

MARCH 15, 2017
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilman Zambito

Absent: Councilwoman Michalak

Others

Present: Town Clerk Morasco

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

February 15, 2017 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman White to approve the minutes as written.

Ayes: Underhill White, Zambito,

Abstain: Post

MOTION CARRIED (3-ayes, 1 abstain)

RESOLUTION NO. 62:

Councilwoman White offered the following:

TRAINING WORKSHOP

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

Keith Wilkinson, Jr, Paul Barrett, and Dan Miles – Dig Safe Excavator Safety Seminar March 28, 2017. There is no cost for this training

Keith Wilkinson, Greg Lang, Burt Swable, and Doug Smart- Dig Safe Excavator Safety Seminar March 29, 2017. There is no cost for this training.

Sharon White, Greg Post, Dan Underhill and Kathy Jasinski-Local Government Conference May 21 – May 23, 2017. The cost for this training is approximately \$500.00 per person.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 63:

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Deputy Supervisor Underhill offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2017

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

General Fund:

From		Amount	To	
A1990.400	Contingency	\$8,210.00	A1989.401	Fixed Assets

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

RESOLUTION NO. 64:

Supervisor Post offered the following:

RE-APPRAISAL FIXED ASSET
INDUSTRIAL APPRAISAL COMPANY

WHEREAS, the Town of Batavia's last re-appraisal for fixed assets was in 2012 and requires an updated appraisal; and,

WHEREAS, the Town received a proposal from Industrial Appraisal Company (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby accepts the services of Industrial Appraisal Company for Inventory and Appraisal Services at a cost of \$8,210.00 and the annual service costs for Updating of the Insurable Values at a cost of \$690.00 and the annual service cost for Updating of Property Inventory and Accounting Cost Records at a cost of \$350.00; and be it further

RESOLVED, the expenditure will be appropriated from line item A1989.401.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, White, Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 65:

Councilman Zambito offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 1 of 2017
AND TO SCHEDULE A PUBLIC HEARING

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WHEREAS, as part of the Clean Energy Communities Program to earn the Clean Energy Community designation and access to grant funding for clean energy projects, and to promote the public health, safety and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Batavia, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to ‘Establish Energy Benchmarking Requirements for Certain Municipal Buildings’, also known as “Local Law No. 1 of 2017 “The Town of Batavia Municipal Building Energy Benchmarking Law. “

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 1 of 2017 entitled "The Town of Batavia Municipal Building Energy Benchmarking Law", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until April 19, 2017, and that a public hearing be held before this Town Board on the 19th day of April, 2017 at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

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

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

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, White, Post

APPROVED by unanimous vote (4-0)

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

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 15th day of March, 2017, proposed Local Law No. 1 of 2017 entitled "The Town of Batavia Municipal Building Energy Benchmarking Law". Said Local Law will allow the Town of Batavia to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to costs and reduce pollution in the Town of Batavia.

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PLEASE TAKE FURTHER NOTICE that on 19th day of April, 2017, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

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

Dated: Batavia, New York
March 15, 2017

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

RESOLUTION NO. 66:

Councilwoman White offered the following:

UNITED WAY DAY OF CARING

RESOLVED, the Batavia Town Board hereby authorizes a team of five employees (Steven Mountain, Teressa Morasco, Melissa Mason, Keith Wilkinson, and Joseph Neth) from the Town of Batavia to participate in the United Way Day of Caring, Wednesday, May 17, 2017.

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

RESOLUTION NO. 67:

Deputy Supervisor Underhill offered the following:

**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUPPORT
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (GCEDC)
LEGISLATIVE PRIORITIES-
SHOVEL READY SITES, RESTORE NY,
PILOTS/TAX CAP, and JOB TRAINING**

WHEREAS, the NYS executive budget proposal does not include an initiative that would provide \$50 million over four years to fund the Shovel Ready Site Certification Program and the \$75 million in funding for the RESTORE NY Communities Initiative; and

WHEREAS, New York State has a critical need to develop its inventory of shovel-ready sites. Shovel-ready sites reduce the time it takes for business to begin construction on a new facility and

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reduce their risk, which allows them to become operational and provide job opportunities to sooner; and

WHEREAS, RESTORE NY provides municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Batavia does hereby urge state lawmakers to support and include the Shovel Ready Site Certification Program and the RESTORE NY Communities Initiative in the 2017 fiscal budget; and be it further

RESOLVED, the Town of Batavia urges support for including in this year's State budget provisions that would require assessed property under an IDA PILOT agreement to be made part of the growth factor calculation for determining a taxing jurisdiction's tax levy, for purposes of the two percent real property tax cap; and be it further

RESOLVED, the Town of Batavia also urges support for targeted investments in workforce development within this year's budget, specifically the inclusion of workforce development as a permissible use of existing funding within Empire State Development's Regional Economic Development Council capital funds, and allowing up to 10 percent of a region's allocation to be used for employer-driven workforce training; and be it further

RESOLVED, that Supervisor is hereby authorized and directed to send letters of support, along with a copy of this resolution to our representatives of the New York State Legislature.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 68:

Supervisor Post offered the following:

BOND COUNSEL
PROFESSIONAL SERVICES
HODGSON RUSS, LLP

WHEREAS, the Town's Bond Counsel Services and Billing Arrangements with Hodgson Russ, LLP haven't been updated since 2009; and

WHEREAS, Hodgson Russ, LLP submitted via email dated February 10, 2017 a letter of engagement dated February 2017 for Bond Counsel Services and Billing Arrangements (attached).

NOW THEREFORE, BE IT RESOLVED, the Batavia Town Board accepts the February 2017 updated Bond Counsel Services and Billing Arrangements between the Town of Batavia and Hodgson

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Russ, LLP, a copy of which is hereby annexed hereto and made a part of the minutes.

Second by: Supervisor Post

Ayes: Post, Underhill, Zambito, White

APPROVED by unanimous vote (4-0)

Abstract No. 3-2017: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$116,601.98
Highway	27,788.73
Sewer No. 1	49,267.27
Sewer No. 2	52,710.83
Water	103,579.68
Townline	2,996,191.00
Sewer Capacity	2,501,659.26
Ellicott Trail	28,209.31
Townline Joint	242.42
Total	\$5,876,250.48

Check numbers 19639 thru 19707, SM: 1097, Online: \$10,121.28, Wire: \$5,605,808.45

Ayes: White, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported there are no department reports as the department heads have been busy mitigating the storms. Mr. Post complimented the first responders, utility staff and Town staff on an extraordinary job.

Supervisor's Report:

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

GAM Meeting will be tomorrow evening at the Pembroke Community Center/Corfu Fire Hall located at 116 East Main Street, Corfu at 7:00 P.M., hosted by the Town of Pembroke.

COMMUNICATIONS:

The Town Clerk reported on the following:

February Town Clerk monthly report collected a total of \$1,349.42, remitted \$1,268.70 to the Supervisor for the Local Share.

February Tax Collection- Collected a total of \$178,911.17. Remitted \$1,751.60 to the Supervisor for the penalties collected and the remainder to the Genesee County Treasurer.

Trainings- Oak Wilt: Detection and Controlling a Lethal Disease Workshop is March 22, 2017. Southern Tier West Annual Local Government Conference is May 10, 2017

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Local Government Conference sponsored by Assemblyman Hawley is May 21 – May 23 in Albany.

GFLRC Spring Local Government Workshop is May 19, 2017.

NYMIR 2017 Spring Safety Trainings are various dates through May 11 at various locations.

Cornell is offering a Census Bureau Workshop March 21 in Ithaca and March 23 in Jamestown. Town personnel have been notified of these trainings.

Electronic Collections- The NYS Senators and Assemblymen are sponsoring Electronic Collections on various dates through July 15, 2017 at various locations. There will be one on April 8, 2017 sponsored by Assemblyman Hawley at the Genesee County, 5130 East Main Street Road.

COMMITTEE REPORTS:

Town Logo- Councilman Zambito reported that there was a great response to the Ellicott Trail logo competition that the Town is now kicking off a “Town Logo” competition.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:25 P.M.

Ayes: Underhill, White, Zambito, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk