

**MARCH 18, 2015  
REGULAR TOWN BOARD MEETING AND  
PUBLIC HEARING- Local Law 2 of 2015**

**Town Hall**

**6:45 P.M.**

Dan Underhill, Deputy Supervisor 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  
Heidi DeAngelo, Town Resident  
4 other Constituents

The Deputy Supervisor called the meeting to order at 6:50 P.M.

The Town Board reviewed the SEQR for Local Law 2 of 2015 – Amending the Zoning Map.

The Deputy Supervisor called the Public Hearing on Local Law 2 of 2015 to order at 6:55 P.M. Minutes of public hearing entered separately from Regular Town Board Minutes.

**February 18, 2015 Regular Town Board Meeting, February 25, 2015 Special Town Board Meeting, and March 4, 2015 Special Town Board Meeting:** Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

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

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

**RESOLUTION NO. 84:**

Councilman Lang offered the following:

**RESOLUTION TO ADOPT A NEGATIVE DECLARATION**

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQR), the proposed Local Law No. 2 of 2015 to provide changes to a certain area of approximately 20 acres upon the Zoning Map of the Town of Batavia, New York, is an Unlisted Action; and

**WHEREAS**, the Batavia Town Board acting as Lead Agency has reviewed the SEQR Short Environmental Assessment Form; and

**WHEREAS**, it has been determined that the proposed amendments will not have an adverse

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impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Batavia, New York, hereby directs the Supervisor to sign on Page 2 of 2 of the “Short Environmental Assessment Form Part 2 - Impact Statement”, indicating that the proposed action will not result in any significant adverse environmental impacts, with regard to Local Law No. 2 of 2015, that makes a revision to the Zoning Map of the Town of Batavia, New York.

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

**RESOLUTION NO. 85:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION ADOPTING LOCAL LAW No. 2 of 2015**

**WHEREAS**, proposed Local Law No. 2 of 2015 of the Town of Batavia entitled “A Local Law to Amend the Zoning Map of the Town of Batavia, New York”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on March 4, 2015, and a copy thereof was kept with the Town Clerk and copies were both laid upon the desks of the members of said Town Board and mailed to each member of the Town Board not in attendance at said meeting, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on March 18, 2015, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, all required referrals to the Genesee County Planning Board and the Batavia Town Planning Board, as well as all required publications and postings, have been properly completed; and

**WHEREAS**, the Town Board of the Town of Batavia, New York, is of the opinion that adoption of said proposed Local Law No. 2 of 2015 is in the best interests of the Town of Batavia, New York,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 2 of 2015, be and the same hereby is adopted, and such Local Law shall be entered in the minutes of the Batavia Town Board; and

**BE IT FURTHER RESOLVED**, that the Zoning Map of the Town of Batavia, New York is hereby amended as more fully set forth in said Local Law; and

**BE IT FURTHER RESOLVED**, that certified copies of said Local Law No. 2 of 2015 be filed with the New York State Secretary of State in accordance with Law; and

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**BE IT FURTHER RESOLVED**, that a summary of this provisions pursuant to Local Law No. 2 of 2015 be published once in The Daily News and that an affidavit of publication thereof be filed with the Town Clerk; and

**BE IT FURTHER RESOLVED**, that this Local Law shall become effective as provided by law upon its filing in the Office of the Secretary of State.

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

**RESOLUTION NO. 86:**

Councilwoman Michalak offered the following:

**ESTABLISH JOINT ACTIVITY FUND**  
**TOWNLIN WATER PROJECT**  
**TOWNS OF**  
**BATAVIA, OAKFIELD, ELBA**

**WHEREAS**, the Towns of Batavia, Oakfield and Elba entered into an “Inter-municipal Agreement for the ownership, engineering, design, construction and financing for the Townline Water Project dated August 21, 2014; and

**WHEREAS**, a “Joint Activity Fund” needs to be established.

**NOW, THEREFORE, BE IT**

**RESOLVED**, pursuant to the Inter-Municipal Agreement with the Towns of Batavia, Oakfield and Elba for the Townline Water Project, the Batavia Town Board hereby establishes a “Joint Activity Fund”.

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

**RESOLUTION NO. 87:**

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING THE OPENING OF A CHECKING ACCOUNT FOR THE**  
**TOWNLIN WATER PROJECT JOINT FUND**

**WHEREAS**, the Towns of Batavia, Elba and Oakfield entered into an inter-municipal agreement for the ownership, engineering, design, construction and financing for the Townline Water Project dated

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August 21, 2014; and

**WHEREAS**, the aforementioned agreement states that all monies received from the respective Towns must be deposited in a segregated account; an.

**NOW, THEREFORE, BE IT RESOLVED** the Batavia Town Board hereby authorizes the Town Supervisor to open a Town of Batavia checking account, entitled, "Townline Water Project Joint Fund" to receive deposits of funds on behalf of the respective Towns; and; and

**BE IT FURTHER RESOLVED**, disbursements will be made from this account for payment of the joint project expenses; and

**BE IT FURTHER RESOLVED** that Supervisor, Deputy Supervisor and Councilmen shall be authorized signees for the account on behalf of the Town of Batavia.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 88:**

Councilman Lang offered the following:

**RESOLUTION TO ESTABLISH LINE ITEMS FOR CAPITAL PROJECT**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items:

Townline Joint Water District

SM1380.400 Fiscal Agent – Contractual – T/Batavia  
SM1380.401 Fiscal Agent – Contractual – T/Elba  
SM1380.402 Fiscal Agent – Contractual – T/Oakfield  
SM1380.403 Fiscal Agent – Contractual – T/Stafford  
SM1420.400 Legal Expense – Contractual – T/Batavia  
SM1420.401 Legal Expense – Contractual – T/Elba  
SM1420.402 Legal Expense – Contractual – T/Oakfield  
SM1420.403 Legal Expense – Contractual – T/Stafford  
SM1440.400 Engineering – T/Batavia  
SM1440.401 Engineering – T/Elba  
SM1440.402 Engineering – T/Oakfield  
SM1440.403 Engineering – T/Stafford  
SM1989.400 Advertising – Contractual – T/Batavia  
SM1989.401 Advertising – Contractual – T/Elba  
SM1989.402 Advertising – Contractual – T/Oakfield

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SM1989.403 Advertising – Contractual – T/Stafford  
SM8340.400 Transmission/Distribution – Contractual – T/Batavia  
SM8340.401 Transmission/Distribution – Contractual – T/Elba  
SM8340.402 Transmission/Distribution – Contractual – T/Oakfield  
SM8340.403 Transmission/Distribution – Contractual – T/Stafford  
SM9730.600 BAN – Principle – T/Batavia  
SM9730.601 BAN – Principle – T/Elba  
SM9730.602 BAN – Principle – T/Oakfield  
SM9730.603 BAN – Principle – T/Stafford  
SM9730.700 BAN – Interest – T/Batavia  
SM9730.701 BAN – Interest – T/Elba  
SM9730.702 BAN – Interest – T/Oakfield  
SM9730.703 BAN – Interest – T/Stafford  
SM1001A Real Property Taxes – T/Batavia  
SM1001B Real Property Taxes – T/Elba  
SM1001C Real Property Taxes – T/Oakfield  
SM1001D Real Property Taxes – T/Stafford  
SM2401 Interest & Earnings – T/Batavia  
SM2402 Interest & Earnings – T/Elba  
SM2403 Interest & Earnings – T/Oakfield  
SM2404 Interest & Earnings – T/Stafford  
SM2710 Premium on Obligations – T/Batavia  
SM2711 Premium on Obligations – T/Elba  
SM2712 Premium on Obligations – T/Oakfield  
SM2713 Premium on Obligations – T/Stafford  
SM2770 Miscellaneous Revenues – T/Batavia  
SM2771 Miscellaneous Revenues – T/Elba  
SM2772 Miscellaneous Revenues – T/Oakfield  
SM2773 Miscellaneous Revenues – T/Stafford  
SM5710 Serial Bonds – T/Batavia  
SM5711 Serial Bonds – T/Elba  
SM5712 Serial Bonds – T/Oakfield  
SM5713 Serial Bonds – T/Stafford  
SM5730 BAN Proceeds –T/Batavia  
SM5731 BAN Proceeds –T/Elba  
SM5732 BAN Proceeds –T/Oakfield  
SM5733 BAN Proceeds –T/Stafford

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Underhill

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

**RESOLUTION NO. 89:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO ESTABLISH LINE ITEMS FOR CAPITAL PROJECT  
ELLCOTT TRAIL**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items:

**ELLCOTT TRAIL PROJECT**

HX1380.400 Fiscal Agent - Contractual  
HX1420.400 Legal Expense - Contractual  
HX1440.100 Engineering  
HX1989.400 Advertising - Contractual  
HX8340.400 Transmission/Distribution – Contractual  
HX9730.600 BAN – Principle  
HX9730.700 BAN – Interest  
HX9901.900 Transfers To Other Funds  
HX2401 Interest & Earnings  
HX2770 Miscellaneous Revenues  
HX2710 Premium on Obligations  
HX4589 Capital Grants  
HX5031 Interfund Transfers  
HX5710 Serial Bonds  
HX5730 BAN Proceeds  
HX5731 BAN Redeemed From Appropriations

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 90:**

Councilwoman Michalak offered the following:

**RENEW ANNUAL ANTI-VIRUS  
HURRICANE TECHNOLOGIES, INCORPORATED**

**WHEREAS**, the current ESET Anti-virus license expires April 1, 2015; and  
**WHEREAS**, the cost to renew the license for one year for up to 30 computers is \$425.00  
(quote attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes renewing the ESET Anti-virus License

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through Hurricane Technologies, Incorporated at a cost of \$425.00 for one year for up to 30 computers.

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

**RESOLUTION NO. 91:**

Councilman Zambito offered the following:

**RESOLUTION TO APPROVE A SANITARY SEWER EASEMENT**  
**WITH BARSUK PROPERTIES, LLC**

**WHEREAS**, the State of New York intends to compete a project consisting of the replacement of a bridge spanning the Tonawanda Creek, which is located within the Town of Batavia on Main Street Road (Route 5), and

**WHEREAS**, it will be necessary to obtain an Easement to construct a sanitary sewer force main to replace an existing one as part of this project, upon property owned by Barsuk Properties, LLC, (hereinafter referred to as the "Owner"), and

**WHEREAS**, the Owner's parcel of land is situated in the Town of Batavia, being designated with Tax Map No. 11.-1-19, (hereinafter referred to as the "Property"), and

**WHEREAS**, the Town has agreed to obtain an Easement to allow the State to complete the project, and

**WHEREAS**, the Owner of the Property has or will sign a Sanitary Sewer Easement granted to the Town of Batavia.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a certain Sanitary Sewer Easement granted by the Owner of the Property, as set forth herein, running to the Town of Batavia is hereby approved and accepted, and a copy of the proposed Sanitary Sewer Easement is hereby made a part of this Resolution by reference and shall be made part of the Town Board Minutes, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the Easement.

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

**RESOLUTION NO. 92:**

Councilman Lang offered the following:

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

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

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

**NOW, THEREFORE, BE IT**

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

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

Motion to amend Councilwoman Michalak's cell phone number to 585-813-8403, second by Deputy Supervisor Underhill

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

**Roll Call as amended:**

**Second by:** Deputy Supervisor Underhill

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

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

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

<u><b>TOWN BOARD</b></u>	<u><b>HOME#</b></u>	<u><b>BUSINESS#</b></u>	<u><b>CELL#</b></u>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Alfred Lang	343-5344		
Chad Zambito	409-3558	343-1729	585-409-3558
Patti Michalak	343-7874	343-1729	585-813-8403

**TOWN ATTORNEY**

Kevin Earl 343-6320

**OPERATIONS SECTION COORDINATOR:**

**Fire Department-**

Paul Barrett, Fire Chief 344-3520 343-1729 585-409-1372

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John Fitzsimmons, President	344-1901		585-356-1506
Dan Coffey, Deputy Fire Chief		345-6370	585-414-5920
Donald Newton, Jr., Fire Chief			585-813-4033
Steve Smelski, 1 <sup>st</sup> Asst Fire Chief			585-356-0984
William Torres, 2nd Asst Fire Chief			917-528-6247

**Law Enforcement**

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

**Highway Operations**

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
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**Public Utilities-Water/Wastewater**

Steven Mountain, Town Engineer	343-2251	343-1729 ext. 220	585-755-6408
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**Emergency Medical Services**

United Memorial Center		343-6030	
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**PLANNING SECTION COORDINATOR:**

**Highway**

Thomas Lichtenthal, Highway Superintendent		343-1729 ext 218	585-356-7153
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**Town Engineer/Water&Wastewater**

Steve Mountain	343-2251	343-1729 ext. 220	585-755-6408
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**Code Enforcement/Fire Marshall**

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

Rhonda Saulsbury		343-1729 ext 207	585-297-2472
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**Local Emergency Services**

Genesee County Emergency Management		344-0078	
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**Local Planning Board**

Kathy Jasinski, Chairman	762-8239	343-1729	
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**Local Health Department**

Genesee County Health Department		344-8506	
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**LOGISTICS SECTION COORDINATOR:**

**Local Emergency Services**

Genesee County Emergency Management		344-0078	
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**Highway Operations**

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

**BUSINESS#**

**CELL#**

**Town Clerk**

Teressa M. Morasco		343-1729 ext 203	585-356-7867
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**FINANCE/ADMINISTRATION SECTION COORDINATOR:**

**Fiscal Officer**

Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
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**Town Accountant**

Laura Landers, Freed, Maxick & Battaglia		344-1967	
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**Town Justices**

Michael Cleveland	762-4200	343-1729 ext 216	585-813-5319
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Thomas Williams	343-2764	343-1729 ext 216	585-300-3612
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**Town Clerk**

Teressa M. Morasco

343-1729 ext 203 585-356-7867

**RESOLUTION NO. 93:**

Deputy Supervisor Underhill offered the following:

**PURCHASE NEW FORD PICKUP TRUCK FOR**  
**HIGHWAY DEPARTMENT**

**WHEREAS**, the 2015 Town Budge reflects appropriations to purchase a new pickup truck for the Highway Department.

**WHEREAS**, the Highway Superintendent recommends purchasing a 2015 Ford F250 4x4 extended cab pickup truck on State Bid Contract/Award #PC66388/22737 from Van Bortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$26,881.42.

**WHEREAS**, the current 2013 Ford F250 Pickup Truck (VIN 1FT7X2B65DEA93095) will no longer be needed for highway purposes and will be sold at auction after the new truck is received.

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new 2015 Ford F250 4x4 extended cab pickup truck on State Bid Contract/Award #PC66388/22737 from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$26,881.42 and sell the 2013 Ford F250 Pickup Truck (VIN 1FT7X2B65DEA93095) at auction, and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item DA 5130.200.

**Second by:** Councilman Lang

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

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

**Abstract No. 3-2015:** Motion Councilman Lang, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$59,470.10
Highway	63,583.98
Sewer No. 1	1,895.14
Sewer No. 2	2,279.76
Water	41,277.43
Sewer Capacity Purchase	4.01
Townline Joint Water	234,328.90
W Main Sewer	2,000.00
Townline Water	3,081,716.00
<b>Total</b>	<b>\$3,486,555.32</b>

Check numbers 19772, 19773, 19775-19814, 19816-19862 ACH: \$32,290.62 Online: \$7,489.51 SM 1003

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

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

**DEPARTMENT REPORTS:**

**The Deputy Supervisor reported the Highway Department** has finally had a little break since the snow has let up.

**Supervisor's Report:**

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

**COMMUNICATIONS:**

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

**February Town Clerk monthly report collected** a total of \$1,873.50, remitted \$1,809.50 to the Supervisor for the Local Share.

**February Tax Collection monthly report collected** a total of \$148,983.25 remitted \$1,428.37 to the Supervisor for the Penalty fees and the remainder to the Genesee County Treasurer.

**Genesee County Office for the Aging-** Received a thank you letter for the Town's ongoing support of the Senior Program.

**Explosives Magazine Certificate** -Received notice from the NYS Department of Labor that Batavia Marine Supply received an explosives magazine certificate

**COMMITTEE REPORTS:**

**Ellicott Trail-** Councilman Zambito reported that there was a meeting on Monday regarding the Ellicott Trail. They are finalizing the trail plan and are in the early design phase, with a lot of work to be done yet.

**ADJOURNMENT:**

Motion Councilman Lang, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:20 P.M.

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**Ayes:** Lang, Zambito, Michalak, Underhill  
**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk