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 Councilwoman Michalak Councilman Zambito

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:07 P.M.

July 18, 2018 Public Hearing-Local law 4 Zoning map Amendment: Motion Deputy Supervisor

Underhill second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

July 18, 2018 Regular Town Board Meeting: Motion Councilwoman Michalak, second

Councilwoman White to approve the minutes as written.

Aves: Michalak, White, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 174:

Councilwoman White offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 5 of 2018

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 "Code of Ethics of the Town of Batavia, New York.", which was established in Chapter 11 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. 5 of 2018 entitled "A Local Law to Amend the Code of Ethics 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 September 19, 2018, and that a public hearing be held on the 19th day of

September, 2018, 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 <u>The Daily News</u> at least ten (10) days prior to the date of said public hearing, pursuant to New York State Law Section 264 (1), 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.

New York State Department of State

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

Local Law Filing

	41 State Street, Albany, NY 12231
	(Use this form to file a local law with the Secretary of State.)
Text of law should b underlining to indicate	given as amended. Do not include matter being eliminated and do not use italics or new matter.
Count City Town Villag	of <u>Batavia, Genesee County, New York</u>
	Local Law No of the year <u>2018.</u>
A local law kn	own as Local Law to Amend the Code of Ethics of the Town of Batavia, New York (Insert Title)
Be it enacted by the	Town Board of the
	(Name of Legislative Body)
Count City Town Villag	of Batavia, Genesee County, New York as follows:

SECTION I. TITLE AND AUTHORITY

This local law is entitled "A Local Law to Amend the Code of Ethics of the Town of Batavia," and is adopted pursuant to 2

authority granted in the Municipal Home Rule Law of the State of New York.

SECTION II. AMENDMENT OF THE CODE OF ETHICS

The Code of Ethics of the Town of Batavia, codified at Chapter 11 of the Code of the Town of Batavia and adopted on December 8, 1970 by Local Law No. 1 of 1970, is hereby amended as follows:

- (a) The title of the law shall be changed from "Code of Ethics" to "Code of Ethics and Conflicts of Interest."
- (b) Existing §11-5 shall be modified as follows:
 - a. The title of the section shall be changed from "Distribution of the Code of Ethics" to "Distribution."
 - b. Reference to "Code of Ethics" shall be changed to "Law."
- (c) A new section entitled "Incorporation of the Code of Federal Regulations" shall be added before existing §11-7, which shall provide as follows:

The provisions of 2CFR 200.318(c)(1), relating to conflicts of interest in certain federal contracts, as may be amended from time to time, are hereby incorporated by reference into this Law and made a part hereof.

(d) Existing §11-7 entitled "Penalties for Offenses" shall be renumbered to §11-8.

SECTION III: EFFECTIVE DATE AND SEVERABILITY

This local law shall take effect upon the filing with the Secretary of State in accordance with the Municipal Home Rule Law and Town Law. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
hereby certify that the local law annexed hereto, designated as local law No. <u>5</u> of 2018, of the (County) (City) (Town) (Village) of Batavia, New York was duly passed by the Town Board on n accordance with the applicable provisions of law.
2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
hereby certify that the local law annexed hereto, designated as local law Noof 20of the (County) (City) (Town) (Village) was duly passed by the on20, and was (approved) (not disapproved)
(repassed after disapproval) by the and was deemed duly adopted on 2017, in accordance with the applicable provisions of law.
3. (Final adoption by referendum.)
City) (Town) (Village) of was duly passed by the on 20, and was (approved) (not disapproved) (repassed after disapproval) by the on 20 Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on 20, in accordance with the applicable provisions of law.
4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
thereby certify that the local law annexed hereto, designated as local law No of 20 of the (County) (City) (Town) (Village) of was duly passed by the on 20, and was (approved) (not disapproved) (repassed after disapproval) by the on 20 Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.
Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. 5. (City local law concerning Charter revision proposed by petition.)
hereby certify that the local law annexed hereto, designated as local law No of 20 of the City of having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on 20

became operative.

6. (County local law concerning adoption of Charte	r.)	
I hereby certify that the local law annexed hereto, des County of, State of General Election of November 20, pur Home Rule Law, and having received the affirmative vocunty as a unit and of a majority of the qualified elect at said general election, became operative.	f New York, having been s rsuant to subdivisions 5 and one of a majority of the quality	ubmitted to the electors at the 7 of section 33 of the Municipal fied electors of the cities of said
(If any other authorized form of final adoption has been	n followed, please provide ar	appropriate certification.)
I further certify that I have compared the preceding local is a correct transcript therefrom and of the whole of such indicated in paragraph 1, above.		
(SEAL)	Teressa M. Morasco Town Clerk, Town of Bat	avia
	Date:	, 2018
(Certification to be executed by County Attorney, Co other authorized Attorney of locality.)	orporation Counsel, Town	Attorney, Village Attorney or
STATE OF NEW YORK COUNTY OF GENESEE		
I, the undersigned, hereby certify that the foregoing proceedings have been had or taken for the enactment of		
	Andrew W. Meier Town Attorney County City of Batavia Town Village	
	Date:	, 2018

RESOLUTION NO. 175:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Teressa Morasco- NYSTCA Regional Training September 17, 2018 in Canandaigua. The cost for this training is \$35.00

Hiedi Librock, Marcy Crandall, Dan Lang, & Matt Mahaney-Glenn Shepard Seminar September 25, 2018 at the Generation Center. The cost for this training is \$147.75 each.

Second by: Councilwoman Michalak

Aves: Underhill, Michalak, Zambito, White, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 176:

Supervisor Post offered the following:

KIWANIS PARK DONATION

RESOLVED, the Batavia Town Board hereby accepts the following donation for use of the Kiwanis Park:

\$25.00 from Grace Stewart for use of the Park on August 4, 2018.

Second by: Deputy Supervisor Underhill

Aves: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 177:

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE A FIFTH AMENDED JOINT ASSESSMENT SERVICES AGREEMENT WITH THE TOWNS OF LEROY AND PAVILION

WHEREAS, the Town of LeRoy, (hereinafter "LeRoy"), the Town of Pavilion, (hereinafter "Pavilion") and the Town of Batavia, (hereinafter "Batavia"), entered into a contract entitled "Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement", dated January 23, 2014, and

WHEREAS, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

WHEREAS, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, and

WHEREAS, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed "Fifth Amended Towns of Batavia, LeRoy and Pavilion Joint Assessment Services Agreement", a copy of which shall be 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 Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$51,400.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

FIFTH AMENDED TOWNS OF BATAVIA, LEROY AND PAVILION JOINT ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT made the _____ day of ______, 201__, by and between 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"); the TOWN OF LEROY, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as "LeRoy"); and the TOWN OF PAVILION, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as "Pavilion").

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the three Towns 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 the Towns of Batavia, LeRoy and Pavilion.

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 both LeRoy and Pavilion, and shall provide qualified individuals 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 Batavia, LeRoy and Pavilion 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.
- 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 LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.
- 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 either LeRoy or Pavilion. 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 LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion 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 and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable

attorney's fees for defense. Each party will provide the others 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 LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.
- 8. The terms and conditions of this Agreement shall be effective on October 18, 2018, and shall end on October 17, 2019. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2019, Batavia, LeRoy and Pavilion enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.
- 9. It is agreed that the effective date of this Agreement shall be retroactive to October 18, 2018, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2018, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.
- 10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$51,400.00 for this Agreement. This sum shall be paid in two installments of \$25,700.00on or before March 1, 2019, and \$25,700.00on or before September 1, 2019. Pavilion will pay to LeRoy the total sum of \$8,665.00 for this Agreement to be paid in two installments of \$4,332.50 on or before March 1, 2019 and \$4,332.50 on or before September 1, 2019.
- 11. 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 LeRoy and Pavilion, at their sole option and discretion, may terminate this Agreement with at least ninety (90) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.
- 12. There are no other agreements or understandings, either oral or written, by and among 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 LEROY		

	By: Stephen R. Barbeau, Town Supervisor
	TOWN OF PAVILION
	By: Dean Davis, Town Supervisor
State of New York} County of Genesee}ss.	
appeared Gregory H. Post, personally known to be the individual whose name is subscribed he/she executed the same in his/her capacity, a	, 201, before me, the undersigned, personally to me or proved to me on the basis of satisfactory evidence to the within instrument and acknowledged to me that and that by his/her signature on the instrument, the the individual acted, executed the instrument.
$\overline{\mathbf{N}}$	Notary Public
State of New York} County of Genesee}ss.	
appeared Stephen R. Barbeau, personally know evidence to be the individual whose name is so me that he/she executed the same in his/her ca	, 201, before me, the undersigned, personally wn to me or proved to me on the basis of satisfactory ubscribed to the within instrument and acknowledged to apacity, and that by his/her signature on the instrument, the the individual acted, executed the instrument.
N	Notary Public
State of New York} County of Genesee}ss.	
appeared Dean Davis, personally known to me be the individual whose name is subscribed to	, 201, before me, the undersigned, personally e or proved to me on the basis of satisfactory evidence to the within instrument and acknowledged to me that he/she t by his/her signature on the instrument, the individual, or l acted, executed the instrument.
$\overline{\overline{N}}$	Notary Public

RESOLUTION NO. 178:

Councilman Zambito offered the following:

ACCEPTANCE OF ONLINE TAX PAYMENTS HAMER ENTERPRISES

WHEREAS, Genesee County Treasurer's Office is contracting with Hecorp, Incorporated, DBA: Hamer Enterprises for viewing and posting the Town/County Tax Bills online; and

WHEREAS, each Town has been offered to contract with Hamer Enterprises to accept Online Tax Payments (agreement attached);

WHEREAS, there are convenience fees associated with this service that will be paid by the taxpayer that utilizes this service. There is no cost to the Town.

NOW, THEREFORE, BE IT RESOLVED the Batavia Town Board authorizes the Acceptance of Online Tax Payments Internet Processing Professional Services Agreement between the Town of Batavia and Hamer Enterprises", a copy of which is annexed hereto and made part of the Town Board Minutes; and be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized and directed to execute this Agreement.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 179:

Councilwoman White offered the following:

SECURITY CAMERAS MAINTENANCE AGREEMENT ULTIMATE CABLING SERVICES

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed "Security Cameras Maintenance Agreement", by and between the Town of Batavia and Ultimate Cabling Services, a copy of which is annexed and made a part of the Town Board Minutes is hereby approved, at a cost of \$15.00 per camera per quarter (currently there are 13 cameras = \$195.00/quarter), said agreement is for 36 months; and be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1620.402.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 180:

Deputy Supervisor Underhill offered the following:

BATAVIA SOUTHWEST WATER DISTRICT USDA FORM E BUDGET MODIFICATION

WHEREAS, USDA has requested board resolution for modifications to the Form E budget; and

WHEREAS, \$12,347.20 was the cost of the direct expenditure for water meters and MXU radio transmitters; and

WHEREAS, \$269.00 of additional cost was required for additional advertising and permit costs;

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes modification to the Form E budget as follows:

\$12,347.20 from contingency to direct expenditures for MXU's and meters, and

\$269.00 from contingency to miscellaneous expenses for additional advertising and permit costs.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

<u>Abstract No. 8-2018:</u> Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

Total	\$372,090.75
Townline Joint	12,834.87
Highway Equip	265.82
Ellicott Trail	18,346.36
Sewer Cap	5,515.76
Bat Beth Twln	150.30
Water	53,199.23
Sewer No. 2	78,622.32
Sewer No. 1	76,009.78
Highway	77,460.06
General	\$49,686.25

Check numbers 21404 thru 21464, SM: 1112, Online: \$7,993.50

Ayes: Underhill, Zambito, White, Michalak, Post **MOTION CARRIED by unanimous vote** (5-0)

DEPARTMENT REPORTS:

The Supervisor reported for the following departments:

Highway- replacing cross culverts to prepare for paving operations and assisting other local communities

Water/Wastewater Department – reading meters, line inspections, maintenance, and overseeing seven different construction projects

Building Inspector - the Supervisor read the attached report submitted by Dan Lang.

Supervisor's Report:

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

<u>Town Board Work Session</u>- The August 22, 2018 Work Session has been cancelled and rescheduled for Tuesday, August 21, 2018 from 5:00 p.m. to 7:00 p.m.

<u>Planning Board/Town Board Work Session</u>-The Town Board will be jointing the Planning Board at 7:30 p.m. for a joint work session.

2019 Budget- Town Board will be working on the budget for next 6 to 8 weeks.

COMMUNICATIONS:

The Town Clerk reported on the following:

<u>July Town Clerk</u> monthly report collected a total of \$15,015.79, remitted \$14,678.65 to the Supervisor for the Local Share.

<u>Training</u>- Genesee County chamber of Commerce 29th annual Decision Maker's Agriculture Forum is September 19 and Village of Kenmore is hosting a Municipal Safety Seminar September 12. Town officials have been advised.

<u>Kiwanis Park Donation</u>- Grace Stewart donation \$25.00 for use of the park. A thank you letter was sent to her.

<u>Town Clerk's Office</u>-The Town Clerk's office will be closing at 4:30 p.m. on Wednesday, August 22 rather than 7:00 p.m.

<u>GLOW Electronics Collection</u>- Saturday, September 29 there will be a Electronics Collections at the Wyoming county Highway Department from 9 to 12

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:20 P.M.

Ayes: Underhill, Zambito, White, Michalak, Post **MOTION CARRIED by unanimous vote** (5-0)

Respectfully submitted,

Teressa M. Morasco Town Clerk