

**AUGUST 13, 2014**  
**SPECIAL TOWN BOARD MEETING**

**Town Hall**

**5:00 P.M.**

Patti Michalak, Councilwoman led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Town Clerk Morasco  
JoAnn Beck, Daily News Reporter

The Supervisor called the meeting to order at 5:09 P.M.

**RESOLUTION NO. 143:**

Councilman Lang offered the following:

**TOWN OF BATAVIA**  
**SEQR - LEAD AGENCY RESOLUTION**

**TOWNLINER WATER PROJECT**

“**WHEREAS**, the Town of Batavia is working in conjunction with the Towns of Oakfield, Elba and Stafford to plan public water supply improvements for the Townline Water Project. Residents in all four towns would be included in the service area, and each Town would create a separate water district. The Towns will finance the improvements with local funding (no State or Federal funding involved), and

**WHEREAS**, the Townline Water Project will involve the installation of 8-inch and 12-inch waterlines along the following roadways: Batavia-Oakfield Town Line Rd, Batavia-Elba Townline Rd, Batavia-Stafford Town Rd, Hutton Rd, Lewiston Rd, Fisher Road, Pekin Rd, Oak Orchard Rd, State Street Rd, Norton Rd, and Bank Street Rd. A total of 104,700 linear feet of watermain will be constructed. Activities include the installation of watermain, fire hydrants, valves, watermain connections, residential hook-ups, road crossings, excavation and bedding materials and surface restoration. [Note: the Townline Road Water Project includes the project areas previously referred to as the Batavia North Water Districts, as well as an expansion of the service area into the three surrounding Towns.]

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of public water improvements within the Townline Water Project service area. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project.

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**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by LaBella Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form. The Town Board plans to make a Determination of Significance for the project after the 30-day comment period has elapsed.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 144:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE TWO INTERMUNICIPAL AGREEMENTS  
FOR THE TOWNLIN WATER PROJECT**

**WHEREAS**, the Towns of Batavia, Elba and Oakfield intend to construct, operate and maintain a joint water distribution system, referred to as the Townline Water Project, (hereinafter “Project”), and

**WHEREAS**, each of the three Towns intend to form and establish three separate Water Districts and

**WHEREAS**, it is intended that this water distribution system will be jointly owned by all three Towns, based upon certain percentages relating to the number of units in each respective Town, and

**WHEREAS**, the Towns intend to enter into one Intermunicipal Agreement with regard to the ownership, engineering, design, construction and financing for this Project; as well as a separate Intermunicipal Agreement for the operation and maintenance of the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “Intermunicipal Agreement for the Ownership, Engineering, Design, Construction and Financing for the Townline Water Project”, a copy of which is to be made a part of the Town Board Minutes, is hereby approved, and

**BE IT FURTHER RESOLVED** that a proposed “Intermunicipal Agreement for Operation and Maintenance for Water Facilities for the Townline Water Project”, a copy of which is to be made a part of the Town Board Minutes, is also hereby approved, and

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**BE IT FURTHER RESOLVED** that the Town Supervisor is hereby authorized and directed to sign both Agreements on behalf of the Town of Batavia and to take whatever steps are necessary to implement and effectuate the terms and conditions of both of these Agreements.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 145:**

Supervisor Post offered the following:

**TOWN OF BATAVIA**  
**SEWER CAPACITY UPGRADE ALTERNATIVE ANALYSIS**  
**PLANNING GRANT #27625 AGREEMENT**

**WHEREAS**, the Town had proposed to complete a Sewer Planning Study (Sewer Capacity Upgrade Alternative Analysis); and

**WHEREAS**, the cost of completing the Sewer Planning Study was estimated at \$ 37,500.00; and

**WHEREAS**, the Town of Batavia received an Engineering Planning Grant (EPG) Award commitment in the amount of \$ 30,000 to pay for a portion of the cost of completing the Sewer Capacity Upgrade Alternative Analysis; and

**WHEREAS**, resolution 48 dated January 15, 2014 was adopted authorizing appropriations of local match and authorizing the Town Supervisor to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the Engineering Planning Grant Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby acknowledges receipt of the New York State Environmental Facilities Corporation Grant Agreement for the Engineering Planning Grant Project No. 27625, which is annexed to and entered into the minutes, being executed by the Town Supervisor.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 146:**

Councilwoman Michalak offered the following:

JCAP

**Second by:** Councilman Lang

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

**RESOLUTION NO. 147:**

Councilman Zambito offered the following:

**STREETLIGHTING**  
**AT OAKWOOD HILLS**

**RESOLVED**, the Batavia Town Board hereby authorizes and directs National Grid to do the following work in the Town of Batavia, Bill Account 13736-63105:

Install: Streetlight conductor and direct embedded fiberglass poles, 100 watt high pressure sodium lamps and coach lamp luminaires at three locations in Oakwood Hills URD-Phase I.

Estimated Annual Cost: \$1,018.00 includes energy.

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

**RESOLUTION NO. 148:**

Councilman Lang offered the following:

**STREETLIGHTING**  
**ON CREEK ROAD**

**RESOLVED**, the Batavia Town Board hereby authorizes and directs National Grid to do the following work in the Town of Batavia, Bill Account 13736-63105:

Transfer Billing: Existing 100 watt high-pressure sodium lamps and cobrahead luminaires on pole 8966 & 8988-2 Creek Road, Town of Batavia

Estimated Annual Cost: \$210.00

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

**RESOLUTION NO. 149:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE AN EASEMENT AGREEMENT**  
**WITH THE CITY OF BATAVIA REGARDING CEDAR STREET**

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**WHEREAS**, the Town of Batavia has constructed a force main parallel to and adjacent to the City of Batavia's force main, for its sanitary sewer system that has been installed on a portion of Cedar Street in the City of Batavia, as part of the Genesee Valley Agri-Business Park project, and

**WHEREAS**, the Town needs to enter into an Easement Agreement with the City of Batavia to allow the Town to operate and maintain this force main.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the attached "Easement Agreement" by and between the Town and the City of Batavia to install, operate, maintain and repair a sanitary sewer main upon a portion of Cedar Street to service the Genesee Valley Agri-Business Park, 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 take all steps necessary to fulfill the terms and conditions, applicable to the Town of Batavia, as set forth in said Agreement, as follows:

1. To obtain all Street Opening Permits from the City prior to performing any work.
2. To safeguard and maintain traffic during the performance of any work within the easement area.
3. To maintain any cleanouts related to the Town's sewer line.
4. To repair any damage caused to City property and lands.
5. To indemnify the City against any loss or damage that may be caused by the construction, maintenance and/or operation of the sewer line or by any wrongful or neglectful act or omission of the Town or its agents or its employees.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 150:**

Supervisor Post offered the following:

**TOWNLINER WATER PROJECT**

**TOWN OF BATAVIA**

**RESOLUTION TO AUTHORIZE PHASE I CULTURAL RESOURCE INVESTIGATION**

**WHEREAS**, the Town of Batavia is working in conjunction with the Towns of Oakfield, Elba and Stafford to plan public water supply improvements for the Townline Water Project and is acting as the Lead Agency for the project, and

**WHEREAS**, an environmental review is required for the construction of the water system improvements proposed as part of the Townline Water Project, and

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**WHEREAS**, the State Historic Preservation Office (SHPO) has requested a Phase I Cultural Resource Investigation and photographs of portions of the project area (Batavia Oakfield Town Road from Hutton Road to South Pearl Street, and Lewiston Road from the Village of Oakfield line to Batavia-Oakfield Town Road), and this investigation is necessary to complete the environmental review of the proposed action,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Batavia Supervisor is authorized to sign the contract with Powers & Teremy LLC to prepare a Phase I Cultural Resource Investigation of the above-designated areas of the Townline Water Project. The Town of Batavia acknowledges that the fee for the study is \$2,393.10 and acknowledges that the Town of Batavia is responsible for payment of this fee.

**Second by:** Deputy Supervisor Underhill

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

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

**ADJOURNMENT:**

Motion Councilman Lang, second Councilman Zambito to adjourn the Special Town Board Meeting at 5:26 P.M.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk