

**NOVEMBER 19, 2012
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
Councilman Lang
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter
Samantha Futter, Byron Bergen Student

The Supervisor called the meeting to order at 7:02 P.M.

October 17, 2012 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Zambito, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

October 24, 2012 Special Town Board Meeting: Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

Ayes: Lang, Michalak, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

November 7, 2012 Public Hearing-Sewer Rates, November 7, 2012 Public Hearing-Water Rates, and November 7, 2012 Public Hearing-2013 Town Budget: Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

Ayes: Lang, Michalak, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 173:

Councilman Lang offered the following:

TOWN OF BATAVIA SEWER RENTS – 2013

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board;

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines;

WHEREAS, in Sewer District No. 1 the sewer rents for 2013 has been set at five dollars and

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fifteen cents (\$5.15) per 1000 gallons;

WHEREAS, in Sewer District No. 2 the sewer rents for 2013 has been set at five dollars and fifteen cents (\$5.15) per 1000 gallons;

WHEREAS, as required by law and in conjunction with the public hearing held November 7, 2012 for the 2013 Town Budget, these rates were entered in and made a part of the record.

RESOLVED, the Batavia Town Board hereby authorizes the imposition of the aforementioned sewer rents in Sewer Districts No. 1 and No. 2 for one (1) year beginning January 1, 2013.

RESOLVED, the sewer rents are to be paid quarterly in the months of May, August and November, 2013 and February, 2014.

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

RESOLUTION NO. 174:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA WATER RATES – 2013

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, as a courtesy to the consumers, the Town Board held a public hearing on November 7, 2012 for the establishment of the 2013 water rates; and

WHEREAS, the water rate for May 2013 to February 2014 is set at \$4.34/1,000; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the imposition of the aforementioned water rates for one (1) year beginning January 1, 2013.

RESOLVED, the water rates are to be paid quarterly in the months of May, August and November, 2013 and February, 2014.

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

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RESOLUTION NO. 175:

Supervisor Post offered the following:

ADOPTION OF 2013 TOWN ANNUAL BUDGET

WHEREAS, the Town of Batavia Chief Fiscal Officer prepared a Tentative Budget for review by the Batavia Town Board, and

WHEREAS, the Town Board met in Budget sessions among themselves and with Town Employees in the formulation of the Preliminary Budget; and

WHEREAS, the 2013 Preliminary Budget was adopted on October 24, 2012 and after which a Public Hearing was held on November 7, 2012 for all interested parties to be heard.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2013 Annual Budget of the Town of Batavia.

Second by: Deputy Supervisor

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

The Supervisor thanked the Town Board for all the time and effort put into the budget process.

RESOLUTION NO. 176:

Councilwoman Michalak offered the following:

**ORDER CALLING A PUBLIC HEARING
ON THE FIRE DEPARTMENT CONTRACT**

RESOLVED, that this Town Board hereby schedules a public hearing on the advisability of contracting with the Town of Batavia Fire Department, Inc. for fire protection to be provided to the Town of Batavia Fire Protection District by the Town of Batavia Fire Department, Inc., and that not less than ten (10) days notice of said hearing be published in the Daily News and posted on the signboard of the Town; and be it

FURTHER RESOLVED, that said hearing be scheduled for December 19, 2012 at the Batavia Town Hall at 6:55 o'clock p.m.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

NOTICE FOR PUBLIC HEARING ON

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FIRE PROTECTION CONTRACT FOR 2013

Public Notice is hereby given, that a Public Hearing will be held Wednesday, December 19, 2012 by the Town Board of the Town of Batavia, Genesee County, New York, at the Batavia Town Hall located at 3833 West Main Street Road beginning at 6:55 P.M. of that day and for the purpose of considering contracting with the Town of Batavia Fire Department, Inc. for fire protection services to be furnished by the Town of Batavia Fire Department, Inc to the Fire Department District established in the Town of Batavia and known as the "Town of Batavia Fire Protection District" upon the following general terms, to wit:

1. The Town of Batavia Fire Department, Inc. shall answer and attend upon all calls in said District;
2. The Town of Batavia Fire Department Inc., shall purchase and maintain such property, crime, dishonesty bond and liability insurance as it deems prudent to protect its interests. Such insurance shall include Automobile Liability, General Liability naming the Town of Batavia, its agents and employees as Additional Insureds, Contractual Liability for this Contract and should include Ambulance Attendants Professional Liability, Volunteer Fire Department Errors and Omissions Liability and Liquor Law Liability coverages. Liability limits of at least \$1,000,000.00 each occurrence, claim or incident are recommended but not required. A Certificate of all liability insurances, providing the Town with at least 30 days written notice of cancellation or nonrenewable, shall be furnished to the Town Attorney, Town Hall, 3833 West Main Street Road, Batavia, New York, 14020.

The Town of Batavia Fire Department, Inc. shall also indemnify and hold harmless the Town of Batavia, its agents and employees from all claims, suits, loss, damages, injuries, liability, cost and expenses arising from the services provided for in this contract and from the activities of the Fire District, its officers, employees and volunteers to the extent this provision is insured by the Town of Batavia Fire District.

3. The Town of Batavia Fire Department, Inc. shall maintain public liability and property damage insurance policies for the benefit of said District and the Town of Batavia, and shall hold said District and Town harmless for losses not covered by insurance;
4. The Town of Batavia Fire Department, Inc. shall be responsible for loss or damage sustained in fire apparatus or other equipment while attending fires in said District;
5. The Town of Batavia and the Town of Batavia Fire Protection District shall pay or provide insurance coverage for authorized items;
6. The Town of Batavia Fire Department, Inc. shall participate in the Genesee County Mutual Aid Plan and reserves certain rights pertaining to said participation;
7. The Town of Batavia Fire Department, Inc. shall reimburse the Town of Batavia should its equipment not be usable;
8. For such services the Town of Batavia Fire Department shall receive the yearly sum of seven hundred fifty thousand, four hundred fifty-six dollars (\$750,456.00).
9. The Town of Batavia shall plow and provide routine maintenance to the driveway and parking area of the Fire Department's Fire Hall;
10. The Town of Batavia Fire Department, Inc. shall provide financial data and records to the Town of Batavia.

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11. The contract shall run for one (1) year from January 1, 2013 and shall expire on December 31, 2013

All persons interested in the matter will be heard at such time and place specified above.

Dated: November 19, 2012

Teressa M. Morasco
Town Clerk
Town of Batavia

RESOLUTION NO. 177:

Councilman Zambito offered the following:

AMENDMENT TO RESOLUTION 2 OF 2012
ADOPTION OF SALARIES FOR 2012

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2012, entitled “Adoption of Salaries for 2012”, as follows:

Add: Highway MEO- On Call/As Needed Bases:	Rate: \$10.00 - \$15.00/per hour
Assessment Clerk-Part-time:	Rate: \$10.00- \$15.38/per hour

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

RESOLUTION NO. 178:

Councilman Lang offered the following:

ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
THE CREEK AND EAST ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on October 22, 2012; and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on November 19, 2012, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Creek and East Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and

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also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:

See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 22,000 linear feet of eight (8) inch water main along portions of Creek Road, East Road, Lehigh Road and Dorman Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$1,220,600.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$1,220,600.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$500,000.00, and

WHEREAS, the proposed annual debt service (assuming 54.5 units) is estimated to be approximately \$543.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$4.57 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$288.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$831.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of 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, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

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ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 5th day of December, 2012, at 6:30 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON NOVEMBER 19, 2012,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

s/ Teresa M. Morasco

TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
THE CREEK AND EAST ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a water district is proposed to be established; and said map, plan and report has been filed in the office of the Town Clerk of the Town of Batavia on October 22, 2012; and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on November 19, 2012, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Creek and East Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

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WHEREAS, the boundaries of the proposed water district are as follows:
See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 22,000 linear feet of eight (8) inch water main along portions of Creek Road, East Road, Lehigh Road and Dorman Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$1,220,600.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$1,220,600.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$500,000.00, and

WHEREAS, the proposed annual debt service (assuming 54.5 units) is estimated to be approximately \$543.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of \$4.57 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$288.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$831.00 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of 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, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; as well as any internal plumbing charges, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 5th day of December, 2012, at 6:30 p.m.

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for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

DATED: November 19, 2012

EXHIBIT "A"

TOWN OF BATAVIA
PROPOSED CREEK & ROAD WATER DISTRICT

The boundary of the proposed Town of Batavia Creek & East Road Water District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the centerline of Creek Road and the Batavia/Alexander Municipal Boundary; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,325 feet, more or less, to the intersection of the centerline of the Tonawanda Creek and the Batavia/Alexander Municipal Boundary; thence,
2. Northerly, along the centerline of the Tonawanda Creek, a distance of 21,164 feet, more or less, to the intersection of the centerline of the Tonawanda Creek and the City of Batavia Municipal Boundary; thence,
3. Easterly, along the City of Batavia Municipal Boundary, a distance of 2,108 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-103.2; thence,
4. Southeasterly, along the northeasterly line of Tax Parcel number 13.-1-103.2, a distance of 403 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-103.2; thence,
5. Southerly, along the easterly line of Tax Parcel number 13.-1-103.2, a distance of 233 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-103.2; thence,
6. Westerly, along the southerly line of Tax Parcel number 13.-1-103.2, a distance of 956 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-103.2; thence,
7. Southerly, along the easterly line of Tax Parcel number 13.-1-104.1, a distance of 608 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-104.1; thence,
8. Westerly, along the southerly line of Tax Parcel number 13.-1-104.1, a distance of 875 feet, more or less, to the southwesterly corner of tax Parcel number 13.-1-104.1; thence,
9. Northerly, along an westerly line of Tax Parcel number 13.-1-104.1, a distance of 19 feet, more or less, to a southeasterly corner of Tax Parcel number 12.-1-56.1; thence,

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10. Southwesterly, along a southeasterly line of Tax Parcel number 12.-1-56.1, a distance of 254 feet, more or less, to a southeasterly corner of Tax Parcel number 12.-1-56.1; thence,
11. Easterly, along the northerly line of Tax Parcel number 12.-1-57, a distance of 250 feet, more or less, to the northeasterly corner of Tax Parcel number 12.-1-57; thence,
12. Southerly, along the easterly line of Tax Parcel numbers 12.-1-57 and 19.-1-1.1, a distance of 1,543, more or less, to the southeasterly corner of Tax Parcel number 19.-1-1.1; thence,
13. Easterly, along the northerly line of Tax Parcel number 19.-1-5.1, a distance of 792 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-5.1; thence,
14. Southerly, along the easterly line of Tax Parcel number 19.-1-5.1, a distance of 1,139 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-5.1; thence,
15. Easterly, along the northerly line of Tax Parcel numbers 19.-1-53 and 19.-1-54, a distance of 2,224 feet, more or less, to the northeasterly line of Tax Parcel number 19.-1-54; thence,
16. Southerly, along the easterly line of Tax Parcel numbers 19.-1-54, 19.-1-11.113, and 19.-1-51, a distance of 1,707 feet, more or less, to the northwesterly corner of Tax Parcel number 20.-2-56; thence,
17. Easterly, along the northerly line of Tax Parcel number 20.-2-56, a distance of 1,000 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-2-56; thence,
18. Northerly, along the westerly line of Tax Parcel number 20.-2-55.21, a distance of 111 feet, more or less, to the northwesterly corner of Tax Parcel number 20.-2-55.21; thence,
19. Easterly, along the northerly line of Tax Parcel numbers 20.-2-55.21, 20.-2-54.1, 20.-2-54.2, 20.-2-53, and 20.-2-52.1, a distance of 1,945 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-2-52.1; thence,
20. Southerly, along the easterly line of Tax Parcel number 20.-2-52.1, a distance of 1,172 feet, more or less, to a southeasterly corner of Tax Parcel number 20.-2-52.1; thence,
21. Southeasterly, along the northeasterly line of Tax Parcel number 20.-2-52.12, a distance of 135 feet, more or less, to the easterly corner of Tax Parcel number 20.-2-52.12; thence,
22. Southwesterly, along the southeasterly line of Tax Parcel number 20.-2-52.12, a distance of 274 feet, more or less, to the southerly corner of Tax Parcel number 20.-2-52.12; thence,
23. Southerly, along the right-of-way of East Road (49.5 feet wide right-of-way), a distance of 84 feet, more or less, to a point along the right-of-way of East Road where it intersection with intersects with the Shepard & Putnam Road Water District; thence,
24. Southwesterly, through the right-of-way of East Road (49.5 feet wide right-of-way), continuing through Tax Parcel number 20.-2-48 and along the boundary of the Shepard & Putnam Road Water District, a distance of 857 feet, more or less, to the intersection of the southwesterly line of Tax Parcel number 20.-2-48 and the boundary of Shepard & Putnam Road Water District; thence,
25. Northwesterly, along the southwesterly line of Tax Parcel numbers 20.-2-48 and 20.-2-50.11, a distance of 911 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-50.11; thence,
26. Southerly, along the easterly line of Tax Parcel number 20.-2-41, a distance of 1,202 feet, more or less, to the southeasterly corner of Tax Parcel number 20.-2-41; thence,
27. Southwesterly, along the southeasterly line of Tax Parcel number 20.-2-41, a distance of 657 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-41; thence,
28. Northerly, along the westerly line of Tax Parcel number 20.-2-41, a distance of 1,255 feet, more or less, to the southeasterly corner of Tax Parcel number 20.-2-57; thence,

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29. Westerly, along the southerly line of Tax Parcel number 20.-2-57, a distance of 990 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-57; thence,
30. Southerly, along the easterly line of Tax Parcel number 19.-1-14, a distance of 358 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-14; thence,
31. Westerly, along the southerly line of Tax Parcel numbers 19.-1-14 and 19.-1-12.111, a distance of 2,134 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-19.21; thence,
32. Southerly, along the easterly line of Tax Parcel number 19.-1-19.21, a distance of 368 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-19.21; thence,
33. Westerly, along the southerly line of Tax Parcel number 19.-1-19.21, a distance of 894 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-18; thence,
34. Southerly, along the entire easterly line of Tax Parcel number 19.-1-18, a distance of 1,888 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-18; thence,
35. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,677 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Proposed Creek & East Road Water District – 2011 Water System Improvements," dated 5/2011. The Town of Batavia Creek & East Road Water District, as described above, contains approximately 1,552.7 acres of land.

Discussion: The Supervisor reported that approximately 60 percent signed the petition in favor of the Water District. The Town just received notice that a couple more wells in the Creek/East Road area tested positive for e-coli and coli-form.

RESOLUTION NO. 179:

Deputy Supervisor Underhill offered the following:

**HEALTH INSURANCE FOR
NON-BARGAINING EMPLOYEES**

WHEREAS, the Town of Batavia currently provides Health Insurance to the non-bargaining employees through Univera Healthcare; and

WHEREAS, the new rates for Health Insurance from Univera Healthcare are: single plan is \$277.90, two person plan is \$583.60, employee & child is \$521.91 and family plan is \$869.87per month; and

WHEREAS, as of December 1 of each year the rates are subject to change; and

WHEREAS, the Town Board of the Town of Batavia supports continuing to have a Health Reimbursement Arrangement (HRA) for employees medical co-pays; and

WHEREAS, the HRA will continue to be through P&A Group, Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any necessary

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documents with Univera Healthcare and P&A Group.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 180:

Supervisor Post offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2012

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

General Fund:

From	Amount	To
A1440.400 Engineering - Contractual	\$811.00	A1440.106 Personal Services
A8020.103 Planning Board – Pers Svc	\$5,000.00	A3620.100 Bldg & Safety Pers Svc
A8010.103 ZBA – Pers Svc	\$1,500.00	A3620.100 Bldg & Safety Pers Svc
A1110.201 Justice Equipment	\$1,300.00	A1110.402 Justice Contractual
A1110.200 Justice Equipment	\$700.00	A1110.402 Justice Contractual
A1110.200 Justice Equipment	\$200.00	A1110.401 Justice Contractual
A1220.200 Supervisor Equipment	\$100.00	A1220.401 Supervisor Contractual
A1010.404 Town Board – Contractual	\$1,200.00	A1220.400 Supervisor Contractual
A1355.200 Assessor Equipment	\$603.00	A1355.402 Assessor Attorney
A1355.200 Assessor Equipment	\$780.00	A1355.103 PT Assessment Clerk
A1940.400 Land Acquisition	\$5,600.00	A1989.401 Fixed Assets
A8540.401 Comm Drainage	\$28,536.00	A3620.402 Bldg & Safety- Engineering
A1411.100 Clerk Typist Pers Svc	\$2,000.00	A1231.100 Deputy Clerk Pers Svc
A7110.401 parks Contractual	\$1,400.00	A7110.400 Parks Contractual
A6510.400 Veterans Svc	\$1,700.00	A6410.400 Publicity
A8020.403 Planning – Ordinances	\$936.00	A8020.404 Planning Codification
A8164.102 Sanitary LF Pers Svc	\$500.00	A8164.401 Sanitary LF Grease/Filters
A8165.102 Superfund LF Pers Svc	\$500.00	A8165.401 Superfund LF Grease/Filters
A8165.102 Superfund LF Pers Svc	\$1,400.00	A8165.402 Superfund Engineering
A8165.404 Superfund Legal	\$1,500.00	A8165.406 Superfund Post Maint
A8165.407 Superfund Transportation	\$1,500.00	A8165.406 Superfund Post Maint
A9055.800 Disability Ins	\$1,100.00	A9050.800 Unemployment
A9010.800 Retirement	\$5,000.00	A9060.800 Health Insurance
A9010.800 retirement	\$843.00	A9040.800 Workmans Comp

Highway

DA9010.800 Retirement	\$5,079.00	DA5130.400 machinery Contractual
DA5140.100 Brush & Weeds Pers Svc	\$700.00	DA5140.400 Brush & Weeds Contractual
DA5148.100 Svc for Other Govt Pers Svc	\$2,720.00	DA5148.400Svc for other Govt Contractual

Sewer District 1

SS1-8120.408 Meter Replacement	\$4,000.00	SS1-8120.102 Pers Svc – PT
SS1-9010.800 State Retirement	\$300.00	SS1-9030.800 Social security

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Sewer District 2

SS2-8120.200 Sanitary Swr Equipment	\$300.00	SS2-8120.102 Sanitary Swr Pers Svc PT
SS2-8120.200 Sanitary Swr Equipment	\$600.00	SS2-9060.800 Health Insurance

Water

SW8340.200 Trans & Distr Equip	\$2,100.00	SW8340.102 Trs & Distr Pers Svc PT
SW8340.200 Trans & Distr Equip	\$200.00	SW8340.400 Trs & Dist Contractual

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 181:

Councilwoman Michalak offered the following:

**BUDGET TRANSFER 2012 – UNAPPORTIATED-UNEXPENDED FUND
CLOSE-OUT CAPITAL PROJECTS**

WHERE AS, several water and sewer capital projects are now ready to be closed out; and

WHERE AS, each water project has an outstanding debit associated with it for items that the funding agencies have determined to not be capital project eligible but rather a water fund expense ; and

WHERE AS, the Sewer District No.1 project received a \$1,000,000 grant and rather than borrow the remaining amount for the project, the use of un-appropriated, un-expended fund balance was determined to be more beneficial.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes an increase in the following line items:

- HA – Pearl Street Water District: water project
- HB – Wilkinson Road Water District: water project
- HC – Putnam Shepard Water District: water project
- HE – Ellicott Townline Water District: water project
- HF – Alexander Pike Water District: water project
- HI – Hartshorn Waterline: water project
- HJ – Lovers Lane: water project
- HL – Rose Road Water District: water project
- HN – Wortendyke Road Water District: water project
- HQ1 – Sewer District # 1 Improvements: sewer project

For a total amount \$58,315.67 (water projects) and \$126,473.46 (sewer projects), and be it

FURTHER RESOLVED, to fund this expense, \$58,315.67 will be transferred from the Water Un-appropriated-Unexpended Fund Balance and \$126,473.46 will be transferred from the Sewer

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Un-appropriated-Unexpended Fund Balance

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Zambito, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 182:

Councilman Zambito offered the following:

TRAINING WORKSHOP

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

Jon Long- G/FLRPC Workshop (was held) November 16, 2012 at a cost of \$60.00.

Hiedi Librock and Marcy Crandall-GFOA-Winter Seminar December 6, 2012 at a cost of \$45.00 each.

Teresa Morasco and Sandra Baubie-NYSTCA Regional Training December 3, 2012 at a cost of \$35.00 each, a Town vehicle will be used.

Steven Mountain-NYWEA Workshop November 29, 2012 at a cost of \$130.00.

Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO.183:

Councilman Lang offered the following:

TOWN INSURANCE AWARD

WHEREAS, as of November 27, 2001 the Batavia Town Board retained New York Municipal Insurance Reciprocal to provide the Town with insurance coverage; and

WHEREAS, the insurance premium for 2013(November 27, 2012 through November 27, 2013) has been quoted at fifty thousand, three hundred, thirty-six dollars and seventy cents (\$50,336.70 attached).

RESOLVED, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of fifty thousand, three hundred, thirty-six dollars and seventy cents (\$50,336.70).

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RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any documents necessary for the award.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 184:

Deputy Supervisor Underhill offered the following:

EXCESS EMPLOYER'S LIABILITY INSURANCE

RESOLVED, the Batavia Town Board hereby retains Franz-Manno Service Corporation to provide the Town's Excess Employer's Liability Insurance at a cost of one thousand, one hundred, eleven dollars, (\$1,111.00).

Second by: Councilman Zambito

Ayes: Underhill, Zambito, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 185:

Supervisor Post offered the following:

**PAYMENT TO GENESEE COUNTY TREASURER
TO REDUCE THE 2013 COUNTY TAX LEVY**

RESOLVED, the Batavia Town Board hereby authorizes \$250,000 to be sent to the Genesee County Treasurer to reduce the 2013 County Tax Levy for Town of Batavia property owners.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO.186:

Councilman Michalak offered the following:

**RESOLUTION TO COMPLETE FLOODPLAIN INVESTIGATION FOR TONAWANDA CREEK
IN SOUTH EAST SECTION OF TOWN**

WHEREAS, the Town Engineering Department completed an initial investigation of the Tonawanda Creek floodplain in the southeast section of the Town and found there to be some discrepancies in the existing floodplain elevations and the area of the new Ag Park may be able to be removed from the 100 year floodplain. The Engineering Department recommends further investigation by a floodplain specialists to determine if the floodplain elevation in the southeast section of the Town

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should be modified/lowered and the Ag Park area removed from the floodplain, and

WHEREAS, Bergmann Associates (floodplain specialists) submitted the attached proposal to assist the Town to investigate the discrepancies in the existing floodplain elevations at a cost of \$5,000.00, and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, hereby authorizes the Town Supervisor to retain Bergmann Associates to assist the Town in completing a floodplain investigation for the Tonawanda Creek in the southeast section of the Town and to execute an agreement for \$5,000.00 between the Town of Batavia and Bergmann Associates.

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

RESOLUTION NO. 187:

Councilman Zambito offered the following:

**PART-TIME LABORER
FOR HIGHWAY DEPARTMENT**

WHEREAS, the Highway Superintendent would like to retain Dustin Holman as a part-time laborer to assist in the Highway Department; and

WHEREAS, Mr. Holman was hired as a temporary laborer to assist the Highway Department during the summer months.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to retain Dustin Holman as a part-time laborer to assist in the Highway Department at an hour rate of \$11.36 per hour, not to exceed 19 1/2 hours per week ; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA5110.101.

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

RESOLUTION NO. 188:

Councilman Lang offered the following:

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**ON CALL/AS NEEDED
MOTOR EQUIPMENT OPERATOR
HIGHWAY DEPARTMENT**

WHEREAS, the Highway Department is in need of a Motor Equipment Operator (MEO) employee on an on-call, as needed bases; and

WHEREAS, the Highway Superintendent received and reviewed applications to hire an MEO on an on-call, as needed bases.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Dan Miles for the Highway Department as a MEO, on an on-call, as needed bases at a rate of fifteen dollars (\$15.00) per hour; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA5142.100.

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

RESOLUTION NO. 189:

Deputy Supervisor Underhill offered the following:

APPOINTMENT TO ASSESSMENT CLERK

WHEREAS, the Assessor has requested assistance in the assessment office; and

WHEREAS, has recommended re-hiring Vickie Klein as the assessment clerk.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains Vickie Klein, at a salary of \$15.38 per hour, not to exceed 5 hours per week; and be it

FURTHER RESOLVED, the expense will be expended from line item A1355.103.

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

RESOLUTION NO. 190:

Supervisor Post offered the following:

RESOLUTION SUPPORTING GENESEE COUNTY FUNDING TO GENESEE COUNTY

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ECONOMIC DEVELOPMENT CENTER (GCEDC)

WHEREAS, the Genesee County Legislature is considering reducing or eliminating funding to the Genesee County Industrial Development Agency (GCIDA) also known as the Genesee County Economic Development Center (GCEDC) for 2013; and

WHEREAS, the GCIDA/GCEDC is chartered to "promote and provide for additional and maximum employment, maintain job opportunities, lessen the burden of government and act in the public interest to "foster the creation, retention and expansion of jobs and economic opportunities" all for the benefit of the local economies of Genesee County and New York State; and

WHEREAS, reducing or eliminating operating funding may have a negative effect on funds that are currently dedicated to infrastructure improvements, which will significantly affect the success of the Business Parks.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby supports and urges the Genesee County Legislature to maintain, in the 2013 Genesee County Budget, funding to GCIDA/ GCEDC; and be it

FURTHER RESOLVED, the Town Clerk is hereby directed to forward a certified copy of said resolution to the Genesee County Legislature.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

Abstract No. 11-2012: Motion Councilman Lang, second by Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$446,860.19
Highway	88,864.45
Sewer No. 1	39,115.08
Sewer No. 2	68,754.38
Water	59,861.80
Creek	108.50
West Main Sewer	6,035.67
Total	\$709,600.07

Ayes: Lang, Underhill, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

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Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The monies are invested in CD's and are paying a rate of .15%.

December 5, 2012 Special Town Board Meeting- There will be a Special Town Board Meeting immediately following the Public Hearing for the Order to Establish the Proposed Creek/East Roads Water District

Procurement Policy and Investment Policy- The Town Board is reviewing the Town Procurement Policy and the Town Investment Policy. They will be updated for 2013.

Town Logo Committee- The Town does not have a Logo and would like to establish one. The committee will be Dan Lang, Building Inspector, Councilman Zambito and Supervisor Post.

The Supervisor expressed thoughts and prayers to those in ill health and wish them a speedy recovery.

COMMUNICATIONS:

The Town Clerk reported on the following:

October Town Clerk monthly report collected a total of \$6,567.20, remitted \$4,530.22 to the Supervisor for the Local Share.

WNY Stormwater Training- Received the 2013 WNY Stormwater Management Training Schedule. Town personnel have been advised of this training.

Liquor License Renewal- Received notification from Mazur Enterprises, DBA Johnny's that they have made application to renewal their liquor license.

COMMITTEE REPORTS:

Park- Councilwoman Michalak reported that the Inclusive Interplay Community Project Committee has started doing presentations to organizations to raise money for the project. After a presentation, an organization doubled the committees donation request, donating \$3,000.

BUSINESS:

GAM Meeting -Councilman Zambito reported that he attended the GAM meeting last week. At that meeting, many expressed the need for water countywide phases be the next meeting topic.

The Town of Batavia is hosting February meeting.

The Supervisor reported that the GAM meeting was going to be at the Emergency Management Center with a Training, however, due to the damage that was caused by hurricane Sandy in the New York City area it was cancelled. Emergency staff was assisting with that. The Supervisor commends the emergency response staff.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:30 P.M.

Ayes: Underhill, Zambito, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

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Teresa M. Morasco
Town Clerk