

MARCH 19, 2014
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:10 P.M.

February 19, 2014 Regular Town Board Meeting: Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

Ayes: Lang, Michalak, Zambito, Underhill,

Abstain: Post

MOTION CARRIED by vote 4-ayes, 1-abstain

RESOLUTION NO. 71:

Councilman Lang offered the following:

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF
THE PRATT ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia duly adopted a Resolution directing Gregory H. Post, the Town Supervisor of the Town of Batavia to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said map, plan and report in the office of the Town Clerk of the Town of Batavia on November 25, 2013, and the said Town Board did on February 19, 2014, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 19th day of March, 2014, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District " was filed in the Batavia Town Clerk's Office

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on February 14, 2014, which was signed by a number of owners within said district, which was greater than the percentage required by law, and

WHEREAS, the improvements proposed are as follows: a project to provide a safe and reliable potable water supply and fire protection to certain residences in the proposed Pratt Road Water District. The overall project will consist 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, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

- (1) The aforesaid “Petition to Request Water District” was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.
- (2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (3) That all the property and property owners within the proposed water district are benefited thereby.
- (4) That all of the property and property owners benefited are included within the proposed water district.
- (5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Town of Batavia Pratt Road Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that 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 be it

FURTHER RESOLVED that 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 be it

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FURTHER RESOLVED that 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 be it

FURTHER RESOLVED that 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 be it

FURTHER RESOLVED that 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 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 be it

FURTHER RESOLVED that 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 be it

FURTHER RESOLVED that this Resolution and Order is not subject to a permissive referendum; and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof; and be it

FURTHER RESOLVED, that the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

EXHIBIT "A"

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TOWN OF BATAVIA
PROPOSED PRATT ROAD WATER DISTRICT

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

Beginning at a point which is the northwesterly corner of Tax Parcel number 2.-1-44.111; thence,

1. Easterly, along the northerly line of Tax Parcel numbers 2.-1-44.111, 2.-1-44.112, 2.-1-44.2, 2.-1-44.12, 2.-1-43, 2.-1-40, 2.-1-39, 2.-1-35, 2.-1-34, 2.-1-33, 2.-1-29.1, 2.-1-28.1, 2.-1-53.2, 2.-1-28.1, 2.-1-28.2, 2.-1-23.12, and 2.-1-23.11, a distance of 10,539 feet, more or less, to the northeasterly corner of Tax Parcel number 2.-1-23.11; thence,
2. Southerly, along the easterly line of Tax Parcel number 2.-1-23.11, through the right-of-way of Pratt Road (49.5 feet wide right-of-way), continuing along the easterly line of Tax Parcel number 6.-1-12.1, a distance of 1,558 feet, more or less, to a point along the easterly line of Tax Parcel number 6.-1-12.1; thence,
3. Westerly, through Tax Parcel number 6.-1-12.1, along the southerly line of Tax Parcel number 6.-1-12.2, through Tax Parcel numbers 6.-1-12.1 and 6.-1-68, continuing along the southerly line of Tax Parcel number 6.-1-10, a distance of 4,045 feet, more or less, to the southwest corner of Tax Parcel number 6.-1-10; thence,
4. Southerly, along an easterly line of Tax Parcel number 6.-1-6.2, a distance of 662 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-6.2; thence,
5. Westerly, along a southerly line of Tax Parcel number 6.-1-6.2, a distance of 1,294 feet, more or less, to the northwesterly corner of Tax Parcel number 6.-1-7; thence,
6. Southerly, along an easterly line of Tax Parcel number 6.-1-6.2, a distance of 916 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-6.2; thence,
7. Westerly, along a southerly line of Tax Parcel number 6.-1-6.2, a distance of 684 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-60.1; thence,
8. Southerly, along an easterly line of Tax Parcel number 6.-1-60.1, a distance of 1,404 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-60.1; thence,
9. Westerly, along a southerly line of Tax Parcel number 6.-1-60.1, a distance of 681 feet, more or less, to the northwesterly corner of Tax Parcel number 6.-1-63.1; thence,
10. Southerly, along an easterly line of Tax Parcel number 6.-1-60.1, continuing through the right-of-way of Stegman Road (49.5 feet wide right-of-way), a distance of 647 feet, more or less, to a point along the northerly line of Tax Parcel number 6.-1-61; thence,
11. Easterly, along the northerly line of Tax Parcel number 6.-1-61, a distance of 978 feet, more or less, to the northeasterly corner of Tax Parcel number 6.-1-61; thence,
12. Southerly, along the easterly line of Tax Parcel number 6.-1-61, continuing through the Tonawanda Creek, a distance of 778 feet, more or less, to a point along the northerly boundary of the Consolidated Water District at the centerline of the Tonawanda Creek; thence,
13. Westerly, along the northerly boundary of the Consolidated Water District at the centerline of the Tonawanda Creek, a distance of 3,036 feet, more or less, to a point along the northerly boundary of the Consolidated Water District; thence,

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14. Northerly, through the Tonawanda Creek, along the westerly line of Tax Parcel number 6.-1-57, continuing through the right-of-way of Stegman Road (49.5 feet wide right-of-way), a distance of 458 feet, more or less, to a point along a southerly line of Tax Parcel number 6.-1-52.11; thence,
15. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 1,285 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
16. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 1,832 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-51.1; thence,
17. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 500 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
18. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 906 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-51.1; thence,
19. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 436 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
20. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 601 feet, more or less, to the northeasterly corner of Tax Parcel number 6.-1-50; thence,
21. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 196 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 6.-1-52.11 and 6.-1-70, through the right-of-way of Pratt Road (49.5 feet wide right-of-way), continuing along the westerly line of Tax Parcel number 2.-1-44.111, a distance of 1,513 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Proposed Pratt Road Water District – 2011 Water System Improvements," dated 5/2011. The Town of Batavia Pratt Road Water District, as described above, contains approximately 711.2 acres of land.

RESOLUTION NO. 72:

Deputy Supervisor Underhill offered the following:

BID AWARD
CREEK AND EAST ROADS WATER DISTRICT

WHEREAS, the Town of Batavia received bids February 20, 2014 at 2:00 P.M. for the construction of approximately 22,200 linear feet of 8 inch or 12 inch water main along Creek, East, Lehigh, and Dorman Roads; and

WHEREAS, Sergi Construction, Inc., of East Aurora, New York was the lowest responsible bidder at a cost of eight hundred thirty three thousand six hundred ninety dollars and no cents (\$833,690.00) (bid summary attached); and

WHEREAS, Clark Patterson Lee has completed a review of the low bidder and the bid tabulation (attached); and

WHEREAS, the Town Engineer has reviewed the same and recommends award of the contract to Sergi Construction, Inc.

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NOW THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby awards the bid to Sergi Construction, Inc. at a cost of eight hundred thirty three thousand six hundred ninety dollars and no cents (\$833,690.00) for construction of approximately 22,200 linear feet of 8 inch or 12 inch PVC waterline Creek, East, Lehigh, and Dorman Roads contingent upon approval by the USDA- Rural Development-Rural Utility Service and the insurance and bonding being in place as approved by the Town Attorney; and

BE IT FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement with Sergi Construction, Inc. and to 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)

RESOLUTION NO. 73:

Supervisor Post offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
CREEK ROAD WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Creek Road Water District, and

WHEREAS, the Town has requested additional services for the Creek Road Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment for additional design, permitting and administrative services in the amount of twenty thousand five Hundred dollars (\$20,500) (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Engineering Agreement Amendment No. 1 with Clark Patterson Lee in the amount of twenty thousand five Hundred dollars (\$20,500), which is contingent upon approval by USDA – Rural Development.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 74:

Councilwoman Michalak offered the following:

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TRAINING WORKSHOP

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

Murray Morrow- Dig Safely Excavator Training (was) March 5, 2014. There is no cost for this training.

John Della Penna- Genesee County Planning SEQR Training, March 27, 2014 rather than Monroe County Planning Environmental Quality Review Training, March 31, 2014. There is no cost for this training.

Hiedi Libroch- NYMIR Employment Practices Liability Seminar, March 28, 2014. There is no cost for this training. A Town vehicle will be used.

Steve Tanner and Marcy Crandall - Water Operator Grade D Certification, May 20 - 22, 2014. There is no cost to the Town. They received a WNYWWC Scholarship to attend. A Town vehicle will be used.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Discussion: The Supervisor applauds the employees for seeking the scholarships. It is quite a savings to the Town.

RESOLUTION NO. 75:

Councilman Zambito offered the following:

**VILLAGER CONSTRUCTION INCORPORATED
APPROVAL OF CHANGE ORDER NO. 1
WEST MAIN SEWER IMPROVEMENTS
CONTRACT NO. 2**

WHEREAS, Villager Construction, Incorporated is under contract with the Town of Batavia for the West Main Street Road Sewer Improvements; and

WHEREAS, the Town has requested revisions to the original design of portions of the pump stations; and

WHEREAS, Villager Construction, Incorporated has submitted a change order request for the requested revisions in the amount of Three Thousand Two Hundred Sixty Nine dollars and twenty-five cents (\$3,269.25), as shown on the attached Change Order No.1; and

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WHEREAS, the Town Engineer has reviewed the change order request and recommends approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No.1 for Contract No.2 and authorizes the Supervisor to execute the attached Change Order No.1 in the amount of Three Thousand Two Hundred Sixty Nine dollars and twenty-five cents (\$3,269.25). The approved change order is subject to approval by USDA-Rural Development.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 76:

Councilman Lang offered the following:

RESOLUTION TO APPROVE A WATER CUSTOMER AGREEMENT

WITH DOUGLAS D. HAGEN AND LINDA L. HAGEN

WHEREAS, the Town of Batavia has received a request from one of its residents, namely, Douglas D. Hagen and Linda L. Hagen, residing at 7753 Downey Road, and

WHEREAS, the Town of Batavia desires to provide water service to their residence, upon the same terms and conditions of other residents of the Town of Batavia that are served pursuant to an out of district Water Customer Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the Supervisor is hereby authorized and directed on behalf of the Town of Batavia to execute a proposed Water Customer Agreement, by and between the Town of Batavia, and Douglas D. Hagen and Linda L. Hagen, residing at 7753 Downey Road, in the Town of Batavia, New York, and

BE IT FURTHER RESOLVED that the sale of water to these out of district customers in the Town of Batavia will not at this time reduce the supply of the Town of Batavia water so as to render the same insufficient to service all water districts within the Town of Batavia for the residents located therein, and

BE IT FURTHER RESOLVED that upon completion of the execution of the Water Customer Agreement, employees of the Town are hereby authorized and directed to take all steps necessary to provide water service to Douglas D. Hagen and Linda L. Hagen, and to invoice them for the required charges set forth therein.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill, Post

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APPROVED by unanimous vote (5-0)

WATER CUSTOMER AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2014, by and between the TOWN OF BATAVIA, NEW YORK, a municipal corporation duly organized and existing under and pursuant to the laws of the State of New York, having its office and principal place of business at 3833 West Main Street Road, in the Town of Batavia, County of Genesee and State of New York, hereinafter called "Town", and DOUGLAS D. HAGEN and LINDA L. HAGEN, residing at 7753 Downey Road, in the Town of Batavia, County of Genesee and State of New York, hereinafter called "Customers".

WITNESSETH:

WHEREAS, the Town is the owner of Water Transmission Main that runs along Downey Road in the Town of Batavia, New York, which provides water to the Town and Village of Oakfield; and

WHEREAS, the Customers own a parcel of land on Downey Road in the Town of Batavia, New York, which is on the same road as said transmission main; and

WHEREAS, the Customers have requested permission to become customers of and to purchase water from the Town; and

WHEREAS, the Town is planning to include this out of district customer as part of the future Batavia North Water District; and

WHEREAS, the customer has been made aware of the estimated debt service associated with the Batavia North Water District and agrees to join said Water District upon its creation; and

WHEREAS, the customer agrees to pay the debt service associated with the Batavia North Water District once it is established; and

WHEREAS, the Town of Batavia has, by Resolution dated March 19, 2014, determined that the sale of water to the Customers will not at this time reduce the supply of its water so as to render the same insufficient to service all water districts within the Town of Batavia or their inhabitants;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties pursuant to Section 198(3) (b) of the New York State Town Law covenant and agree as follows:

1. The Town will install a water service meter pit and metering device necessary to have the Customers extend a water line to their residence, located at 7753 Downey Road, Tax Map No. 1.-1-10.12.
2. The Town shall provide water service to the Customers upon the same terms and conditions of the other property owners located in the Consolidated Water District; including the obligation of the Customers to pay the same amount for the debt service cost related to the the Consolidated Water District , and to pay user charges for water based upon water consumption at the same

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rates as property owners of the Consolidated Water District, as billed by the Town until such time that the Batavia North Water District is formed, at which time the customer agrees upon the same terms and conditions of all other customers in the future Batavia North Water District, including the obligation to pay the same amount for the Debt Service and water consumption at the same rates as those that shall be established for the Batavia North Water District.

3. The Customers shall install and maintain all lines from the water service line to their residence, as well as all internal plumbing in the residence, at no cost to the Town.

4. Customers further covenant and agree as follows:

A. To use said water only for domestic and non-business purposes for the residence which will be serviced by this water line.

B. Not to permit any tap-in to any of the water lines installed by them for the benefit of any person, firm or corporation.

C. To abide by and obey all presently existing and future enacted rules, regulations and ordinances of the Town pertaining to the use of and payment for water sold to residents of the Town of Batavia water districts as if said Customers were located within the Town of Batavia Consolidated Water District .

D. To become a part of any water district or extension which geographically encompasses the property served by this water line and shall affirmatively sign any petition that seeks to establish such water district; as well as refraining from any acts in opposition to such a water district, such as voting against the same in any referendum. Upon becoming part of the new water district, Customers will be responsible to pay all costs and expenses of the newly formed district, including its debt service, which may or may not result in payments greater than those paid pursuant to this Agreement.

E. Not to assign this Agreement without the prior written consent of the Town. Any assignment in violation of the foregoing shall be deemed void.

F. To be responsible for all repairs to the water line from the water service line to the home, and for any damages caused by the failure of this line.

5. The Agreement shall automatically terminate upon the happening of any of the following events:

A. The formation of a water district or extension geographically encompassing the property herein serviced by this water line.

B. A determination by the Town, in its sole judgment, that the sale of water hereunder will reduce the supply of water to a level insufficient to meet the needs of any water district within the Town or the inhabitants thereof and/or for any other reason that continuing to supply the Customers will not be in the best interest of other Town residents.

C. Any breach of this Agreement by the Customers.

6. There are no other Agreements or understandings, either orally or written, between the parties affecting this Agreement. No changes or additions, or deletions of any portion of this Agreement shall be valid or binding upon the parties hereto, unless the same is approved in writing by the parties.

7. This Agreement shall be binding upon and shall inure to the benefit of each of the parties hereto and their heirs, successors and permitted assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

TOWN OF BATAVIA, NEW YORK

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By: _____
GREGORY H. POST, Town Supervisor

DOUGLAS D. HAGEN

LINDA L. HAGEN

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 **DOUGLAS D. HAGEN**, 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 LINDA L. HAGEN, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 77:

Deputy Supervisor Underhill offered the following:

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UNITED WAY DAY OF CARING

RESOLVED, the Batavia Town Board hereby authorizes a team of five employees (Hiedi Librock, Teressa Morasco, Sarah Sauka, Matthew Mahaney and Douglas Smart) from the Town of Batavia to participate in the United Way Day of Caring, Wednesday, May 14, 2014.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 78:

Supervisor Post offered the following:

RESOLUTION TO STANDARDIZE ON CERTAIN MATERIALS RELATED TO WATER AND SEWER CONSTRUCTION

WHEREAS, the Town of Batavia Town Engineer and Water and Sewer Department Staff have reviewed product and materials used in construction of Water and Sewer Infrastructure, and

WHEREAS, the Town of Batavia Town Engineer and Water and Sewer Department Staff have determined it is in the best interest of the residents of the Town of Batavia to standardize on certain construction materials as attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the materials indicated on the attached "Standard Materials List" be adopted as the make, models and materials required for use in constructing water and sewer infrastructure in the Town of Batavia, and

BE IT FURTHER RESOLVED that shall new products, materials, or information be gathered by the Town that would prompt the modification of the "Standard Materials List" the Town Engineer and Water and Sewer Department shall present said changes to the Town of Batavia Town Board for reconsideration, and

BE IT FURTHER RESOLVED that upon acceptance of this resolution by the Town of Batavia Town Board, employees of the Town are hereby directed to utilize the materials presented when self-performing work and direct all engineers, contractors or others doing water and sewer infrastructure construction or design work in the Town of Batavia to utilize the materials presented on the attached "Standard Materials List."

Second by: Councilman Zambito

Ayes: Post, Zambito, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 79:

Councilwoman Michalak offered the following:

**PROFESSIONAL SERVICES AGREEMENT FOR
SEWER CAPACITY UPGRADE ALTERNATIVE ANALYSIS PLANNING GRANT
BETWEEN THE TOWN OF BATAVIA AND CLARK PATTERSON LEE**

WHEREAS, the Town of Batavia received an Engineering Planning Grant (EPG) to pay for a portion of the cost of completing the Sewer Capacity Upgrade Alternative Analysis; and

WHEREAS, Clark Patterson Lee has provided a letter proposal for engineering and grant assistance support services (letter attached) for a lump sum of Twenty Four Thousand Seven Hundred Fifty dollars (\$24,750).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the Supervisor to retain Clark Patterson Lee for engineering and grant assistance support services in the amount of Twenty Four Thousand Seven Hundred Fifty dollars (\$24,750) to prepare an engineering report and to provide other supplementary information for the Sewer Capacity Upgrade Alternative Analysis

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 80:

Councilman Zambito offered the following:

**RESOLUTION TO ESTABLISH POSITION
FULL-TIME FINANCIAL CLERK**

RESOLVED, the Batavia Town Board hereby establishes the position of full-time Financial Clerk (MSD222 duties statement attached).

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 81:

Councilman Lang offered the following:

**AUTHORIZATION TO EXECUTE
AGREEMENT WITH GENESEE COUNTY FOR THE
SHERIFF'S OFFICE/ PUBLIC SAFETY RADIO SYSTEM**

WHEREAS, Genesee County purchased a new P25 800MHz Radio VHF High Band Paging

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System; and

WHEREAS, the County is requiring each agency utilizing the system to enter into an Inter-Agency Agreement for the Authorization and Standardization of the County's new radio and paging system, a copy of which is annexed to and made a part of the minutes.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed Inter-Agency Agreement by and between Genesee County and the Town of Batavia for new radio and paging system, 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.

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

Abstract No. 3-2014: Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$104,479.62
Highway	63,740.45
Sewer No. 1	2,273.33
Sewer No. 2	13,261.74
Water	37,606.11
Creek	9,950.00
West Main Sewer	13,274.70
Pratt	1,108.00
CDBG	60,712.75
Bat N-East	1,952.00
Total	\$308,258.70

Check numbers 18737 - 18750, 18752 - 18809, 18811 - 18864 and 1007, Online: \$12,790.97, ACH: \$32,528.12

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

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Building Inspection and Planning have been very business with many projects in review and taking advantage of training.

Highway - It's been a very busy season for the highway department. The Highway Superintendent expects that the highway expenditures are going to exceed the budgeted amount due to the over-time pay, fuel, ice control, plowing and road repairs.

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Supervisor's Report:

Projects- The Town Engineer and Staff have been quite busy working on 46 public and private projects totaling approximately \$100,000,000. All are in need of attention and the project list continues to grow in a constructive way.

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 Smokin Eagle, hosted by the Village of LeRoy.

Pratt and Powers Road Intersection Project- Public Informational meeting is tomorrow at 7:00 p.m. at the Town Hall

Townline Water Project- There will be an informational meeting for the Townline Water Project for the residents of Batavia, Stafford, Elba and Oakfield, Thursday, March 27, 2014 at 7:00 P.M. at the Elba Central School Auditorium.

COMMUNICATIONS:

The Town Clerk reported on the following:

February Town Clerk monthly report collected a total of \$4,851.51, remitted \$4,752.89 to the Supervisor for the Local Share.

February Tax Collection, collected a total of \$102,660.53. Remitted \$1,016.41 to the Supervisor for the penalties collected and the remainder was sent to the Genesee County Treasurer.

Trainings-The Genesee County Planning Board is hosting a SEQR training in Attica on Thursday, March 27. Also, the Genesee/Finger Lakes Regional Planning Council Spring Local Government Workshop is May 15, 2014. Town Personnel have been notified.

ADJOURNMENT:

Motion Councilman Zambito, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:38 P.M.

Ayes: Zambito, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk