: 1130-1131, ACH: \$84,777.27

Ayes: Zambito, White, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Building Inspector Lang reported on the following:

- Reviewing all permit applications received and issuing building permits to the extent permitted by NYS Guidelines.
- Assisting the Assessment Department.
- There have been a lot of permitting questions coming in.

Planning Board Chair Jasinski reported the Planning Board has been doing training to hold meetings via Zoom.

Highway Department - Supervisor Post reported the Highway Department continues to work on the Ellicott Trail project, cleaning up roadsides and doing culvert work, while still maintaining separation and safe social distancing. Supervisor Post extended his appreciation.

Water/Wastewater Department- Supervisor Post reported the Water/Sewer department currently has four public work projects and within a month or so there will be about seven public work projects.

Supervisor Post praised Sandy Baubie, Water/Wastewater Clerk for the great job she is doing with remote billing. He thanked her and asked her to extend his appreciation to the Water/Wastewater Workers as well.

Supervisor Post reported that operations continue to nearly 100%.

Supervisor's Report:

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

GAM – There will be a GAM meeting tomorrow evening at 7:00 p.m. via Zoom conferencing.

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COMMUNICATIONS:

The Town Clerk reported on the following:

March Town Clerk monthly report collected a total of \$1,609.50, remitted \$1,505.44 to the Supervisor for the Local Share.

March Tax Collector report collected a total of \$199,824.24, remitted \$4,334.45 to the Supervisor for penalties collected and the remainder was remitted to the Genesee County Treasurer to close out the 2020 Town/County Tax Collection.

Trainings- GFLRPC advised Town's of a webinar on NYSTRETCH Energy Code on April 21, 2020. The Department of State, Division of Local Government Services are offering Spring 2020 Webinar Series on various dates and topics in April, May and June. MetroQuest is hosting a Webinar April 22, 2020 on Reimagining Public Engagement for Planning During COVID-19 – A Peer to Peer Exchange. Town Officials have been advised of these trainings

Dan Lang wished Sandy a HAPPY 50TH BIRTHDAY!!! Everyone then sang “Happy Birthday” to her.

ADJOURNMENT:

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

Ayes: Zambito, Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk