

**FEBRUARY 20, 2013
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Chad Zambito, Councilman 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

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

January 16, 2013 Regular Town Board Meeting: Motion Councilman Lang, second Councilman Zambito to approve the minutes as written.

Ayes: Lang, Zambito, Michalak, Underhill

MOTION CARRIED by unanimous vote (4-0)

SPEAKERS:

Mike Smart, distributed and read a thank you letter to the Town for the joint participation in the Shared Services Agreement. He stated that it is a real insurance policy for all municipalities.

Deputy Supervisor Underhill thanked Mr. Smart for taking the time to show his appreciation.

RESOLUTION NO. 44:

Councilman Lang offered the following:

AWARD BID - TRANSFER STATION

WHEREAS, the Batavia Town Board authorized receipt of sealed bids for refuse removal at the Town of Batavia Transfer Station, and

WHEREAS, the bid opening date was scheduled for Wednesday, February 13, 2013 at 10:00 A.M. at the Town Hall (bid summary attached);

WHEREAS, the lowest responsible bidder was Modern Disposal Services, Incorporated, Model City, New York.

NOW, THEREFORE, BE IT

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RESOLVED, the Batavia Town Board hereby awards the bid for refuse removal at the Batavia Transfer Station to Modern Disposal Services, Incorporated, at a cost of thirty-six dollar and fifty cents (\$36.50) per ton for household garbage and construction/demolition debris and one hundred eighty-five dollars (\$185.00) per haul.

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

**TOWN OF BATAVIA
TRANSFER STATION BID OPENING
FEBRUARY 13, 2013 AT 10:00 A.M.**

BIDDER	COST/TON Household/Construction/Demolition	COST/HAUL	CONTAINER FEE
Modern Disposal	36.50	185.00	0
Waste Management	41.00	169.00	0

RESOLUTION NO. 45:

Deputy Supervisor Underhill offered the following:

**PURCHASE NEW VEHICLE FOR
WATER AND SEWER DEPARTMENT**

WHEREAS, the 2013 Town Budget reflects appropriations to purchase a new vehicle for the Water and Sewer Department; and

WHEREAS, the Town solicited bids for a new 2013 Ford F350 XL Crew Cab Dual Rear Wheel Pickup Truck. Seven bids were received on the truck. The low bidder was Vision Ford, 4545 Ridge Road, Rochester, NY 14626 at a price of \$31,393.00; and

WHEREAS, the current 2011 Ford F350 pickup truck with the original truck bed (VIN# 1FT8W3D61BED08169) will be sold at auction and the money from the sale of this vehicle will be used to purchase the new vehicle.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase a new 2013 Ford F350 XL Crew Cab Dual Rear Wheel Pickup Truck from Vision Ford at a cost of \$31,393.00; and sell the 2011

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Ford F350 pickup truck at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item SW8340.200, SS1-8120.200 and SS2-8120.200.

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

RESOLUTION NO. 46:

Councilwoman Michalak offered the following:

**SUPPORT FOR NEW YORK STATE CONTACT INFORMATION
FOR VACANT STRUCTURES**

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure.

NOW, THEREFORE, BE IT that the Batavia Town Board hereby supports the passage of said Bills; and be it

FURTHER RESOLVED, the Town Clerk is hereby directed to forward a certified copy of said resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Michael Ranzenhofer, Assemblyman Steven Hawley, and Assemblyman Michael Kearns.

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

RESOLUTION NO. 47:

AUTHORIZING BUDGET TRANSFERS FOR 2012

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

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General Fund:

From	Amount	To
A1010.401 Town Board Contr	\$524.00	A1110.401 Justice Contr
A1010.402 Town Board Contr	\$524.00	A1110.402 Justice Contr
A8161.400 Recycling	\$423.00	A8162.400 Trs St Contr
A8165.404 Superfund Legal	\$248.00	A8165.406 Superfund Post Closure
A9010.800 Retirement	\$586.00	A9030.800 Soc Security
A9010.800 Retirement	\$989.00	A9050.800 Unemployment Ins
A1440.400 Engineering Contr	\$641.00	A1440.120 Engineering OT

Highway

DA5142.101 Snow Removal Pers Svc	\$3805.00	DA5142.100 Snow Removal Pers Svc
DA5110.400 Transportation Contr	\$8,684.00	DA5130.200 Machinery Equip
DA5142.400 Snow removal contr	\$20,856.00	DA5130.200 Machinery Equip

SS1

SS1-8120.104 San Swr Pers Svc	\$54.00	SS1-8120.101 San Swr Pers Svc
SS1-8120.104 San Swr Pers Svc	\$205.00	SS1-8120.103 San Swr Pers Svc
SS1-8120.104 San Swr Pers Svc	\$421.00	SS1-8120.400 San Swr Contr

Water

SW8340.104 Trs & Dist Pers Svc	\$1540.00	SW8340.103 TRs & Dist Pers Svc
SW8340.104 Trs & Dist Pers Svc	\$1377.00	SW8340.400 Trs & Dist Contr
SW8310.400 Wtr Admin Contr	\$4792.00	SW8320.400 Source of Supply Contr

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 48:

Councilman Lang offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2013

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

General Fund:

From	Amount	To
A1220.400 Engineering Contractual	\$1780.00	A1440.101 Engineering Intern

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 49:

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Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Hiedi Librock- New York State Association of Towns Annual Conference, (was held) February 17 - 20, 2013, at an approximate cost of \$650.00

Hiedi Librock- Environmental Finance Center Conference, April 23 - 25, 2013, at a cost of \$240.00, a Town vehicle will be used

Teressa Morasco and Sandra Baubie- New York State Town Clerks Association Annual Conference, April 28 - May 1, 2013, at an approximate cost of \$600.00 each, a Town Vehicle will be used.

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

RESOLUTION NO. 50:

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
COMPUTERS FOR ENGINEERING DEPARTMENT**

WHEREAS, the Engineering Department needs two computers (1-laptop-, 1-tablet) for working out in the field; and

WHEREAS, the Town received quotes for each of the Computers, the lowest quote for the tablet was from Lenova at a cost of \$1529.00 and \$1,921.00 for the laptop from Dell, New York State Contract #PT65340/44ADD (quotes attached);

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two computers, one from Lenova at a cost of \$1,529.00 and from Dell at a cost of \$1,921.00; and be it further

RESOLVED, the expenditure will be appropriated from line item A1440.200.

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

RESOLUTION NO. 51:

Councilman Zambito offered the following:

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**STREETLIGHT-POLE 5158
ON ROUTE 5 EAST OF AG PARK DRIVE**

RESOLVED, the Batavia Town Board hereby authorizes and directs National Grid to do the following work in the Town of Batavia, CSS Reference No. 1373663105:

Install: One –250 watt high pressure sodium lamp and luminaire on existing Pole #5158 on Route 5 East of Ag Park Drive

Estimated Annual Cost: \$273.00 includes energy.

Second by: Councilman Lang

Ayes: Zambito, Lang, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 52:

Councilman Lang offered the following:

**RESOLUTION TO APPROVE A SUPPLEMENTAL RETAIL WATER SUPPLY AGREEMENT
WITH THE TOWN OF STAFFORD**

WHEREAS, the Town of Batavia and the Town of Stafford acting on behalf of Water District No. 6, entered into a “Towns of Batavia and Stafford Retail Water Supply Agreement”, dated March 9, 2009, hereinafter referred to as the Agreement”, and

WHEREAS, each Town has made payments to the other Town as required in said Agreement, and

WHEREAS, the Town of Batavia intends to make a single lump sum payment to the Town of Stafford to satisfy the required yearly payments set forth in this Agreement, and

WHEREAS, the Town Attorney has drafted a Supplemental Agreement to confirm the prior payments and approve the lump sum payment.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Supplement to Retail Water Supply Agreement for the Towns of Batavia and Stafford”, a copy of which is to be made a part of the Town Board Minutes, is hereby accepted and approved, and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia, and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the payment of \$23,288.54 to the Town of Stafford on behalf of Water District No. 6, as set forth in this Supplemental Agreement.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

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RESOLUTION NO. 53:

Deputy Supervisor Underhill offered the following:

PURCHASE TRACK SKID STEER LOADER

WHEREAS, the 2013 Town Budget reflects appropriations to purchase a new 2013 Track Skid Steer Loader for the Highway Department; and

WHEREAS, the Town solicited bids for a new 2013 Track Skid Steer Loader. Seven bids were received at 3:00 PM on February 12, 2013. The low bidder was Alexander Equipment, located at Buffalo Street, Alexander, New York, at a price of \$28,200.00 including the trade-in of the Town's current 2005 New Holland LS 125 Wheeled Skid Steer (cost- \$36,724 less Skid Steer trade-in value of \$8,000- bid summary attached); and

WHEREAS, the bids also included a list of various attachments for the skid steer. The Town Highway Superintendent recommends the purchase of a set of pallet forks for the new skid steer. Alexander Equipment was also the low bidder for the pallet forks at a price of \$637.00.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase a new 2013 Track Skid Steer Loader and pallet forks from Alexander Equipment at a cost of \$28,200 including the trade-in of the Town's current 2005 New Holland LS 125 Wheeled Skid Steer and a set of pallet forks at a price of \$637; and be it further

RESOLVED, the Batavia Town Board hereby authorizes the trade-in of the Town's 2005 New Holland LS125 Wheeled Skid Steer (VIN# LMU001859) as part of the purchase for the new skid steer; and be it further

RESOLVED, the expenditure will be appropriated from DA5130.200-highway equipment.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 54:

Councilwoman Michalak offered the following:

**RURAL DEVELOPMENT APPLICATION-TOWN ATTORNEY
CREEK AND EAST ROADS WATER DISTRICT**

WHEREAS, in order to complete the Rural Development Application for the Creek and East Roads Water District the Town Supervisor is required to execute an agreement between the Town and the Town's Attorney, Kevin Earl for work performed by them in relation to the project; and

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WHEREAS, the fee for these services are stipulated in the agreement (attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and the Town's Attorney, Kevin Earl for services rendered in connection with the application to Rural Development for the Creek and East Roads Water District, contingent upon USDA Rural Development approval.

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

RESOLUTION NO. 55:

Councilman Zambito offered the following:

RURAL DEVELOPMENT APPLICATION-ENGINEERING
CREEK AND EAST ROADS WATER DISTRICT

WHEREAS, in order to complete the Rural Development Application for the Creek and East Roads Water District the Town Supervisor is required to execute an agreement between the Town and Clark Patterson Lee for work to be performed by them in relation to the project; and

WHEREAS, the fee for these services are stipulated in the agreements (attached).

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 Lee for services to be rendered in connection with the Creek and East Roads Water District, contingent upon USDA Rural Development approval.

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

RESOLUTION NO. 56:

Councilman Lang offered the following:

RURAL DEVELOPMENT APPLICATION-BOND COUNSEL
CREEK AND EAST ROADS WATER DISTRICT

WHEREAS, in order to complete the Rural Development Application for the Creek and East Roads Water District the Town Supervisor is required to execute an agreement between the Town and Hodgson Russ, LLP for work performed by them in relation to the project; and

WHEREAS, the fee for these services are stipulated in the agreement (attached).

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RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Hodgson Russ, LLP for services rendered in connection with the application to Rural Development for the Creek and East Roads Water District, contingent upon USDA Rural Development approval.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 57:

Deputy Supervisor Underhill offered the following:

**RURAL DEVELOPMENT APPLICATION-FINANCIAL ADVISER
CREEK AND EAST ROADS WATER DISTRICT**

WHEREAS, in order to complete the Rural Development Application for the Creek and East Roads Water District the Town Supervisor is required to execute an agreement between Municipal Solutions, Incorporated for work performed by them in relation to the project; and

WHEREAS, the fee for these services are stipulated in the agreement (attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for services rendered in connection with the application to Rural Development for the Creek and East Roads Water District, contingent upon USDA Rural Development approval.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 58:

Councilwoman Michalak offered the following:

**RURAL DEVELOPMENT APPLICATION-AUDITOR
CREEK AND EAST ROADS WATER DISTRICT**

WHEREAS, in order to complete the Rural Development Application for the Creek and East Roads Water District the Town Supervisor is required to execute an agreement between the Town and Freed, Maxick & Battaglia for work performed by them in relation to the project; and

WHEREAS, the fee for these services are stipulated in the agreement (attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the

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aforementioned agreement between the Town of Batavia and Freed, Maxick & Battaglia for services rendered in connection with the application to Rural Development for the Creek and East Roads Water District, contingent upon USDA Rural Development approval.

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

RESOLUTION NO. 59:

Councilman Zambito offered the following:

**RURAL DEVELOPMENT APPLICATION AND PROJECT MANAGEMENT SERVICES
AGREEMENT –
CREEK AND EAST ROADS WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, to assist the Town with project management services in conjunction with Rural development funding for the construction of improvements to the public water supply system serving the Creek and East Roads Water District at a cost not to exceed ten thousand dollars (\$10,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned services and costs and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 60:

Councilman Lang 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 February 20, 2013.

PRESENT:

Hon. Daniel Underhill, Deputy Supervisor
Hon. Alfred Lang, Councilman
Hon. Patti Michalak, Councilwoman
Hon. Chad Zambito, Councilman

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In the Matter of the Establishment of Creek and East 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
CREEK AND EAST ROAD WATER DISTRICT
FEBRUARY 20, 2013

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 Creek and East 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 a map, plan and report, dated May 2010 and updated October 2012, 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 to certain residences in the District; and

WHEREAS, the overall project will consist of the construction and installation of approximately 22,000 linear feet of eight inch water main along portions of Creek Road, East Road, Lehigh Road and Dorman Road, as more fully identified in such map, plan and report referred to above, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”); and

WHEREAS, the estimated maximum amount proposed to be expended for the construction of such District is estimated to be \$1,220,600; and

WHEREAS, pursuant to the Order duly adopted on November 19, 2012, 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 improvements proposed, the maximum amount proposed to be expended for the construction of 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 December 5, 2012, at 6:30 o’clock p.m. (Prevailing Time) as the time when, and the Batavia Town Hall, located at 3833 West Main Street Road, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof

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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 December 5, 2012, determined that 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 proposed 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 water improvements in connection with the District as hereinabove described at an estimated maximum cost of \$1,220,600; and that the plan of financing is for the issuance of serial bonds in an aggregate amount not to exceed \$1,220,600, 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 \$500,000; 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 such application and on February 11, 2013, the State Comptroller issued an order that such application of the Town Board of the Town of Batavia for permission to establish Creek and East Road Water District was approved and permitted the establishment of said District in accordance with the description referred to in a resolution of December 5, 2012, at an estimated maximum cost of \$1,220,600;

NOW, THEREFORE, BE IT

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

The boundary of the proposed Town of Batavia Creek & East 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 intersection of the centerline of Creek Road and the Batavia/Alexander Municipal Boundary; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,325 feet, more or less, to the intersection of the centerline of the Tonawanda Creek and the Batavia/Alexander Municipal Boundary; thence,

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2. Northerly, along the centerline of the Tonawanda Creek, a distance of 21,164 feet, more or less, to the intersection of the centerline of the Tonawanda Creek and the City of Batavia Municipal Boundary; thence,
3. Easterly, along the City of Batavia Municipal Boundary, a distance of 2,108 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-103.2; thence,
4. Southeasterly, along the northeasterly line of Tax Parcel number 13.-1-103.2, a distance of 403 feet, more or less, to a northeasterly corner of Tax Parcel number 13.-1-103.2; thence,
5. Southerly, along the easterly line of Tax Parcel number 13.-1-103.2, a distance of 233 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-103.2; thence,
6. Westerly, along the southerly line of Tax Parcel number 13.-1-103.2, a distance of 956 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-103.2; thence,
7. Southerly, along the easterly line of Tax Parcel number 13.-1-104.1, a distance of 608 feet, more or less, to the southeasterly corner of Tax Parcel number 13.-1-104.1; thence,
8. Westerly, along the southerly line of Tax Parcel number 13.-1-104.1, a distance of 875 feet, more or less, to the southwesterly corner of tax Parcel number 13.-1-104.1; thence,
9. Northerly, along an westerly line of Tax Parcel number 13.-1-104.1, a distance of 19 feet, more or less, to a southeasterly corner of Tax Parcel number 12.-1-56.1; thence,
10. Southwesterly, along a southeasterly line of Tax Parcel number 12.-1-56.1, a distance of 254 feet, more or less, to a southeasterly corner of Tax Parcel number 12.-1-56.1; thence,
11. Easterly, along the northerly line of Tax Parcel number 12.-1-57, a distance of 250 feet, more or less, to the northeasterly corner of Tax Parcel number 12.-1-57; thence,
12. Southerly, along the easterly line of Tax Parcel numbers 12.-1-57 and 19.-1-1.1, a distance of 1,543, more or less, to the southeasterly corner of Tax Parcel number 19.-1-1.1; thence,
13. Easterly, along the northerly line of Tax Parcel number 19.-1-5.1, a distance of 792 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-5.1; thence,
14. Southerly, along the easterly line of Tax Parcel number 19.-1-5.1, a distance of 1,139 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-5.1; thence,
15. Easterly, along the northerly line of Tax Parcel numbers 19.-1-53 and 19.-1-54, a distance of 2,224 feet, more or less, to the northeasterly line of Tax Parcel number 19.-1-54; thence,
16. Southerly, along the easterly line of Tax Parcel numbers 19.-1-54, 19.-1-11.113, and 19.-1-51, a distance of 1,707 feet, more or less, to the northwesterly corner of Tax Parcel number 20.-2-56; thence,
17. Easterly, along the northerly line of Tax Parcel number 20.-2-56, a distance of 1,000 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-2-56; thence,
18. Northerly, along the westerly line of Tax Parcel number 20.-2-55.21, a distance of 111 feet, more or less, to the northwesterly corner of Tax Parcel number 20.-2-55.21; thence,
19. Easterly, along the northerly line of Tax Parcel numbers 20.-2-55.21, 20.-2-54.1, 20.-2-54.2, 20.-2-53, and 20.-2-52.1, a distance of 1,945 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-2-52.1; thence,
20. Southerly, along the easterly line of Tax Parcel number 20.-2-52.1, a distance of 1,172 feet, more or less, to a southeasterly corner of Tax Parcel number 20.-2-52.1; thence,
21. Southeasterly, along the northeasterly line of Tax Parcel number 20.-2-52.12, a distance of 135 feet, more or less, to the easterly corner of Tax Parcel number 20.-2-52.12; thence,

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22. Southwesterly, along the southeasterly line of Tax Parcel number 20.-2-52.12, a distance of 274 feet, more or less, to the southerly corner of Tax Parcel number 20.-2-52.12; thence,
23. Southerly, along the right-of-way of East Road (49.5 feet wide right-of-way), a distance of 84 feet, more or less, to a point along the right-of-way of East Road where it intersection with intersects with the Shepard & Putnam Road Water District; thence,
24. Southwesterly, through the right-of-way of East Road (49.5 feet wide right-of-way), continuing through Tax Parcel number 20.-2-48 and along the boundary of the Shepard & Putnam Road Water District, a distance of 857 feet, more or less, to the intersection of the southwesterly line of Tax Parcel number 20.-2-48 and the boundary of Shepard & Putnam Road Water District; thence,
25. Northwesterly, along the southwesterly line of Tax Parcel numbers 20.-2-48 and 20.-2-50.11, a distance of 911 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-50.11; thence,
26. Southerly, along the easterly line of Tax Parcel number 20.-2-41, a distance of 1,202 feet, more or less, to the southeasterly corner of Tax Parcel number 20.-2-41; thence,
27. Southwesterly, along the southeasterly line of Tax Parcel number 20.-2-41, a distance of 657 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-41; thence,
28. Northerly, along the westerly line of Tax Parcel number 20.-2-41, a distance of 1,255 feet, more or less, to the southeasterly corner of Tax Parcel number 20.-2-57; thence,
29. Westerly, along the southerly line of Tax Parcel number 20.-2-57, a distance of 990 feet, more or less, to the southwesterly corner of Tax Parcel number 20.-2-57; thence,
30. Southerly, along the easterly line of Tax Parcel number 19.-1-14, a distance of 358 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-14; thence,
31. Westerly, along the southerly line of Tax Parcel numbers 19.-1-14 and 19.-1-12.111, a distance of 2,134 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-19.21; thence,
32. Southerly, along the easterly line of Tax Parcel number 19.-1-19.21, a distance of 368 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-19.21; thence,
33. Westerly, along the southerly line of Tax Parcel number 19.-1-19.21, a distance of 894 feet, more or less, to the northeasterly corner of Tax Parcel number 19.-1-18; thence,
34. Southerly, along the entire easterly line of Tax Parcel number 19.-1-18, a distance of 1,888 feet, more or less, to the southeasterly corner of Tax Parcel number 19.-1-18; thence,
35. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,677 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Proposed Creek & East Road Water District – 2011 Water System Improvements," dated 5/2011. The Town of Batavia Creek & East Road Water District, as described above, contains approximately 1,552.7 acres of land.

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 (November 19, 2012) and the resolution (adopted on December 5, 2012), at an estimated maximum cost of \$1,220,600, and the plan of financing is by the issuance of serial bonds in an aggregate amount not to exceed \$1,220,600, 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 \$500,000, 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

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assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by the 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 (10) 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

Dated: February 20, 2013

**TOWN BOARD OF THE
TOWN OF BATAVIA**

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

RESOLUTION NO. 61 :

Deputy Supervisor Underhill offered the following:

A BOND RESOLUTION, DATED FEBRUARY 20, 2013, 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 CREEK AND EAST ROAD WATER DISTRICT, AT AN ESTIMATED MAXIMUM COST OF \$1,220,600 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,220,600, 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 "Creek and East Road Water District" (the "District"); and

WHEREAS, the Town Board desires to undertake a water system capital improvements project generally consisting of the construction of the infrastructure for the District (the "Project"); and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and reports and identified the boundaries for the District and the

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Project, (b) held public hearings with respect to the Project, (c) determined that the 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 the Project and further determined to undertake the 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 the 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 construction and installation of approximately 22,000 linear feet of eight inch water main along portions of Creek Road, East Road, Lehigh Road and Dorman Road, as more fully identified in a certain map, plan and report referred to above and prepared in connection with the Project, 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 for the foregoing purpose. The estimated maximum cost of said purpose is \$1,220,600.

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 \$1,220,600 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 \$500,000, 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 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

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payable in such year. Unless paid from other sources or charges, the costs of the Project 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.

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 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

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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: The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13: 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 14: 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 15: This resolution is effective immediately.

SECTION 16: 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.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 62:

Councilwoman Michalak offered the following:

EXTENSION OF SERVICES AGREEMENT –

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**BETWEEN THE TOWN OF BATAVIA AND WENDEL COMPANIES
(GEOGRAPHICAL INFORMATIONAL SYSTEM) GIS PROGRAMMING, MAINTENANCE
AND TRAINING**

WHEREAS, Wendel Companies, continues with additional GIS services such as program and website additions, additional training and software/hardware support which allows the advancement of the Town's GIS needs; and

WHEREAS, Wendel Companies has prepared a proposal (attached) as requested by the Town Engineer for the following:

TASK 1-ArcGIS Server Web Map Site Maintenance
TASK 2-GPS, Web Map Training and Support Services
TASK 3 – Web Map GPS Tracker

for a total not to exceed fee of \$16,000; and

WHEREAS, the Town Engineer recommends approval of these services to continue the Town's advancement and fulfillment of its GIS needs as well as providing better service to our shared services partners; and

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement for services of Wendel Companies to assist the Town in the advancement of the Town's GIS system at a cost not to exceed \$16,000.

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

RESOLUTION NO. 63:

Councilman Zambito offered the following:

**APPROVAL OF CHANGE ORDER 2013-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA
LANDFILL SUPERFUND SITE**

WHEREAS, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2013 (attached); and

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WHEREAS, the cost for the service is estimated at sixteen thousand nine hundred ninety-eight dollars (\$16,998.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

NOW, THEREFORE, BE IT

RESOLVED the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis, at the Town of Batavia Landfill Superfund Site.

Second by: Councilman Lang

Ayes: Zambito, Lang, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 64:

Councilman Lang offered the following:

EMPLOYEE FITNESS CENTER POLICY

WHEREAS, many Town Employees have donated fitness equipment for an Employee Fitness Center; and

WHEREAS, the Town Highway Facility has space available for an Employee Fitness Center; and

WHEREAS, the Town health insurance policy encourages health and fitness; and

WHEREAS, an Employee Fitness Policy has to be created.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes an Employee Fitness Center to be located in the Town Highway Facility; and be it further

RESOLVED, the Batavia Town Board hereby adopts the Employee Fitness Policy, annexed to and made a part of this resolution.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill

APPROVED by unanimous vote (4-0)

Fitness Center Policy

1. POLICY:

Town of Batavia provides a fitness center for use by all regular full and part-time employees. Employees

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must be signed out from their official duties to access the fitness center.

2. PROVISIONS:

- a. Only employees of the Town of Batavia are eligible to use the fitness center.
- b. To be eligible to access the fitness center, employees must sign the Fitness Center Release and Hold Harmless form attached to and made a part hereof and file it with the Town Clerk.
- c. The fitness center will be open available seven days a week.
- d. **SAFETY FIRST!** Start out slowly and increase workout time and intensity gradually. Make sure to include a proper warm-up and cool-down into your workout routine.
- e. There is a 20-minute limit on all cardiovascular equipment (bicycles, treadmills) when others are waiting.
- f. Proper workout attire must be worn. Employees must wear appropriate clothing and should not use the facility while in regular work attire. Examples of proper attire include gym shorts, tee shirts and any conventional exercise attire such as leotard and warm up suits. Employees who return to work after using the fitness center should do so in their normal work attire.
- g. Fitness equipment must be wiped down immediately after being used.
- h. Food and beverages, with the exception of water, are not allowed in the fitness center.
- i. Report all damaged or faulty equipment immediately to your immediate Supervisor.
- j. In case of emergency call 911 or press the red emergency button located on the wall in the fitness center (to be installed). Other questions about the fitness center and other non-emergency situations should be directed to your immediate Supervisor.

**TOWN OF BATAVIA
FITNESS CENTER
RELEASE AND HOLD HARMLESS**

I, _____ does hereby covenant and agree to release and hold harmless the TOWN OF BATAVIA from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of participation in the Fitness Center.

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I understand participation in the Fitness Center involves rigorous physical activity and risks of physical injury, and I assume these risks. I hereby consent to emergency transportation and treatment in the event of illness or injury. I hereby accept responsibility for the payment of any emergency transportation or treatment. I further certify that I am in good physical condition, and I have no medical or physical conditions that would restrict my participation.

Date: _____

Participant

RESOLUTION NO. 65:

Deputy Supervisor Underhill offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Town of Batavia has determined that the following item(s) is no longer needed for Town use and that the following item should be sold at auction and deleted from inventory:

1. 1978 10 Ton Tampo Roller VIN number GMC24343
2. 1991 White Dump Truck with one way plow and wing VIN 4V2SCBE7NU509145
3. Homelite cutoff saw

NOW THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to surplus the items listed above and sell them at auction.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, Lang, Michalak

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 66:

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE SANITARY SEWER AND WATER MAIN EASEMENTS
FOR THE GENESEE VALLEY AGRI-BUSINESS PARK PROJECT**

WHEREAS, the Genesee County Local Development Corporation has constructed sanitary sewer lines and appurtenances; as well as water main lines and appurtenances as part of the Genesee Valley Agri-Business Park project, and

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WHEREAS, said Corporation has or will dedicate these sanitary sewer and water main lines to the Town of Batavia, and

WHEREAS, the Town of Batavia needs various easements in order to hereinafter operate and maintain these lines, and

WHEREAS, the required owners of real property have or will sign Sanitary Sewer and Water Main Easements granted to the Town of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that certain Sanitary Sewer and Water Main Easements granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia are hereby approved and accepted with regard to the parcels of lands set forth in the Easements, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the following Easements:

1. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-161, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 1".
2. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-162, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 2".
3. From Cox Properties, LLC, regarding Tax Map No. 13-1-171, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 3".
4. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-174, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 4".
5. From Wave Holdings, LLC, regarding Tax Map No. 13-1-165.111, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 5".
6. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-173, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 6".
7. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-167.1, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 7".
8. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-87.121, dated September 7, 2012; designated as "Sanitary Sewer Easement No. 8".
9. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-87.121, dated September 7, 2012; designated as "Water Main Easement No. 9".
10. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-168, dated September 7, 2012; designated as "Water Main Easement No. 10".
11. From Alpina Foods, Inc., regarding Tax Map No. 13-1-169; designated as "Water Main Easement No. 11".
12. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-170, dated September 7, 2012; designated as "Water Main Easement No. 12".
13. From Genesee Agri-Business, LLC, regarding Tax Map No. 13-1-164, dated September 7, 2012; designated as "Water Main Easement No. 13".

Second by: Councilman Lang

Ayes: Michalak, Lang, Zambito, Underhill

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APPROVED by unanimous vote (4-0)

RESOLUTION NO. 67:

Councilman Zambito offered the following:

NYS DOT UNDERTAKING

WHEREAS, the Town of Batavia and the New York State Department of Transportation has had a undertaking agreement in place since 2002; and

WHEREAS, the New York State Department of Transportation wishes to update the Undertaking Agreement; and

WHEREAS, the Town of Batavia Highway Superintendent has reviewed and recommends approval of agreement to allow the Town the ability to conduct activities and operations on State Highways for the purposes of special events within the Town, construction projects, annual permitting and road maintenance; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Town Supervisor to execute the attached New York State Undertaking Agreement to allow the Town to allow the Town the ability to continue to conduct activities and operations on State Highways for the purposes of special events within the Town, construction projects, annual permit and road maintenance.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 68:

Councilman Lang offered the following:

**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program;

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

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RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2013.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

SUSPEND THE RULES-Motion Councilwoman Michalak, second Councilman Lang to suspend the rules to introduce an additional resolution.

Ayes: Michalak, Lang, Zambito, Underhill

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 69:

Deputy Supervisor Underhill offered the following:

PROCLAMATION
“SAFETY WEEK”

WHEREAS, in 1935, a group of safety minded individuals in Western New York joined together to discuss the importance of safety education to both workers and management and, after several meetings, these crusaders organized the Western New York Safety Conference; and

WHEREAS, it was their aim to supply information, techniques and basic administrative assistance to employees, supervisors, and managers through an annual conference and exhibit in an effort to reduce the number of injuries in the workplace; and

WHEREAS, the safety group conducted their first conference and exhibit in the spring of 1936 and are continuing to hold conferences and exhibits annually; and

WHEREAS, this conference is attended by some 500 delegates each year and is the largest gathering of safety-oriented and interested people in the Eastern United States; and

WHEREAS, the Western New York Safety Conference, Inc., which is celebrating its 77th Anniversary in 2013, is an independent, non-profit organization dedicated to the conservation of human lives and the safety and health of the individual through the prevention of accidents and occupational diseases; and

WHEREAS, the 77th Annual Safety Conference and Trades Exhibit will be held at the Seneca Event Center, Niagara Falls, NY on March 11th, 12th, 13th and 14th, 2013,

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board hereby proclaims the period of March 11-14, 2013 as, “SAFETY WEEK” in the Town of Batavia and urge all fellow citizens to support the conference's many safety objectives during these special days and throughout the year.

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

Abstract No. 2-2013: Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$92,556.93
Highway	19,314.85
Sewer No. 1	27,530.55
Sewer No. 2	47,474.70
Water	168,311.89
Creek Road	503.50
W Main Sewer	75.59
Total	\$355,768.01

Check numbers 17627 thru 17630, 17632 - 17666, 17668 - 17721

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

DEPARTMENT REPORTS:

The Deputy Supervisor Report for the following:

Highway – The Highway Department installed a new Town sign to identify the Town Offices

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 General and Reserve Funds are invested in a CD’s paying a rate of .12% and .40%.

GAM- The GAM meeting is tomorrow evening. Hosted by the Town of Batavia and will be held at the Batavia Town Hall at 7:00 P.M.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$4,321.51, remitted \$3,961.44 to the Supervisor for the Local Share.

January Tax Collection report collected a total of \$3,278,840.62, remitted \$1,021,850.30 to the Supervisor and the remainder to the County Treasurer.

COMMITTEE REPORTS:

Park- Councilwoman Michalak reported that the committee for the Park Project has been meeting regularly and is gearing up for the major install on May 8. They are continuing to seek donations for the project. Anyone wishing to donate can go to the Town of Batavia website and it will take you to a link to

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for the project.

NEW BUSINESS:

The Deputy Supervisor wished Alecia, Videographer for the Town a Happy Birthday!

ADJOURNMENT:

Motion Councilman Zambito, second Councilman Lang to adjourn the Regular Town Board Meeting at 8:05 P.M.

Ayes: Zambito, Lang, Michalak, Underhill

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk