

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

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

**Roll Call**

**Present:** Deputy Supervisor Underhill  
Councilman Lang  
Councilwoman Michalak

**Absent:** Supervisor Post Councilman Zambito

**Others**

**Present:** Town Clerk Morasco

The Deputy Supervisor called the meeting to order at 7:05 P.M.

**January 15, 2014 Regular Town Board Meeting:** Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

**Ayes:** Lang, Michalak, Underhill

**MOTION CARRIED by unanimous vote (3-0)**

**RESOLUTION NO. 51:**

Councilman Lang offered the following:

**AMENDING INCIDENT COMMAND SYSTEM  
ORGANIZATIONAL CHART CONTACT LIST  
EMERGENCY PREPAREDNESS PLAN**

**WHEREAS,** the Town of Batavia has an Emergency Preparedness Plan in place;

**WHEREAS,** the Incident Command System Organizational Chart Contact List of personnel names and phone numbers has been amended (attached).

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby adopts the Incident Command System Organizational Chart Contact List as amended; and be it

**FURTHER RESOLVED,** the Batavia Town Board hereby directs that the amended Incident Command System Organizational Chart Contact List be sent to all parties named on the Organizational Chart, along with the Emergency Preparedness Plan.

**Second by:** Councilwoman Michalak

**Ayes:** Lang, Michalak, Underhill

**APPROVED by unanimous vote (3-0)**

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**TOWN OF BATAVIA  
INCIDENT COMMAND SYSTEM  
ORGANIZATIONAL CHART CONTACT LIST**

**TOWN BOARD**

	<b><u>HOME#</u></b>	<b><u>BUSINESS#</u></b>	<b><u>CELL#</u></b>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Alfred Lang	343-5344		
Chad Zambito	409-3558	343-1729	585-409-3558
Patti Michalak	343-7874	343-1729	716-601-4663

**TOWN ATTORNEY**

Kevin Earl		343-6320	
------------	--	----------	--

**OPERATIONS SECTION COORDINATOR:**

**Fire Department-**

Paul Barrett, Fire Chief	344-3520	343-1729	585-409-1372
John Fitzsimmons, President	344-1901		585-356-1506
Dan Coffey, Deputy Fire Chief		345-6370	585-414-5920
Donald Newton, Jr., Fire Chief			585-813-4033
Steve Smelski, 1 <sup>st</sup> Asst Fire Chief			585-356-0984
Charles Chatley, 2nd Asst Fire Chief			585-356-4668

**Law Enforcement**

Genesee County Sheriff's Department		343-5000	
New York State Police		343-2200	

**Highway Operations**

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
--	--	------------------	--------------

**Public Utilities-Water/Wastewater**

Steven Mountain, Town Engineer	343-2251	343-1729 ext. 220	585-755-6408
--------------------------------	----------	-------------------	--------------

**Emergency Medical Services**

United Memorial Center		343-6030	
------------------------	--	----------	--

**PLANNING SECTION COORDINATOR:**

**Highway**

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
--	--	------------------	--------------

**Town Engineer/Water&Wastewater**

Steve Mountain	343-2251	343-1729 ext. 220	585-755-6408
----------------	----------	-------------------	--------------

**Code Enforcement/Fire Marshall**

Daniel Lang		343-1729 ext 208	585-861-0878
-------------	--	------------------	--------------

**Assessor**

Rhonda Saulsbury		343-1729 ext 207	585-297-2472
------------------	--	------------------	--------------

**Local Emergency Services**

Genesee County Emergency Management		344-0078	
-------------------------------------	--	----------	--

**Local Planning Board**

Kathy Jasinski, Chairman	762-8239	343-1729	
--------------------------	----------	----------	--

**Local Health Department**

Genesee County Health Department		344-8506	
----------------------------------	--	----------	--

**LOGISTICS SECTION COORDINATOR:**

**Local Emergency Services**

Genesee County Emergency Management		344-0078	
-------------------------------------	--	----------	--

**Highway Operations**

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
--	--	------------------	--------------

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**HOME#                      BUSINESS#              CELL#**

**Town Clerk**

Teressa M. Morasco

343-1729 ext 203 585-356-7867

**FINANCE/ADMINISTRATION SECTION COORDINATOR:**

**Fiscal Officer**

Gregory H. Post, Supervisor

343-2088

343-1729

716-474-3216

**Town Accountant**

Laura Landers, Freed, Maxick & Battaglia

344-1967

**Town Justices**

Michael Cleveland

762-4200

343-1729 ext 216 585-813-5319

Thomas Williams

343-2764

343-1729 ext 216 585-300-3612

**Town Clerk**

Teressa M. Morasco

343-1729 ext 203 585-356-7867

**RESOLUTION NO. 52:**

Deputy Supervisor Underhill offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2013**

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

**General Fund:**

From	Amount	To
A1110.105 Justice Pers Svc	266.00	A1110.103 Justice Pers Svc
A1110.106 Justice Pers Svc	125.00	A1110.104 Justice Pers Svc
A1110.107 Justice Pers Svc	215.00	A1110.401 Justice Contractual
A1110.107 Justice Pers Svc	19.00	A1110.402 Justice Contractual
A1010.402 Town Board Contractual	311.00	A1220.101 Supv Pers Svc
A1220.400 Supv Contractual	140.00	A1220.102 Supv Pers Svc
A1355.103 Assessor Pers Svc	160.00	A1355.100 Assessor Pers Svc
A1420.404 Attorney Contractual	1507.00	A1420.405 Attorney Contractual
A1440.400 Engineer Contractual	1068.00	A1420.405 Attorney Contractual
A1420.402 Attorney Contractual	746.00	A1420.400 Attorney Contractual
A1440.400 Engineer Contractual	39.00	A1420.400 Attorney Contractual
A3620.401 Code Enf Contractual	2561.00	A3310.400 Traffic Control Contractual
A5132.400 Garage Utilities	148.00	A5132.401 Garage Telephone
A5132.400 Garage Utilities	890.00	A5182.400 Street Lighting Contractual
A7510.400 Historian Contractual	1.00	A7510.100 Historian Pers Svc
A8162.101 Trs St Pers Svc	14.00	A8162.100 Trs St Pers Svc
A8165.403 Landfill Contractual	3949.00	A8165.406 Landfill Contractual
A9010.800 Retirement	450.00	A9030.800 Social Security
A8120.102 Impr Thruway Pers Svc	38.00	A8120.400 Impr Thruway Contractual

**Highway**

DA5110.103 General Rep Pers Svc	167.00	DA5110.400 General Rep Contractual
DA5142.101 Snow Removal Per Svc	1194.00	DA5142.100 Snow Removal Per Svc
DA5142.101 Snow Removal Per Svc	824.00	DA5142.103 Snow Removal Per Svc

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

DA5110.103 General Repairs Pers Sv	7759.00	DA5142.400 Snow Removal Contractual
DA5130.200 Machinery Equip	5997.00	DA5142.400 Snow Removal Conbtractual
DA5130.400 Machinery Contractual	1206.00	DA5142.400 Snow Removal Contractual
DA5148.100 Svc for other Gvt	1846.00	DA5148.400 Svc for other Gvt Contractual

**Sewer District 2**

SS2-8120.409 San Swr Impro	3610.00	SS2-8130.400Swr Trmt & Disp Contr
SS2-8120.406 San Swr Rep Res	18972.00	SS2-8130.400Swr Trmt & Disp Contr
SS2-8120.408San Swr Meter Rep	2444.00	SS2-8130.400Swr Trmt & Disp Contr

**Sewer District 1**

SS1-8120.102 San Swr Pers Svc	428.00	SS1-8120.101 San Swr Pers Svc
SS1-8120.102 San Swr Pers Svc	59.00	SS1-8120.104 San Swr Pers Svc

**Water**

SW8340.106 TRs & Dist Pers Svc	6488.00	SW8340.200 TRs & Dist Equip
SW8340.106 TRs & Dist Pers Svc	4849.00	SW8340.400 Trs & Duist Contractual
SW8340.102 Trs & Dist Pers Svc	1528.00	SW8340.400 Trs & Dist Contractual
SW8340.102 Trs & Dist Pers Svc	70.00	SW8340.401 Trs & Dist Contractual

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Michalak  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 53:**

Councilwoman Michalak offered the following:

**TRAINING WORKSHOP**

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

Paul Barrett, Steve Tanner, Joseph Neth, and Burt Swable, Dig Safely Excavator Training March 4, 2014 -Dan Miles, Doug Smart, and Jason Armbrewster- March 5, 2014. There is no cost for this training.

Teressa Morasco-NYSTCA Regional Meeting & Training March 23 - March 24, 2014, at an approximate cost of \$30.00. A Town vehicle will be used.

John Della Penna- Monroe County Planning Environmental Quality Review Training March 31, 2014. There is no cost for this training.

Hiedi Librock- EFC, Smart Management for Small Communities Conference April 22 - April 24, 2014 at a cost of \$260.00. A Town vehicle will be used.

Teressa Morasco- NYSTCA Annual Conference April 27 - April 30, 2014, at an approximate cost of \$950.00. A Town vehicle will be used.

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

Steve Tanner - NYSAWWA Water Conference, May 13 - 15, 2014, at a cost of \$305.00.

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 54 :**

Councilman Lang offered the following:

**RESOLUTION SUPPORTING MASTER PLAN  
EAST PEMBROKE FIRE DISTRICT**

**RESOLVED**, the Batavia Town Board has reviewed the East Pembroke Fire District Master Plan and hereby supports the implementation of the plan to construction a new fire station.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Underhill,  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 55:**

Deputy Supervisor Underhill offered the following:

**REMOTE DEPOSIT CAPTURE**

**WHEREAS**, Five-Star Bank offers remote deposit capture service which allows the Town to scan checks and transmit the scanned images remotely to the bank for deposit; and

**WHEREAS**, this service would be a benefit to the Town, in such as, saving valuable personnel time and expediting the deposits.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes remote deposit capture service through Five-Star Bank, at no cost to the Town, effective February 1, 2014.

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Michalak  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 56:**

Councilwoman Michalak offered the following:

**APPROVAL OF CHANGE ORDER 2014-01  
OPERATION & MAINTENANCE- TOWN OF BATAVIA**

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**LANDFILL SUPERFUND SITE**

**WHEREAS**, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

**WHEREAS**, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

**WHEREAS**, Arcadis has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2014 (attached); and

**WHEREAS**, the cost for the service is estimated at sixteen thousand seven hundred two dollars (\$16,702.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

**NOW, THEREFORE, BE IT**

**RESOLVED** the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis, at the Town of Batavia Landfill Superfund Site.

**Second by:** Councilman Lang

**Ayes:** Michalak, Lang, Underhill

**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 57:**

Councilman Lang offered the following:

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

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

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2014.

**Second by:** Councilwoman Michalak

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**Ayes:** Lang, Michalak, Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 58:**

Deputy Supervisor Underhill offered the following:

**4G ANTENNA BOOSTER SYSTEMS**

**WHEREAS**, the Town of Batavia is experiencing weak, slow and at times no 3G/4G Verizon signal for cellular communications at the Batavia Town Hall and Highway Garage; and

**WHEREAS**, to receive a stronger, faster 4G signal and improve productivity and public safety, the Town Engineer and IT Support recommends the purchase of two (2) Antenna Booster Systems, one for the Town Hall and one for the Highway Garage; and

**WHEREAS**, the lowest responsible quote is from Power Signal for a Wilson 803670 Quint 2 Antenna Booster System at a cost of one thousand one hundred forty-nine dollars and fifty cents (\$1,149.50) each.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of two (2) Antenna Booster Systems from Powerful Signal at a cost of one thousand, one hundred, forty-nine dollars and fifty cents (\$1,149.50) each; and be it further

**RESOLVED**, the expenditure will be appropriated from line item A1680.200-Data Processing Equipment.

**Second by:** Councilwoman Michalak  
**Ayes:** Underhill, Michalak, Lang  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 59:**

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF  
DESKTOP AND LAPTOP COMPUTERS**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of two (2) Dell OptiPlex 9020 Desktop Computers for the Building Inspector and Historian at a cost of \$ \$967.56 each, New York State Contract #PT65340, 83AEA (quote attached); one (1) Dell Precision T5600 Computer for the Engineer Technician at a cost of \$2,470.34, New York State Contract #PT65340, 44ADD; five (5) Dell Latitude 3330 Laptop Computers for the Town Council and Spare at a cost of \$714.10 each, New York State Contract #PT65340, 44ADD, one (1) Dell Latitude 15 5000 Laptop Computer for the Town Supervisor at a cost of \$1,258.40, New York State Contract #PT65340, 44ADD; and one (1) Panasonic Toughbook Notebook Computer for the Water/Wastewater Department at a cost of \$2,007.00 9 (was)

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

purchased from Newegg; and be it further

**RESOLVED**, the expenditures will be appropriated from line items:

A1010.200	\$4,114.80
A1440.400	\$2,470.34
A1680.200	\$ 714.10
A3620.200	\$ 967.56
A7510.200	\$ 967.56
SW8310.200	\$1,505.26
SS18110.200	\$ 250.87
SS28110.200	\$ 250.87

**Second by:** Councilman Lang

**Ayes:** Michalak, Lang, Underhill

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 60:**

Councilman Lang offered the following:

**PURCHASE OF NEW SERVER AND BACKUP DRIVES**

**WHEREAS**, the Hewlett Packard Proliant ML310, which is a server 2003 that handles the scan/print server functions will also no longer be supported by the vendor and also has a failed hard drive; and

**WHEREAS**, a new server is needed to handle the scan, print and exchange server functions, as well as remote access for our Water/Wastewater Department; and

**WHEREAS**, the Town received a quote for a Dell PowerEdge R520 server to be purchased from Dell, New York State Contract PT 64100, contract number 47ABU at a cost of \$6,376.91 (quote attached); and

**WHEREAS**, new backup drives are also needed, as the current drives can no longer handle the Town's backup needs; and

**WHEREAS**, six (6) new backup drives are needed to backup the main server, sql server, and exchange server and to do the weekly rotations; and

**WHEREAS**, the cost of the backup drives are \$129.99 each from Newegg (quote attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a Dell PowerEdge R520 server from Dell, New York State Contract PT 64100, contract number 47ABU at a cost of \$6,376.91 and



**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

the purchase of six (6) backup drives at a cost of \$129.99 each; and be it further

**RESOLVED**, the expenditure will be appropriated from line item A1680.200.

**Second by:** Councilwoman Michalak

**Ayes:** Lang, Michalak, Underhill

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 61:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA  
SEQR RESOLUTION –LEAD AGENCY AND NEGATIVE DECLARATION  
TOWN OF BATAVIA PARK ROAD IMPROVEMENT PROJECT**

**WHEREAS,**

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as Lead Agency on January 15, 2014, to conduct an environmental review of the Town of Batavia Park Road Improvement project. The project will improve Park Road between NYS Route 63 and NYS Route 98 and include pavement reconstruction, curbs, sidewalks, street lighting, water main, sewer and drainage improvements.
- 2) The Town Board has determined that, the proposed action is an Unlisted action as defined under SEQR.
- 3) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On January 15, 2014, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form (EAF).
- 5) Comments on the EAF from Involved and Interested Agencies have been addressed (see revised part I of the EAF and part 2/3 of the EAF and Negative Declaration). The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered all environmental information prepared for this action, including any comments received from the Involved and Interested Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board declares that it will serve as Lead Agency for the Park Road Improvement Project; and,

The Town Board declares that, based on all of the environmental information which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment.

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

A Negative Declaration under SEQR is therefore issued for this project.

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Michalak  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 62:**

Councilwoman Michalak offered the following:

**AUTHORIZATION TO EXECUTE  
AGREEMENT WITH GENESEE COUNTY FOR THE  
PRATT AND POWERS INTERSECTION PROJECT**

**WHEREAS,** Genesee County received \$478,000 in State funding for the design and construction of the Pratt Road and Powers Road intersection project through a Federal Highway Safety Improvement Program (HSIP) grant under the State of New York Transportation Improvement Program, and

**WHEREAS,** the Pratt and Powers intersection has a long history of accidents due to the poor intersection sight distances on Pratt Road, which is owned and maintained by Genesee County, at Powers Road which is owned and maintained by the Town of Batavia, and

**WHEREAS,** Genesee County desires to enter into an agreement with the Town of Batavia to allow the Town's Engineering Department to provide engineering services for the design of the project. The Town will be reimbursed for the engineering services at an amount not to exceed \$39,951.00, and

**WHEREAS,** the Town Engineer recommends entering into a Municipal Cooperative Agreement with Genesee County for this project.

**WHEREAS,** the Agreement has been reviewed and approved by the Town Attorney.

**NOW, THEREFORE, BE IT RESOLVED,** by the Town Board of the Town of Batavia, New York, that a proposed Agreement by and between Genesee County and the Town of Batavia for the Pratt and Powers intersection project, a copy of which shall be made part of the 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,** the said Agreement shall expire on December 31, 2014, unless terminated earlier as set forth therein, and be it

**FURTHER RESOLVED** that the Town Engineer is hereby authorized and directed to provide the services as set forth in the Agreement and the attachments thereto, to be billed pursuant to the Fee Schedule, for an amount not to exceed the sum of \$39,951.00.

**Second by:** Councilman Lang

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

**Ayes:** Michalak, Lang, Underhill  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 63:**

Councilman Lang offered the following:

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF  
THE PRATT 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 November 25, 2013; and

**WHEREAS**, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on February 14, 2014, 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 Pratt 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

**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 16,000 linear feet of eight (8) inch water main along portions of Pratt Road and Powers 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 \$937,000.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$937,000.00, 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 \$420,000.00, and

**WHEREAS**, the proposed annual debt service (assuming 32 units) is estimated to be approximately \$691.00 per typical property user in the proposed district, which is a single family home, and

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**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 \$4.34 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$273.00 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 \$964.00 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 19<sup>th</sup> day of March, 2014, at 6:45 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:** Deputy Supervisor Underhill

**Ayes:** Lang, Underhill, Michalak

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 64:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING APPLICATION TO U.S. DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT**

**FOR GRANT AND/OR LOAN ASSISTANCE – PRATT ROAD WATER DISTRICT**

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Town of Batavia Pratt Road Water District, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and to execute such documents as may be required in connection with obtaining said loan and grant funds.

**Second by:** Councilwoman Michalak  
**Ayes:** Underhill, Michalak, Lang  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 65:**

Councilwoman Michalak offered the following:

**ON-CALL MOTOR EQUIPMENT OPERATOR**  
**HIGHWAY DEPARTMENT**

WHEREAS, There is currently an opening for a on-call motor equipment operator in the Highway Department; and

WHEREAS, the Highway Superintendent would like to retain Mr. Curtis Lamb as an on-call motor equipment operator noting that he has prior experience driving snow plow trucks. He is a very competent and motivated individual who would make a great asset to the Town of Batavia Highway Department; and

WHEREAS, the 2014 Town Budget reflects appropriations for hiring an on-call Motor Equipment Operator (MEO) employee for the Highway Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Curtis Lamb as an on-call MEO employee for the Highway Department at a rate of \$20.00 per hour; and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line items DA5110.101 and DA5142.101.

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 66:**

Councilman Lang offered the following:

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**  
**PURCHASE EQUIPMENT TRAILER**

**WHEREAS**, the 2014 Town Budget reflects appropriations to purchase a new 2014 equipment trailer for the Highway Department; and

**WHEREAS**, the Town solicited bids for a 2014 equipment trailer. Eight bids were received and opened at 3:00 PM on February 18, 2014. The low bidder was Bobcat of Buffalo for a 25 ton equipment trailer at a cost of \$19,350.00 (see bid summary memo attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase a new 2014 25 ton equipment trailer from Bobcat of Buffalo at a cost of \$19,350.00

**RESOLVED**, the expenditure will be appropriated from DA5130.200-highway equipment.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 67:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE WATER DISTRICT FARM AGREEMENT**  
**WITH OFFHAUS FARMS, INC.**

**WHEREAS**, the Towns of Batavia, Elba, Oakfield and Stafford have been and will continue to seek funding to install a public water system through the formation of either a joint Water District or separate Water Districts to be operated jointly or separately, and this project has tentatively and collectively been called the “Batavia North Water Project”, and

**WHEREAS**, the Town of Batavia, as part of the Project, intends to form the proposed “Batavia North Water District”, and

**WHEREAS**, a proposed Agreement has been prepared by the Town Attorney and has been approved and executed by Offhaus Farms, Inc., and

**WHEREAS**, the purpose of this proposed Agreement is to have Offhaus Farms, Inc. make payments towards the debt service after the District has been formed and approved, and

**WHEREAS**, the Town has proposed in this Agreement to provide water if requested by Offhaus Farms, Inc. thereafter for a reduced rate that will be provided to other similarly situated farm operations in order to further the public purpose of protecting farms and other agricultural lands.

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

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

York, that the proposed “Water District Farm Agreement” by and between the Town of Batavia and Offhaus Farms, Inc. is hereby approved, and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia, and

**BE IT FURTHER RESOLVED** that after the Batavia North Water District is formed and it receives any and all necessary government approvals and agreements, and thereby the Agreement becomes effective, then the officers, employees, agents and representatives of the Town are hereby authorized and directed to take all steps necessary to effectuate the terms and conditions as required to be performed on behalf of the Town of Batavia pursuant to this Agreement.

**Second by:** Councilwoman Michalak

**Ayes:** Underhill, Michalak, Lang

**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 68:**

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE WATER DISTRICT FARM AGREEMENT**

**WITH OAKFIELD ALABAMA REALTY, LLC**

**WHEREAS**, the Towns of Batavia, Elba, Oakfield and Stafford have been and will continue to seek funding to install a public water system through the formation of either a joint Water District or separate Water Districts to be operated jointly or separately, and this project has tentatively and collectively been called the “Batavia North Water Project”, and

**WHEREAS**, the Town of Batavia, as part of the Project, intends to form the proposed “Batavia North Water District”, and

**WHEREAS**, a proposed Agreement has been prepared by the Town Attorney and has been approved and executed by Oakfield Alabama Realty, LLC, and

**WHEREAS**, the purpose of this proposed Agreement is to have Oakfield Alabama Realty, LLC make payments towards the debt service after the District has been formed and approved, and

**WHEREAS**, the Town has proposed in this Agreement to provide water if requested by Oakfield Alabama Realty, LLC thereafter for a reduced rate that will be provided to other similarly situated farm operations in order to further the public purpose of protecting farms and other agricultural lands.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the proposed “Water District Farm Agreement” by and between the Town of Batavia and Oakfield Alabama Realty, LLC is hereby approved, and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia, and

**FEBRUARY 19, 2014  
REGULAR TOWN BOARD MEETING**

**BE IT FURTHER RESOLVED** that after the Batavia North Water District is formed and it receives any and all necessary government approvals and agreements, and thereby the Agreement becomes effective, then the officers, employees, agents and representatives of the Town are hereby authorized and directed to take all steps necessary to effectuate the terms and conditions as required to be performed on behalf of the Town of Batavia pursuant to this Agreement.

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 69:**

Councilman Lang offered the following:

**RANDSCO PIPELINE APPROVAL OF CHANGE ORDER NO. 2  
WEST MAIN SEWER IMPROVEMENTS**

**WHEREAS**, Randsco Pipeline is under contract with the Town of Batavia for the West Main Street Road Sewer Improvements, and

**WHEREAS**, Randsco Pipeline has submitted a change order request in the amount of thirty three thousand four hundred six dollars and ninety cents (\$33,406.90), as shown on the attached Change Order No.2, and

**WHEREAS**, the Town Engineer has reviewed the change order request along with the Clerk of the Works records and recommends approval of the change order request.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby approves Change Order No.2 and authorizes the Supervisor to execute the attached Change Order No.2. The approved change order is subject to approval by USDA-Rural Development.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Lang, Underhill, Michalak  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 70:**

Deputy Supervisor Underhill offered the following:

**AMENDMENT TO RESOLUTION 39-2014  
PURCHASE USED JOHN DEERE DOZER FOR  
HIGHWAY DEPARTMENT**

**WHEREAS**, resolution 39-2014 authorized the purchase of a 1999 John Deere 450G dozer from the Town of Bergen; and



**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS,** the dozer is a 2001 model rather than 1999 John Deere 450G dozer.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board amends resolution 39-2014 authorizing the purchase of a used 2001 John Deere 450G dozer, VIN : T0450HX897243 from the Town of Bergen at a price of \$30,000.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Michalak

**APPROVED by unanimous vote (3-0)**

**Abstract No. 14-2013 & 2-2014:** Motion Councilman Lang, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$14,415.35
Highway	174.32
Sewer No. 1	52.85
Sewer No. 2	195.46
Water	160,720.43
Creek	1,200.00
West Main/Wortendyke	6,911.00
<b>Total</b>	<b>\$183,669.41</b>

Check numbers 18639 thru 18652

General	\$79,357.77
Highway	87,761.93
Sewer No. 1	70,974.01
Sewer No. 2	41,656.91
Water	10,337.79
Creek	89.20
West Main/Wortendyke	11,226.20
Pratt	192.00
Park Rd Reconstruction	27.60
N/E Route 98	640.00
<b>Total</b>	<b>\$302,263.41</b>

Check numbers 18636 - 18638, 18653 -18737, Online: \$11,148.91

**Ayes:** Lang, Michalak,

**MOTION CARRIED by unanimous vote (3-0)**

**DEPARTMENT REPORTS:**

**FEBRUARY 19, 2014**  
**REGULAR TOWN BOARD MEETING**

**The Deputy Supervisor** reported:

**Highway Department-** The Highway personnel have been very busy over the past couple of months keeping up with the road conditions. Deputy Supervisor Underhill commended the Highway Employees on the SUPER job they are doing!

**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 a CD and is paying a rate of .22%.

**GAM-** The GAM meeting is tomorrow evening at 7:00 p.m. at the ARC Community Center hosted by the Town of Batavia

**COMMUNICATIONS:**

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

**January Town Clerk monthly report collected a** total of \$4,597.56, remitted \$4,419.56 to the Supervisor for the Local Share.

**January Tax Collection-** Collected a total of \$3,587,929.95. Remitted \$1,130,292.89 to the Supervisor for the Town Levy and the remainder was remitted to the Genesee County Treasurer.

**Putnam/Shepard Speed Limit-** Received an acknowledgement letter from the NYSDOT that they received the Town's request to lower the speed limit in the Putnam/Shepard Roads area. Once they conclude their investigation they will notify the Town.

**COMMITTEE REPORTS:**

**Fire -** Deputy Supervisor Underhill reported that the Town of Batavia Fire Department installation banquet is Saturday, March 1, 2014.

**ADJOURNMENT:**

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:40 P.M.

**Ayes:** Lang, Michalak, Underhill

**MOTION CARRIED by unanimous vote (3-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk