

**JUNE 18, 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

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

May 21, 2014 Regular Town Board Meeting, May 28, 2014 Public Hearing-Batavia North Water District, and May 28, 2014 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Zambito, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 117:

Councilman Lang offered the following:

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RUS BULLETIN 1780-27

Position 5

APPROVED
OMB. No. 0572-0121

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Council
OF THE Town of Batavia
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Water
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Batavia
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
Seven Hundred Twenty-One Thousand

pursuant to the provisions of Subject to NYS Municipal Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event
that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Second by: Deputy Supervisor Underhill

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

RESOLUTION NO. 118:

Deputy Supervisor Underhill offered the following:

**RESOLUTION OF FINDINGS FOR APPLICATION TO STATE COMPTROLLER
FOR THE BATAVIA NORTH WATER DISTRICT**

WHEREAS, the Town Board of the Town of Batavia, adopted a Resolution on May 28, 2014, establishing a Water District on portions of Batavia-Oakfield Townline Road, Lewiston Road, Batavia-Elba Townline Road, Bank Street Road and Batavia-Stafford Townline Road, in the Town of Batavia, and

WHEREAS, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia as follows:

- (1) That the annexed application was prepared at the direction of the Batavia Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that that Batavia North Water District, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 119:

Supervisor Post offered the following:

**CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN
THE TOWN OF BATAVIA AND THE VILLAGE OF CORFU**

WHEREAS, the Town of Batavia and the Village of Corfu employs Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations; and

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WHEREAS, each party has identified a need to have its Codes enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into an agreement between the Town of Batavia and the Village of Corfu for Code Enforcement coverage (agreement attached), expiring December 31, 2015; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

Second by: Councilman Zambito

Ayes: Post, Zambito, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

CODE ENFORCEMENT
AGREEMENT

THIS AGREEMENT, made this _____ day of _____ 201____ by and between the **Village of Corfu**, a municipal corporation with offices at 116 East Main Street, Corfu, New York 14036 (“Corfu”), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

WHEREAS, both parties employ Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

WHEREAS, each party has identified a need to have its Codes enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences,

NOW THEREFORE, BE IT RESOLVED, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

First: That Corfu shall appoint the Code Enforcement Officer of the Town of Batavia as its Deputy Code Enforcement Officer.

Second: That Batavia shall appoint the Code Enforcement Officer of the Village of Corfu as one of its Deputy Code Enforcement Officers.

Third: That each party shall establish an hourly rate at which it shall be reimbursed for such times as its Code Enforcement Officer is performing duties in the other Town/Village and the Town/Village receiving such services shall and hereby does agree to pay for such services at said rate. Each party shall also reimburse the other for any expenses paid by the other, including mileage for vehicle use by the officer while in the other party’s Town/Village, or reimburse the officer directly for the use of his personal vehicle in those instances when he uses it for either party’s purposes with prior authorization.

Fourth: The rate shall include the hourly cost to the Town/Village for the Code Enforcement Officer’s wages, health insurance, retirement fund contribution, and any other fringe benefits, and shall not exceed such hourly costs.

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Fifth: The Town Supervisor and the Village Mayor shall notify the other Town Supervisor /Village Mayor as soon as it becomes known that the services of the Deputy will be necessary, but in no event shall such notice be given less than 72 hours prior to the time when the Deputy is needed. In the event that one of the officers becomes injured, ill or otherwise suddenly incapacitated, the Town/Village supplying the Deputy shall do so as soon as practical, but shall not be required to do so any sooner than 72 hours after notification. It is further understood that each municipality may have or currently has similar agreements with other municipalities and, therefore it is understood that the Deputy may not be available due to services being provided to those other municipalities. In this event the Deputy will be provided on a first come first serve basis.

Sixth: Each the Town and the Village shall indemnify the other against any negligent act and shall name the other as an additional insured on any and all liability insurance policies. Each the Town and the Village shall be responsible for the acts of the deputy enforcement officer when working in its Town/Village and the other shall not be so responsible.

Seventh: This agreement shall take effect upon the adoption of resolutions by Town Board and Village Board agreeing hereto and the authorizing of the respective Supervisor and Mayor to execute this Agreement and shall be in effect until December 31, 2015.

Eighth: This agreement may be terminated by either party by giving the other party ninety (90) days notice of intention to terminate and shall become effective on the first day of the month following the expiration of the ninety (90) day period.

Ninth: All notices shall be sent to the respective Town and Village at their addresses as set forth above.

IN WITNESS WHEREOF, the Town and the Village have caused this Agreement to be signed by the Supervisor and the Mayor and the respective municipal Seals attached on the date first set forth above.

VILLAGE OF CORFU

TOWN OF BATAVIA

, Mayor

Gregory H. Post, Supervisor

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

On the _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said State, 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 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

STATE OF NEW YORK)
COUNTY OF GENESEE) SS.

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On the _____ day of _____, 20__ before me, the undersigned, a Notary Public in and for said State, 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

RESOLUTION NO. 120:

Councilwoman Michalak offered the following:

RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT RECORDS AND DOCKETS WAS CONDUCTED

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditor's report along with a copy of this resolution to Linda Miller, Chief Internal Auditor, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 121:

Councilman Zambito offered the following:

TRAINING WORKSHOP

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

Hiedi Librock and Marcy Crandall - GFOA Summer Seminar July 17, 2014. The cost for this training is \$75.00 each.

Burt Swable, Dan Miles, Doug Smart, Paul Barrett, Mickey Morrow, and Steve Tanner - Confined Space Training (was) June 12, 2014-GCC Best Center at a total cost of \$352.00

Town Employees- Professional Development Training at the Best Center, two additional grant

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hours at a rate of \$44.00 per hour for a total of 32 hours. (April 16, 2014 thirty hours was approved).

Rhonda Saulsbury- Ethics Class June 20, 2014. The cost for the training is \$100.00 and a Town vehicle will be used.

Rhonda Saulsbury-Cornell University Seminar on Appraising July 14 - July 17, 2014 at an approximate cost of \$960.00 (includes course fee, hotel and meals). A Town vehicle will be used.

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

RESOLUTION NO. 122:

Councilman Lang offered the following:

JUNKYARD LICENSES

RESOLVED, the Batavia Town Board hereby approves the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate contingent upon the recommendation of the Building Inspector.

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

RESOLUTION NO. 123:

Deputy Supervisor Underhill offered the following:

2014 BUDGETARY LINE ITEMS
JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT AWARD

WHEREAS, the Town of Batavia Court received notification on March 2, 2011 from the State of New York Unified Court System that the Town has been awarded a Justice Court Assistance Program (JCAP) Grant in the amount of eight hundred, four dollars (\$804.00) for office equipment (letter attached); and

WHEREAS, line items need to be amended in the 2014 budget to account for these funds.

NOW, THEREFORE, BE IT

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

A3001 Revenues	\$ 804.00
A1110.200 Equipment Williams	\$ 402.00
A1110.201 Equipment Cleveland	\$ 402.00

Second by: Councilman Lang

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

RESOLUTION NO. 124:

Supervisor Post offered the following:

UNCLAIMED FUNDS
AUTHORITY TO SIGN

RESOLVED, the Batavia Town Board hereby authorizes the Town Supervisor Gregory H. Post to execute and submit the attached Unclaimed Funds Claim Form to the office of the New York State Comptroller, Office of Unclaimed Funds.

Second by: Councilwoman Michalak

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

RESOLUTION NO. 125:

Councilwoman Michalak offered the following:

ENGINEERING AGREEMENT – CLARK PATTERSON LEE
TOWNLIN WATER DISTRICT

BATAVIA NORTH WATER DISTRICT
ELBA WATER DISTRICT #1
OAKFIELD DISTRICT #6

WHEREAS, a joint water project – Townline Water Project is being undertaken by the Towns of Batavia, Elba, and Oakfield; and

WHEREAS, the Town of Batavia will be serving as the project agent/administrator for all municipalities and as such will contract with professional services as well as contractor(s) for the project; and

WHEREAS, the Town of Batavia will be providing (and has provided to date a portion) of the engineering services and construction inspection in house and the remainder will be completed by Clark Patterson Lee, all Towns current engineering firm; and

WHEREAS, the Clark Patterson Lee has submitted the attached proposal for services; and

WHEREAS, the fee for these services are stipulated in the agreement (attached) which is within the current/original budget.

NOW THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreements between the Town of Batavia and Clark Patterson

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Lee for services to be rendered in connection with the Townline Water Project.

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

RESOLUTION NO. 126:

Councilman Zambito offered the following:

**2013 TRANSPORTATION ENHANCEMENTS PROGRAM (TEP) GRANT
FEDERAL AID LOCAL PROJECT AGREEMENT
ELLCOTT TRAIL PROJECT**

WHEREAS, the New York State Department of Transportation announced the availability Transportation Enhancements Program (TEP) grant funding; and

WHEREAS, the TEP grant program provides up to \$2.5 million in grant funding for communities to implement alternative transportation projects; and

WHEREAS, the TEP grant program provides up to 80 percent of total project costs; and

WHEREAS, the Town of Batavia, in cooperation with the City of Batavia, desires to submit an application to construct a multi-jurisdictional trail between the City and Town;

NOW THEREFORE, BE IT RESOLVED, that the Town Board does hereby enthusiastically authorize submission of the Transportation Enhancements Program grant for a trail between the Town and City of Batavia.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town's share of the project to equal 25 percent of total project costs, exceeding the minimum 20 percent share, to show evidence of the Town's commitment to this project.

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

RESOLUTION NO. 127:

Councilman Lang offered the following:

**SUMMER SEASONAL EMPLOYEE
FOR HIGHWAY, WATER AND SEWER DEPARTMENTS**

WHEREAS, the Highway Superintendent would like to hire a temporary seasonal employee to assist the Highway, Water and Sewer Departments to complete their construction projects. The temporary-seasonal employee would be hired from June 18, 2014 thru November 1, 2014; and

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WHEREAS, the 2014 Town Budget reflects appropriations to hire one temporary -seasonal employee for the Highway, Water and Sewer Departments.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to hire a temporary-seasonal employee for up to 40 hours per week from June 18, 2014 thru November 1, 2014, at a maximum hourly rate of \$15.00 for the Highway, Water and Sewer Departments, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items DA5110.101, SW8340.102, SS18120.102, and SS28120.102.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES-Motion Councilman Lang, second Councilman Zambito to suspend the rules to introduce additional resolutions.

Ayes: Lang, Zambito, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 128:

Deputy Supervisor Underhill offered the following:

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, State of New York, was held at the Town Hall, in the Town, on June 18, 2014.

PRESENT:

Hon. Gregory H. Post, Supervisor
Hon. Daniel G. Underhill, Deputy Supervisor
Hon. Alfred Lang, Councilman
Hon. Patti Michalak, Councilwoman
Hon. Chad Zambito, Councilman

In the Matter of the Establishment of Pratt Road Water District, in the Town of Batavia, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

FINAL ORDER ESTABLISHING
PRATT ROAD WATER DISTRICT
JUNE 18, 2014

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WHEREAS, the Batavia Town Board (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of Pratt Road Water District (the “District”), which petition was signed by a number of owners within the District, and was greater than the percentage required by law; and

WHEREAS, such petition was accompanied by an updated map, plan and report, dated November 2013, prepared by the Town of Batavia Engineering Department, competent engineers duly licensed by the State of New York, for the establishment of the District; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said proposed improvements consist of a project to provide a safe and reliable potable water supply and fire protection in the proposed District; and

WHEREAS, the overall project will generally consist of the installation of approximately 16,000 linear feet of eight inch water main along portions of Pratt Road and Powers Road in the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection therewith, 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 (referred to herein as the “Water Improvements”); and

WHEREAS, the estimated maximum amount proposed to be expended for the construction of the District is \$937,000; and

WHEREAS, pursuant to the Order duly adopted on February 19, 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 Water Improvements proposed, the maximum amount proposed to be expended for the construction of the Water Improvements in connection with the establishment of the District, 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 March 19, 2014, at 6:45 p.m. 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 March 19, 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 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 Water Improvements in connection with the District as hereinabove described at an estimated maximum cost of \$937,000; and

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WHEREAS, the plan of financing is for the issuance of serial bonds in an aggregate amount not to exceed \$937,000, said amount to be offset by the receipt of any federal, state, county and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$420,000 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 June 3, 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 March 19, 2014, at an estimated maximum cost of \$937,000;

NOW, THEREFORE, BE IT

ORDERED, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Pratt Road Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

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,

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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,
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.

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and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing dated (February 19, 2014) and the resolution (adopted on March 19, 2014), at an estimated maximum cost of \$937,000, and the plan of financing is by the issuance of serial bonds in an aggregate amount not to exceed \$937,000, said amount to be offset by the receipt of any federal, state, county and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$420,000 and unless paid from other sources or charges, the costs of the establishment of the District shall be paid by the assessment, levy and collection of the 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, except as provided by law; 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

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 129:

Supervisor Post offered the following:

A BOND RESOLUTION, DATED JUNE 18, 2014, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN THE TOWN OF BATAVIA PRATT ROAD WATER DISTRICT, AT AN ESTIMATED MAXIMUM COST OF \$937,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$937,000, 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 the "Pratt Road Water District" (the "District"); and

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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 Town received a Preliminary Funding Estimate for a grant in the approximate amount of \$420,000 from the United States Department of Agriculture – Rural Development Agency for such project; 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 Board desires to issue obligations of the Town to finance the costs of such 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:

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 installation of approximately 16,000 linear feet of eight inch water main along portions of Pratt Road and Powers Road in the Town, as well as other such improvements as more fully identified in such map, plan and report prepared in connection therewith, 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 said purpose is \$937,000.

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 \$937,000 of the Town, said amount to be offset by the receipt of any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development Agency grant of approximately \$420,000, 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

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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.

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

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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

(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 twenty 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.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 130:

Councilwoman Michalak offered the following:

ENVIRONMENTAL REVIEW SERVICES – LABELLA ASSOCIATES
TOWNLIN WATER DISTRICT

BATAVIA NORTH WATER DISTRICT
ELBA WATER DISTRICT #1
OAKFIELD DISTRICT #6

WHEREAS, a joint water project – Townline Water Project is being undertaken by the Towns of

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Batavia, Elba, and Oakfield; and

WHEREAS, the Town of Batavia will be serving as the project agent/administrator for all municipalities and as such will contract with professional services as well as contractor(s) for the project; and

WHEREAS, Labella Associates has submitted a proposal for the completion of the required environmental review for the proposed extension of public water service to serve the Townline Water Project at a cost not to exceed Five thousand dollars (\$5,000).

NOW THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to authorize Labella Associates to complete the environmental review services to be rendered in connection with the Townline Water Project.

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

Abstract No. 6-2014: Motion Councilman Lang, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$60,935.19
Highway	41,893.22
Sewer No. 1	4,030.94
Sewer No. 2	4,108.89
Water	21,983.29
Creek	294,745.38
West Main	261,032.89
Pratt Rd	232.20
Townline Rd	1,410.80
Total	690,372.80

Check numbers 19044 thru 19128, ACH: \$4,356.25, Online: \$7,655.13

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

DEPARTMENT REPORTS:

Supervisor's Report:

Departments- Every department is extremely busy

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 Meeting is tomorrow evening at the Alexander Fire Hall hosted by the Town of Alexander.

July Regular Town Board Meeting- The July Regular Town Board Meeting will be July 23 rather than July 16, 2014.

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COMMUNICATIONS:

The Town Clerk reported on the following:

May Town Clerk monthly report collected a total of \$4,835.20, remitted \$4,427.60 to the Supervisor for the Local Share.

ADJOURNMENT:

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:30 P.M.

Ayes: Lang, Michalak, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk