

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Because of the Novel Corona virus (COVID-19) Pandemic and the State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued March 12, 2020 suspending the Open Meeting Law, the Town of Batavia Town Board meeting was held electronically via ZOOM video conference/call conference instead of a public meeting open for the public to attend in person.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Deputy Town Clerk Sauka
Alecia Kaus, Video News Reporter
Building/Code Enforcement Officer Lang
Planning Board Chair Jasinski
Zoning Board of Appeals Chair Della Penna
Paul McCullough, Planning Board Member
Brooks Hawley, Planning Board Member
Britt Witkop, Zoning Board of Appeals Member
Tim Morrow, Nancy Brach, Melodi Leaton, Dan Reuter, Kathy Reuter,
Kathy Antonelli, Russ Romano, Steve Long, Brian Madigan,
Erin Takata, Glen Zhou, and Chris Krtanik

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

Public Hearing Local Law 1 of 2021, "Moratorium on Solar Energy Systems"- The Supervisor called the Public Hearing to Order for Local Law 1 of 2021 at 7:01 P.M. - Minutes for public hearing entered separately.

Local Law 1 of 2021 SEQR Review- The Town Board reviewed the SEQR. In accordance with State Environmental Quality Review 6 NYCRR Part 617.5 © (36), this moratorium is a "Type 2 Action" and requires no additional review or action at this time.

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

January 6, 2021 Organizational Meeting: Motion Councilman Zambito, second Councilwoman White to approve the minutes as written.

Ayes: Zambito, White, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

January 6, 2021 Special 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)

RESOLUTION NO. 31:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 1 of 2021

WHEREAS, proposed Local Law No. 1 of 2021 of the Town of Batavia entitled "A Local Law, Establishing a Town of Batavia Moratorium on Solar Energy Systems", which proposed Local Law in its final form was presented to the Town Board at the meeting held on January 20, 2021, 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 January 20, 2021, 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 2021 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 2021, entitled, "A Local Law, Establishing a Town of Batavia Moratorium on Solar Energy Systems", 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 certified copies of said Local Law No. 1 of 2021 be filed with the New York State Secretary of State in accordance with Law; and be it

BE IT FURTHER RESOLVED that a summary of this provisions pursuant to Local Law No. 1

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

of 2021 be published once in The Daily News and that an affidavit of publication thereof be filed with the Town Clerk; and

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

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. 1 of the year 2021.

A local law known as Town of Batavia Moratorium on Solar Energy Systems
(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~~

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board and the Town of Batavia does hereby ordain and enact the Town of Batavia Moratorium on Solar Energy Systems, pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

Section 102: Title

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

This local law shall be known as the “Town of Batavia Moratorium on Solar Energy Systems.”

Section 103: Purpose

- a) The purpose of this Local Law is to advance the Town’s constitutional and statutory obligation to protect and preserve the public health, welfare, and safety of the citizens of the Town of Batavia, as well as the value, use and enjoyment of property in the Town, through the temporary prohibition of the construction or modification of Solar Energy Systems as defined in Section 235-53.1 of the Zoning Regulations of the Town of Batavia, pending review and revisions of the Town Comprehensive Plan and Zoning Regulations.
- b) It is the further purpose of this Local Law to prevent and avoid serious detrimental health and environmental impacts which threaten the Town of Batavia by allowing degradation of its significant environmental and agricultural resources, and preserve the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.
- c) It is the further purpose of this local law to enable the Town of Batavia to prevent the construction or erection of Solar Energy Systems as defined in Section 235-53.1 of the Zoning Regulations of the Town of Batavia for a reasonable period of time pending the Town Board’s review and revisions to the Town Comprehensive Plan and Zoning Regulations governing the construction of such systems in the Town of Batavia.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 201: Imposition of Moratorium

After the date of filing this local law with the Department of State, no application for the construction or erection of Solar Energy Systems, or modification for any existing facility, as defined in Section 235-53.1 of the Town of Batavia Zoning Regulations may be filed or processed. No Board or Town official may consider, grant, or approve any application for any permit or approval, including special use permit, variance, rezoning, or building permit. For the purpose of this local law, an “application” shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board, Code Enforcement Officer, or Building Inspector which would in any way commence the process whereby Solar Energy Systems are or may be constructed, modified, or erected. This moratorium shall be effective for one hundred eighty (180) days after the date of filing this local law with the Department of State or until the Batavia Town Board acts on all of the aforementioned amendments to the Town Comprehensive Plan and Zoning Regulations, whichever is the shorter period of time.

Section 202: Variance

An application for a variance from the terms of this moratorium may be submitted, with a \$100 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Regulations of the Town of Batavia, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

ARTICLE III: VALIDITY

Section 301: Validity

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

Section 302: Supersession

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

The requirements of Article 16 of the New York Town Law and Town Law sections 267-a, b, and c, are hereby superseded in that the Town Board shall be the body to consider variance requests under this moratorium. The time periods for holding public hearings and issuing decisions on applications set forth in Article 16 of the New York Town Law, including but not limited to Town Law sections 264, 267-a, b, and c, 274-a, 274-b, 276, 277, and 278, are hereby superseded.

ARTICLE IV: EFFECTIVE DATE

Section 401: Effective Date

This local law shall take effect immediately upon filing with the Department 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. 1 of 2021, 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.

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 _____ 20____, 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

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

(~~County~~) (~~City~~) (Town) (~~Village~~) of _____ was duly passed by the Town Board 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 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)

Teresa Morasco
Town Clerk, Town of Batavia

Date: _____, 2021

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

STATE OF NEW YORK

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

COUNTY OF ORLEANS

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~~

RESOLUTION NO. 32:

Deputy Supervisor Underhill offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2020

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

General Fund:

From	Amount	To
A1110.402 Justice Contractual	142.00	A1110.401 Justice Contractual
A1220.400 Supervisor Contractual	991.00	A1220.120 Supervisor OT
A1231.120 Deputy Clerk OT	2980.00	A1231.100 Deputy Clerk Pers Svc
A1411.101 Clerk Typist Pers Svc	2633.00	A1231.100 Deputy Clerk Pers Svc
A1420.403 Attorney Contractual	2630.00	A1420.402 Attorney Contractual
A1440.200 Engineering Equipment	6125.00	A1440.120 Engineering OT
A1460.102 Records Mgmt Pers Svc	368.00	A1460.101 Records Mgmt Pers Svc
A1620.402 Bldg – Other Exp	4933.00	A1620.200 Bldg – Equipment
A1680.402 Central Data – Web	3916.00	A1680.200 Central Data Equipmnet
A1680.402 Central Data – Web	8.00	A1680.400 Central Data contractual
A1989.400 Misc Exp	1327.00	A1910.400 Unallocated Ins
A1989.400 Misc Exp	1114.00	A1950.400 Taxes on Property
A3620.402 Bldg & Safety Engineering	6296.00	A3620.106 Bldg Pers Svc
A3620.402 Bldg & Safety Engineering	2834.00	A3620.401 Bldg & Safety Legal
A5132.400 Garage Utilities	1300.00	A5010.200 Supt of Hwy Equipmt
A5132.400 Garage Utilities	2761.00	A5132.403 Garage Ins
A5132.400 Garage Utilities	464.00	A5182.400 Street Lighting
A7110.102 Parks Pers Svc	2257.00	A7110.200 Parks Equipment

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

A7510.400 Historic Program Contr	1.00	A75410.100 Historic Program Pers Svc
A8020.102 Planning Board Pers Svc	54.00	A8020.400 Planning Board Contr
A8165.404 Superfund Legal	4160.00	A8165.403 Superfund Env Test
A8165.405 Superfund leachate	2997.00	A8165.403 Superfund Env Test
A9165.402 Superfund Engineering	3826.00	A8165.403 Superfund Env Test
A9165.402 Superfund Engineering	81.00	A8165.407 Superfund Post Close
A9010.800 Retirement	215.00	A9050.800 Unemployment Ins
A9010.800 Retirement	4532.00	A9060.800 Health Ins

Highway Fund:

From	Amount	To
DA5130.200 Machinery Equipment	46.00	DA1380.401 Fiscal Agent
DA5130.200 Machinery Equipment	11002.00	DA5110.101 Gen Rep – Pers Svc
DA5130.200 Machinery Equipment	97936.00	DA5110.400 Gen Rep Contr
DA5130.200 Machinery Equipment	5256.00	DA5112.200 Capital Outlay
DA5130.200 Machinery Equipment	25683.00	DA5130.400 Machinery Contractual
DA5130.200 Machinery Equipment	12882.00	Brush & Weeds Pers Svc
DA5130.200 Machinery Equipment	18506.00	DA9010.800 Retirement
DA5130.200 Machinery Equipment	18731.00	DA9050.800 Soc Sec
DA5130.200 Machinery Equipment	3416.00	DA9730.602 Debt Svc Ban

Sewer District #1 Fund:

From	Amount	To
SS1-8110.403 Sewer Admin Consulting	1166.00	SS1-8120.101 Sewer Admin Pers Svc
SS1-8110.403 Sewer Admin Consulting	82.00	SS1-8110.101 Sewer Admin Oers Svc
SS1-8120.102 San Sewer PT	2424.00	SS1-8120.120 San Swr Pers Svc
SS1-8120.200 San Swr Equipment	19221.00	SS1-8120.400 San Swr Contr
SS1-8120.405 San Swr Res	124405.00	SS1-8130.400 Swr Treatment
SS1-8120.409 Sanity Swr meter	12540.00	SS1-8130.400 Swr Treatment
SS1-8120.401 Sntry Swr Legal	259.00	SS1-8120.409 Santy Swr Imp
SS1-9060.800 Health Ins	1069.00	SS1-9010.800 Retirement
SS1-9060.800 Haelth Ins	120.00	SS1-9030.800 Soc Sec
SS1-8120.409 Meter	683.00	SS1-9730.602 Ban Princ
SS1-8120.409 Meter	7400.00	SS1-9730.603 Ban Swr Cap

Sewer District #2 Fund:

From	Amount	To
SS2-8110.403 Swr Admin Cons	1188.00	SS2-8110.100 Swr Admin Oers Svc
SS2-8110.403 Swr Admin Cons	83.00	SS2-8110.101 Swr Admin Pers Svc
SS2-8110.403 Swr Admin Cons	1064.00	SS2-8120.120 San Swr Pers Svc
SS2-8110.403 Swr Admin Cons	3654.00	SS2-8120.200 San Swr Equip
SS2-8120.407 Snty Swr cap	22526.00	SS2-8120.400 Santy Swr Contr
SS2-9060.800 Health Ins	1069.00	SS2-9010.800 Retirement
SS2-9060.800 Health Ins	46.00	SS2-9030.800 Soc Sec
SS2-8120.109 Sntry Swr Pers Svc	683.00	SS2-9730.602 BAN Princ
SS2-8120.109 Sntry Swr Pers Svc	7400.00	SS2-9730.603 BAN Princ

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

Water District Fund:

From	Amount	To
SW8340.109 Trs & Dist Pers Svc	3494.00	SW8310.100 Swr Admin Pers Svc
SW8340.109 Trs & Dist Pers Svc	513.00	SW8310.101 Swr Admin Pers Svc
SW8340.109 Trs & Dist Pers Svc	1585.00	SW1910.400 Unal Ins
SW8340.109 Trs & Dist Pers Svc	21536.00	SW8340.120 Pers Svc OT
SW8340.109 Trs & Dist Pers Svc	921.73	SW8340.401 TRs & Dist Legal
SW8340.109 Trs & Dist Pers Svc	6.00	SW9089.802 Uniforms
SW8340.109 Trs & Dist Pers Svc	546.00	SW9030.800 Soc Sec
SW8340.109 Trs & Dist Pers Svc	13741.00	SW9010.800 Retirement
SW9060.800 Health Ins	3025.00	SW9010.800 Retirement
SW8340.404 TRs & Dist Replacement	99842.00	SW8340.400 Trs & Dist Contr

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 33:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

Steven Tanner- NYSWEA, GBEC Conference, Bridge, Casings and Joints, and Highland Tank trainings March 2019 through November 5, 2020 for a total of 10.5 credit hours. There wasn't any cost for these trainings.

Brooks Hawley- NYS Department of State, "Sills That Make Great Board Members", (was) December 22, 2020. There was no cost for this training webinar.

Brooks Hawley-NYS Department of State, "Planning Overview", (was) January 6, 2021. There was no cost for this training webinar.

Steven Tanner- Genesee County 2050 Comprehensive Plan and Recreation Plan Public Workshop, (was) January 19, 2021. There was no cost for this workshop webinar.

Steven Tanner and Donald Partridge- NYSERDA Energy Storage Workshop, (was) January 20, 2021. There was no cost for this workshop webinar.

Sarah Sauka and Sherry Tacy- NYS Archives, "Quality Control & Verification of Digital

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

Imaging” webinar, January 27, 2021. There is no cost for this training webinar.

Sarah Sauka and Sherry Tacy- NYS Archives, “Electronic Records Disaster Planning and Recovery” webinar, February 23, 2021. There is no cost for this training webinar.

Sherry Tacy- NYS Archives, “Managing Court Records” webinar, March 17, 2021. There is no cost for this training webinar.

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

RESOLUTION NO. 34:

Councilwoman Michalak offered the following:

RABIES CLINIC- HIGHWAY FACILITY

WHEREAS, the Genesee County Health Department would like to hold a rabies clinic at the Town of Batavia Highway Facility on Thursday, February 4, 2021 from 3:00 P.M. to 7:00 P.M.; and

WHEREAS, the Highway Superintendent has no objections to this.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Genesee County Health Department to hold a rabies clinic at the Town of Batavia Highway Facility on Thursday, February 4, 2021 from 3:00 P.M. to 7:00 P.M.; and be it

FURTHER RESOLVED, that Genesee County Health Department must provide the Town of Batavia a Certificate of Liability Insurance naming the Town as additional insured.

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

RESOLUTION NO. 35:

Councilman Zambito offered the following:

**REVIEWED INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST
EMERGENCY PREPAREDNESS PLAN**

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

WHEREAS, the Town of Batavia has an Emergency Preparedness Plan in place;

WHEREAS, the Incident Command System Organizational Chart Contact List of personnel names and phone numbers has been reviewed and updated to the contact list.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby has reviewed the Organizational Chart Contact List and it has been updated, a copy of which is annexed hereto and made a part of the minutes.

Second by: Councilwoman White

Ayes: Zambito, White, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

**TOWN OF BATAVIA
INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST**

<u>TOWN BOARD</u>	<u>HOME#</u>	<u>BUSINESS#</u>	<u>CELL#</u>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Sharon White	356-5306		585-356-5306
Chad Zambito	409-3558	343-1729	585-409-3558
Patti Michalak	343-7874	343-1729	585-813-8403

TOWN ATTORNEY

Andrew Meier	716-638-7026
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OPERATIONS SECTION COORDINATOR:

Fire Department-

Dan Coffey, T/Batavia Fire Chief	345-6370	585-414-5920
Scott Garlock, TOBFD President		585-746-1107
James Bouton, T/Batavia Deputy Fire Chief		585-409-3064
Donald E. Newton., E Pembroke Fire Chief		585-813-4033
Charles Chatley, E Pembroke 1 st Asst Fire Chief		585-356-4668
Andrew D. Martin, E Pembroke 2 nd Asst Fire Chief		716-578-9019

Law Enforcement

Genesee County Sheriff's Department	343-5000
New York State Police	343-2200

Highway Operations

Thomas Lichtenthal, Highway Superintendent	343-1729 ext 218	585-356-7153
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Public Utilities-Water/Wastewater

Steven Mountain, Town Engineer	343-2251	343-1729 ext. 220	585-755-6408
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Emergency Medical Services

United Memorial Center	343-6030
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**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

PLANNING SECTION COORDINATOR:

Highway

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

Town Engineer/Water&Wastewater

Steve Mountain 343-2251 343-1729 ext. 220 585-755-6408

Code Enforcement/Fire Marshall

Daniel Lang 343-1729 ext 222 585-861-0878

Assessor

Rhonda Saulsbury 343-1729 ext 207 585-297-2472

Local Emergency Services

Genesee County Emergency Management 344-0078

Local Planning Board

Kathy Jasinski, Chairman 762-8239 343-1729

Local Health Department

Genesee County Health Department 344-8506

LOGISTICS SECTION COORDINATOR:

Local Emergency Services

Genesee County Emergency Management 344-0078

Highway Operations

Thomas Lichtenthal, Highway Superintendent 343-1729 ext 218 585-356-7153

HOME#

BUSINESS#

CELL#

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

FINANCE/ADMINISTRATION SECTION COORDINATOR:

Fiscal Officer

Gregory H. Post, Supervisor 343-2088 343-1729 716-474-3216

Town Accountant

Nicole Ryan, Freed, Maxick & Battaglia 344-1967

Town Justices

Andrew J. Young, Sr. 343-1729 ext 216

Lisa A. Funke 343-1729 ext 216

Town Clerk

Teressa M. Morasco 343-1729 ext 203 585-356-7867

RESOLUTION NO. 36:

Councilwoman White offered the following:

**APPROVAL OF CHANGE ORDER 2021-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA**

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

LANDFILL SUPERFUND SITE

WHEREAS, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2021, as follows:

Task 1	Inspections & Reporting	\$ 7,335.00
Task 2	Groundwater Sampling & Monitoring	\$13,240.00
Task 3	Emerging Contaminant Sampling & Reporting	<u>\$ 9,085.00</u>
Total Estimated Cost		\$29,660.00

; and

WHEREAS, the cost for the service is estimated at twenty-nine thousand, six hundred, sixty dollars (\$29,660.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

NOW, THEREFORE, BE IT

RESOLVED the Town of Batavia hereby authorizes the Supervisor to execute the Change Order Approval Form, a copy of which is annexed hereto and made part of the Town Board Minutes, for the Engineering Services to be performed by Arcadis, at an estimated cost of at twenty-nine thousand, six hundred, sixty dollars (\$29,660.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 37:

Deputy Supervisor Underhill offered the following:

**RESOLUTION INCREASING
2020 BUDGETARY LINE ITEMS FOR
CONSOLIDATED LOCAL STREET AND
HIGHWAY IMPROVEMENT PROGRAM (CHIPS)
PAVE NY AND EXTREME WINTER RECOVERY (EWR)**

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

WHEREAS, the Highway Superintendent received notification from the New York State Department of Transportation that the Town of Batavia's State fiscal year 2020-2021 funding for Consolidated Local Street and Highway Improvement Program (CHIPS) is \$82,928.65, PAVE NY is \$18,929.29 and Extreme Winter Recovery (EWR) is \$15,084.48; and

WHEREAS, the 2020 Budget reflects appropriations of \$103,655.00 for CHIPS, none for PAVE NY, and none for the EWR.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes increasing the 2020 budgetary line items as follows:

DA5112.201 PAVE NY	- \$18,930.00	DA3502 PAVE NY	- \$18,930.00
DA5112.202 EWR	- \$15,085.00	DA3503 EWR	- \$15,085.00

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 38:

Supervisor Post offered the following:

RESOLUTION INCREASING BUDGETARY LINE ITEMS
FREIGHTLINER PASS THROUGH GRANT

RESOLVED, the Batavia Town Board hereby authorizes the following budget line item increases to account for Freightliner pass through grant:

Revenue Line Item:	Expenditure Line Item:
A4910 \$229,450.00	A6789.400 \$ 229,450.00

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilman Zambito to suspend the rules to introduce additional resolutions.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 39:

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

Councilwoman Michalak offered the following:

**RESOLUTION CALLING A PUBLIC HEARING TO
SUBMIT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS TO
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, the Batavia Town Board wishes to assess the advisability of submitting one or more Community Development Block Grant (“CDBG”) applications for the 2020 program year to the New York State Office of Community Renewal (the “OCR”) for funding to support the development of one or more projects within the Town of Batavia (the “Projects”); and

WHEREAS, the Town is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Projects prior to submitting an application for CDBG funding.

NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

RESOLVED, that due to COVID-19 the Public Hearing may be conducted via ZOOM video conference/call conference or at the Town of Batavia Town Hall on Wednesday, February 17, 2021 at 7:00 PM; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published a notice of such public hearing at least once in The Daily News at least (10) days before the date scheduled for the Public Hearing.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 40:

Councilman Zambito offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
MACBOOK AIR LAPTOP COMPUTERS
BUILDING DEPARTMENT**

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two (2) MacBook Air laptop computers at a cost of \$999.00 each from Apple, for the Building Department (quote attached);

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

and be it further

RESOLVED, the expenditures will be appropriated from the following line items:

A3620.200 \$1,998.00

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

Abstract No. 13-2020 & 1-2021: Motion Councilwoman Michalak, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

Abstract 13-2020

General	\$32,420.55
Highway	3,906.90
Sewer No. 1	3,119.09
Sewer No. 2	40,660.20
Water	646,126.28
2019 Consolidated Water	724.20
Total	\$726,957.22

Check numbers 23455 thru 23501, ACH: \$51,053.93

Abstract 1-2021

General	\$313,458.48
Highway	5,684.74
Sewer No. 1	6,201.37
Sewer No. 2	3,734.04
Water	11,700.97
Total	\$340,779.60

Check numbers 23502 thru 23538, ACH: \$32,103.27

Ayes: Michalak, Zambito, White, Underhill, Post

**JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536**

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Building Inspector reported on the following:

- Completing day to day tasks and inspections
- Final walkthrough for the new Town of Batavia Fire Station was done and issued a conditional Certificate of Occupancy
- Expressed his appreciation and respect for everyone's comments on the Solar Moratorium. Thanked the Town Board for reviewing this. There is never a good time to put a pause to move forward on something. They are always open to questions, concerns, and thoughts to move this process forward. The Town Supervisor commented that this was delayed due to the pandemic and the uncertain times.
- There are two full solar project applications that have gone to the County Planning for review
- There are a few solar projects that have not submitted a full submittal. Those will be put on hold now that the moratorium is in effect.
- Working with Developers on a couple of potential projects
- Overall, been busy, remain steady and is looking forward to taking on 2021

The Supervisor reported on the following departments:

Highway- Working on removal of dead trees, clearing brush and maintaining roadsides

Water-Wastewater- Continue with water operation maintenance and inspections. Expansion of new construction throughout the service areas. Sewer operations continue with the reconstruction of the pump station. Reported that the reconstruction of the Ag Park Station showed an increase in affluent pumped from December of last year but about a 20% decrease in energy used. The engineering and the water, sewer and a highway operation staff members are focused on finding ways to save this Community money.

Supervisor's Report:

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

State of Emergency Declaration- The SOE Declaration that expired January 12, 2021 at 5:59 P.M. has been extended. . The state of emergency continues primarily to be consistent with Genesee County, the State of New York and the United States of America in response to this pandemic, as we are obligated to respond in the speed provided us in a State of Emergency.

GAM Meeting- The GAM meeting is tomorrow at 7:00 P.M. via Zoom.

Solar Committee- Appointing a committee of up to 12, to include Town staff and community members for review and amendments to the Comprehensive Plan and Zoning Regulations in regards to Solar Moratorium.

COMMUNICATIONS:

JANUARY 20, 2021
REGULAR TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 957 1902 6055
Passcode: 032536

The Town Clerk reported on the following:

December Town Clerk monthly report collected a total of \$2,953.50, remitted \$2,445.77 to the Supervisor for the Local Share.

Tax Collections- Tax collection is underway and have been coming in steady.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 8:08 P.M.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk