

**JULY 23, 2014**  
**REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Patti Michalak, Councilwoman led the pledge to the flag.

**Roll Call**

**Present:**

Deputy Supervisor Underhill  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Absent:** Supervisor Post

**Others**

**Present:** Town Clerk Morasco  
Sharon White, Planning Board Secretary  
Jim Gerard, Town Resident

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

**June 18, 2014 Regular Town Board Meeting:** Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (4-0)**

**SPEAKER:**

Jim Gerard addressed the Town Board to express his appreciation and thanks during his new home construction project. Mr. Gerard stated that after living in Stafford for 46 years, he and his wife wanted to moved into the Town of Batavia where there is water, sewer and gas. He thanked the Town employees for getting him through the process and the issue with the utility lateral. One recommendation Mr. Gerard suggested was to post on the Town website a flow chart, start to finish, for construction projects.

**RESOLUTION NO. 131:**

Councilman Lang offered the following:

**TRAINING WORKSHOP**

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

Joseph Neth, Steve Tanner, and Jason Ambrewster- OSHA Training July 23 and July 24, 2014. The cost of this training is \$146.67 each and a Town vehicle will be used.

John Della Penna- ZBA Interpretations & Form Based Codes Training July 30, 2014. There is no cost for this training.

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Marcy Crandall and Hiedi Librock-Department of Labor PESH Training August 21, 2014. There is no cost for this training and a Town vehicle will be used.

Sandra Baubie, Sarah Sauka, and Melissa Mason - Communication Skills for Women September 26, 2014. The cost for this training is \$49.00 each and a Town vehicle will be used.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 132:**

Deputy Supervisor Underhill offered the following:

**OPPOSING EXPANSION OF FEDERAL CONTROL  
UNDER THE CLEAN WATER ACT**

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act, and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

**WHEREAS**, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

**WHEREAS**, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact Town-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

**WHEREAS**, the cost to our farms, municipalities and taxpayers will be enormous, and

**WHEREAS**, the New York Farm Bureau opposes the proposed rule change, and

**WHEREAS**, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable".

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

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**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, State Senator Ranzenhoffer, State Assemblyman Hawley, the National Association of Counties, the New York State Association of Towns, the New York State Association of Counties, and the Western New York Inter-County Association.

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Michalak, Zambito  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 133:**

Councilwoman Michalak offered the following:

**WEBSITE HOSTING AND MONITORING SERVICES**  
**HURRICANE TECHNOLOGIES, INCORPORATED**

**WHEREAS**, in July 2011 the Town of Batavia retained Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services; and

**WHEREAS**, the agreement is due to expire; and

**WHEREAS**, Hurricane Technologies, Incorporated has provided an agreement and quote to renew the Website Hosting and Monitoring Services (agreement attached); and

**WHEREAS**, the monthly cost for the Website Hosting is \$9.99 and the monthly cost for the GFI Monitoring Service for the Workstations \$109.96.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services at a monthly cost of \$119.95, and be it

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

**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Underhill  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 134:**

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE**  
**2014 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED**, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland

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and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2014 Justice Court Assistance Program for equipment and/or office supplies for the court.

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Underhill  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 135:**

Councilman Lang offered the following:

**RESOLUTION TO APPROVE A VERIZON WIRELESS BOND**

**WHEREAS**, New York RSA No. 3 Cellular Partnership, d/b/a Verizon Wireless, (hereinafter “Verizon Wireless”), has applied to the Town of Batavia Planning Board for a Special Use Permit to install, maintain and utilize what is commonly termed a cell tower, and

**WHEREAS**, pursuant to Section 235-52(O) of the Code of the Town of Batavia, the Planning Board has required as part of its approval process to have Verizon Wireless provide to the Town a Bond in a form acceptable to the Town Attorney, and

**WHEREAS**, Verizon Wireless has submitted a proposed “Tower Maintenance and Removal Bond” in the amount of \$322,500.00, and

**WHEREAS**, the Town Attorney has reviewed this Bond and has found it acceptable as to form and content.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “Tower Maintenance and Removal Bond” submitted by Verizon Wireless in the amount of \$322,500.00 is hereby accepted and approved, and a copy of which shall be annexed hereto and made part of the Town Board Minutes, and be it further

**RESOVLED** that in the event that either Verizon Wireless or the Surety, Westchester Fire Insurance Company, shall either individually or jointly cancel or terminate the coverage pursuant to the aforesaid Tower Maintenance and Removal Bond, then prior to the effective date of such cancellation, Verizon Wireless shall obtain another Bond in the same amount and format as the current one, to become effective on or before the cancellation or termination date of the approved Bond.

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Underhill  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO.136:**

Deputy Supervisor Underhill offered the following:

**GENESEE COUNTY VISITORS GUIDE ADVERTISEMENT**

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**RESOLVED**, the Batavia Town Board hereby authorizes a full-page advertisement in the 2015 Genesee County Visitors Guide at a cost not to exceed \$1,800.00; and be it further

**RESOLVED**, Chad Zambito, Councilman will serve as the Community Page Coordinator.

**Second by:** Councilwoman Michalak

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 137:**

Councilwoman Michalak offered the following:

**RESCIND RESOLUTION NO. 116 of 2014  
ESTABLISHING WORKDAY  
ELECTED AND APPOINTED OFFICIALS  
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

**RESOLVED**, the Batavia Town Board hereby rescinds Resolution No. 116, dated May 28, 2014, entitled, "Establishing Workday-Elected and Appointed Officials Exempt from the Time and Attendance System", as additional information needs to be included in the resolution to be submitted to the New York State and Local Employees' Retirement System.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 138:**

Councilman Zambito offered the following:

**ESTABLISHING STANDARD WORKDAY AND REPORTING  
ELECTED AND APPOINTED OFFICIALS  
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

**RESOLVED**, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor:

<b>Elected &amp; Appointed Officials</b>								
<b>Title</b>	<b>Name</b>	<b>Social Security Number (Last 4 digits)</b>	<b>Registration Number</b>	<b>Standard Work Day (hrs/day)</b>	<b>Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System</b>	<b>Days/Month (based on record of Activities )</b>	<b>Tier (Ch only men is in 1)</b>

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Town Supervisor	Gregory Post	████	████	6	01/01/2014-12/31/2017	N	25.93	
Town Board Member	Patti Michalak	████	████	6	01/01/2014-12/31/2017	N	21.89	
Town Board Member	Daniel Underhill	████	████	6	01/01/2014-12/31/2017	N	21.82	
Town Clerk	Teressa Morasco	████	████	8	01/01/2014-12/31/2017	N	25.79	
Deputy Town Clerk	Sandra Baubie	████	████	8	01/01/2014-12/31/2017	Y		
Highway Superintendent	Tom Lichtenthal	████	████	8	01/01/2014-12/31/2017	Y		
Assessor	Rhonda Saulsbury	████	████	8	10/01/2013-930/2019	Y		
Confidential Secretary to the Supervisor	Hiedi Librock	████	████	8	01/01/2014-12/31/2017	Y		
Planning Board Member	Paul McCullough	████	████	6	01/01/2013-12/31/19	Y		

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mbe r								
Plan ning Boar d Me mbe r	Jonathan Long	█	█	6	01/01/2014- 12/31/2015	Y		
Zoni ng Boar d Of App eals Me mbe r	Andrew Young	█	█	6	01/01/2012- 12/31/2016	Y		
Zoni ng Boar d of App eals Me mbe r	Brittany Witkop	█	█	6	01/01/2014- 12/31/2018	Y		
Zoni ng Boar d of App eals Me mbe r	Michael Pullinzi	█	█	6	01/01/2011- 12/31/2015	Y		

and be it further

**RESOLVED**, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town's website and the sign board located in the Town Hall; and be it further

**RESOLVED**, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller's.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 139:**

Councilman Lang offered the following:

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**RESOLUTION TO APPROVE A FIRST AMENDED ASSESSMENT  
SERVICES AGREEMENT WITH THE TOWN OF ALEXANDER**

**WHEREAS**, the Town of Alexander, (hereinafter “Alexander”), and the Town of Batavia, (hereinafter “Batavia”), entered into a contract entitled “Towns of Batavia and Alexander Assessment Services Agreement”, dated August 1, 2012, and

**WHEREAS**, both Towns desire to continue this relationship, allowing Batavia to provide assessment services to Alexander, and

**WHEREAS**, Batavia has determined that it continues to have the ability to provide these services by making available the Batavia Town Assessor and any other support personnel needed, and

**WHEREAS**, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “First Amended Towns of Batavia and Alexander Assessment Services Agreement”, a copy of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Underhill  
**APPROVED by unanimous vote** (4-0)

**FIRST AMENDED  
TOWNS OF BATAVIA AND ALEXANDER  
ASSESSMENT SERVICES AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **TOWN OF ALEXANDER**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3350 Church Street, Alexander, New York 14005, (hereinafter referred to as “Alexander”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

**WHEREAS**, pursuant to Article 5-G of the General Municipal Law, Alexander and Batavia are authorized to enter into an intermunicipal cooperative agreement for the provision of tax assessment services, and

**WHEREAS**, Batavia currently is employing an Assessor fully qualified to provide all assessment



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services as required by law, and

**WHEREAS**, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in both the Towns of Batavia and Alexander.

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

1. Batavia agrees to provide assessment services to Alexander and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Alexander and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.
4. The Assessor shall for all purposes be deemed an employee of Batavia. The Assessor shall not in any way be construed as an employee of Alexander. Batavia shall pay the Assessor's salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits.
5. Batavia shall indemnify and hold Alexander harmless from any claims made against Alexander by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. Alexander shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Alexander, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.
6. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and Alexander shall pay all costs and expenses related to defending any assessment challenge brought in its jurisdiction.

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7. The terms and conditions of this Agreement shall begin on August 1, 2014, and shall end on July 31, 2016. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before May 1, 2016, Alexander and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

8. In consideration and for compensation for the services set forth herein, Alexander shall pay to Batavia the total sum of \$15,450.00 for the first year of this Agreement. This sum shall be paid in two installments of \$7,725.00 on or before September 1, 2014, and \$7,725.00 on or before March 1, 2015. Alexander will pay to Batavia the total sum of \$15,914.00 for the second year of this Agreement to be paid in two installments of \$7,957.00 on or before September 1, 2015, and \$7,957.00 on or before March 1, 2016.

9. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then Alexander, at its sole option and discretion, may terminate this Agreement with at least ninety (90) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

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

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

\_\_\_\_\_  
By: Gregory H. Post, Town Supervisor

TOWN OF ALEXANDER

\_\_\_\_\_  
By: Joseph Higley, Town Supervisor

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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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

State of New York }  
County of Genesee }ss.

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

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

**RESOLUTION NO. 140:**

Deputy Supervisor Underhill offered the following:

**RANSCO PIPELINE APPROVAL OF CHANGE ORDER NO. 3**  
**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 fifty two thousand three hundred fifty seven dollars and thirty two cents (\$52,357.32), as shown on the attached Change Order No.3, 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.3 and authorizes the Supervisor to execute the attached Change Order No.3. The approved change order is subject to approval by USDA-Rural Development.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 141:**

Councilwoman Michalak offered the following:

**AUTHORIZING NATIONAL GRID PROPOSAL FOR**  
**THREE PHASE LINE EXTENSION – WEST MAIN SEWER PROJECT**

**WHEREAS**, an overhead primary three phase line extension needs to be installed for the new

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Wortendyke Pump Station on the West Main sewer project a distance of 420 feet, and

**WHEREAS**, National Grid allows up to 300 feet at no cost and the additional 120 feet cost of \$5,807.14 is the responsibility of the applicant, and

**WHEREAS**, this cost has been budgeted in the project and as such the Town Engineer recommends approval of National Grids proposal (attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby accepts National Grid to complete the three phase line extension at a cost of \$5,807.14 and authorizes the Supervisor to execute the attached proposal.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 142:**

Councilman Zambito offered the following:

**RESOLUTION TO APPROVE A LAND LEASE AGREEMENT BETWEEN  
AD CALL AND SONS AND THE TOWN OF BATAVIA**

**WHEREAS**, AD Call and Sons has made a request to lease from the Town of Batavia a parcel consisting of approximately 50 acres of land owned by the Town, which is located at 3381 Harloff Road, in the Town of Batavia, and

**WHEREAS**, the aforesaid parcel is being used for the Town landfill (closed), and the proposed portion thereof consists of acreage that is not tillable and has very limited use, and

**WHEREAS**, the Town of Batavia is not currently using the proposed lease area for any governmental purposes and does not anticipate the same during the term of the proposed Lease Agreement.

**WHEREAS**, the Town of Batavia is required to cut the landfill area at least once per year as required in the landfill closure plan. The Town of Batavia currently expends approximately \$3000 per year to cut the landfill area. This will be a no cost lease thereby saving the Town the cost of cutting the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed "Land Lease Agreement for a Portion of Landfill Property", by and between the Town of Batavia and AD Call and Sons, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia, and be it further

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**RESOLVED** that the approximate 50 acre parcel to be leased pursuant to this Agreement is hereby found and declared to be surplus property that will not and cannot be used by the Town of Batavia for any municipal or governmental purposes during the term of this Lease Agreement.

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Underhill  
**APPROVED by unanimous vote (4-0)**

**LAND LEASE AGREEMENT**  
**FOR A PORTION OF**  
**LANDFILL PROPERTY**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between the **TOWN OF BATAVIA, NEW YORK**, a municipal corporation with offices at 3833 West Main Street Road, Batavia, New York 14020, herein called the Lessor, and **AD CALL AND SONS** residing at, 6380 Main Road, Stafford NY 14143, herein called the Lessee.

**WITNESSETH**

**WHEREAS**, the parties desire to enter into an Agreement for the rental of a portion of property owned by the Lessor to be used for cutting hay, and

**WHEREAS**, the Lessor's parcel is currently being used for the Closed Town of Batavia landfill, and the proposed portion thereof to be leased is not necessary for the landfill operations, and cannot be used by the Lessor for any other purposes.

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

1. The Lessor hereby Leases to the Lessee for the purposes of cutting and bailing hay upon approximately 50 acres of land on a parcel located in the Town of Batavia at 3381 Harloff Road, Tax ID No. 7-1-4, which is outlined upon the aerial map annexed hereto and made a part hereof as **EXHIBIT A**.
2. The field areas shall be cut in accordance with the superfund and sanitary landfill approved maintenance plans. The grass shall not be cut lower than 6 inches in height.
3. This Lease shall become effective on July 24, 2014, and shall continue in force until December 31, 2014.
4. The terms of this Lease shall be binding on the heirs, successors, and permitted assigns of both the Lessor and Lessee.

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5. The Lessee shall neither assign this Lease to any persons, nor sublet any part of the real estate for any purpose without the prior written consent of Lessor.
6. This is a no cost lease.
7. Lessee agrees that it will engage in no practice which would introduce environmentally hazardous products to the Leased acreage.
8. This Land Lease Agreement constitutes the entire agreement between the parties. Any notice under the terms of this Agreement must be sent in writing by United States mail, return receipt requested; and shall be deemed delivered three days following the date on which it is sent. This Agreement may be modified only in writing signed by both parties.
9. Lessee hereby indemnifies and agrees to hold harmless Lessor from any and all costs, damage, expense, or liability arising out of Lessee's occupation and use of the Leased acreage pursuant to this Land Lease.
10. The Lessee shall secure and keep in full force and effect during the term of this Agreement liability insurance in an amount not less than \$1,000,000.00 per occurrence, with the Lessor to be named as an additional insured. This liability insurance shall be issued by a responsible insurer licensed to do business in the State of New York.
11. The Lessor or anyone designated by it shall have right of entry at any reasonable time to inspect their property.
12. The Lessee will not have any above or below ground mineral or gas or oil rights.
13. Monitoring Wells and vent pipes shall be protected at all times and Lessee shall provide and allow access to Monitoring Wells by Lessor, their contractors and/or State/federal government staff at all times. Any existing monitoring wells, vent pipes, fences etc. damaged as a result of the leasee operations shall be repaired or replaced by the leasee at no cost to the leasor

**TOWN OF BATAVIA**

**By:** \_\_\_\_\_  
**Gregory H. Post, Town Supervisor**

\_\_\_\_\_  
**AD Call and Sons**

STATE OF NEW YORK     )  
COUNTY OF GENESEE    ) ss:

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2014, 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

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acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

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

STATE OF NEW YORK     )  
COUNTY OF GENESEE    ) ss:

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2014, 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 he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

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

**Abstract No. 7-2014:** Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$52,949.81
Highway	16,737.48
Sewer No. 1	1,586.73
Sewer No. 2	5,354.64
Water	195,597.26
Creek	221,535.14
Pratt	250.00
W Main	224,471.31
Townline	17,705.20
<b>Total</b>	<b>\$736,187.57</b>

Check numbers 19129 thru 19201

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

**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

The Deputy Supervisor reported on the following department:

**Building-** Busy with building applications and inspections

**Highway-** busy mower road sides, replacing culverts and helping neighboring Towns.

**Supervisor's Report:**

**Status Report** on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The monies are invested in CD's and are paying a rate of .22%.

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**COMMUNICATIONS:**

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

**June Town Clerk monthly report collected a** total of \$18,108.72, remitted \$17,535.60 to the Supervisor for the Local Share.

**Training-**The will be the following training classes offered and Town personnel have been advised of these:

NYS Association of Towns 2014 Planning and Zoning Summer School is going to be held August 8, 2014 at the Clarion Hotel

Genesee County Planning Department is offering training on June 30, 2014 at the Oakfield Village Hall, topics ZBA Interpretations and Form Based Codes.

**GLOW Household Hazardous Waste Collection-** The annual GLOW Household Hazardous Waste Collection is going to be on September 20, 2014 in Mt. Morris by appointment only.

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:28 P.M.

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

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk