

**OCTOBER 15, 2015  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Chelsea Mountain, Batavia High School Student 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  
Chelsea Mountain, BHS Student  
Chelsea Bishoff, BHS Student

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

**September 17, 2014 Regular Town Board Meeting and October 1, 2014 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)**

**SPEAKERS:**

Chelsea Mountain and Chelsea Bishoff informed the Town Board that they are students at Batavia High School in the "Participation in Government" class. They are learning about different forms of government. As part of their homework assignments, they are required to attend a local Town Board meeting.

**RESOLUTION NO. 183:**

Councilman Lang offered the following:

**TRAINING WORKSHOP**

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

Lou Paganello, Paul Marchese, Jon Long, Kathy Jasinski, Jeremy Liles, and Paul Mc Cullough - "In House Training-Assessment by Town Assessor" (was) September 2, 2014. Members to be credited for 1 hour of training.

Lou Paganello, Paul Marchese, Jon Long, Kathy Jasinski, and Paul Mc Cullough -2014 GFLRPC Fall Local Government Workshop November 14, 2014. The cost for this training is \$75.00 each.

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

**RESOLUTION NO. 184:**

Deputy Supervisor Underhill offered the following:

**LEVYING UNPAID WATER AND SEWER  
CHARGES AGAINST 2015 TAX WARRANT**

**WHEREAS**, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 15, 2014; and

**WHEREAS**, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list in the amount of \$53,777.23 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2015 tax warrant.

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

**RESOLUTION NO. 185:**

Supervisor Post offered the following:

**LEVYING UNPAID PROPERTY SERVICE CHARGE  
AGAINST 2015 TAX WARRANT**

**WHEREAS**, the Town of Batavia incurred costs in December 2013 to clean up the property located at 3692 West Main Street Road; and

**WHEREAS**, the costs incurred was \$675.00 for Genesee County Chapter NYSARC, Incorporated service; and

**WHEREAS**, the owner, Todd Burger and Jeanette Weiser, 3692 West Main Street Road, Batavia, New York were billed for this service by the Town, in which no payment was received.

**NOW, THEREFORE BE IT,  
RESOLVED**, that the amount of \$675.00 be submitted to the Genesee County Treasurer and is hereby approved for levying against the aforementioned 2015 tax warrant; and be it

**FURTHER RESOLVED**, the Town of Batavia understands that if the County, after completion

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of enforcement proceedings is not made whole with respect to delinquent charges and additional sums, the County will chargeback the Town, and the Town hereby agrees to pay back to the County the chargeback and additional sums, and be it

**FURTHER RESOLVED**, the County will notify the Town of the amount of said chargeback's in September of each year following the County's tax foreclosure auction, and said chargeback amount will be due by the Town the following January.

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

**RESOLUTION NO. 186:**

Councilwoman Michalak offered the following:

**ADOPTION OF THE  
2015 PRELIMINARY TOWN BUDGET**

**RESOLVED**, the Batavia Town Board hereby adopts the Preliminary Town Budget for 2015; and be it further

**RESOLVED**, that the 2015 Preliminary Town budget hereby be filed in the Office of Batavia Town Clerk.

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

The Supervisor thanked the Town Board for the time and effort in preparing the budget.

**RESOLUTION NO. 187:**

Councilman Zambito offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 1 OF 2014  
AND TO SCHEDULE A PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2015 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Batavia Local Law No. 1 of 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New

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York that proposed Local Law No. 1 of 2014 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2015", 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 November 19, 2014, and that a public hearing be held before this Town Board on the 19<sup>th</sup> day of November, 2014 at 6:55 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, 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 Lang

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 188:**

Councilman Lang offered the following:

**CALLING A PUBLIC HEARING**  
**SEWER RENTS – MAY 2015 TO FEBRUARY 2016**

**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**, the proposed sewer rents for May 2015 to February 2016 are Sewer District No. 1 - \$5.46/1,000 gallons, Sewer District No. 2 - \$5.46/1,000 gallons;

**WHEREAS**, a public hearing is required before the new sewer rents are imposed;

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2015 to February 2016 be conducted at the Batavia Town Hall, 3833 West

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Main Street Road, Batavia, New York, beginning at 6:40 P.M. on Wednesday, November 5, 2014, at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (5-0)**

**NOTICE OF PUBLIC HEARING  
SEWER RENTS – MAY 2015 – FEBRUARY 2016**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 5, 2014 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:40 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2015 to February 2016 are, Sewer District No. 1 at \$5.46/1,000 gallons and Sewer District No. 2 at \$5.46/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 15, 2014

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 189:**

Deputy Supervisor Underhill offered the following:

**CALLING A PUBLIC HEARING  
WATER RATE – MAY 2015 TO FEBRUARY 2016**

**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**, the proposed water rate for May 2015 to February 2016 is \$4.60/1,000 gallons; and

**WHEREAS**, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2015 to February 2016 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:45 P.M. on Wednesday, November 5, 2014, at which time and place all interested persons will be heard; and be it further

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**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**NOTICE OF PUBLIC HEARING  
WATER RATE – MAY 2015 – FEBRUARY 2016**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 5, 2014 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:45 P.M. for the purpose of imposing water rates. The proposed water rate for May 2015 to February 2016 is \$4.60/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 15, 2014

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 190:**

Supervisor Post offered the following:

**CALLING FOR PUBLIC HEARING  
ON THE 2015 TOWN BUDGET**

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2015 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:50 P.M. on Wednesday, November 5, 2014 at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (5-0)**

**NOTICE OF PUBLIC HEARING  
ON THE 2015 TOWN BUDGET**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Preliminary Budget of the Town of Batavia for fiscal year 2015 has been completed and filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the

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Preliminary Budget at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 6:50 P.M. on Wednesday, November 5, 2014 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

**Public Official Salaries are as follows:**

Supervisor	\$30,000.00
Deputy Supervisor	\$15,000.00
Councilman (3 )	\$10,000.00
Town Clerk/Tax Collector	\$64,300.00
Highway Superintendent	\$17,000.00
Town Justice (2)	\$24,500.00

The foregoing by order of the Batavia Town Board.

**Dated:** October 15, 2014

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 191:**

Councilwoman Michalak offered the following:

**2014 BUDGETARY LINE ITEMS**  
**ENGINEERING PLANNING GRANT AWARD-**  
**SEWER CAPACITY UPGRADE ALTERNATIVE ANALYSIS**

**WHEREAS**, the Town of Batavia received notification from New York State Environmental Facilities Corporation that the Town has been awarded an Engineering Planning Grant -Sewer Capacity Upgrade Alternative Analysis, in the amount of thirty thousand dollars (\$30,000); and

**WHEREAS**, line item A8684.402 needs to be added to account for the expenditures and the line item A3089 needs to be increased to account for the revenues in the 2014 budget

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adds and increases the following line items in the 2014 Town Budget:

A3089 Revenues-State Aid Misc.	\$15,000.00
A8684.402 Sewer Capacity Alt Analysis	\$15,000.00

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 192:**

Councilman Zambito offered the following:

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**AMENDMENT TO  
RESOLUTION 172, DATED SEPTEMBER 17, 2014  
BUDGET TRANSFER FOR HIGHWAY**

**WHEREAS**, Resolution 172, 2014 Budget Transfers were adopted on September 17, 2014; and

**WHEREAS**, a Highway Budget Transfer amount is incorrect, from line item DA5110.400 to line item DA5142.400, and

**WHEREAS**, the transfer amount should be \$50,000.00 rather than \$199,000.00.

**RESOLVED**, the Batavia Town Board hereby authorizes amending resolution 172, budget transfer from line item DA5110.400 to line item DA5142.400; amount should be \$50,000 rather than \$199,000.00.

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

**RESOLUTION NO. 193:**

Councilman Lang offered the following:

**AUTHORIZATION TO PARTICIPATE IN THE  
CITY OF BATAVIA BUSINESS IMPROVEMENT DISTRICT  
"CHRISTMAS IN THE CITY" PARADE**

**WHEREAS**, the City of Batavia Business Improvement District is hosting "Christmas in the City" and parade on Friday, December 5, 2014; and

**WHEREAS**, Town of Batavia Employees wish to participate in the parade.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Town of Batavia Employees to participate in the "Christmas in the City" parade; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute the parade application and agreement, a copy of which is annexed to and made a part of the minutes.

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

**RESOLUTION NO. 194:**

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Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE AN AMENDED AGREEMENT FOR  
DEVELOPMENT, OPERATION AND MAINTENANCE OF  
RECREATIONAL FACILITIES AT THE BATAVIA SPORTS PARK**

**WHEREAS**, on April 30, 2014, the Town Board adopted a “Resolution to Approve an Agreement for Batavia Sports Park”, and

**WHEREAS**, all parties did not execute this Agreement on or before the first deadline set forth in Paragraph 3 of said Agreement, thereby making it unenforceable, and

**WHEREAS**, the Town Board believes that it will be in the best interest of Town residents to enter into an Amended Agreement with a revised initial deadline, as proposed in Paragraphs 3 and 5.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that a proposed “Amended Agreement for Development, Operation and Maintenance of Recreational Facilities”, a copy of which is to be made a 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, and

**BE IT FURTHER RESOLVED** that the Town Supervisor and employees of the Town are hereby authorized and directed to take all steps necessary to implement the terms and conditions of this Agreement, including, but not limited to, the payment of \$60,000.00 to the Developers this year on or before October 31, 2014; as well as subsequent payments of \$40,000.00 in 2015 and \$20,000.00 in 2016, with the last two payments subject to full compliance by the Developers with their duties and responsibilities as set forth in this Agreement.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**AMENDED AGREEMENT FOR DEVELOPMENT, OPERATION  
AND MAINTENANCE OF RECREATIONAL FACILITIES**

**THIS AGREEMENT**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between **THE TOWN OF BATAVIA, NEW YORK**, a municipal corporation, with offices located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Town”); and **CY PROPERTIES, LLC**, a limited liability corporation, with offices located at 6465 Transit Road, Elba, New York, and **HAWLEY PROPERTIES, LLC**, a limited liability corporation, with offices located at 8164 Bank Street Road, Batavia, New York 14020 (hereinafter jointly referred to as “Developers”).

**WITNESSETH:**

**WHEREAS**, the Town desires to increase the number and enhance the quality of recreational opportunities available to Town residents, and

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**WHEREAS**, the Town Board has determined that entering into this Agreement would be in the best interest of the Town in order to relieve the Town, except upon the limited basis as set forth herein, of the financial responsibilities and the use of Town employees for the purposes of land acquisition, constructing and maintaining the recreational facilities as contemplated by this Agreement, operating these facilities and promoting athletic events, and

**WHEREAS**, the Town has determined that the continued operation of these recreational facilities, along with the events and tournaments to be scheduled using these facilities, will continue the efforts of the Town to promote the public purposes of enhancing the quality of life and promoting economic development and benefits for the Town and the surrounding communities in Genesee County, and

**WHEREAS**, the Town and the Developers previously entered into an Amended Agreement that ended on December 31, 2013, and

**WHEREAS**, the parties desire to continue the prior working relationship and shared services for three (3) more years, with some additional terms and conditions, in order to assess the benefits and financial viability of the Batavia Sports Park.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. The Developers will construct and maintain recreational fields and facilities located within the boundaries of the Town of Batavia, referred to as the Batavia Sports Park, that will be used by existing Community Organizations and Non-Community Organizations, including, but not limited to, use by youth from Youth Recreation Programs established in the Town and City of Batavia that receive financial contributions from the Town.

2. The Developers will provide services to the Town to coordinate and schedule the use and operation of the recreational facilities. The Developers agree to schedule a minimum of four (4) major tournaments for the 2014 season. The Developers will coordinate these tournaments and promote use of the local hotels with the visiting teams. The Developers will work with the Genesee County Chamber of Commerce to track the hotel nights that are booked for each tournament.

3. On or before October 31, 2014, the Developers shall enter into a written contract with an appropriate individual, organization or legal entity, for a period of at least three (3) years, to assist the Developers in the operation and promotion of the Batavia Sports Park.

4. On or before December 31, 2014, the Developers will complete and provide to the Town a business/strategic plan for the continued operation of the Batavia Sports Park. This plan may be modified as circumstances warrant thereafter and all revisions will also be provided to the Town.

5. In consideration for the duties and responsibilities of the Developers as set forth herein, on or before October 31, 2014, the Town will pay to the Developers the sum of Sixty Thousand Dollars (\$60,000.00). In the event that the Developers have fully complied with all of the terms and conditions set forth in this Agreement by the time limitations thereof, the Town will pay to the Developers the sum of Forty Thousand Dollars (\$40,000.00) in 2015 and the sum of Twenty Thousand Dollars (\$20,000.00) in 2016, to be paid on or before September 1<sup>st</sup> of each of these respective years.

6. Upon request of the Developers, the Town may satisfy parts of the cash contributions by providing in kind services to the Developers for the agreed upon value thereof.

7. The Town will also provide to the Developers the following services:

A. Stake out the athletic fields throughout the seasons.

B. Provide data and information as requested for the preparation of the business/strategic plan.

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- C. Assist with providing engineering services for future infrastructure developments.
- D. Assist with obtaining grants and other funding opportunities.
- E. Upon concurrence of the Town, the Town will complete the State Environmental Quality Review Act form that is necessary to implement the business/strategic plan and the future development of the Batavia Sports Park.

8. This Agreement is subject to the Developers obtaining approval from any other Governmental Agencies as needed and to obtain all required permits.

9. The Developers hereby agree to indemnify and hold harmless the Town for all claims, losses, costs and damages arising out of any activities of the Developers pursuant to the terms and conditions of this Agreement including costs of settling any actions and reasonable attorney's fees for defense. Each party will provide the other with timely notice of any claims and fully cooperate with each other to defend the same.

10. The Developers shall require all individuals or organizations that use the facilities to provide to the Developers and the Town proof of insurance certifying that accident and liability insurance is in full force and effect during the use of these facilities in a coverage amount to be not less than one (1) million dollars, with the Developers and the Town being named as additional insureds on all such insurance policies.

11. The term of this Agreement shall be for a period commencing retroactively to January 1, 2014, and ending on December 31, 2016. The Town Engineering Department will prepare a report no later than ninety (90) days prior to the termination, which will review the benefits of the Sports Park and determine if the terms of this Agreement are being met by both parties.

12. Prior to the termination of this Agreement, the Town will consider its recreational needs and further contribution to projects and services of the Developers to meet these needs. In this regard, the Developers will collect the information, documentation and statistics as requested by the Town concerning the use of the facilities during the term of this Agreement, and provide the same to the Town upon request.

13. The parties acknowledge that if all parties determine that a continuation beyond three (3) years of the terms and conditions of this Agreement, to include any required modifications thereof, will be mutually beneficial to all parties, a renewal period thereof not to exceed ten (10) years thereafter will be negotiated, however, the total contributions of the Town in cash and/or in kind services will not exceed the sum of Ten Thousand Dollars (\$10,000.00) annually.

**IN WITNESS WHEREOF** the parties have last signed this Agreement the day and year first written above.

CY PROPERTIES, LLC

By: \_\_\_\_\_

Print Name

\_\_\_\_\_  
Print Title

TOWN OF BATAVIA, NEW YORK

\_\_\_\_\_  
By: Gregory H. Post

Town of Batavia Supervisor

HAWLEY PROPERTIES, LLC

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By: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

State of New York }  
County of Genesee }ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

State of New York }  
County of Genesee }ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

State of New York }  
County of Genesee }ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 195:**

Supervisor Post offered the following:

**CITIZEN PREPAREDNESS CORPS TRAINING**

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**WHEREAS**, in partnership with New York State, the American Red Cross is offering a free Citizen Preparedness Corps Training, titled, "Prepare, Respond, Recover: What to do When Disaster Strikes"; and

**WHEREAS**, the presentation will give a comprehensive overview on how to prepare for natural and man-made disasters and how to respond to and recover from them; and

**WHEREAS**, the American Red Cross will present the Citizen Preparedness Corps Training at the Batavia Town Hall.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the American Red Cross to present the Citizen Preparedness Corps Training, titled, "Prepare, Respond, Recover: What to do When Disaster Strikes" at the Batavia Town Hall sometime between now and March 2015; and be it

**FURTHER RESOLVED**, the Town Clerk is hereby directed to schedule the training session date with the American Red Cross.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 196:**

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING TIME WARNER  
BUSINESS CLASS SERVICE AGREEMENT-  
UPGRADE INTERNET SERVICE**

**WHEREAS**, the Town of Batavia authorized an agreement for high speed internet access and cable television service with Time Warner Cable Business Class for the Town Hall and Highway Facility at the March 16, 2011 Town Board Meeting; and

**WHEREAS**, said agreement has expired; and

**WHEREAS**, the current internet access speed is not sufficient for the Town's daily needs with the ever growing use of technology; and

**WHEREAS**, Time Warner Cable proposed an upgrade and renewal from 10 Mbps X 1 Mbps to 35 Mbps x 5 Mbps, at a cost of \$194.99 per month (agreement attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby accepts Time Warner Cable's proposal for the upgrade and three year agreement term at a cost of \$194.99 per month; and be it

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**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to execute the agreement.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 197:**

Councilman Zambito offered the following:

**RENAMING AND NAMING OF STREETS LOCATED IN GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER'S AGRI-BUSINESS PARK  
AG PARK DRIVE**

**WHEREAS**, pursuant to Town Law, the Town Board has the responsibility of naming streets; and

**WHEREAS**, Genesee County and the Town Engineer has requested the roads within Phase I and Phase III of the Agri-Business Park be named and renamed as follows:

Rename Ag Park Drive N (north) to N (north) Ag Park Drive from the intersection of W Ag Park Drive and N Ag Park Drive to NYS Route 5 with an address range of 8930 to 8730.

Name and rename Ag Park Drive W (west) to W (west) Ag Park Drive from NYS Route 63 to the intersection of W Ag Park Drive and N Ag Park Drive with an address range of 4925 to 5140.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Town Law, the Batavia Town Board hereby names and renames the roadways within the Phase I and III of the Genesee Agri-Business Park, to N Ag Park Drive and W Ag Park Drive; and be it

**FURTHER RESOLVED**, that the Batavia Town Clerk is hereby directed to notify the Assessor, Planning Board, Genesee County Clerk, Genesee County Engineer, Genesee County Emergency Management Services, Genesee County Sheriff's Department, Town of Batavia Fire Department, and the Batavia Post Office of these road names within ten days of this adoption.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 198:**

Councilman Lang offered the following:

**RESOLUTION ACKNOWLEDGING  
AUTOMATIC TERMINATION OF  
OUT OF DISTRICT WATER CUSTOMER AGREEMENT**

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**WITH JONATHAN R. SHEPARD AND MARY BETH SHEPARD**

**WHEREAS**, the Town of Batavia and Jonathan R. Shepard and Mary Beth Shepard, residing at 4875 East Road entered into an Out of District Water Customer Agreement in 2012 to connect to the Putnam and Shepard Roads Water District, and

**WHEREAS**, said parcel located at 4875 East Road, Tax Map No. 20-2-52.12 is now part of the Creek and East Roads Water District; and

**WHEREAS**, the Out of District Water Agreement has automatically terminated; and

**WHEREAS**, the debt service cost related to the Creek and East Roads Water District will now be reflected on their property tax bill.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby acknowledges that property located at 4875 East Road, Tax Map No. 20-2-52.12, is now part of the Creek and East Roads Water District and the Out of District Water Customer Agreement between Jonathan R. Shepard and Mary Beth Shepard and the Town of Batavia has automatically terminated; and be it

**FURTHER RESOLVED**, the debt service cost related to the Creek and East Roads Water District will be reflected on their property tax bill.

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

**RESOLUTION NO. 199:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE NYS ROUTE 63 ROAD WORK BOND FOR  
PROPOSED TIM HORTON RESTAURANT**

**WHEREAS**, Benderson Development Company ,LLC applied for a NYSDOT Permit to make road improvements to NYS Route 63 as part of the construction of the proposed Tim Horton's restaurant located at 8400 Lewiston Road in the Town of Batavia, and

**WHEREAS**, approval of the NYSDOT permit was delayed and Benderson Development would like to begin construction of the building without the NYSDOT permit. The Town Engineering and Planning and Zoning Departments required a Bond in the amount of \$90,000 be provided to the Town for the proposed NYS Route 63 improvements. The proposed roadway improvements include milling, paving and restriping approximately 650 feet of the NYS Route 63 between NYS Route 5 and Park Road, as shown on the attached plans, and

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**WHEREAS**, Benderson Development Company LLC submitted a bond in the amount of \$90,000 for the proposed NYS Route 63 Roadway improvements, and

**WHEREAS**, the NYSDOT permit was subsequently granted. Benderson Development Company LLC has completed the required roadway improvements to the satisfaction of the NYSDOT Assistant Regional Maintenance Engineer, Dan Stahley as noted on the attached email, and

**WHEREAS**, the Town Engineering and Building and Zoning Departments recommends that the Benderson Development Company LLC be released from the Bond since the improvements to NYS Route 63 have been completed to the satisfaction of the NYSDOT and Town of Batavia, and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, hereby accepts and approves the Bond in the amount of \$90,000 submitted by Benderson Development Company, LLC for the NYS Route 63 roadway improvements as part of the requirements for the proposed Tim Horton's restaurant located at 8400 Lewiston Road in the Town of Batavia, a copy of which shall be annexed hereto and made part of the Town Board Minutes, and be it further

**RESOLVED**, that the NYS Route 63 roadway improvements have been completed by Benderson Development Company, LLC and accepted by NYSDOT and the Town, therefore the Town Board of the Town of Batavia hereby releases Benderson Development Company, LLC from the requirements of the bond and authorizes the Town Supervisor to return the Bond to Benderson Development Company LLC.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 200:**

Supervisor Post offered the following:

**TOWN OF BATAVIA**  
**BATAVIA NORTH WATER DISTRICT – 2014 EXPANSION AREA**

**LATERAL RESTRICTIONS RESOLUTION**

**WHEREAS**, in 2012, the Town Board of the Town of Batavia created the Batavia North Water District Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Batavia Townline Road both east and west of Oak Orchard Road (NYS Rte. 98); and

**WHEREAS**, the Town of Batavia coordinated with the NYS Department of Agriculture & Markets (“Department”) regarding the Batavia North Water District in order to comply with the provisions of Article 25 AA, Section 305.4 of the State Agriculture & Markets Law, and ultimately adopted Lateral Restrictions within the Batavia North Water District;

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**WHEREAS**, the Town of Batavia has now determined to include an additional section along Batavia Townline Road within the Batavia North Water District (specifically: Batavia Oakfield Town Road from the Alabama Town Line to Downey Road, and referred to as the “2014 Expansion Area”); and

**WHEREAS**, part of the land area within the Batavia North Water District 2014 Expansion Area 2014 Expansion Area is also within Genesee County Agricultural District No. 2; and

**WHEREAS**, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within the 2014 Expansion Area on lands within Agricultural District No. 2; and

**WHEREAS**, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

**Lateral Restriction - Conditions on Future Service**

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portion of Batavia Oakfield Town Road between the Alabama Town Line and Downey Road, and within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or

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sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
  
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

**Second by:** Deputy Supervisor Underhill

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 201:**

Councilwoman Michalak offered the following:



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**WHEREAS**, such joint project will generally consist of the construction and installation of approximately 104,700 linear feet of new eight inch and 12 inch diameter water main along the Batavia-Oakfield Townline Road, Hutton Road, Lewiston Road, Fisher Road, Batavia-Elba Townline Road, Pekin Road, Oak Orchard Road, State Street Road, Bank Street Road, Norton Road and Batavia-Stafford Townline Road, including installation along portions of roads located within each of the three Towns, as well as along the boundary of the Town of Batavia with the other two Towns of Elba and Oakfield, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with such joint project; 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 and in connection with the financing thereof (collectively referred to herein as the “Joint Project”); and

**WHEREAS**, the total estimated maximum amount proposed to be expended for the construction of the Joint Project is \$6,115,230; and

**WHEREAS**, the portion of such total cost that is attributable to the District is in an estimated maximum amount not to exceed \$3,081,191; and

**WHEREAS**, pursuant to the Order duly adopted on May 14, 2014, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District, the construction of the Joint Project, the maximum amount proposed to be expended by the District for its portion of the construction of the Joint Project, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk’s office and is available for public inspection and specifying May 28, 2014, at 7:00 o’clock p.m. (Prevailing Time) as the time when the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

**WHEREAS**, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted May 28, 2014, determined that the petition to request the District was signed and acknowledged or proved or authenticated, as required by law, and was otherwise sufficient, the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of the Joint Project (as hereinabove described), that such estimated maximum amount for which the District is responsible for is \$3,081,191; and

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**WHEREAS**, the plan of financing is for the issuance of serial bonds (or notes issued in anticipation of such bonds) in an aggregate amount not to exceed \$3,081,191, said amount to be offset by the receipt of any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

**WHEREAS**, permission of the State Comptroller was required with respect to the establishment of the District and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control; and

**WHEREAS**, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on September 18, 2014, the State Comptroller issued an order that such application of the Town Board of the Town of Batavia for permission to establish the District was approved and permitted the establishment of said District in accordance with the description referred to in a resolution of May 28, 2014, at an estimated maximum cost of \$3,081,191;

**NOW, THEREFORE, BE IT**

**ORDERED**, that the establishment of the District is hereby approved and will be known as Batavia North Water District, situate wholly outside of any incorporated village or city, and is bounded and described on EXHIBIT A; and be it further:

**ORDERED**, that the District hereinabove referred to shall be constructed and assessed as set forth in such earlier adopted resolutions and will be consistent with a certain intermunicipal agreement made on August 21, 2014 (including any subsequent amendments to such agreement) with the Towns of Elba, Oakfield and Batavia (as may be so amended, the "Agreement"), the terms of the Agreement are hereby incorporated herein by this reference; and be it further

**ORDERED**, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk

Dated: October 15, 2014

TOWN BOARD OF THE  
TOWN OF BATAVIA

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**EXHIBIT A**

**TOWN OF BATAVIA  
PROPOSED BATAVIA NORTH WATER DISTRICT**

The boundary of the proposed Town of Batavia, Batavia North 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 Batavia/Alabama Municipal Boundary and the Batavia/Oakfield Municipal Boundary; thence,

1. Easterly, along the Batavia/Oakfield Municipal Boundary and the Batavia/Elba Municipal Boundary, a distance of 47,552 feet, more or less, to the northeasterly corner of the Batavia Municipal Boundary; thence,
2. Southerly, along the Batavia/Stafford Municipal Boundary, a distance of 8,118 feet, more or less, to a point on the Batavia/Stafford Municipal Boundary at the easterly extension of the southerly line of Tax Parcel number 5.-53.1; thence,
3. Westerly, along the easterly extension of the southerly line of Tax Parcel number 5.-1-53.1, a distance of 3,000 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-53.1; thence,
4. Northerly, along the westerly line of Tax Parcel numbers 5.-1-53.1, 5.-1-52.2, and 5.-1-52.11, a distance of 3,098 feet, more or less, to the northwesterly corner of Tax Parcel number 5.-1-52.11; thence,
5. Easterly, along a northerly line of Tax Parcel number 5.-1-52.11, a distance of 217 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-44; thence,
6. Northerly, along the westerly line of Tax Parcel number 5.-1-44, through Tax Parcel number 5.-1-43.1, and continuing along a westerly line of Tax Parcel number 5.-1-42.11, a distance of 849 feet, more or less, to a northeasterly corner of Tax Parcel number 5.-1-43.1; thence,
7. Westerly, along a southerly line of Tax Parcel number 5.-1-42.11, a distance of 596 feet, more or less, to a northwesterly corner of Tax Parcel number 5.-1-42.11; thence,
8. Northerly, along a westerly line of Tax Parcel number 5.-1-42.11, a distance of 434 feet, more or less, to a northwesterly corner of Tax Parcel number 5.-1-42.11; thence,
9. Westerly, along the southerly line of Tax Parcel numbers 5.-1-37 and 5.-1-38.11, a distance of 1,210 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-38.11; thence,
10. Northerly, along the westerly line of Tax Parcel number 5.-1-38.11, a distance of 732 feet, more or less, to the southeasterly corner of Tax parcel number 5.-1-137; thence,
11. Westerly, along the southerly line of Tax Parcel number 5.-1-39.125, a distance of 856 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-39.125; thence,
12. Southerly, along the easterly line of Tax Parcel number 5.-1-39.122, a distance of 185 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-39.122; thence,
13. Westerly, along the southerly line of Tax Parcel number 5.-1-39.122, a distance of 920 feet, more or less, to the centerline of Bank Street Road; thence,

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14. Southerly, along centerline of Bank Street Road, a distance of 140 feet, more or less, to a point on the centerline Bank Street Road at the intersection of the easterly extension of the southerly line of Tax Parcel number 5.-1-134; thence,
15. Westerly, along the easterly extension of the southerly line of Tax Parcel number 5.-1-134 and the southerly line of Tax Parcel number 5.-1-134, a distance of 991 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-134; thence,
16. Northerly, along the westerly line of Tax Parcel number 5.-1-134, a distance of 112 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-9.112; thence,
17. Westerly, along the southerly line of Tax Parcel number 5.-1-9.112, a distance of 1,349 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-9.112; thence,
18. Southerly, along the easterly line of Tax Parcel number 5.-1-8.2, a distance of 156 feet, more or less, to the southeasterly corner of Tax Parcel number 5.-1-8.2; thence,
19. Westerly, along the southerly line of Tax Parcel numbers 5.-1-8.2, 5.-1-5.22, 5.-1-4.12, 5.-1-107.1, and 5.-1-107.2, a distance of 4,657 feet, more or less, to the southwesterly corner of Tax Parcel number 5.-1-107.2; thence,
20. Southerly, along the easterly line of Tax Parcel numbers 4.-1-21.2, 4.-1-43.2, and 4.-1-43.121, a distance of 1,178 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-43.11 and the existing Consolidated Water District; thence,
21. Westerly, through Tax Parcel number 4.-1-43.121, and along the existing boundary of the Consolidated Water District, a distance of 580 feet, more or less, to the intersection of the westerly line of Tax Parcel number 4.-1-43.121 and the existing Consolidated Water District; thence,
22. Northerly, along the westerly line of Tax Parcel number 4.-1-43.121 and along the existing Consolidated Water District, a distance of 183 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-43.121; thence,
23. Westerly, following the existing Consolidated Water District along a southerly line of Tax Parcel number 4.-1-42.1 and continuing through Tax Parcel number 4.-1-42.1, a distance of 346 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-45.2 and the existing Consolidated Water District; thence,
24. Southerly, along the easterly line of Tax Parcel numbers 4.-1-45.2 and 4.-1-45.1, a distance of 175 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-45.1 and the existing Consolidated Water District; thence,
25. Westerly, following the existing Consolidated Water District through Tax Parcel numbers 4.-1-45.1, 4.-1-22.115, 4.-1-47, across the right-of-way of State Street Road (49.5 feet wide right-of-way), and continuing through Tax Parcel number 4.-1-21.2, a distance of 1,063 feet, more or less, to the intersection of a westerly line of Tax Parcel number 4.-1-21.2 and the existing Consolidated Water District; thence,
26. Northerly, along a westerly line of Tax Parcel number 4.-1-21.2, a distance of 560 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.12; thence,
27. Westerly, along a southerly line of Tax Parcel numbers 4.-1-21.2 and 4.-1-21.1, a distance of 887 feet, more or less, to the northeasterly corner of Tax Parcel number 4.-1-22.113; thence,
28. Southerly, along the easterly line of Tax Parcel numbers 4.-1-22.113 and 4.-1-23.1, a distance of 582 feet, more or less, to the intersection of the easterly line of Tax Parcel number 4.-1-23.1 and the existing Consolidated Water District; thence,

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29. Westerly, following the existing Consolidated Water District through Tax Parcel number 4.-1-23.1, across Oak Orchard Road (66 feet wide right-of-way), and continuing through Tax Parcel number 4.-1-31, a distance of 1,065 feet, more or less, to a northwesterly corner of the existing Consolidated Water District; thence,
30. Southerly, following the existing Consolidated Water District through Tax Parcel number 4.-1-31, a distance of 972 feet, more or less, to the intersection of the southerly line of Tax Parcel number 4.-1-31 and the existing Consolidated Water District; thence,
31. Westerly, along the southerly line of Tax Parcel number 4.-1-31, a distance of 3,613 feet, more or less, to the southwest corner of Tax Parcel number 4.-1-31; thence,
32. Northerly, along the westerly line of Tax Parcel number 4.-1-31, a distance of 1,926 feet, more or less, to the northwesterly corner of Tax Parcel number 4.-1-31; thence,
33. Westerly, along a southerly line of Tax Parcel numbers 4.-1-2.21, 4.-1-2.121, and 4.-1-1.211, a distance of 3,478 feet, more or less, to a southwest corner of Tax Parcel number, 4.-1-1.211; thence,
34. Northerly, along a westerly line of Tax Parcel number 4.-1-1.211, a distance of 1,002 feet, more or less, to a northeasterly corner of Tax Parcel number 4.-1-37.12; thence,
35. Westerly, along a southerly line of Tax Parcel numbers 4.-1-1.211 and 3.-1-29.1, a distance of 1,119 feet, more or less, to a northwesterly corner of Tax Parcel number 3.-1-31.1; thence,
36. Southerly, along an easterly line of Tax Parcel number 3.-1-29.1, a distance of 993 feet, more or less, to a southeasterly corner of Tax Parcel number 3.-1-29.1; thence,
37. Westerly, along a southerly line of Tax Parcel number 3.-1-29.1, a distance of 683 feet, more or less, to a southwest corner of Tax Parcel number 3.-1-29.1; thence,
38. Northerly, along a westerly line of Tax Parcel number 3.-1-29.1, a distance of 1,841 feet, more or less, to the northeasterly corner of Tax Parcel number 3.-1-30.11; thence,
39. Westerly, along a southerly line of Tax Parcel number 3.-1-29.1, a distance of 1,330 feet, more or less, to a southwest corner of Tax Parcel number 3.-1-29.1; thence,
40. Northerly, along a westerly line of Tax Parcel number 3.-1-29.1, a distance of 1,218 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-27; thence,
41. Westerly, along a southerly line of Tax Parcel numbers 3.-1-27 and 3.-1-131, a distance of 676 feet, more or less, to a northwesterly corner of Tax Parcel number 3.-1-115.11; thence,
42. Southerly, along an easterly line of Tax Parcel number 3.-1-131, a distance of 1,028 feet, more or less, to a southeasterly corner of Tax Parcel number 3.-1-131; thence,
43. Westerly, along a southerly line of Tax Parcel number 3.-1-131, a distance of 651 feet, more or less, to a northwesterly corner of 3.-1-115.11; thence,
44. Southerly, along an easterly line of Tax Parcel numbers 3.-1-131, 3.-1-109.1, and 3.-1-110, a distance of 1,602 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-110 at the existing Consolidated Water District; thence,
45. Westerly, following the existing Consolidated Water District along the southerly line of Tax Parcel number 3.-1-110 and the westerly extension of the southerly line of Tax Parcel number 3.-1-110 to the centerline of Lewiston Road (66 feet wide right-of-way), a distance of 45 feet, more or less, to the centerline of Lewiston Road; thence,
46. Southwest, across Lewiston Road (66 feet wide right-of-way), a distance of 36 feet, more or less, to a point on the centerline of Lewiston Road; thence,

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47. Northwesterly, along the centerline of Lewiston Road, a distance of 123 feet, more or less, to the intersection of the centerline of Lewiston Road and the existing Consolidated Water District; thence,
48. Westerly, along the easterly extension of the southerly line of Tax Parcel number 3.-1-111.113, through Tax Parcel numbers 3.-1-111.113 and 3.-1-111.123, and continuing along the southerly line of Tax Parcel number 3.-1-111.123, a distance of 1,174 feet, more or less, to a southwesterly corner of Tax Parcel number 3.-1-111.123; thence,
49. Northerly, along the westerly line of Tax Parcel number 3.-1-111.124 and 3.-1-111.122, a distance of 1,320 feet, more or less, to the northerly corner of Tax Parcel number 3.-1-111.122; thence,
50. Northwesterly, along the southwesterly right-of-way of Lewiston Road, a distance of 73 feet, more or less, to the intersection of the westerly right-of-way of Lewiston Road and the existing Consolidated Water District; thence,
51. Southwesterly, following the Consolidated Water District through Tax Parcel number 3.-1-107.1 and continuing along a southeasterly line of Tax Parcel number 3.-1-107.1, a distance of 111 feet, more or less, to a southerly corner of Tax Parcel number 3.-1-107.1; thence,
52. Northwesterly, along a southwesterly line of Tax Parcel number 3.-1-107.1, a distance of 125 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-107.1; thence,
53. Southwesterly, along a southeasterly line of Tax Parcel number 3.-1-123.112, a distance of 19 feet, more or less, to a westerly corner of Tax Parcel number 3.-1-123.114; thence,
54. Southeasterly, along a northeasterly line of Tax Parcel number 3.-1-123.112, a distance of 24 feet, more or less, to an easterly corner of Tax Parcel number 3.-1-123.112; thence,
55. Southwesterly, along a southeasterly line of Tax Parcel number 3.-1-123.112, a distance of 190 feet, more or less, to a southerly corner of Tax Parcel number 3.-1-123.112; thence,
56. Northwesterly, along a southwesterly line of Tax Parcel number 3.-1-123.112, a distance of 250 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-123.112; thence,
57. Northeasterly, along the northwesterly line of Tax Parcel number 3.-1-123.112, a distance of 319 feet, more or less, to the northerly corner of Tax Parcel number 3.-1-123.112; thence,
58. Northwesterly, along the southwesterly right-of-way of Lewiston Road, a distance of 78 feet, more or less, to the easterly corner of Tax Parcel number 3.-1-106; thence,
59. Southwesterly, along the southeasterly line of Tax Parcel number 3.-1-106, a distance of 192 feet, more or less, to the southerly corner of Tax Parcel number 3.-1-106; thence,
60. Northwesterly, along the southwesterly line of Tax Parcel numbers 3.-1-105, 3.-1-104, 3.-1-103, 3.-1-102, and 3.-1-101, a distance of 688 feet, more or less, to the westerly corner of Tax Parcel number 3.-1-101; thence,
61. Westerly, along the southerly line of Tax Parcel numbers 3.-1-100 and 3.-1-99, a distance of 401 feet, more or less, to the southwesterly corner of Tax Parcel number 3.-1-99; thence,
62. Southerly, along an easterly line of Tax Parcel number 3.-1-5.1, a distance of 1,118 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-5.1; thence,
63. Westerly, along the southerly line of Tax Parcel number 3.-1-5.1, a distance of 1,314 feet, more or less, to the southwesterly corner of Tax parcel number 3.-1-5.1; thence,
64. Southerly, along the easterly line of Tax Parcel number 3.-1-87.1, a distance of 1,021 feet, more or less, to the intersection of the easterly line of Tax Parcel number 3.-1-87.1 and the existing Consolidated Water District; thence,

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65. Westerly, following the existing Consolidated Water District through Tax Parcel numbers 3.-1-87.1 and 3.-1-87.2, a distance of 1,991 feet, more or less, to the intersection of the easterly line of Tax Parcel number 3.-1-1 and the existing Consolidated Water District; thence,
66. Southerly, along the easterly line of Tax Parcel number 3.-1-1, a distance of 60 feet, more or less, to the southeasterly corner of Tax Parcel number 3.-1-1; thence,
67. Westerly, along the southerly line of Tax Parcel number 3.-1-1, a distance of 1,158 feet, more or less, to the southwesterly corner of Tax Parcel number 3.-1-1; thence,
68. Northerly, along the westerly line of Tax Parcel number 3.-1-1, a distance of 63 feet, more or less, to the intersection of the westerly line of Tax Parcel number 3.-1-1 and the existing Consolidated Water District; thence,
69. Westerly, following the existing Consolidated Water District through Tax Parcel number 1.-1-10.111 and continuing across Downey Road (49.5 feet wide right-of-way), a distance of 1,693 feet, more or less, to a point along the easterly line of Tax Parcel number 1.-1-11; thence,
70. Southerly, along the easterly line of Tax Parcel number 1.-1-11, a distance of 140 feet, more or less, to the southeasterly corner of Tax Parcel number 1.-1-11; thence,
71. Westerly, along the southerly line of Tax Parcel number 1.-1-11, a distance of 212 feet, more or less, to the southwesterly corner of Tax Parcel number 1.-1-11; thence,
72. Northerly, along the westerly line of Tax Parcel number 1.-1-11 and continuing through Tax Parcel number 1.-1-12, a distance of 1,177 feet, more or less, to a point along the southerly line of Tax Parcel number 1.-1-9.11; thence,
73. Westerly, along the southerly line of Tax Parcel numbers 1.-1-9.11 and 1.-1-8, through Tax Parcel number 1.-1-13.11, and continuing along the southerly line of Tax Parcel numbers 1.-1-7, 1.-1-5.1, 1.-1-4.1, 1.-1-3, and 1.-1-2, a distance of 9,335 feet, more or less, to a southwesterly corner of Tax Parcel number 1.-1-2; thence,
74. Northerly, along a westerly line of Tax Parcel number 1.-1-2, a distance of 1,314 feet, more or less, to a northeasterly corner of 1.-1-17.1; thence,
75. Westerly, along a southerly line of Tax Parcel number 1.-1-2, a distance of 159 feet, more or less, to a southwesterly corner of Tax Parcel number 1.-1-2; thence,
76. Northerly, along a westerly line of Tax Parcel number 1.-1-2, a distance of 803 feet, more or less, to the intersection of a line 500 feet south of the centerline of Townline Road (66 feet wide right-of-way) and the westerly line of Tax Parcel number 1.-1-2; thence,
77. Westerly, through Tax Parcel number 1.-1-17.1 and across Macomber Road (49.5 feet wide right-of-way), a distance of 1,476 feet, more or less, to the intersection of a line 500 feet south of the centerline of Townline Road and the Batavia/Alabama Municipal Boundary; thence,
78. Northerly, along the Batavia/Alabama Municipal Boundary, a distance of 500 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, "Proposed Batavia North Water District – 2014 Water System Improvements," dated 3/2014. The Town of Batavia, Batavia North Water District, as described above, contains approximately 4,137.5 acres of land.

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**The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:**

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 202:**

Councilman Zambito offered the following:

**A BOND RESOLUTION, DATED OCTOBER 15, 2014, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE BATAVIA NORTH WATER DISTRICT, AT AN ESTIMATED MAXIMUM COST OF \$3,081,191 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,081,191, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, the Town Board of the Town of Batavia, Genesee County, New York (the “Town”), pursuant to Article 12 of the Town Law, created a water district designated and known as “Batavia North Water District” (the “District”); and

**WHEREAS**, the Town Board desires to undertake a water system capital improvements project generally consisting of the construction of the infrastructure for the District; and

**WHEREAS**, the improvements for the proposed District will be part of a joint project by and among the Towns of Batavia, Oakfield and Elba, referred to as the Townline Water Project; and

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**WHEREAS**, such joint project will generally consist of the construction and installation of approximately 104,700 linear feet of new eight inch and 12 inch diameter water main along the Batavia-Oakfield Townline Road, Hutton Road, Lewiston Road, Fisher Road, Batavia-Elba Townline Road, Pekin Road, Oak Orchard Road, State Street Road, Bank Street Road, Norton Road and Batavia-Stafford Townline Road, including installation along portions of roads located within each of the three Towns, as well as along the boundary of the Town of Batavia with the other two Towns of Elba and Oakfield, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with such joint project; 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 and in connection with the financing thereof (collectively referred to herein as the “Joint Project”); and

**WHEREAS**, the estimated maximum total cost of the Joint Project is \$6,115,230; however, the portion of the Joint Project that the District will be responsible to pay is estimated to be \$3,081,191; and

**WHEREAS**, by Resolutions the Town Board took the following actions with respect to such Project: (a) prepared maps, plans and reports and identified the boundaries for the District and such Project, (b) held public hearings with respect to such Project, (c) determined that such Project would not have a significant effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to such Project and further determined to undertake such Project and (e) received permission to establish the District from the New York State Comptroller; and

**WHEREAS**, the Town of Elba, Town of Oakfield and the Town of Batavia have entered into a certain intermunicipal agreement (dated August 21, 2014) for the construction of the Joint Project and describes the assessment method for the repayment of obligations that are expected to be issued by each Town; and

**WHEREAS**, the terms of such agreement (including any amendments to such agreement) are thereby incorporated herein by this reference; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to pay a portion of the Joint Project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

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**SECTION 1:** The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a certain capital improvements project consisting of the construction and installation of approximately 104,700 linear feet of new eight inch and 12 inch diameter water main along the Batavia-Oakfield Townline Road, Hutton Road, Lewiston Road, Fisher Road, Batavia-Elba Townline Road, Pekin Road, Oak Orchard Road, State Street Road, Bank Street Road, Norton Road and Batavia-Stafford Townline Road, including installation along portions of roads located within each of the three Towns, as well as along the boundary of the Town of Batavia with the other two Towns of Elba and Oakfield, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with such joint project; 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 and in connection with the financing thereof. The estimated maximum cost of the purpose for which the Town is responsible for is \$3,081,191.

**SECTION 2:** The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$3,081,191 of the Town, said amount to be offset by the receipt of any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said purpose shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

**SECTION 3:** It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

**SECTION 4:** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5:** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6:** The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

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**SECTION 7:** Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8:** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9:** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**SECTION 10:** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11:** The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

**SECTION 12:** In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**SECTION 13:** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

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(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 14:** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

**SECTION 15:** This resolution is effective immediately.

**The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:**

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 203:**

Councilman Lang offered the following:

**BID AWARD – CONTRACT A  
(BASE BID A)  
TOWNLIN WATER PROJECT**

**WHEREAS,** the Town of Batavia received bids September 25, 2014 at 11:00 A.M. for the construction of approximately 107,000 linear feet of 8 inch and 12 inch water main, valves, hydrants and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford; and

**WHEREAS,** the project was separated into two bids – Base Bid A and Base Bid B; and

**WHEREAS,** there was a different contractor whom was low on each of the Base Bids and it is in the best interest of the project to award to two separate contractors for each of the Base Bids A and B, and

**WHEREAS,** the combination of Base Bid A low bidder and Base Bid B low bidder is within the project budget, and

**WHEREAS,** Sergi Construction, Incorporated, East Aurora, New York was the lowest responsible bidder for Base Bid A with a total bid amount of two million five hundred seventy-one thousand nine hundred fifty dollars and zero cents (\$2,571,950.00) (recommendation and bid summary attached).

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**NOW THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby awards Base Bid A to Sergi Construction, Incorporated at a cost of two million five hundred seventy-one thousand nine hundred fifty dollars and zero cents (\$2,571,950.00) for construction of approximately 51,300 linear feet of water main and appurtenances along various roads in the Towns of Batavia, Oakfield, and Elba, contingent upon all required insurance, bonding and necessary documents being in place as approved by the Town Attorney; and

**BE IT FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute Agreements and issue the Notice to Proceed, once the aforementioned conditions are met.

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

**RESOLUTION NO. 204:**

Deputy Supervisor Underhill offered the following:

**BID AWARD – CONTRACT B**  
**(BASE BID B)**  
**TOWNLIN WATER PROJECT**

**WHEREAS**, the Town of Batavia received bids September 25, 2014 at 11:00 A.M. for the construction of approximately 107,000 linear feet of 8 inch and 12 inch water main, valves, hydrants and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford; and

**WHEREAS**, the project was separated into two bids – Base Bid A and Base Bid B; and

**WHEREAS**, there was a different contractor whom was low on each of the Base Bids and it is in the best interest of the project to award to two separate contractors for each of the Base Bids A and B, and

**WHEREAS**, the combination of Base Bid A low bidder and Base Bid B low bidder is within the project budget, and

**WHEREAS**, Visone Construction, Incorporated, Depew, New York was the lowest responsible bidder for Base Bid B with a total bid amount of two million nine hundred forty-seven thousand seven hundred thirty-four dollars and fifty cents (\$2,947,734.50) (recommendation and bid summary attached).

**NOW THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby awards Base Bid B to Visone Construction, Incorporated at a cost of two million nine hundred forty-seven thousand seven hundred thirty-four dollars and fifty cents (\$2,947,734.50) for construction of approximately 55,300 linear feet of water main and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford, contingent upon all required insurance, bonding and necessary documents being in place as approved by the Town Attorney; and

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**BE IT FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute Agreements and issue the Notice to Proceed once the aforementioned conditions are met.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**Abstract No. 10-2014:** Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$105,891.07
Highway	117,014.73
Sewer No. 1	3,970.14
Sewer No. 2	7,749.87
Water	263,477.10
Creek	51,154.10
West Main	43,939.43
Townline-	26,068.50
<b>Total</b>	<b>\$619,264.94</b>

Check numbers 19351 -19361, 19363 - 19424, 19426 -19427, ACH: \$34,0322.65, Online: \$7,171.72

**Ayes:** Underhill, Lang, Michalak, Zambtio, Post

**MOTION CARRIED by unanimous vote (5-0)**

**DEPARTMENT REPORTS:**

**Supervisor's Report:**

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

**GAM-** is tomorrow evening at 7:00 P.M. hosted by the Town of LeRoy at the Masonic Community Center in LeRoy

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**September Town Clerk monthly report collected a** total of \$12,119.96, remitted \$3,658.67 to the Supervisor for the Local Share.

**Letter of Thanks-** Received a letter of thanks from Ellen South for Murray (Mickey) Morrow's prompt and professional service during her water supply break.

**COMMITTEE REPORTS:**

**Bike Trail-** Councilman Zambito reported that they will be meeting in early December.

**ADJOURNMENT:**

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Motion Councilman Lang, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:55 P.M.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk