**Town Hall 7:00 P.M.**

Steven Mountain, Town Engineer led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post

Deputy Supervisor Underhill

Councilwoman White

Councilwoman Michalak

Councilman Zambito

**Others**

**Present:** Town Clerk Morasco

Town Engineer Mountain

Annie Lawrence, Town of Pembroke Resident

17 Constituents

The Supervisor called the meeting to order at 7:01 P.M.

The Town Board reviewed the SEQR for Local Law 1 of 2016 –Zoning Code Text Amendment.

The Town Board reviewed the SEQR for Establishment of the Southwest Water District.

The Town Board reviewed the SEQR for Construction of the Southwest Water District

The Supervisor called the Public Hearing on Local Law 1 of 2016 to order at 7:05 P.M. Minutes of Public Hearing entered separately from Regular Town Board Minutes.

The Supervisor called the Public Hearing on Establishment of Southwest Water District to order at 7:07 P.M. Minutes of Public Hearing entered separately from Regular Town Board Minutes.

# March 16, 2016 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

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

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

**SPEAKERS:**

**Lynette Brown**- Addressed the Town Board regarding the closing of Park Road. She spoke against the closing of the Road. She stated that she keeps hearing it’s closing, as it’s a done deal.

The Supervisor informed that we are aware of the talk about Park Road closing. At this point we still have not received the full information to our request from the Downs on this issue. As soon as we have further information, it will be available. The Town Board is available for questions each Wednesday.

**Bill Steininger** – Questioned why it’s the Town’s problem and not the Downs problem. Councilman Zambito informed that at this point it is on the Downs and they are submitting plans. It’s not an expense to the Town, it’s born by the proposed entity.

**RESOLUTION NO. 78:**

Councilwoman White offered the following:

### UNITED WAY DAY OF CARING

**RESOLVED,** the Batavia Town Board hereby authorizes a team of five employees (Steven Mountain, Hiedi Librock, Teressa Morasco, Marcy Crandall, and Dan Lang) from the Town of Batavia to participate in the United Way Day of Caring, Wednesday, May 18, 2016.

**Second by**: Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 79:**

Deputy Supervisor Underhill offered the following:

### TRAINING WORKSHOP

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

Jason Armbrewster- 2016 Local Leaders Conference April 26 – 28, 2016. There is no cost to the Town for this training.

Tom Lichtenthal- 2016 Highway School June 5 – June 8, 2016, at an approximate cost of $445.00.

Greg Lang and Keith Wilkinson- 2016 Spring WNY Water Works Conference May 4, 2016. There is no cost for this training and a Town vehicle will be used.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 80:**

Supervisor Post offered the following:

RESOLUTION TO ADOPT A NEGATIVE DECLARATION

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQR), the proposed Local Law No. 1 of 2016 to provide for amendments of portions of the Zoning Ordinance, is an Unlisted Action; and

**WHEREAS**, the Batavia Town Board acting as Lead Agency has reviewed the SEQR Short Environmental Assessment Form; and

**WHEREAS**, it has been determined that the proposed amendments will not have an adverse impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Batavia, New York hereby directs the Supervisor to prepare the Negative Declaration Notice of Determination of Non-Significance with regard to Local Law No. 1 of 2016 that provides for the amendments of the Town of Batavia Zoning Ordinance.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 81:**

Councilwoman Michalak offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 1 of 2016

**WHEREAS**, proposed Local Law No. 1 of 2016 of the Town of Batavia entitled “A Local Law to Amend the Town of Batavia Zoning Ordinance Regarding the Industrial Park (IP) District”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on March 16, 2016, and a copy thereof was kept with the Town Clerk and copies were both laid upon the desks of the members of said Town Board and mailed to each member of the Town Board not in attendance at said meeting, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on April 20, 2016, 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**, all required referrals to the Genesee County Planning Board and the Batavia Town Planning Board, as well as all required publications and postings, have been properly completed; 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 2016 is in the best interests 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 2016, be and the same hereby is adopted, and such Local Law shall be entered in the minutes of the Batavia Town Board; and

**BE IT FURTHER RESOLVED**, that the Town of Batavia Zoning Ordinance is hereby amended as more fully set forth in said Local Law; and

**BE IT FURTHER RESOLVED**, that certified copies of said Local Law No. 1 of 2016 be filed with the New York State Secretary of State in accordance with Law; and

**BE IT FURTHER RESOLVED** that a summary of this provisions pursuant to Local Law No. 1 of 2016 be published once in The Daily News and that an Affidavit of Publication thereof be filed with the Town Clerk; and

**BE IT FURTHER RESOLVED**, that this Local Law shall become effective as provided by law upon its filing in the Office of the Secretary of State.

**Second by:**  Councilman Zambito

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

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

**RESOLUTION NO. 82 :**

Councilman Zambito offered the following:

## RESOLUTION TO ESTABLISH LINE ITEMS

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

**Water**

SW8340.400-Common Water Supply-Contractual

SW9730.612-Debt Svc-BAN Townline-Principal

SW9730.712-Debt Svc BAN-Townline-Interest

**Sewer District 1**

SS1-9730.603-Debt Svc BAN-Sewer Capacity-Principal

SS1-9730.703-Debt Svc-BAN-Sewer Capacity-Interest

**Sewer District 2**

SS2-9730.603-Debt Svc BAN-Sewer Capacity-Principal

SS2-9730.703-Debt Svc-BAN-Sewer Capacity-Interest

**Townline Joint Water District**

SM8350.400-Common Water Supply-T/Batavia

SM8350.401-Common Water Supply-T/Elba

SM8350.402-Common Water Supply-T/Oakfield

SM2389A-Misc. Revenue-Other Governments-T/Batavia

SM2389B-Misc. Revenue-Other Governments-T/Elba

SM2389C-Misc. Revenue-Other Governments-T/Oakfield

**HS– TOWNLINE WATER DISTRICT**

HS8310.400-WaterAdministration-Contractual

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 83:**

Councilwoman White offered the following:

## AUTHORIZING BUDGET TRANSFERS FOR 2016

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

**Sewer Dist 1 Fund:**

From Amount To

|  |  |  |
| --- | --- | --- |
| SS1-9710.603 Serial Bond Sewer Cap Principal | $49,461.00 | SS1-9730.603 BAN Sewer Cap Principal |
| SS1-9710.703 Serial Bond Sewer Cap Interest | 15,539.00 | SS1-9730.703 BAN Sewer Cap Interest |

**Sewer Dist 2 Fund:**

From Amount To

|  |  |  |
| --- | --- | --- |
| SS2-9710.603 Serial Bond Sewer Cap Principal | $49,461.00 | SS2-9730.603 BAN Sewer Cap Principal |
| SS2-9710.703 Serial Bond Sewer Cap Interest | 15,539.00 | SS2-9730.703 BAN Sewer Cap Interest |

**Water DistrictFund:**

From Amount To

|  |  |  |
| --- | --- | --- |
| SW9710.612 Serial Bond Townline Principal | $85,000.00 | SW9730.612 BAN Townline Principal |
| SW9710.712 Serial Bond Townline Interest | 38,301.00 | SW9730.712 BAN Townline Inerest |
| SW9710.612 Serial Bond Townline Principal | 10,092.00 | SW8350.400 Common Water Sply-Batavia |

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 84:**

Deputy Supervisor Underhill offered the following:

### SUMMER SEASONAL LABORER EMPLOYEE

### FOR THE HIGHWAY DEPARTMENT

**WHEREAS**, the Highway Superintendent would like to hire a seasonal laborer employee to assist the Highway Department for roadside mowing and various tasks. The seasonal employee would be hired from May 1, 2016 thru November 1, 2016; and

**WHEREAS,** the 2016 Town Budget reflects appropriations to hire one seasonal employee for the Highway Department; and

**WHEREAS,** the Highway Superintendent recommends Dave Merritt, who is currently a MEO employee for the Town of Batavia on an on/call as needed basis.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the Highway Superintendent to hire Dave Merritt as a seasonal laborer employee for up to 40 hours per week from May 1, 2016 thru November 1, 2016 at a maximum hourly rate of $20.00 for the Highway Department, and be it

**FURTHER RESOLVED,** the expenditure will be appropriated from line item DA5140.100, DA 5148.100, A8164.101, A8165.101.

**Second by:** Councilwoman White

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

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

**RESOLUTION NO. 85:**

Supervisor Post offered the following:

## HIGHWAY SHARED SERVICES AGREEMENT

**WHEREAS,** in May 2006 the Town of Batavia adopted a Highway Shared Services Agreement to be in compliance with the New York State Highway Law and General Municipal Law, for sharing equipment, materials and services with other Genesee County municipalities and neighboring counties that was being done on an informal basis; and

**WHEREAS,** the current agreement expires in May 2016; and

**WHEREAS,** the Batavia Town Board has determined that it is in the best interest of the Town to continue to be a party to such shared services arrangement.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Supervisor is hereby authorized and directed to execute the Highway Shared Services Agreement, annexed to and made part of this resolution, which shall be effective immediately for five (5) years and shall expire five (5) years from the date of its signing. The Town Board shall review this agreement each year, and be it

**FURTHER RESOLVED,** that the Town Clerk is authorized and directed to file a copy of the Highway Shared Services Agreement with the Town Clerk and Superintendent of Highways of each municipality within the County of Genesee.

**Second by:** Deputy Supervisor Underhill

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

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

**HIGHWAY SHARED SERVICES AGREEMENT**

1. For purposes of this contract, the following terms shall be defined as follows:

a. “Municipality” shall mean any city, county, town or village which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with their respective municipal clerk.

b. “Designated Filing Agent” shall mean the clerk of said municipality.

c. “Contract” shall mean the text of this agreement which is similar in terms and effect with comparable agreements, not withstanding that such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.

d. “Shared Service” shall mean any service provided by one municipality for another that is consistent with the purposes and intent of this contract and shall include but not limited be to:

i. The renting, exchanging or lending of highway machinery, tool and equipment, with or without operators;

ii The providing of a specific service;

iii The maintenance of machinery or equipment.

e. “Superintendent” shall mean, in the case of a city, the head of the department of public works; in the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendent of highways; in the case of a town, the town superintendent of highways and/or superintendent of public works; in the case of a village, the superintendent of public works.

2. The Town of Batavia has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the Town Clerk.

3. The Town of Batavia by this agreement grants unto the superintendent, the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:

a. The Town of Batavia agrees to rent or exchange or borrow from any municipality any and all materials, machinery, and equipment, with or without operators, which it may need for the purposes of the Town. The determination as to whether such machinery, with or without operators, is needed by the Town, shall be made by the superintendent. The value of the materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of an equal value, to be determined by the mutual agreement of the respective superintendent.

b. The Town of Batavia agrees to rent, exchange or lend to any municipality any and all materials, machinery, and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery, with or without operators, or material is available for renting, exchanging or lending shall be made by the superintendent. In the event the superintendent determines that it will be in the best interests of the Town to lend to another municipality, the superintendent is hereby authorized to lend to another municipality. The value of the materials or supplies loaned to another municipality under this agreement may be returned to the Town in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of an equal value, to be determined by the mutual agreement of the respective superintendent.

c. The Town of Batavia agrees to repair or maintain machinery or equipment for any municipality under terms that may be agreed upon by the superintendent, upon such terms as may be determined by the superintendent.

d. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall by subject to the direction and control of the superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

e. When receiving the services of an operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement. All machinery and the operator, for purposes of worker’s compensation, liability and any other relationship with third parties, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.

f. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator.

g. Each municipality shall remain fully responsible for its own employees, including, but not limited to, salary, benefits and worker’s compensation.

4. In the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.

5. Any municipality which is a party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be submitted within thirty days of such revocation.

6. Any action taken by the superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the Town budget for highway purposes.

7. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part may be modified by the municipalities which are party to this contract to the extent necessary to make it valid and operative, or if it cannot be modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portion so modified or eliminated.

8. This contract shall be reviewed each year by the Town Board and shall expire five years from the date of its signing by the Town Supervisor. The Town may extend or renew this contract at the termination thereof for another five year period.

9. Copies of this contract shall be sent to the clerk and the superintendent of each municipality with which the superintendent anticipates engaging in shared services. No shared services shall be conducted by the superintendent except with the superintendent of a municipality that has completed a shared services contract and has sent a copy thereof to the clerk of his or her municipality and the superintendent.

IN WITNESS THEREOF, the said Town of Batavia has by order of the Town Board, caused these presents to be subscribed by the Town Supervisor, and the seal of the Town to be affixed and attested by the Clerk thereof, this \_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

TOWN OF BATAVIA

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Town Supervisor

Attest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Town Clerk

Attest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Highway Superintendent

**RESOLUTION NO. 86:**

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE A

FIRST AMENDED ASSESSMENT SERVICES AGREEMENT

WITH THE TOWN OF BERGEN

**WHEREAS**, the Town of Batavia, (hereinafter “Batavia”) and the Town of Bergen, (hereinafter “Bergen”) entered into a contract entitled “Towns of Batavia and Bergen Assessment Services Agreement”, dated July 28, 2015; and

**WHEREAS**, both Towns desire to continue this relationship, allowing Batavia to provide assessment services to Bergen, and

**WHEREAS**, the Batavia has determined that it has the ability to provide the services by using the Batavia Town Assessor, who is and will continue to be fully qualified as required by law to provide assessment services, with any support staffing, as necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed “First Amended Towns of Batavia and Bergen Assessment Services Agreement”, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia; and be it further

**RESOLVED** that the effective date of this Agreement shall be July 1, 2016.

**Second by:**  Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

**FIRST AMENDED**

**TOWNS OF BATAVIA AND BERGEN**

**ASSESSMENT SERVICES AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016, by and between the **TOWN OF BERGEN**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 10 Hunter Street, Bergen, New York 14416, (hereinafter referred to as “Bergen”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

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

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

**WHEREAS**, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in both the Towns of Batavia and Bergen.

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

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units. Within the term of this agreement the Assessor shall also complete a revaluation of town properties to include commercial properties in cooperation with GAR Associates, with whom the Town of Bergen is separately under contract with.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.
4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.
5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of Bergen. Batavia shall pay the salary and make employer’s contributions for retirement, social security, health insurance, worker’s compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.
6. Batavia shall indemnify and hold Bergen harmless from any claims made against Bergen by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney’s fees for defense. Bergen shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Bergen, including costs of settling any action and reasonable attorney’s fees for defense. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.
7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and Bergen shall pay all costs and expenses related to defending any assessment challenge brought in its jurisdiction.
8. The terms and conditions of this Agreement shall begin on July 1, 2016, and shall end on June 30, 2017. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before April 30, 2017, Bergen and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.
9. In consideration and for compensation for the services set forth herein, Bergen shall pay to Batavia the total sum of twenty-five thousand dollars ($25,000.00) for this Agreement. This sum shall be paid in two equal installments of twelve-thousand, five-hundred dollars. The first payment due on or before October 1, 2016 and the second payment due on or before March 1, 2017.
10. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then Bergen, at its sole option and discretion, may terminate this Agreement with at least thirty (30) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.
11. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF BERGEN

By: Donald Cunningham, Town Supervisor

State of New York}

County of Genesee}ss.

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

State of New York}

County of Genesee}ss.

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016, before me, the undersigned, personally appeared Donald Cunningham, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

**RESOLUTION NO. 87:**

Councilman Zambito offered the following:

### PURCHASE NEW UTILITY BODY FOR

### WATER/SEWER DEPARTMENT

**WHEREAS,** the Water/Wastewater department needs a new pickup truck utility body and installation on the Water/Wastewater pickup truck; and

**WHEREAS,** the Highway Superintendent solicited bids for the utility body and recommends purchasing a new pickup truck utility body from Unicell Truck Equipment at cost of $6,795.00.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the purchase of a new pickup truck utility body from Unicell Truck Equipment at a cost of $6,795.00, and be it

**FURTHER RESOLVED,** the source of funding will be from the unexpended-unappropriated water/wastewater fund balances (SW 75%, SS1 12.5% and SS2 12.5%), increasing expenditure line items-SW8340.200 (75%), SS198120.200 (12.5%), and SS28120.200 (12.5%).

**Second by:**  Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

**RESOLUTION NO. 88:**

Councilwoman White offered the following:

.

## TRANSFER OF NATIONAL GRID LICENSE AGREEMENT

## FOR AG PARK ROAD FROM TOWN OF BATAVIA

## TO GENESEE COUNTY

**WHEREAS,** The Town of Batavia entered into a License Agreement with National Grid on January 15, 2013 to allow the Town to construct a road connecting the westerly end of Ag Park Rd West to NYS Route 63 (named Ag Park Rd South); and

**WHEREAS,** The Town successfully designed and constructed the roadway as shown on the drawings labeled Genesee Valley Agri-Business Park Phase III – NYS Route 63 Access Road dated September, 2013, and

**WHEREAS**, the Town of Batavia dedicated the new road to Genesee County by Resolution No. 69, dated March 16, 2016 including all their right, title and interest in the road; and

**WHEREAS,** the Town of Batavia now wishes to assign the National Grid License Agreement over to Genesee County for the long term ownership and maintenance of the roadway; and

**WHEREAS,** the Town of Batavia has requested that Genesee County accept the License Agreement of said roadway.

### NOW, THEREFORE, BE IT

**RESOLVED,** the Town of Batavia assigns their right, title and interest in the National Grid License Agreement for the Ag Park Road South, as described above, to Genesee County for the long term ownership and maintenance of the roadway, and hereby directs the Town Supervisor to sign the attached assignment and assumption agreement.

**Second by**: Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 89:**

Deputy Supervisor Underhill offered the following:

RESOLUTION INCREASING BUDGETARY LINE ITEMS

INSURANCE RECOVERY FUNDS

**RESOLVED,** the Batavia Town Board hereby authorizes the following budget line item increases to account for insurance recovery funds – Incident January 14, 2016:

**Revenue Line Item: Expenditure Line Item:**

SW3680 $ 474.34 SW8340.400 $ 474.34

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 90:**

Supervisor Post offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 2 of 2016

**AND TO SCHEDULE A PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the “Zoning Map of the Town of Batavia, New York.”, which was established in Section 235-7 of the Code of the Town of Batavia, adopted on August 15, 2001 by Local Law No. 4 of 2001.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law No. 2 of 2016 entitled "A Local Law to Amend the Zoning Map of the Town of Batavia, New York”, 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 May 18, 2016, and that a public hearing be held on the 18th day of May, 2016, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

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

**BE IT FURTHER RESOLVED** that this matter shall be referred to the Genesee County Planning Board and the Town of Batavia Planning Board for consideration; and

**BE IT FURTHER RESOLVED** that at least ten (10) days prior to the public hearing, written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264 (2).

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 91:**

Councilwoman Michalak offered the following:

RESOLUTION TO DECLARE LEAD AGENCY

**WHEREAS**, the Town Board has introduced Local Law No. 2 of 2016, which proposes to make certain changes to the Zoning Map of the Town of Batavia affecting approximately 19.3 acres of land within the Town, and

**WHEREAS**, the Town Board is the only agency that will be either approving, funding or directly undertaking an action.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that it shall be declared the Lead Agency with regard to an environmental review pursuant to the State Environmental Quality Review Act, and it shall prepare Parts 2 and 3 if necessary, of a Full Environmental Assessment Form for this Type I action, and

**BE IT FURTHER RESOLVED** that the Town Board shall take all other steps necessary to complete the environmental review assessment.

**Second by:**  Councilman Zambito

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

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

**RESOLUTION NO. 92:**

Councilman Zambito offered the following:

SEQRA RESOLUTION TO ADOPT A NEGATIVE DECLARATION

FOR BATAVIA SOUTHWEST WATER DISTRICT

**WHEREAS**, the Town Board of the Town of Batavia has proposed improvements consisting of the construction and installation of approximately 20,400 linear feet of twelve (12) inch and eight (8) inch diameter water main along portions of Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road; 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, to be named Batavia Southwest Water District, and

**WHEREAS**, the Batavia Town Board has determined that the proposed formation of the Batavia Southwest Water District is an “Unlisted Action”, as defined under the State Environmental Quality Review Act (SEQRA), and has further established itself as the Lead Agency, and

**WHEREAS**, the Batavia Town Board, in its capacity as Lead Agency, has caused to be prepared a Short Environmental Assessment Form in order to determine the significance of any potential environmental impacts of the above listed action.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Batavia, New York, hereby accepts the Short Environmental Assessment Form prepared by the Batavia Town Attorney and filed by the Batavia Town Supervisor, and

**BE IT FURTHER RESOLVED** that the Batavia Town Board does hereby declare that the proposed actions of forming the Batavia Southwest Water District will result in no adverse environmental impacts or that any identified adverse environmental impacts will not be significant, and

**BE IT FURTHER RESOLVED** that the Batavia Town Supervisor is hereby authorized and directed to sign Page 4 of the Short Environmental Assessment Form on behalf of the Town as the Responsible Officer in Lead Agency, to verify the determination that the proposed action to form the Batavia Southwest Water District will not result in any significant adverse environmental impacts.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 93:**

Councilwoman White offered the following:

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF**

**BATAVIA SOUTHWEST WATER DISTRICT**

**FOR A PORTION OF THE TOWN OF BATAVIA**

**WHEREAS**, the Town Board of the Town of Batavia duly adopted a Resolution directing the Town Supervisor of the Town of Batavia to file a Map, Plan and Report as prepared by the Town’s engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

**WHEREAS**, after the said Town Supervisor duly filed said Map, Plan and Report in the office of the Town Clerk of the Town of Batavia on February 18, 2016, and the said Town Board did on March 16, 2016, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a Map, Plan and Report describing the same are on file in the Town Clerk’s Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 20th day of April, 2016, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

**WHEREAS**, a “Petition to Request Water District” was filed in two parts at the Batavia Town Clerk’s Office on February 26, 2016 and March 3, 2016, to be collectively considered as one Petition; which was signed by a number of owners within said district, which was greater than the percentage required by law, and

**WHEREAS**, the improvements proposed consist of the construction and installation of approximately 20,400 linear feet of twelve (12) inch and eight (8) inch diameter water main along portions of Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road; 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**, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

**WHEREAS**, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

(1) The aforesaid “Petition to Request Water District” was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.

(2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.

(3) That all the property and property owners within the proposed water district are benefited thereby.

(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

**FURTHER RESOLVED** that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Batavia Southwest Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

**FURTHER RESOLVED** that the maximum amount proposed to be expended for such water improvement is $1,210,000.00, which is planned to be financed through the USDA Rural Development at an interest rate of 3.0% for a 38 year term in an amount not to exceed $710,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately $500,000.00, and be it

**FURTHER RESOLVED** that the proposed annual debt service (assuming 40 units) is estimated to be approximately $789.00 per typical property user in the proposed district, which is a single family home, and be it

**FURTHER RESOLVED** that a typical household uses 61,000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of $4.95 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately $302.00 per year for water purchase above and beyond the debt service, and be it

**FURTHER RESOLVED** thatbased upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be $1,091.00 per year, and be it

**FURTHER RESOLVED** that payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of 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, and be it

**FURTHER RESOLVED** that each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately $8.00-$20.00 per linear feet of pipe for a service line; plus potential well abandonment or separation charges of approximately $200.00-$600.00; as well as any internal plumbing charges, and be it

**FURTHER RESOLVED** that this Resolution and Order is not subject to a permissive referendum; and be it

**FURTHER RESOLVED** that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof, and be it

**FURTHER RESOLVED** that the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District.

**Second by**: Deputy Supervisor Underhill

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

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

**EXHIBIT “A”**

**TOWN OF BATAVIA**

**PROPOSED BATAVIA SOUTHWEST WATER DISTRICT**

The boundary of the proposed Town of Batavia, Batavia Southwest 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 Batavia/Alexander Municipal Boundary and the centerline of Upton Road; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 1,032 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-23; thence,
2. Northerly, along the westerly line of Tax Parcel number 16.-1-23, a distance of 693 feet, more or less, to the northwesterly corner of Tax Parcel number 16.-1-23; thence,
3. Westerly, along the southerly line of Tax Parcel number 16.-1-22, a distance of 405 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-22; thence,
4. Northerly, along the westerly line of Tax Parcel number 16.-1-22, a distance of 2,664 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-22 and a southerly line of Tax Parcel number 16.-1-19.11; thence,
5. Westerly, along a southerly line of Tax Parcel number 16.-1-19.11, a distance of 1,248 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-20 and the southerly and easterly lines of Tax Parcel number 16.-1-19.11; thence,
6. Southerly, along the easterly line of Tax Parcel numbers 16.-1-19.11 and 16.-1-26, a distance of 3,092 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-26; thence,
7. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 5,245 feet, more or less, to a southwesterly corner of the Batavia Municipal Boundary; thence,
8. Northerly, along the Batavia/Darien Municipal Boundary and the Batavia/Pembroke Municipal Boundary, a distance of 2,090 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-30.1; thence,
9. Easterly, along the southerly line of Tax Parcel number 16.-1-30.1, a distance of 1,246 feet, more or less, to the northeasterly corner of Tax Parcel number 16.-1-1.111; thence,
10. Northerly, through the lands of Tax Parcel number 16.-1-30.1, a distance of 106 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-13; thence,
11. Easterly, following the existing Wilkinson Road Water District along the northerly line of Tax Parcel number 16.-1-30.1, across Wilkinson Road (49.5 feet wide right-of-way), and along a northerly line of Tax Parcel number 16.-1-19.11, a distance of 2,114 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-16; thence,
12. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 16.-1-19.11, across Lear Road (49.5 feet wide right-of-way), and along a westerly line of Tax Parcel number 14.-1-41, a distance of 1,752 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
13. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-44, a distance of 16 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-44; thence,
14. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-41, a distance of 450 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-44; thence,
15. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-45, a distance of 8 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-45; thence,
16. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-44, a distance of 494 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
17. Easterly, following the existing Wilkinson Road Water District along a northerly line of Tax Parcel number 14.-1-41, a distance of 651 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-47; thence,
18. Northerly, following the existing Wilkinson Road Water District along the easterly line of Tax Parcel number 14.-1-47, a distance of 29 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
19. Easterly, along a northerly line of Tax Parcel numbers 14.-1-41 and 14.-1-37.111, a distance of 2,042 feet, more or less, to a southeasterly corner of Tax Parcel number 14.-1-21; thence,
20. Northerly, along a westerly line of Tax Parcel number 14.-1-37.111, a distance of 719 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-37.111; thence,
21. Easterly, along a northerly line of Tax Parcel number 14.-1-37.111, a distance of 1,022 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-72; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 14.-1-35.11, a distance of 1,205 feet, more or less, to the northwesterly corner of Tax Parcel number 14.-1-35.11; thence,
23. Easterly, along the northerly line of Tax Parcel number 14.-1-35.11, across Upton Road (49.5 feet wide right-of-way), and continuing along a northerly line of Tax Parcel number 14.-1-58 a distance of 2,399 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
24. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 1,249 feet, more or less, to a southwesterly corner of Tax Parcel number 14.-1-25.1; thence,
25. Easterly, along a northerly line of Tax Parcel number 14.-1-58, a distance of 387 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
26. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 926 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-58; thence,
27. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 14.-1-58, a distance of 48 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-34; thence,
28. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 14.-1-34, across Rose Road (66 feet wide right-of-way), and continuing along the easterly line of Tax Parcel number 17.-1-1, a distance of 2,027 feet, more or less, to the southwesterly corner of Tax Parcel number 17.-1-3; thence,
29. Easterly, following the existing Rose Road Water District along the northerly line of Tax Parcel number 17.-1-34.121, a distance of 1,547 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-34.121; thence,
30. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 17.-1-34.121, a distance of 115 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-34.121; thence,
31. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 17.-1-34.121, a distance of 18 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
32. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 219 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
33. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 167 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
34. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 653 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
35. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 241 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
36. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 640 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-33.12; thence,
37. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-28.12, a distance of 155 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-28.12; thence,
38. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,320 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
39. Westerly, along a southerly line of Tax Parcel number 17.-1-28.12, a distance of 330 feet, more or less, to a northwesterly corner of Tax Parcel number 17.-1-26; thence,
40. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,338 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
41. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,871 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, “Batavia Southwest Water District – Water System Improvements,” dated 12/2015. The Town of Batavia, Batavia Southwest Water District, as described above, contains approximately 1,176.0 acres of land.

**RESOLUTION NO. 94:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA**

**SOUTHWEST WATER DISTRICT**

**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as Lead Agency on March 16, 2016, to conduct an environmental review of public water supply improvements within the Southwest Water District service area. The project will ensure a safe and reliable potable water supply and fire protection for area residents and businesses.
2. The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project are located in a Genesee County Agricultural District.
3. The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On March 17, 2016, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Batavia Town Board serving as Lead Agency for this project. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
5. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the water system improvements proposed in the Southwest Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the form entitled “Negative Declaration Notice of Determination of Non-Significance.”

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 95:**

Supervisor Post offered the following:

**RESOLUTION TO APPROVE A FIRST AMENDED**

**FINANCIAL CLERICAL SERVICES AGREEMENT**

**WITH THE TOWN OF STAFFORD**

**WHEREAS**, the Town of Batavia, (hereinafter “Batavia”) and the Town of Stafford, (hereinafter “Stafford”) entered into a contract entitled “Towns of Batavia and Stafford Financial Clerical Services Agreement”, dated December 31, 2014; and

**WHEREAS,** Stafford no longer employs a Financial Clerk and has requested Batavia to provide Financial Clerical Services for Stafford; and

**WHEREAS**, the Town of Batavia has determined that it has the ability to provide the services by using the Batavia Town Financial Clerk and Secretary to the Supervisor, without reducing the level of service provided to the Town of Batavia.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the proposed “Town of Batavia and Town of Stafford Financial Clerical Services Agreement”, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

**Second by:** Councilwoman Michalak

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

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

**FIRST AMENDED**

**TOWN OF BATAVIA AND TOWN OF STAFFORD**

**FINANCIAL CLERICAL SERVICES AGREEMENT**

**THIS AGREEMENT,** made the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, by and between the **TOWN OF STAFFORD**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 8903 Route 237, Stafford, New York 14143, (hereinafter referred to as “Stafford”), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”).

**WHEREAS**, pursuant to Article 5-G of the General Municipal Law, Stafford and Batavia are authorized to enter into an intermunicipal cooperative agreement for the provision of financial clerical services, and

**WHEREAS**, Batavia currently is employing a Financial Clerk fully qualified to provide the financial services as required by law, and

**WHEREAS**, Stafford has identified a need to have financial clerical work to be provided by Batavia, and

**WHEREAS**, Batavia intends to continue to maintain the position of Financial Clerk and to provide financial clerical duties in both the Towns of Batavia and Stafford.

**NOW, THEREFORE**, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

1. Batavia agrees to provide financial clerical services to Stafford.
2. The services that will be provided will be to complete financial work as needed.
3. In consideration for compensation for the services set forth herein, Stafford shall pay Batavia sixteen thousand dollars ($16,000.00) per year of this agreement. The pro-rated amount for 2016 is ten thousand seven hundred dollars ($10,700.00). The sum shall be paid during the 2016 budget year to provide services for the year of 2016.
4. The Financial Clerk shall for all purposes be deemed an employee of Batavia. The Financial Clerk shall not in any way be construed as an employee of Stafford. Batavia shall pay the Financial Clerk’s salary and make employer’s contributions for retirement, social security, health insurance, worker’s compensation, unemployment and other similar benefits.
5. Each Town shall indemnify the other against any negligent act and shall name the other as an additional insured on any and all liability insurance policies. Each Town shall be responsible for the acts of the Financial Clerk when working in its Town and the other shall not be so responsible.
6. This Agreement shall become effective May 1, 2016 and shall expire on December 31st, 2016, with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.
7. It is agreed that the effective date of this Agreement shall be retroactive to May 1, 2016, and all acts and conduct by, and on behalf of, any of the parties from May 1, 2016, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by both Towns.
8. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions, or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.
9. IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF STAFFORD TOWN OF BATAVIA

Robert S. Clement, Supervisor Gregory H. Post, Supervisor

State of New York}

County of Genesee}ss.

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned, personally appeared Robert S. Clement, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

State of New York}

County of Genesee}ss.

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

**RESOLUTION NO. 96:**

Councilwoman Michalak offered the following:

## ESTABLISH AND AMEND 2016 BUDGETARY LINE ITEMS

## FINANCIAL CLERICAL AGREEMENT

**WHEREAS,** line items need to be amended in the 2016 budget to account for the funds that will be received from the Town of Stafford for the Financial Clerical Services Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby adds line item A1220.103 and amends the following line items:

A2210 General Services-Inter-government $10,700.00

A1220.103 Personal Services $ 8,700.00

A1220.400 Supervisor Contractual $ 2,000.00

**Second by:**  Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 97:**

Councilman Zambito offered the following:

AMENDMENT 1 TO RESOLUTION 2 OF 2016

ADOPTION OF SALARIES FOR 2016

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2016, entitled “Adoption of Salaries for 2016”, to add as follows:

Secretary to the Supervisor Shared Services $4,700.00

Financial Clerk Shared Services $4,000.00

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 98:**

Councilwoman White offered the following:

VISONE CONSTRUCTION INCORPORATED

CONTRACT B (BASE BID B)

APPROVAL OF CHANGE ORDER NO. 2

## TOWNLINE WATER PROJECT

**WHEREAS,** Visone Construction, Incorporated is under contract with the Town of Batavia for the construction of approximately 107,000 linear feet of 8 inch and 12 inch water main, valves, hydrants and appurtenances along various roads in the Towns of Batavia, Oakfield, Elba, and Stafford; and

**WHEREAS,** the project was separated into two bids – Base Bid A and Base Bid B; and

**WHEREAS,** Visone was award Base Bid B contract, and

**WHEREAS,** additional work was added to and deleted from the project; and

**WHEREAS,** Visone Construction, Incorporated has submitted a change order request for the requested revisions in the increased amount of nine thousand, four hundred six dollars and sixty-three cents ($9,406.63) as shown on the attached Change Order No.2; and

**WHEREAS,** Clark Patterson Lee and the Town Engineer have reviewed the change order request and recommend approval of the change order request.

### NOW, THEREFORE, BE IT

**RESOLVED,** the Town of Batavia hereby approves Change Order No.2 and authorizes the Supervisor to execute the attached Change Order No.2 in the increased amount of nine thousand, four hundred six dollars and sixty-three cents ($9,406.63).

**Second by**: Deputy Supervisor Underhill

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

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

**Abstract No. 4-2016:** Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

|  |  |
| --- | --- |
| General | $81,339.48 |
| Highway | 25,121.36 |
| Sewer No. 1 | 10,496.65 |
| Sewer No. 2 | 18,535.45 |
| Water | 275,820.86 |
| West Main | 31,677.75 |
| Southwest | 1,310.50 |
| Townline Joint | 68,274.17 |
|  |  |
| **Total** | **$512,576.22** |

Check numbers 16800-16806, 16808-16864, 16866-16873: SM 1070-1074, ACH $33,108.90 Online $9,610.53

**Ayes:** Underhill, Michalak, Zambito, White, 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.

**GAM Meeting** is tomorrow evening hosted by the Town of Byron at 7:00 P.M. at the Byron Town Hall.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**March Town Clerk monthly report collected a** total of $12,077.17, remitted $11,938.21 to the Supervisor for the Local Share.

**March Tax Collector’s final collection report for 2016-**Collected a total of $254,348.92, remitted $5,153.01 to the Supervisor for the tax penalties and the remainder to Genesee County Treasurer. All remaining unpaid taxes have been turned over to the Genesee County Treasurer’s Office and this closes the 2016 tax collection season.

**Electronic Collections** – Received a notice from GLOW Region Solid Waste that the NYS Senators, Assemblyman, and Hamburg Gaming are sponsoring various dates for free electronic collections in Erie, Monroe and Orleans Counties.

**Trainings**- NYMIR and Dig Safely are sponsoring a safety training on April 26, 2016. Employees have been notified of this training.

**Junkyard Petition** was filed in the Town Clerk’s office on April 11, 2016 regarding 9148 Shepard Road. This has been distributed to the Building Code Enforcement Officer and Town Board.

**Dog Control Officer and Municipal Shelter Reports** have been received with a satisfactory rating from NYS Ag and Market.

**NYSTCA** – Attended the New York State Town Clerk’s Association Conference in Saratoga.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilwoman White to adjourn the Regular Town Board Meeting at 8:22 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco

Town Clerk