

**SEPTEMBER 21, 2016
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Absent: Deputy Supervisor Underhill

Others

Present: Town Clerk Morasco
Mike Pettinella, The Batavian Reporter

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

August 17, 2016 Regular Town Board Meeting: Motion Councilman Zambito, second Councilman Michalak to approve the minutes as written.

Ayes: Zambito, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 155:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

Teressa Morasco- NYSTCA Regional Meeting and Training (was) September 11 – 12, 2016 at a cost of \$35.00.

Rhonda Saulsbury- 2016 Annual Meeting and Seminar on Assessment Administration (was) September 18 – 21, 2016 at a cost of \$1,034.50. A Town vehicle was be used.

Keith Wilkinson and Greg Lang- Backflow School September 19 –22, 2016 or December 12 –15, 2016 at a cost of \$615.00.

Donald Partridge- NYMIR SEQR Training for Small Communities October 24, 2016. There is no cost for this training.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Post

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APPROVED by unanimous vote (4-0)

RESOLUTION NO. 156:

Supervisor Post offered the following:

APPOINTMENT TO ASSESSMENT BOARD OF REVIEW

WHEREAS, Nathan Call's term on the Assessment Board of Review expires September 30, 2016 and wishes to be re-appointed to the Assessment Board of Review.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Nathan Call, 8057 Lewiston Road, Batavia, New York, to the Town of Batavia Assessment Board of Review, commencing October 1, 2016 and expiring September 30, 2021; and be it further

RESOLVED, said member appointed is subject to completing the required training within each calendar year; and be it further

RESOLVED, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

Second by: Councilwoman White

Ayes: Post, White, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 157:

Councilwoman Michalak offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 3 of 2016
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Batavia Local Law No. 3 of 2016.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 3 of 2016 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2017", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the

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members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until October 19, 2016, and that a public hearing be held before this Town Board on the 19th day of October, 2016 at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Second by: Councilman Zambito
Ayes: Michalak, Zambito, White, Post
APPROVED by unanimous vote (4-0)

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 21st day of September, 2016, proposed Local Law No. 3 of 2016 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2017". Said Local Law will allow the Town of Batavia to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-c, and to allow the Town of Batavia to adopt a town budget for fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit.

PLEASE TAKE FURTHER NOTICE that on 19th day of October, 2016, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for inspection during regular Office hours.

Dated: Batavia, New York
September 21, 2016

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Teresa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLUTION NO. 158:

Councilman Zambito offered the following:

RESOLUTION TO RE-APPOINT ENGINEER TECHNICIAN

WHEREAS, Joseph Neth served the Town of Batavia as Engineer Technician on a full-time basis, prior to leaving to further his studies, from March 1, 2010 to August 25, 2015 and most recently on a part-time basis, and

WHEREAS, the Town of Batavia desires to re-appoint Joseph Neth to the position of full-time Engineer Technician, effective September 22, 2016; and

WHEREAS, Joseph Neth satisfies the requirements and qualifications of the position of Engineer Technician; and

WHEREAS, it is anticipated that the appointment of Joseph Neth to the position of Engineer Technician will most effectively ensure the provision of necessary services to the Town and its residents.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Joseph Neth to the position of full-time Engineer Technician, effective September 22, 2016, at an hourly rate of \$19.23 and vacation benefits will be calculated based on his previous years' of service.

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 159:

Councilwoman White offered the following:

**RESOLUTION TO APPROVE A THIRD AMENDED
JOINT ASSESSMENT SERVICES AGREEMENT WITH THE
TOWNS OF LEROY AND PAVILION**

WHEREAS, the Town of LeRoy, (hereinafter "LeRoy"), the Town of Pavilion, (hereinafter "Pavilion") and the Town of Batavia, (hereinafter "Batavia"), entered into a contract entitled "Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement", dated January 23, 2014, and

WHEREAS, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

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WHEREAS, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, 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 “Third Amended Towns of Batavia, LeRoy and Pavilion Joint 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; and; be it further

RESOLVED that the Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$47,960.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Zambito, Post
APPROVED by unanimous vote (4-0)

THIRD AMENDED
TOWNS OF BATAVIA, LEROY AND PAVILION
JOINT ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of _____, 201__, by and between 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”); the **TOWN OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as “LeRoy”); and the **TOWN OF PAVILION**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as “Pavilion”).

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the three Towns are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

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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 the Towns of Batavia, LeRoy and Pavilion.

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 both LeRoy and Pavilion, and shall provide qualified individuals 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 Batavia, LeRoy and Pavilion 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 personally and/or by employees under his/her direction shall be present for office hours in the LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of either LeRoy or Pavilion. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

6. Batavia shall indemnify and hold LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion 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 and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable

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attorney's fees for defense. Each party will provide the others with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.

8. The terms and conditions of this Agreement shall be effective on October 18, 2016, and shall end on October 17, 2017. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2017, Batavia, LeRoy and Pavilion enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. It is agreed that the effective date of this Agreement shall be retroactive to October 18, 2016, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2016, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.

10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$48,949.00 for this Agreement. This sum shall be paid in two installments of \$24,459.50 on or before March 1, 2017, and \$24,459.50 on or before September 1, 2017. Pavilion will pay to LeRoy the total sum of \$8,665.00 for this Agreement to be paid in two installments of \$4,332.50 on or before March 1, 2017, and \$4,332.50 on or before September 1, 2017.

11. 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 LeRoy and Pavilion, at their 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.

12. There are no other agreements or understandings, either oral or written, by and among 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

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TOWN OF LEROY

By: Stephen R. Barbeau, Town Supervisor

TOWN OF PAVILION

By: Theron E. Howard, Town Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 201__, 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.

Notary Public

State of New York }
County of Genesee }ss.

On this _____ day of _____, 201__, before me, the undersigned, personally appeared Stephen R. Barbeau, 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 _____, 201__, before me, the undersigned, personally appeared Theron E. Howard, 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. 160:

Supervisor Post offered the following:

RESOLUTION TO APPROVE AGREEMENT WITH nCourt, LLC

WHEREAS, a Company named nCourt, LLC has submitted a proposal in a Letter Agreement, dated August 5, 2016, that would allow this Company to collect fines, surcharges and any other costs levied by the Batavia Town Court, and

WHEREAS, the Batavia Town Judge, Michael Cleveland, submitted a Memo to the Town Board, dated August 17, 2016, requesting that the Town Board review and approve this Agreement, based upon the fact that it would provide a more secure mechanism for collection with a more effective and less time consuming process for Court personnel, and

WHEREAS, the Town Attorney has reviewed this proposed Agreement and determined that it will provide services to the Batavia Town Court with no costs or expenses to the Town of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed Letter Agreement, dated August 5, 2016, with annexed Appendix A, Appendix B and a Bank Authorization annexed thereto, is hereby approved, and the Town Supervisor is hereby authorized and directed to sign the documents on behalf of the Town of Batavia.

Second by: Councilman Zambito
Ayes: Post, Zambito, White, Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 161:

Councilwoman Michalak offered the following:

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RESOLUTION TO APPROVE DRAINAGE EASEMENT

WHEREAS, the Town of Batavia has or will be installing drainage areas and pipes upon portions of the Meadowbrook Estates Phase 9 Subdivision, and

WHEREAS, it will be necessary to obtain a Permanent Easement to construct a portion of a drainage system upon property owned by Justin and Michelle Mager, (hereinafter referred to as the “Owners”), and

WHEREAS, the Owners’ parcel of land is situated in the Town of Batavia, located at 36 Edgewood Drive, and being designated with Tax Map No. 12.05-1-15, (hereinafter referred to as the “Property”), and

WHEREAS, the Owners of the Property will sign a Drainage Easement to the Town of Batavia, and

WHEREAS, the Town currently has an easement for drainage upon the property of the Owners, which will be abandoned as part of the new Drainage Easement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a certain Drainage Easement granted by the Owners of the Property, as set forth herein, running to the Town of Batavia is hereby approved and accepted, and a copy of the proposed Drainage 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: Councilman Zambito
Ayes: Michalak, Zambito, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 162:

Councilman Zambito offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2016

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

General Fund:

From	Amount	To
A9089.802 Staff Development	1104.00	A1010.403 Town Board Contr
A9089.802 Staff Development	150.00	A9089.803 Leadership Genesee
A1320.401 Auditor Projects	321.00	A1320.400 Auditor Contr
A1355.200 Assessor Equip	287.00	A1355.401 Assessor Chargebacks
A1410.201 Records Mgmt Equip	1137.00	A1410.402 Rec Mgmt Contr
A9055.800 Disb Ins	472.00	A9040.800 Workman Comp
A3620.402 Bldg & Safety Engineering	2500.00	A3620.400 Bldg & Safety Contr

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A1990.400 Contingency	2388.00	A1950.400 Taxes On Property
A1990.400 Contingency	10.00	A1989.401 Fixed Assets

Highway Fund:

From	Amount	To
DA5130.200 Machinery Equip	1,653.00	DA9730.701 BAN Interest
DA5130.200 Machinery Equip	22,150.00	DA9730.601 BAN Principal
DA5142.400 Snow Removal Contr	90,000.00	DA5110.400 Gen Repairs Contr

Second by: Councilwoman Michalak
Ayes: Zambito, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 163:

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
DELL COMPUTERS
ASSESSMENT DEPARTMENT AND TOWN COUNCIL**

RESOLVED, the Batavia Town Board hereby authorizes the purchase of one (1) Dell Latitude E5470 128GB SSD computer at a cost of \$705.47, for Town Council and one (1) Dell Latitude E5470 256GB SSD computer at a cost of \$859.84, for the Assessment Department, New York State Contract #83AHG (quotes attached), and the purchase of a 27 inch monitor for the Assessment Department at a cost not to exceed \$200.00; and be it further

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

A1355.200	\$1,059.84
A1010.200	\$ 705.47

Second by: Councilman Zambito
Ayes: White, Zambito, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 164:

Supervisor Post offered the following:

PROFESSIONAL SERVICES AGREEMENT

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**CLARK PATTERSON LEE FOR
STRUCTURAL DESIGN SERVICES**

WHEREAS, structural design services are needed for the construction of a new pedestrian bridge over the Tonawanda Creek as part of the Ellicott Trail project; and

WHEREAS, the Town staff will assist with the design but are required to work under a structural engineer familiar with NYSDOT bridge design requirements; and

WHEREAS, Clark Patterson Lee has quoted a not to exceed price of thirty thousand dollars (\$30,000) to provide structural design for the design of the new pedestrian bridge; and

WHEREAS, the Asst. Town Engineer has reviewed and recommends acceptance of the Clark Patterson Lee proposal.

WHEREAS, this agreement is contingent upon the Town Supervisor and City of Batavia Manager approval of the conceptual plans for proposed bridge.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Engineering Consultant Agreement with Clark Patterson Lee to complete the design work for the pedestrian bridge over the Tonawanda Creek for the Ellicott Trail Project in the amount of \$30,000, if the conceptual plans for the bridge are approved by the Town Supervisor and City of Batavia Manager.

Second by: Councilwoman White

Ayes: Post, White, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 165:

Councilwoman Michalak offered the following:

**CONSULTANT AGREEMENT
ELLICOTT TRAIL PROJECT
CSX BRIDGE REVIEW**

WHEREAS, the Town of Batavia received funding from the N.Y.S. Department of Transportation for the design of the Ellicott Trail Project through the City and Town of Batavia (Project number 4760.79) in the amount of \$171,000; and

WHEREAS, the project includes the rehabilitation of an existing bridge over the CSX railroad; and

WHEREAS, CSX Transportation, Incorporated requires that the bridge rehabilitation details be reviewed prior to construction and has prepared a proposal preliminary engineering review agreement

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(attached) in the advanced payment amount of \$13,860; and

WHEREAS, the advance payment is a deposit not a fee to be held in an account against which actual CSX costs are assessed. If the actual costs are less than the deposit, a refund will be returned, and if the actual costs are more than the deposit, an additional deposit will be requested; and

WHEREAS, the Assistant Town Engineer reviewed and recommends the Town enter into the preliminary engineering review agreement with CSX Transportation, Incorporated

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the preliminary engineering agreement with CSX Transportation, Incorporated to complete the engineering review for the proposed rehabilitation of the CSX railroad bridge for the Ellicott Trail Project in the advanced payment amount of \$13,860; and be it further

RESOLVED, if the actual costs are less than the deposit, a refund will be returned, and if the actual costs are more than the deposit, an additional deposit will be requested by CSX.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 166:

Councilman Zambito offered the following:

**FINAL ACCEPTANCE OF PROJECT AS COMPLETE
PRATT AND POWERS ROADS WATERMAIN**

WHEREAS, Randsco Pipeline, Incorporated has certified completion of the Pratt and Powers Roads water main project, and

WHEREAS, the Town Engineer has certified and approved the project as complete, and

WHEREAS, the Town of Batavia has an operator, Paul Barrett (NYSDOH# NY0037009), appropriately licensed by New York State to oversee operation of the Pratt and Powers Roads Water Project.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby accepts the project as complete and has previously approved final payment.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Post

APPROVED by unanimous vote (4-0)

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RESOLUTION NO. 167:

Councilwoman White offered the following:

**FCC SPECTRUM LEASE AGREEMENT
FOR SENSUS RADIO READ EQUIPMENT**

WHEREAS, the Town of Batavia has Sensus radio read equipment to read water meters; and

WHEREAS, Sensus holds a license for any radio frequency (spectrum). The FCC requires that the end users of the licensed spectrum hold a sub-lease from Sensus; and

WHEREAS, the Town must enter into a FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum lease Agreement to meet FCC requirements (agreement attached); and

WHEREAS, there is no additional cost to the Town for the spectrum lease.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement, a copy of which is annexed hereto and made a part of the minutes; and be it further

RESOLVED, there is no additional cost to the Town for the spectrum lease.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Post

APPROVED by unanimous vote (4-0)

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

Ayes: Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 168:

Supervisor Post offered the following:

RESOLUTION TO ESTABLISH LINE ITEMS FOR HIGHWAY BAN

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

DA9730.601 BAN Principal

DA9730.701 BAN Interest

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Michalak

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APPROVED by unanimous vote (4-0)

RESOLUTION NO. 169:

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
ADDITIONAL OFFICE 365 LICENSE**

WHEREAS, currently the Town has 31 Office 365 subscriptions; and

WHEREAS, an additional subscription is needed for the assessment clerk; and

WHEREAS, the cost for one additional subscription of Office 365 for one year is \$60.18, NYS Contract# R86AGD (Dell quote attached).

NOW, THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby authorizes the purchase of one additional Office 365 subscription at a cost of \$60.18 for one year; and be it further

RESOLVED, the expenditure will be appropriated from line item A1680.402.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Whtie, Post

APPROVED by unanimous vote (4-0)

Abstract No. 9-2016: Motion Councilwoman White, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$100,872.94
Highway	199,939.05
Sewer No. 1	3,380.53
Sewer No. 2	286,881.01
Water	26,690.96
Pratt	4,465.00
Ellicott Trail	13,860.00
Townline Joint	117.00
Total	\$636,206.49

Check numbers 17158 – 17203, 17205 - 17223, 17225 – 17236, SM: 1088, ACH: \$11,815.62, Online: \$7,756.41, Wire: \$396,578.68

Ayes: White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

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The Supervisor reported on the following departments:

Building Department- The Supervisor read the Building Inspectors report that was submitted to the Town Board. Report attached.

Highway Department

Grader- The Grader that was authorized to purchase at the NYS Surplus auction was not purchased by the Town of Batavia.

Culvert-The culvert replacement has been completed on Park Road

Water/Wastewater Department

Maintenance- The department continues with field maintenance of hydrants, etc. It has been more expeditious with the use of a hydro valve turn from Oakfield.

Supervisor's Report:

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

Special Town Board Meeting October 5, 2016 to distribute 2017 Tentative Budget

COMMUNICATIONS:

The Town Clerk reported on the following:

July Town Clerk monthly report collected a total of \$4,346.38, remitted \$3,745.61 to the Supervisor for the Local Share.

August Town Clerk monthly report collected a total of \$9,377.61, remitted \$4,998.84 to the Supervisor for the Local Share.

Trainings-NYSERDA is offering a Webinar on October 6, 2016 on NYS Model Solar Energy Law for Local Planning and Zoning. Cornell University is offering a free 6 weeks online course, "Reclaiming Broken Places: Introduction to Civic Ecology". Town personnel have be notified of this training.

COMMITTEE REPORTS:

Comprehensive Master Plan (CMP)- The Supervisor reported that the Town Planning Board received a rough draft of the CMP and will review it with the Town Board. It also contains an economic and sustainability plan. The CMP will be available at the polling places to give constituents an opportunity to review it and comment to the Town of Batavia personnel.

ADJOURNMENT:

Motion Councilwoman White, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:35 P.M.

Ayes: White, Zambito, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk