

**OCTOBER 17, 2018
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Councilwoman White
Councilwoman Michalak

Absent: Deputy Supervisor Underhill
Councilman Zambito

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:13 P.M.

Public Hearing Local Law 6 of 2018- The Supervisor called the Public Hearing to Order for Local Law 6 of 2018 – Tax Cap Override at 7:14 P.M. - Minutes for public hearing entered separately.

September 19, 2018 Public Hearing-Amend Code of Ethics, September 19, 2018 Regular Town Board Meeting, and October 3, 2018 Special Town Board Meeting: Motion Councilwoman Michalak, second Councilwoman White to approve the minutes as written.

Ayes: Michalak, White, Post

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 200:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 6 of 2018

WHEREAS, proposed Local Law No. 5 of 2017 of the Town of Batavia entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2019”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on September 19, 2018, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on October 17, 2018, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 6 of 2018 is in the best interest of the Town of Batavia, New York,

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NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 6 of 2018 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 6 of 2018 be filed with the New York State Secretary of State in accordance with Law.

Second by: Councilwoman White

Ayes: White, Michalak, Post

APPROVED by unanimous vote (3-0)

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Batavia, Genesee County, New York
Town
Village

Local Law No. 6 of the year 2018.

A local law To Override the Tax Levy Limit Established in General Municipal Law 3-c

(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of **Batavia, Genesee County, New York** as follows:
Town
Village

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Batavia pursuant to General Municipal Law §3-c and to allow the Town of Batavia to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

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This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Batavia, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such other or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in it separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(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.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2018, of the ~~(County)~~ (City) (Town) ~~(Village)~~ of Batavia, New York was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

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2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) _____ was duly passed by the _____ on _____ 20____, 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.)

I hereby 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 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.)

I hereby 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.)

I 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 Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting

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at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Teressa M. Morasco
Town Clerk, Town of Batavia

Date: _____, 2018

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Town Attorney
County
City of Batavia
Town
Village

Date: _____, 2018

RESOLUTION NO. 201:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

Berneda Scoins- GAHWNY 2018 Fall Meeting (was) September 21, 2018 at a cost of \$30.00.

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Paul McCullough - G/FLRPC Fall Training November 14, 21018 at a cost of \$75.00 each.
Teresa Morasco, Sherry Tacy, and Mary Cordes- Webinar on Introduction to LGRMIF Grant Program October 30, 2018. There is no cost for this webinar.

Teresa Morasco, Sherry Tacy, and Mary Cordes- LGRMIF Grant Information Session November 7, 2018 at the Batavia Town Hall. There is no cost for this session.

Teresa Morasco and Mary Cordes- Webinar on LGRMIF Shared Services Grant Program November 15, 2018. There is no cost for this webinar.

Teresa Morasco and Mary Cordes- Webinar on How to Write a LGRMIF Grant Narrative December 4, 2018. There is no cost for this webinar.

Second by: Councilwoman White
Ayes: Post, White, Michalak,
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 202:

Councilwoman Michalak offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2019 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 16, 2018; and

WHEREAS, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$49,469.63 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2019 tax warrant.

Second by: Councilwoman White
Ayes: Michalak, White, Post
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 203:

Councilwoman White offered the following:

**ADOPTION OF THE
2019 PRELIMINARY TOWN BUDGET**

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget for 2019; and be it further

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RESOLVED, that the 2019 Preliminary Town budget hereby be filed in the Office of Batavia Town Clerk.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Post
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 204 :

Supervisor Post offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2019 TO FEBRUARY 2020**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2019 to February 2020 are Sewer District No. 1 - \$6.88/1,000 gallons, Sewer District No. 2 - \$6.88/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents- May 2019 to February 2020 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:00 P.M. on Wednesday, November 7, 2018, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Councilwoman White
Ayes: Post, White, Michalak
APPROVED by unanimous vote (3-0)

**NOTICE OF PUBLIC HEARING
SEWER RENTS – MAY 2019 TO FEBRUARY 2020**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 7, 2018 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:00 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2019 to February 2020 are, Sewer

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District No. 1 at \$6.88/1,000 gallons and Sewer District No. 2 at \$6.88/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 17, 2018

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 205:

Councilwoman Michalak offered the following:

CALLING A PUBLIC HEARING
WATER RATE – MAY 2019 TO FEBRUARY 2020

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, in November 2015 the Town established an Agricultural Rate and a Base Rate within the Town's water service area, and

WHEREAS, the definition of the two rates are:

Base rate: applies to all meters that are not dedicated to use within farming operations as described in the Agricultural Rate.

Agricultural Rate: applies to all meters serving parcels in a Certified Agricultural District and dedicated to use in farming operations, including providing drinking water for livestock, irrigation of crops, and operations related directly to agriculture. This rate does not apply to meters that also serve domestic, commercial, or industrial uses.

WHEREAS, the formula for the Base Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town's debt reserve cost
- 100% of the Town's Operation and Maintenance cost

WHEREAS, the formula for the Agricultural Rate is

- 100% of the water purchase cost
- 100% of the Genesee County water surcharge cost
- 100% of the Town's debt reserve cost
- 10% of the Town's Operation and Maintenance cost

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WHEREAS, the proposed Base water rate for May 2019 to February 2020 is \$6.23 /1,000 gallons; and

WHEREAS, the proposed Agricultural water rate for May 2019 to February 2020 is \$4.96/1,000 gallons; and

WHEREAS, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate- May 2019 to February 2020 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:05 P.M. on Wednesday, November 7, 2018, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Councilwoman White

Ayes: Michalak, White, Post

APPROVED by unanimous vote (3-0)

**NOTICE OF PUBLIC HEARING
WATER RATE – MAY 2019 TO FEBRUARY 2020**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 7, 2018 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:05 P.M. for the purpose of imposing water rates. The proposed base water rate for May 2019 to February 2020 is \$6.23/1,000 gallons and the proposed Agricultural water rate for May 2019 to February 2020 is \$4.96/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 17, 2018

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 206:

Councilwoman White offered the following:

**CALLING FOR PUBLIC HEARING
ON THE 2019 TOWN BUDGET**

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on

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the Preliminary Town Budget for 2019 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:10 P.M. on Wednesday, November 7, 2018 at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Post

APPROVED by unanimous vote (3-0)

**NOTICE OF PUBLIC HEARING
ON THE 2019 TOWN BUDGET**

PUBLIC NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Batavia for fiscal year 2019 has been completed and filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the Preliminary Budget at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 7:10 P.M. on Wednesday, November 7, 2018 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

Public Official Salaries are as follows:

Supervisor	\$40,000.00
Deputy Supervisor	\$15,000.00
Councilman (3)	\$10,000.00
Town Clerk/Tax Collector	\$70,262.00
Highway Superintendent	\$19,133.00
Town Justice (2)	\$26,771.00

The foregoing by order of the Batavia Town Board.

Dated: October 17, 2018

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 207:

Supervisor Post offered the following:

AUTOCAD SUBSCRIPTION RENEWAL

WHEREAS, the 2018 Renewal Subscription for Autodesk AutoCAD LT and Infrastructure Design for the Engineering Department expires in November 2018; and

WHEREAS, the engineering department is awaiting a quote and requests approval to renew the

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subscription at a cost not to exceed (\$1,700.00).

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Autodesk AutoCAD LT 2019 and Infrastructure Design Suite Premium 2019 renewal subscriptions for the Engineering department at a cost not to exceed one thousand, seven hundred dollars (\$1,700.00).

Second by: Councilwoman White

Ayes: Post, White, Michalak

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 208:

Councilwoman Michalak offered the following:

RESOLUTION TO APPROVE AN AMENDED AND RESTATED

WATER CUSTOMER AGREEMENT

WITH RICHARD P. AND SANDRA D. KOSCIOLEK

WHEREAS, on September 5, 2018, the Batavia Town Board passed a Resolution to approve an Out-of-District Water Customer Agreement by and between the Towns of Batavia and Pembroke and Richard P. and Sandra D. Kosciolk of 2592 Pratt Road, Pembroke, and

WHEREAS, the referenced Water District in the agreement was incorrect and has been amended and restated, as the property is in close proximity of the Pratt Road Water District rather than the Consolidated Water District.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed "Amended and Restated Water Customer Agreement", a copy of which is annexed hereto and made part of the Town Board Minutes, by and between the Towns of Batavia and Pembroke and Richard P. and Sandra D. Kosciolk 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 sale of water to these out of district customers in the Town of Pembroke will not at this time reduce the supply of the Town of Batavia water so as to render the same insufficient to service all water districts within the Town of Batavia for the residents located therein, and

BE IT FURTHER RESOLVED that upon completion of the execution of the Amended and Restated Water Customer Agreement, employees of the Town are hereby authorized and directed to take all steps necessary to provide water service to Richard P. and Sandra D. Kosciolk and invoice them for the required charges set forth therein.

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Second by: Councilwoman White
Ayes: Michalak, White, Post
APPROVED by unanimous vote (3-0)

**AMENDED AND RESTATED
WATER CUSTOMER AGREEMENT**

THIS AGREEMENT, made this _____ day of _____, 2018, by and between the **TOWN OF BATAVIA, NEW YORK**, a municipal corporation having its office and principal place of business at 3833 West Main Street Road in the Town of Batavia, County of Genesee and State of New York, (hereinafter referred to as “Batavia”), and **Richard P. Kosciolek and Sandra D. Kosciolek**, owners of property at 2592 Pratt Road in the Town of Pembroke County of Genesee and State of New York, (hereinafter referred to as “Customer”), and the **TOWN OF Pembroke**, a municipal corporation having its office and principal place of business at 1145 Main Road in the Town of Pembroke County of Genesee and State of New York, (hereinafter referred to as “Pembroke”).

WITNESSETH:

WHEREAS, Batavia is the owner of the Pratt Road Water District in the Town of Batavia, New York, which Water District provides water service to residents in a portion of the Town of Batavia; and

WHEREAS, the Customer owns 2592 Pratt Road in the Town of Pembroke, New York, which parcel of property is in close proximity to the Town’s Pratt Road Water District facilities; and

WHEREAS, the Customer entered into a Water Customer Agreement on September 7, 2018 to become a customer of and to purchase water from Batavia; and

WHEREAS, the Customer resides in the Town of Pembroke, and Pembroke has provided permission for the Town of Batavia to service the Customer as set forth herein; and

WHEREAS, the Town of Batavia has, by a Resolution, dated September 5, 2018, determined that the sale of water to the Customers will not at this time reduce the supply of its water so as to render the same insufficient to service all water districts within the Town of Batavia or their inhabitants;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties, pursuant to Section 198 (3)(b) of the New York State Town Law, covenant and agree as follows:

1. Customers shall, at his own expense, extend water from a new curb box to his residence at 2592 Pratt Road, Pembroke, New York. Batavia shall install a water meter and pit at a location to be selected by Batavia, and the Customer shall pay for the installation cost, as per paragraph 2(B) below. Customer shall maintain all lines so placed from said curb box to his residence, as well as all internal plumbing.
2. Customer shall make the following payments to Batavia when billed:

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A. An annual debt service payment, if any is due, to be paid in January of each year based upon the same formula used for customers within the Pratt Road Water District. If service to Customer begins during a calendar year after January 1st, then within 10 days of service, payment will be made on a pro rata basis from the date of service to the end of this year.

B. Such charges as apply as set forth on the Town of Batavia “Water and Sewer Fee Schedule, April 2015”, a copy of which is annexed hereto and made a part hereof as **EXHIBIT A**; as well as any future charges that may apply pursuant to this fee schedule, or any amendments thereof.

C. User charges based on water consumption as billed by the Town of Batavia.

D. Legal expenses incurred by Batavia in connection with the negotiation, preparation and execution of this Agreement not in excess of Three Hundred Dollars (\$300.00).

E. The sum of Five Hundred Dollars (\$500.00) to be deposited in an account to be used to pay any delinquent water charges that may arise in the future. The right to deduct delinquent charges from this sum of money is in addition to the Town of Batavia’s right to terminate service.

3. Customers further covenants and agrees as follows:

A. To use said water only for residential purposes for the residence located at 2592 Pratt Road, Pembroke, New York.

B. Not to permit any tap-in to any of the water lines installed by him for the benefit of any person, firm or corporation.

C. To abide by and obey all presently existing and future enacted rules, regulations and ordinances of the Town of Batavia pertaining to the use of and payment for water sold to residents of the Town of Batavia water districts as if said Customer was a resident of the Pratt Road Water District.

D. To become a part of any water district or extension which geographically encompasses his property, and shall affirmatively sign any petition that seeks to establish such water district; as well as refraining from any acts in opposition to such a water district, such as voting against the same in any referendum.

E. Not to assign this Agreement without the prior written consent of the Towns of Batavia and Pembroke.

4. This Agreement shall automatically terminate upon the happening of any of the following events:

A. The formation of a water district or extension geographically encompassing the property at 2592 Pratt Road, Pembroke, New York, owned by the Customers.

B. A determination by the Town of Batavia, in its sole judgment, that the sale of water hereunder will reduce the supply of water to a level insufficient to meet the needs of any water district within the Town of Batavia or the inhabitants thereof.

C. A determination by appropriate State, County or Local officials that the supplying of water pursuant to this Agreement either alone or in conjunction with the supplying of water to others inside or outside of the territorial limits of the Town of Batavia or of any of its districts or extensions constitutes a community water supply system.

D. A determination by appropriate State, County or Local officials that the sampling and/or monitoring by the Town of Batavia of water supplied by this Agreement must be increased or altered from the procedures presently being following by the Town in sampling and/or monitoring.

E. Any breach of this Agreement by Customers.

F. The County of Genesee, from whom the Town of Batavia purchases its water, objecting to this Agreement.

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5. The Town of Pembroke does hereby approve the terms and conditions as set forth in this Agreement, and allows and authorizes the Town of Batavia to provide the water service as set forth herein to the Customer, who is located within the boundaries of the Town of Pembroke.

6. This Agreement is subject to Pembroke obtaining approval from the Monroe County Water Authority for the implementation of this Agreement.

7. This Agreement shall replace the prior agreement of the parties dated September 7, 2018.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

TOWN OF BATAVIA, NEW YORK

By: _____
Gregory H. Post, Supervisor

TOWN OF PEMBROKE, NEW YORK

By: _____
John Worth, Supervisor

Richard P. Kosciolek, Customer

Sandra D. Kosciolek, Customer

RESOLUTION NO. 209:

Councilwoman White offered the following:

PROFESSIONAL SERVICES
DIRECT PLACEMENT SERVICE AGREEMENT
BETWEEN THE TOWN OF BATAVIA AND ACARA SOLUTIONS, INCORPORATED

WHEREAS, the Town of Batavia is seeking Utility Operations Superintendent candidates with pre-determined criteria and qualifications; and

WHEREAS, the Town searched for a recruitment and placement service provider; and

WHEREAS, Acara Solutions, Incorporated provides recruitment and placement services; and

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WHEREAS, Acara Solutions, Incorporated has prepared an agreement for the Town at a cost based on fifteen (15%) percent of the hired candidate's first year's gross annual wages.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Direct Placement Services Agreement between the Town of Batavia and Acara Solutions Incorporated for Professional Services to recruit candidates for Utility Operations Superintendent; a copy of which is annexed hereto and made a part of the Town Board Minutes, at a cost fifteen (15%) percent of the hired candidate's first year's gross annual wages; and be it

FURTHER RESOLVED, if a candidate resigns from the Town or is otherwise terminated for any reason (except layoff, reorganization or reduction of staff) within ninety (90) days from the date of hire, Acara will use its best efforts to find a suitable replacement candidate; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SS1-8110.403, SS2-8110.403 and SW8310.403.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Post
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 210:

Supervisor Post offered the following:

**FINAL ACCEPTANCE OF PROJECT AS COMPLETE
AND DESIGNATION OF OPERATOR
BATAVIA SOUTHWEST WATER DISTRICT WATER MAIN**

WHEREAS, Morsch Pipeline, Incorporated has certified completion of the Batavia Southwest Water District water main project, and

WHEREAS, the Clark Patterson Lee Engineering and the Town Engineer has certified and approved the project as complete.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia Town Board hereby accepts the project as complete and approves final payment, subject to completion of final punch list items, and be it further

RESOLVED, Town of Batavia Town Board hereby designates Paul Barrett, as the operator, appropriately licensed by New York State (NYSDOH# NY0037009), to oversee operation of the Batavia Southwest Water District Project.

Second by: Councilwoman Michalak
Ayes: Post, Michalak, White

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APPROVED by unanimous vote (3-0)

RESOLUTION NO. 211:

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING FULL-TIME STATUS
FOR SHERRY TACY
REPRODUCTION SERVICES OPERATOR**

WHEREAS, Resolution Number 70 of 2018 was adopted authorizing the hiring of Sherry Tacy to a part-time position of Reproduction Services Operator; and

WHEREAS, the 2018 budget reflects appropriations for full-time status; and

WHEREAS, the workload deems it necessary to change Ms. Tacy's part-time status to full-time Reproduction Services Operator.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the change of status for Sherry Tacy from part-time to full-time Reproduction Services Operator as of November 5, 2018; and be it

FURTHER RESOLVED, the expense will be expended from line item A1411.101.

Second by: Councilwoman White

Ayes: Michalak, White, Post

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 212:

Councilwoman White offered the following:

**RESOLUTION TO HIRE
WATER/WASTEWATER MAINTENANCE WORKER**

WHEREAS, the 2018 Town Budget reflects appropriations to hire a replacement permanent full-time Water/Wastewater Maintenance Worker for the Water/Wastewater Department; and

WHEREAS, eleven applications were received and reviewed for this position; and

WHEREAS, Kevin D. Finucane satisfies the requirements and qualifications of the position of Water/Wastewater Maintenance Worker.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the hiring of Kevin D. Finucane as a permanent full-time Water/Wastewater Maintenance Worker for the Water/Wastewater Department at a

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rate of \$25.50 per hour, with a start date on or after October 31, 2018; and be it

FURTHER RESOLVED, as per the Town of Batavia policy, Mr. Finucane is subject to a physical, background and driver's license check and drug and alcohol testing; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SS1-8120.106, SS2-8120.106, and SW8340.106; and be it

FURTHER RESOLVED, there is a six month probationary period for this position, at which time an evaluation of performance will be accessed for an increase in pay or dismissal of duties.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Post

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 213:

Supervisor Post offered the following:

**PROFESSIONAL SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND PLANT-IQ, LLC
WATER/WASTEWATER PUMP STATION SITES ASSESMENT AND DESIGN SERVICES
AGREEMENT**

WHEREAS, Plant-IQ has completed a scope of services associated with implementation of updating current supervisory control and data acquisition (SCADA) systems and standards required to improve operations and maintainability of the water and wastewater systems; and

WHEREAS, Plant-IQ has prepared a proposal (attached), which contains the following tasks as developed by the Town Engineer on an estimated and budgeted time and expense basis:

Task 1 – Telog Upgrade Phase

Task 2 – Site Investigation Phase

Task 3 – Standards Design Phase

Task 4 – Site Commissioning Supervision Phase

for a total time and expense basis budget of \$48,860; and

WHEREAS, the Town Engineer recommends approval of these services for the long term operational, reliability and maintainability of our water and wastewater systems; and

WHEREAS, the Town Engineer will oversee and approve the time and expense as required to

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complete the above tasks, and

WHEREAS, the expenditures will be from SS1, SS2, SW, HY and HA funds as proportioned by the Town Engineer based upon actual time spent per fund.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute an agreement for services with Plant-IQ, LLC, on a time and expense basis for at a not to exceed amount of \$48,860, a copy of which is annexed hereto and made a part of the minutes, contingent upon review and approval of the agreement by the Town Attorney.

Second by: Councilwoman Michalak
Ayes: Post, Michalak, White
APPROVED by unanimous vote (3-0)

RESOLUTION NO. 214:

Councilwoman Michalak offered the following:

**NO HOLIDAY DECORATIONS ATTACHED TO
STREET LIGHTS OR UTILITY POLES
NATIONAL GRID**

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the National Grid letter, acknowledging that the Town will not be attaching holiday decorations to street lights or utility poles for the 2018 Holiday Season.

Second by: Councilwoman White
Ayes: Michalak, White, Post
APPROVED by unanimous vote (3-0)

SUSPEND THE RULES-Motion Councilwoman Michalak second Councilwoman White to suspend the rules to introduce an additional resolution.

Ayes: Michalak, White, Post
MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 215:

Councilwoman White offered the following:

**NETWORK AND WEBSITE SSL CERTIFICATE
HURRICANE TECHNOLOGIES**

WHEREAS, there are new website standards that allows a secure connection from a web server to a browser; and

WHEREAS, Hurricane Technologies recommends the purchase of a full network and website

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annual SSL Certificate at a cost of \$350.00 per year.

NOW, THEREFORE, BE IT

RESOLVED the Batavia Town Board hereby authorizes the purchase of a full network and website annual SSL Certificate through Hurricane Technologies at a cost of \$350.00 per year.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Post

APPROVED by unanimous vote (3-0)

Abstract No. 10-2018: Motion Councilwoman White, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$44,058.14
Highway	46,539.95
Sewer No. 1	2,781.68
Sewer No. 2	10,213.28
Water	43,059.41
Bat-Bethany	65,170.00
Fixed Base Meter	58.50
Ellicott Trail	3,913.89
Total	\$215,794.85

Check numbers 21539 thru 21603 ACH: \$33,290.15 Online: \$7,398.18

Ayes: White, Michalak, Post

MOTION CARRIED by unanimous vote (3-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

History – the Supervisor read the attached report submitted by Historian Berneda Scoins

Building – the Supervisor read the attached report submitted by Building Inspector Dan Lang

Highway - working on waterline construction project and is 70% complete

Water/Sewer-doing meter reading, installations, inspections and maintenance

Supervisor's Report:

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

GAM -There will be a GAM meeting tomorrow evening at Genesee County Building 2, hosted by the Town of Oakfield

November Town Board Meeting:- The Regular Town Board Meeting will be on November 14 rather than November 21.

November 21 Work Session- The November 21, 2018 Work Session has been cancelled

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COMMUNICATIONS:

The Town Clerk reported on the following:

September Town Clerk monthly report collected a total of \$11,188.41, remitted \$5,868.82 to the Supervisor for the Local Share.

Training- The Erie County Department of Environment & Planning will be hosting a Land Use Training on October 30 at Niagara County Community College. Town officials have be advised of this training.

Explosive Magazine Certificate – Received notification from the NYS Department of Labor, Division of safety and Health that Hunters Landing, LLC received an explosives magazine certificate.

ADJOURNMENT:

Motion Councilwoman Michalak, second Councilwoman White to adjourn the Regular Town Board Meeting at 7:30 P.M.

Ayes: Michalak, White, Post

MOTION CARRIED by unanimous vote (3-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk