

**JANUARY 20, 2015
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor 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

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

December 17, 2014 Public Hearing-Town of Batavia Fire Protection Contract, December 17, 2014 Regular Town Board Meeting, January 7, 2015 Organizational Meeting, January 7, 2015 Special Town Board Meeting, and January 13, 2015 Special Town Board Meeting: Motion Deputy

Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Zambito, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 40:

Councilman Lang offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 1 OF 2015

WHEREAS, proposed Local Law No. 1 of 2015 of the Town of Batavia entitled “A Local Law to Repeal Local Law No. 1 of 2014”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on January 13, 2015, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on January 20, 2015, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 1 of 2015 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 1 of 2015 be and the same hereby is adopted; and

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BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 1 of 2015 be filed with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 41:

Deputy Supervisor Underhill offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2014

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

General Fund:

From	Amount	To
A1110.107 Justices – Pers Svc	565.00	A1110.103 Justices – Pers Svc
A1110.107 Justices – Pers Svc	463.00	A1110.104 Justices – Pers Svc
A8030.400 Research & Dev - Contr	1777.00	A1220.120 Supervisor – Pers Svc
A8030.400 Research & Dev - Contr	1891.00	A1220.400 Supervisor – Pers Svc
A1231.100 Deputy Clerk – Pers Svc	44.00	A1330.101 Tax Collector – Pers Svc
A8030.400 Research & Dev - Contr	169.00	A1220.401 Supervisor – Bookkeeper Contr
A8030.400 Research & Dev - Contr	111.00	A1381.400 Financial Advisors - Contr
A1420.400 Attorney – Contr	3.00	A1420.402 Attorney – Contr
A1420.400 Attorney – Contr	3950.00	A1420.405 Attorney – Contr
A1355.103 Assessors – Pers Svc	272.00	A1355.100 Assessors – Pers Svc
A1411.100 Clerk/Typist/PT – Pers Svc	1219.00	A1411.400 Clerk/Typist/PT - Contr
A1411.100 Clerk/Typist/PT – Pers Svc	1.00	A4020.100 Public Health – Registrar – P S
A1620.404 Buildings – Contr	6046.00	A1910.400 Special Items – Unallocated Ins
A3620.402 Bldg & Safety Insp - Contr	2070.00	A3310.400 Traffic Control - Contr
A5132.400 Trans – Garage - Contr	438.00	A5132.401 Trans – Garage - Contr
A5132.400 Trans – Garage - Contr	938.00	A5132.402 Trans – Garage - Contr
A5132.400 Trans – Garage - Contr	498.00	A5132.403 Trans – Garage - Contr
A8020.403 Planning Board – Contr	1136.00	A8020.101 Planning Board – Pers Svc
A8020.405 Planning Board – Contr	433.00	A8020.102 Planning Board – Pers Svc
A8162.100 Transfer Station – Pers Svc	1290.00	A8120.400 Sewer Improv Thruway - Contr
A8164.102 Sanitary LF – Pers Svc	1.00	A8164.101 Sanitary LF – Pers Svc
A8165.102 Superfund LF – Pers Svc	1.00	A8165.101 Superfund LF – Pers Svc
A8164.405 Sanitary LF – Contr	241.00	A8164.401 Sanitary LF – Contr
A8165.404 Superfund LF - Contr	795.00	A8165.401 Superfund LF - Contr
A8165.404 Superfund LF - Contr	777.00	A8165.406 Superfund LF - Contr
A8750.400 Agriculture - Contr	10000.00	A8684.401 Planning & Mgmt Dev - Contr
A8540.401 Comm Env Drainage - Contr	29534.00	A8684.401 Planning & Mgmt Dev - Contr
A9030.800 Employee Benefits – Soc Sec	3757.00	A9010.800 Employee Benefits - Retirement
A9055.800 Employee Benefits Disability	551.00	A9010.800 Employee Benefits - Retirement
A9055.800 Employee Benefits Disability	1449.00	A9060.801 Employee Benefits – Med Exp
A8540.401 Comm Env Drainage - Contr	3253.00	A9060.801 Employee Benefits – Med Exp
A9089.801 Emp Benefit – Staff Dev	810.00	A9089.800 Emp Benefits –In Lieu of

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A9089.802 Emp Benefit – Staff Dev	113.00	A9089.800 Emp Benefits –In Lieu of
A8540.100 Comm Env Drainage –Pers Svc	843.00	A9089.800 Emp Benefits –In Lieu of
A8540.100 Comm Env Drainage –Pers Svc	185.00	A9060.801 Employee Benefits – Med Exp
A6326.400 Economic Opportunity - Contr	2861.00	A9060.801 Employee Benefits – Med Exp
A6326.400 Economic Opportunity - Contr	32593.00	A9060.800 Employee Benefits – Health Ins
A6326.400 Economic Opportunity - Contr	3807.00	A1320.400 Auditor - Contr
A6326.400 Economic Opportunity - Contr	266.00	A5182.400 Street Lighting – Contr
A1620.400 Bldg - Utilities	3916.00	A1620.402Bldgs – Other Op Exp

Highway

DA5140.100 Brush/Weeds – Pers Svc	189.00	DA5140.400 Brush/Weeds – Contr
DA5140.100 Brush/Weeds – Pers Svc	4493.00	DA5110.100 Trans – General Rep – Pers Svc
DA5142.101 Snow Rem – Pers Svc	4075.00	DA5142.103 Snow Rem – Pers Svc
DA5142.101 Snow Rem – Pers Svc	1633.00	DA5110.100 Trans – General Rep – Pers Svc
DA5142.100 Snow Rem – Pers Svc	5191.00	DA5110.100 Trans – General Rep – Pers Svc
DA5142.100 Snow Rem – Pers Svc	2275.00	DA5110.101 Trans – General Rep – Pers Svc
DA5142.400 Snow Rem - Contr	3814.00	DA5130.400 Machinery - Contr
DA5142.400 Snow Rem - Contr	19.00	DA5110.103 General Rep – Pers Svc
DA5142.400 Snow Rem - Contr	25.00	DA5110.102 General Rep – Pers Svc
DA5148.100 Svc for Other Govts –PS	363.00	DA5148.400 Svc for Other Govts – Contr
DA9060.800 Emp Benefits-Health Ins	2697.00	DA9089.803 Medical Reimb
DA5142.400 Snow Rem - Contr	1.00	DA5140.400 Brush/Weeds – Contr
DA5148.100 Svc for Other Govts –PS	826.00	DA5110.400 Trans – General Rep – Contr

Sanitary Sewer I

SS1-8110.101 Sewer Admin- Pers Svc	393.00	SS1-8110.100 Sewer Admin- Pers Svc
SS1-8120.102 Sanitary Sewer – P S	10.00	SS1-8120.101 Sanitary Sewer – P S
SS1-8120.102 Sanitary Sewer – P S	987.00	SS1-8120.103 Sanitary Sewer – P S
SS1-8120.102 Sanitary Sewer – P S	848.00	SS1-8120.104 Sanitary Sewer – P S
SS1-8120.200 Sanitary Sewer – Equip	5364.00	SS1-8120.400 Sanitary Sewer – Contr
SS1-8120.106 Sanitary Sewer – P S	586.00	SS1-8120.400 Sanitary Sewer – Contr
SS1-8120.106 Sanitary Sewer – P S	930.00	SS1-8120.120 Sanitary Sewer – P S
SS1-9030.800 Emp Benefits –Soc Sec	1561.00	SS1-9010.800 Emp Benefits - Retirement
SS1-9060.800 Emp Benefits –Health Ins	187.00	SS1-9010.800 Emp Benefits - Retirement

Sanitary Sewer 2

SS2-8110.101 Sewer Admin – Pers Svc	489.00	SS2-8110.100 Sewer Admin – Pers Svc
SS2-8120.409 Sanitary Sewer - Contr	33297.00	SS2-8120.102 Sanitary Sewer – Pers Svc
SS2-8120.106 Sanitary Sewer- Pers Svc	1012.00	SS2-8120.103 Sanitary Sewer – Pers Svc
SS2-8120.106 Sanitary Sewer- Pers Svc	868.00	SS2-8120.104 Sanitary Sewer – Pers Svc
SS2-8120.106 Sanitary Sewer- Pers Svc	146.00	SS2-8120.120 Sanitary Sewer – Pers Svc
SS2-8120.200 Sanitary Sewer- Equip	652.00	SS2-8120.120 Sanitary Sewer – Pers Svc
SS2-8120.200 Sanitary Sewer- Equip	540.00	SS2-8120.400 Sanitary Sewer - Contr
SS2-8120.407 Sanitary Sewer - Contr	1748.00	SS2-9010.800 Emp Benefits - Retirement
SS2-8120.407 Sanitary Sewer - Contr	1309.00	SS2-9030.800 Emp Benefits – Soc Sec
SS2-9710.701 Debt Svc - Interest	6188.00	SS2-9710.601 Debt Svc - Principal

Water

SW8310.101 Water Admin – Pers Svc	1075.00	SW8310.100 Water Admin – Pers Svc
SW8340.102 Trans/Dist – Pers Svc	6426.00	SW8340.103 Trans/Dist – Pers Svc

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SW8340.102 Trans/Dist – Pers Svc	5096.00	SW8340.104 Trans/Dist – Pers Svc
SW8340.102 Trans/Dist – Pers Svc	7414.00	SW8340.400 Trans/Dist – Contr
SW8340.404 Trans/Dist – Contr	34234.00	SW8340.400 Trans/Dist – Contr
SW8340.106 Trans/Dist – Pers Svc	12177.00	SW8320.400 Source Of Supply
SW8340.200 Trans/Dist – Equip	23075.00	SW8320.400 Source Of Supply
SW8310.200 Wtr Admin - quip	2400.00	SW8320.400 Source Of Supply
SW8310.120 Watr Admin Pers Svc	1200.00	SW8320.400 Source Of Supply
SW8310.400 Wtr Admin - Contr	4771.00	SW8320.400 Source Of Supply
SW8340.405 Trs/Dist - Meters	12500.00	SW8320.400 Source Of Supply
SW8340.406 Trs/Dist - Meters	10000.00	SW8320.400 Source Of Supply
SW8389.401 Misc Radio Read	2400.00	SW8320.400 Source Of Supply
SW8389.402 Misc Wtr Meters	3000.00	SW8320.400 Source Of Supply
SW1910.400 Unallocated insurance	2593.00	SW8320.400 Source Of Supply
SW9060.801 Health Ins Reim	2218.00	SW8320.400 Source Of Supply
SW9030.800 Social Sec	6153.00	SW9010.800 State Retirement
SW9060.800 Health Ins	4858.00	SW9010.800 State Retirement
SW8310.101 Wtr Admin Pers Svc	237.00	SW8310.401 Wtr Admin - Backflow
SW9060.801 Health Ins Reim	140.00	SW8340.120 TRs/Dist Pers Svc

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 42:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

Tom Lichtenthal and Steven Mountain- Land and Water Protection Course, January 27, 2015. The cost for this training is \$60.00 each.

Greg Post and Paul Barrett- WNY WWC, February 11, 2015. The cost for this training is \$25.00 each.

Daniel Lang and Matthew Mahaney- Northern Adirondack Code Enforcement Education Conference, March 2 – March 5, 2015, at an approximate cost of \$1,200.00 A Town vehicle will be used.

Marcy Crandall and Hiedi Librock- EFC-Smart management for Small Communities, April 21 – 23, 2015. The cost for the training, lodging, and meals is \$180.00 each. A Town vehicle will be used.

Marcy Crandall- Leadership Genesee Agri Business Day, June 24, 2015.

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Hiedi Librock- Leadership Genesee Encouraging the Leader Within Day, September 23, 2015.

Jason Ambrewster- Leadership Genesee Government Day, October 28, 2015.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 43:

Councilwoman Michalak offered the following:

RESOLUTION TO FIRST AMENED LAND LEASE AGREEMENT

BETWEEN

AD CALL AND SONS AND THE TOWN OF BATAVIA

WHEREAS, AD Call and Sons and the Town of Batavia entered into a contract entitled, “Land Lease Agreement For a Portion of Landfill Property” in July 2014; and

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

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

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

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

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

RESOLVED that the approximate 50 acre parcel to be leased pursuant to this Agreement is

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hereby found and declared to be surplus property that will not and cannot be used by the Town of Batavia for any municipal or governmental purposes during the term of this Lease Agreement.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

FIRST AMENDED
LAND LEASE AGREEMENT
FOR A PORTION OF
LANDFILL PROPERTY

THIS AGREEMENT, made this _____ day of _____, 2015, between the **TOWN OF BATAVIA, NEW YORK**, a municipal corporation with offices at 3833 West Main Street Road, Batavia, New York 14020, herein called the Lessor, and **AD CALL AND SONS** residing at, 6380 Main Road, Stafford NY 14143, herein called the Lessee.

WITNESSETH

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

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

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

1. The Lessor hereby Leases to the Lessee for the purposes of cutting and bailing hay upon approximately 50 acres of land on a parcel located in the Town of Batavia at 3381 Harloff Road, Tax ID No. 7-1-4, which is outlined upon the aerial map annexed hereto and made a part hereof as **EXHIBIT A**.
2. The field areas shall be cut in accordance with the superfund and sanitary landfill approved maintenance plans. The grass shall not be cut lower than 6 inches in height.
3. This Lease shall become effective on date agreement is signed, and shall continue in force until December 31, 2015.
4. The terms of this Lease shall be binding on the heirs, successors, and permitted assigns of both the Lessor and Lessee.

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5. The Lessee shall neither assign this Lease to any persons, nor sublet any part of the real estate for any purpose without the prior written consent of Lessor.

6. This is a no cost lease.

7. Lessee agrees that it will engage in no practice which would introduce environmentally hazardous products to the Leased acreage.

8. This Land Lease Agreement constitutes the entire agreement between the parties. Any notice under the terms of this Agreement must be sent in writing by United States mail, return receipt requested; and shall be deemed delivered three days following the date on which it is sent. This Agreement may be modified only in writing signed by both parties.

9. Lessee hereby indemnifies and agrees to hold harmless Lessor from any and all costs, damage, expense, or liability arising out of Lessee's occupation and use of the Leased acreage pursuant to this Land Lease.

10. The Lessee shall secure and keep in full force and effect during the term of this Agreement liability insurance in an amount not less than \$1,000,000.00 per occurrence, with the Lessor to be named as an additional insured. This liability insurance shall be issued by a responsible insurer licensed to do business in the State of New York.

11. The Lessor or anyone designated by it shall have right of entry at any reasonable time to inspect their property.

12. The Lessee will not have any above or below ground mineral or gas or oil rights.

13. Monitoring Wells and vent pipes shall be protected at all times and Lessee shall provide and allow access to Monitoring Wells by Lessor, their contractors and/or State/federal government staff at all times. Any existing monitoring wells, vent pipes, fences etc. damaged as a result of the lessee operations shall be repaired or replaced by the lessee at no cost to the lessor

TOWN OF BATAVIA

By: _____
Gregory H. Post, Town Supervisor

AD Call and Sons

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STATE OF NEW YORK)
COUNTY OF GENESEE) ss:

On the ____ day of _____, in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF GENESEE) ss:

On the ____ day of _____, in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public.

RESOLUTION NO. 44:

Councilman Zambito offered the following:

**RESOLUTION TO APPROVE A FIRST AMENDED LAND LEASE AGREEMENT BETWEEN
JASON R. TOMPOROWSKI AND THE TOWN OF BATAVIA**

WHEREAS, Jason R. Tomporowski and the Town of Batavia entered into a contract, entitled, “Land Lease Agreement for a Portion of Landfill Property” in February 2010; and

WHEREAS, Jason R. Tomporowski has requested to continue to lease from the Town of Batavia the parcel consisting of approximately 9 acres of land in the northeast corner of a parcel owned by the Town, which is located at 3381 Harloff Road, in the Town of Batavia, and

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

WHEREAS, the Town of Batavia is not currently using the proposed lease area for any

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governmental purposes and does not anticipate the same during the 5 year term of the proposed Lease Agreement.

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

RESOLVED that the approximate 9 acre parcel to be leased pursuant to this Agreement is hereby found and declared to be surplus property that will not and cannot be used by the Town of Batavia for any municipal or governmental purposes during the term of this Lease Agreement.

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

FIRST AMENDED
LAND LEASE AGREEMENT
FOR A PORTION OF
LANDFILL PROPERTY

THIS AGREEMENT, made this _____ day of _____, 2015, between the **TOWN OF BATAVIA, NEW YORK**, a municipal corporation with offices at 3833 West Main Street Road, Batavia, New York 14020, herein called the Lessor, and **JASON R. TOMPOROWSKI**, residing at 8084 Kelsey Road, Batavia, New York 14020, herein called the Lessee.

WITNESSETH

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

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

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

14. The Lessor hereby Leases to the Lessee for the purposes of installing non-permanent pheasant pens, fencing, netting and crop growing for the purpose of raising pheasants, upon approximately 9 acres of land in the northeast corner of a parcel located in the Town of Batavia at 3381

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Harloff Road, Tax ID No. 7-1-4, which is outlined upon the aerial map annexed hereto and made a part hereof as **EXHIBIT A**.

15. Any equipment or structures to be placed upon this parcel or any additions thereto or any property modifications (ie. Tree removal, brush removal), shall be approved in advance by Lessor.

16. This Lease shall become effective on February 21, 2015, and shall continue in force until February 20, 2020.

17. The terms of this Lease shall be binding on the heirs, successors, and permitted assigns of both the Lessor and Lessee.

18. The Lessee shall neither assign this Lease to any persons, nor sublet any part of the real estate for any purpose without the prior written consent of Lessor.

19. The annual cash rent for this land which will be paid by the Lessee to the Lessor is \$540.00 (\$60 per acre) and is to be paid on or before February 26, 2015, and the 26th day of February thereafter, for the term of the Lease.

20. Upon termination of this Agreement, the Lessee shall remove all items temporarily installed upon the leased parcel, and return it to its original condition.

21. Lessee agrees that it will engage in no practice which would introduce environmentally hazardous products to the Leased acreage.

22. This Land Lease Agreement constitutes the entire agreement between the parties. Any notice under the terms of this Agreement must be sent in writing by United States mail, return receipt requested; and shall be deemed delivered three days following the date on which it is sent. This Agreement may be modified only in writing signed by both parties.

23. Lessee hereby indemnifies and agrees to hold harmless Lessor from any and all costs, damage, expense, or liability arising out of Lessee's occupation and use of the Leased acreage pursuant to this Land Lease.

24. The Lessee shall secure and keep in full force and effect during the term of this Agreement liability insurance in an amount not less than \$1,000,000.00 per occurrence, with the Lessor to be named as an additional insured. This liability insurance shall be issued by a responsible insurer licensed to do business in the State of New York.

25. The Lessor or anyone designated by it shall have right of entry at any reasonable time to inspect their property.

26. The Lessee will not have any above or below ground mineral or gas or oil rights.

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27. Monitoring Well Numbers 1A, 1B, and 1C shall be protected at all times and Lessee shall provide and allow access to Monitoring Well Numbers 1A, 1B, and 1C by Lessor, their contractors and/or State/federal government staff at all times.

TOWN OF BATAVIA

By: _____
Gregory H. Post, Town Supervisor

JASON R. TOMPOROWSKI

STATE OF NEW YORK)
COUNTY OF GENESEE) ss:

On the ____ day of _____, in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF GENESEE) ss:

On the ____ day of _____, in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Jason R. Tomporowski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public.

RESOLUTION NO. 45:

Councilman Lang offered the following:

**RESOLUTION RESCINDING
RESOLUTION NO. 32 OF 2015
SEQR DETERMINATION (Type II)
FOR
TOWN OF BATAVIA
WEST SIDE SANITARY SEWER IMPROVEMENTS – PHASE I**

RESOLVED, the Batavia Town Board hereby rescinds Resolution No. 32, dated January 7, 2015, entitled, “SEQR Determination (Type II) for Town of Batavia West Side Sanitary Sewer Improvements-Phase I.

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 46:

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA
SEQR RESOLUTION –LEAD AGENCY AND NEGATIVE DECLARATION
TOWN OF BATAVIA WEST SIDE SANITARY SEWER IMPROVEMENTS**

WHEREAS,

- 1) The Town of Batavia West Side Sanitary Sewer Improvements project will improve the Lewiston Road and Kings Plaza pump stations by replacing pumps and electrical systems and making structure and safety upgrades.
- 2) The Town Board has determined that, the proposed action is an Unlisted action as defined under the New York State Environmental Quality Review regulations (SEQR) and will not be conducting a coordinated review.
- 3) The Town Board has prepared an environmental assessment of the significance of any potential environmental impact of the action described above.
- 4) The Town Board has considered all environmental information prepared for this action in the short Environmental Assessment Form and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board declares that, based on all of the environmental information which has been prepared, the
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project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQRA is therefore issued for this project.

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

RESOLUTION NO. 47:

Supervisor Post offered the following:

**RESOLUTION TO COMMIT FUNDS FOR CONSTRUCTING WEST SIDE SANITARY
SEWER IMPROVEMENTS**

WHEREAS, the Town has commissioned an engineering evaluation to define the extent of improvements and cost associated with the construction of needed improvements to the Lewiston Road and Kings Plaza sewer pump stations known as the West Side Sewer Improvements; and

WHEREAS, the construction cost of undertaking these improvements is estimated at \$92,000.

NOW, THEREFORE BE IT RESOLVED that the Town Board commits that it will provide \$92,000 in funds plus any overruns that may be incurred to build the proposed improvements.

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

RESOLUTION NO. 48:

Councilwoman Michalak offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
TOWN HALL**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed "Heating & Air Conditioning Preventive Maintenance Inspections Contract-Town Hall", by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia,

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

RESOLUTION NO. 49:

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Councilman Zambito offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
HIGHWAY FACILITY**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Highway Facility”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia,

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 50:

Councilman Lang offered the following:

**ANNUAL PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL
(GEOGRAPHICAL INFORMATIONAL SYSTEM) GIS PROGRAMMING,
MAINTENANCE AND TRAINING**

WHEREAS, Wendel Consulting Services LLC (Wendel), 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 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

for a total not to exceed fee of \$10,400; 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 Consulting Services, LLC, a copy of which

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is annexed and made part of the Town Board Minutes, to assist the Town in the advancement of the Town's GIS system at a cost not to exceed \$10,400.

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

RESOLUTION NO. 51:

Deputy Supervisor Underhill offered the following:

**PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL
GIS PROPERTY INSPECTOR DEVELOPMENT**

WHEREAS, the Town of Batavia Building, Engineering Water and Sewer Departments have requested our GIS consultant Wendel to provide us with an integrated GIS based inspection software solution to assist us with all of our inspection operations and documentation; and

WHEREAS, Wendel has prepared a proposal (attached) in response to our request with the following tasks:

- Task 1 – Property Inspector Implementation
- Task 2 – Complaint Module
- Task 3 – Fire Inspection Module
- Task 4 – Application Xtender System Integration

for a total not to exceed fee of \$37,000; and

WHEREAS, the Town Engineer and Code Enforcement Officer recommends approval of these services for our internal needs and for 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 Consulting Services, LLC, a copy of which is annexed and made part of the Town Board Minutes, to develop the property inspector GIS solution at a cost not to exceed \$37,000; and be it further

RESOLVED, the expenditure will be appropriated from line items A3620.200, SS1-8120.200, SS2-8120.200 and SW-8340.200.

Second by: Councilman Lang

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

RESOLUTION NO. 52:

Supervisor Post offered the following:

RURAL DEVELOPMENT APPLICATION
AGREEMENT –
BATAVIA SOUTHWEST WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to prepare the Town's application for grant and loan assistance for submission to Rural Development for the proposed extension of public water service to serve the proposed Southwest Water District at a cost not to exceed one thousand five hundred and dollars (\$1,500.00); and

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: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 53:

Councilwoman Michalak offered the following:

INCOME SURVEY
AGREEMENT –
BATAVIA SOUTHWEST WATER DISTRICT
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to conduct an Income Survey for the proposed extension of public water service to serve the proposed Southwest Water District at a cost not to exceed eight hundred dollars (\$800.00); and

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: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Zambito, Lang, Post

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APPROVED by unanimous vote (5-0)

Abstract No. 13-2014: Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$94,053.04
Highway	10,007.11
Sewer No. 1	2,269.88
Sewer No. 2	6,857.14
Water	174,776.86
Pratt	2,160.00
Townline	17,994.00
West Main	2,044.40
Total	\$310,162.43

Check numbers 19587 – 19589, 19591 – 19642 & 19692, Online: \$13,864.90

Ayes: Underhill, Lang, Michalak, Zambito Post

MOTION CARRIED by unanimous vote (5-0)

Abstract No. 1-2015: Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$248,702.21
Highway	32,447.64
Sewer No. 1	718.38
Sewer No. 2	718.38
Water	2,824.64
West Main	10.25
Batavia Fire District	819,568.00
Total	\$1,104,989.50

Check numbers 19643 thru 19691

Ayes: Underhill, Lang, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor's Report:

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

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GAM- the next GAM meeting is February 19, 2015 at 7:00 P.M. hosted by the Town of Batavia at the Batavia Town Hall

Public Hearings and Special Town Board Meeting- There will be 5 public hearings Wednesday, January 28, 2015 beginning at 7:00 P.M. for West Side Sewer Improvements, with a Special Meeting to follow.

COMMUNICATIONS:

The Town Clerk reported on the following:

December Town Clerk monthly report collected a total of \$5,269.47, remitted \$4,240.40 to the Supervisor for the Local Share.

Busy- It's been very busy in the Town Clerk's office, with yearend and year beginning and collecting taxes.

ADJOURNMENT:

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

Ayes: Zambito, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk