

**FEBRUARY 17, 2021
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco

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

Public Hearing –“Community Development Block Grant (CDBG)”- The Supervisor called the Public Hearing to Order for CDBG Grant at 7:01 P.M. - Minutes for public hearing entered separately.

January 20, 2021 Public Hearing on Local law 1 of 2021, “Moratorium on Solar Energy Systems” and January 20, 2021 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 41:

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE SUBMITTAL OF GRANT APPLICATION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
PARK ROAD WATER IMPROVEMENTS**

WHEREAS, a public hearing meeting was held on February 17, 2021, for the purpose of identification of community development needs and announcement of the opportunity to apply for Community Development Block Grant funds; and

WHEREAS, an engineering report titled “Park Road Watermain Replacement” prepared by the Town and Clark Patterson Lee, discusses the improvements necessary to provide safe and reliable water to meet the current and future needs of users; and

WHEREAS, affordability for town residents and property owners is a significant concern in advancement of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town of Batavia to

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execute and submit a Community Development Block Grant application, and for funds from the NYS Office for Community Renewal for the Fiscal Year 2020 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Second by: Councilman Zambito

Ayes: White, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 42:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Teressa Morasco- NYMIR Emergency Planning Webinar (was) January 25, 2021. There was no cost for this webinar.

Jamie Waff- NYS Building Standards and Codes Enforcement In-Service Training webinars January 15, 2021 through June 11, 2021. There is no cost for these trainings.

Hiedi Librock – Office of State Comptroller True Cost of Labor Webinar (was) February 4, 2021. There was no cost for this training webinar.

Gabrien Post- Cross Control Contamination Class June 7 – June 10, 2021 at Monroe Community College. The cost for this training is \$690.00.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White,

Abstain: Post

APPROVED (4-AYES, 1- abstain)

RESOLUTION NO. 43:

Supervisor Post offered the following:

**PROPERTY SALES AND ASSESSMENT
INFORMATION ON THE WEBSITE
BETWEEN GAR ASSOCIATES AND THE TOWN OF BATAVIA**

WHEREAS, the Town of Batavia contracted with Pro-Serve since 2005 to utilize their Online Assessment Roll Software (OARs) which logs property sales and assessment information on its website; and

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WHEREAS, said service has become outdated; and

WHEREAS, Genesee County and the Town Assessor have searched for a company to provide these similar services; and

WHEREAS, GAR Associates provided a hands-on-demo to the Town Assessors and the County of their similar but more advanced program; and

WHEREAS, the Town Assessor recommends and requests entering into an agreement with GAR Associates to provide assessment website application services at an annual cost of one thousand, four hundred, one dollars and forty cents (\$1,401.40), with automatic renewals after the initial term.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Assessment Software License Agreement for online property assessment information between GAR Associates and the Town of Batavia at an annual cost of one thousand, four hundred, one dollars and forty cents (\$1,401.40), with automatic renewals after the initial term, a copy of which is annexed hereto and made a part of the minutes; and be it further

RESOLVED, the expenditure will be appropriated from line item A1355.400.

Second by: Councilman Zambito

Ayes: Post, Zambito, White, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 44:

Councilwoman Michalak offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
TOWN HALL**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Heating & Air Conditioning Preventive Maintenance Inspections Contract-Town Hall”, by and between the Town of Batavia and Turnbull Heating & Air Conditioning, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this proposal contract on behalf of the Town of Batavia.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 45:

Councilman Zambito offered the following:

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**GAS FIRED HOT WATER BOILER
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
HIGHWAY FACILITY**

RESOLVED, by the Town Board of the Town of Batavia, New York, that a proposed “Gas Fired Hot Water Boiler Contract-Highway Facility”, by and between the Town of Batavia and J.L. Kingdon Mechanicals, Incorporated, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, and the Town Supervisor is authorized and directed to execute this proposal on behalf of the Town of Batavia,

Second by: Deputy Supervisor Underhill
Ayes: Zambito, Underhill, Michalak, White
Abstain: Post
APPROVED (4-ayes, 1 abstain)

RESOLUTION NO. 46:

Councilwoman White offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
WORKSTATION COMPUTER, LAPTOP COMPUTERS AND DOCKING STATION
ASSESSMENT AND BUILDING/ZONING DEPARTMENTS**

RESOLVED, as part of the five year rotation plan for computer replacement and repurposing, the Batavia Town Board hereby authorizes the purchase of two (2) Dell Latitude 5520 Laptop computers at a cost of \$1,197.93 each and one (1) Dell Thunderbolt Docking Station- WD19TB at a cost of \$210.00, for the Assessment Department and one Dell OptiPlex 7780 AIO Workstation Computer at a cost of \$1,197.93, for the Building Department, New York State Contract #C000000005600, Customer Agreement #NCPA 01-42. A copy of the quote is annexed hereto and made a part of the minutes; and be it further

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

A1355.200	\$2,474.20
A3620.200	\$1,197.93

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

RESOLUTION NO. 47

Deputy Supervisor Underhill offered the following:

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**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program; and

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2021, appropriated from line item A7620.400.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 48:

Supervisor Post offered the following:

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND
MUNICIPAL SOLUTION, INCORPORATED
GREEN INNOVATION GRANT PROGRAM
CONSOLIDATED WATER DISTRICT WATER METER PROJECT**

WHEREAS, the Town of Batavia is planning to submit an application for a Green Innovation Grant Program (GIGP) through the New York State Consolidated Funding Application (CFA) process for the Consolidated Water District Water Meter Project.: and

WHEREAS, Municipal Solutions, Incorporated submitted a proposal to prepare the GIGP application at an hourly rate of one hundred, forty-eight dollars (\$148.00) plus expenses (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, that the proposed Services Agreement by and between the Town of Batavia and Municipal Solutions, Incorporated to prepare and file a GIGP grant application for the Consolidated Water District Water Meter Project, a copy of which is annexed hereto and made a part of the Town Board Minutes, is hereby approved, and the Town Supervisor is hereby authorized and directed to sign this Agreement on behalf

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of the Town of Batavia.

Second by: Councilwoman White

Ayes: Post, White, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 49:

Councilwoman Michalak offered the following:

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND
MUNICIPAL SOLUTION, INCORPORATED
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
PARK ROAD WATER PROJECT**

WHEREAS, the Town of Batavia is planning to submit an application to the New York State Office of Community Renewal (OCR) for a Community Development Block Grant (CDBG) under the Housing and Urban Development to request funding to assist low and moderate income households with the Park Road Water Project; and

WHEREAS, Municipal Solutions, Incorporated submitted a proposal to prepare the CDBG application at a minimum cost of five thousand, nine hundred dollars (\$5,900.00) plus expenses (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, that the proposed Services Agreement by and between the Town of Batavia and Municipal Solutions, Incorporated to prepare and file a CDBG grant application for the Park Road Water Project, a copy of which is annexed hereto and made a part of the Town Board Minutes, is hereby approved, and the Town Supervisor is hereby authorized and directed to sign this Agreement on behalf of the Town of Batavia.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 50:

Councilman Zambito offered the following:

**FULL-TIME LABORER
FOR WATER/WASTEWATER DEPARTMENT**

WHEREAS, in 2020 Gabrien Post was hired as a laborer on an as-needed basis to assist the Water/Wastewater department for various tasks; and

WHEREAS, a full-time laborer is now needed in the Water/Wastewater Department.

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NOW, THEREFORE, BE

RESOLVED, the Batavia Town Board hereby authorizes the change of employment status for Gabrien Post from an as-needed laborer employee to a full-time laborer employee effective March 1, 2021, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SW8340.109, SS18120.109 and SS28120.109.

Second by: Councilman Zambito

Ayes: Zambito, Underhill, Michalak, White

Abstain: Post

APPROVED (4-ayes, 1-abstain)

RESOLUTION NO. 51:

Councilwoman White offered the following:

A BOND RESOLUTION, DATED FEBRUARY 17, 2021, OF THE TOWN BOARD OF THE TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ACQUISITION OF MAINTENANCE VEHICLES AND APPARATUS FOR USE BY THE TOWN, AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$460,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$460,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Batavia, in Genesee County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire maintenance vehicles and apparatus for use by the Town including all preliminary costs and necessary equipment, warranties and other such costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated aggregate maximum cost of the Purpose is \$460,000.

SECTION 2. The Town Board plans to finance the estimated aggregate maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$460,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the Town to pay the principal of such bonds and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described

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in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by

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this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local

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Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This Resolution is effective immediately.

* * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

Second by: Deputy Supervisor

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 52:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO ESTABLISH POSITION
CODE ENFORCEMENT OFFICER 1**

RESOLVED, the Batavia Town Board hereby establishes the position of Code Enforcement Officer 1 (MSD222 duties statement attached).

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 53:

Supervisor Post offered the following:

**AMENDMENT 1 TO RESOLUTION 2 OF 2021
ADOPTION OF SALARIES FOR 2021
GENERAL, OFFICE AND ELECTED**

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2021, entitled “Adoption of Salaries for 2021, General, Office and Elected”, to amend as follows:

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Add:
Clerk of the Works \$25.00 - \$35.00 per hour
Code Enforcement Officer 1 \$25.81 - \$37.41 per hour

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

RESOLUTION NO. 54:

Councilwoman Michalak offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2020

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

General Fund:

From	Amount	To
A1220.400 Supervisor Contractual	1766.00	A1220.120 Supervisor Pers Svc
A1381.400 Financial Advisors	1000.00	A1320.401 Auditor
A1355.200 Assessor Equipment	3075.00	A1355.100 Assessor Pers Svc
A1355.200 Assessor Equipment	965.00	A1355.103 Assessor Pers Svc
A1355.200 Assessor Equipment	2537.00	A1355.104 Assessor Pers Svc
A1355.200 Assessor Equipment	381.00	A1355.105 Assessor Pers Svc
A1410.400 Town Clerk Contractual	1650.00	A1410.402 Town Clerk Agreement
A1411.101 Clerk Typist Pers Svc	1558.00	A1231.100 Deputy Clerk Pers Svc
A1411.101 Clerk Typist Pers Svc	475.00	A1411.100 Clerk Typist Pers Svc
A1420.400 Attorney	278.00	A1420.402 Attorney Legal Ads
A1440.102 Engineering Pers Svc	2849.00	A1440.120 Engineering Pers Svc
A3620.400 Bldg & Safety Contractual	1950.00	A3620.120 Bldg & Safety Pers Svc
A3620.400 Bldg & Safety Contractual	368.00	A3620.402 Bldg & Safety Engineering
A8164.403 Landfill Env Testing	3077.00	A8165.403 Superfund Env Testing
A8165.407 Superfund Transportation	1140.00	A8165.404 Superfund Legal
A8165.407 Superfund Transportation	435.00	A8165.405 Superfund Treatment
A8165.407 Superfund Transportation	60.00	A8165.406 Superfund Maint
A9089.800 In Lieu of	322.00	A9060.800 Health Ins

Highway Fund:

From	Amount	To
DA5140.400 Brush Contractual	102.00	DA5130.400 Machinery Contractual
DA9060.800 Health ins	78.00	DA9030.800 Social Security

Sewer District #1 Fund:

From	Amount	To
SS1-1910.400 Insurance	1344.00	SS1-8110.100 Swr Admin Pers Svc
SS1-8110.120 Swr Admin Pers Svc	195.00	SS1-8110.100 Swr Admin Pers Svc
SS1-8110.120 Swr Admin Pers Svc	50.00	SS1-8110.101 Swr Admin Pers Svc
SS1-8110.120 Swr Admin Pers Svc	40.00	SS1-8120.400 San Swr Contractual
SS1-8110.120 Swr Admin Pers Svc	259.00	SS1-8120.409 San Swrs Impr
SS1-8110.120 Swr Admin Pers Svc	18.00	SS1-9030.800 Soc Sec
SS1-8120.109 San Swr Pers Svc	1156.00	SS1-8120.120 San Swr Pers Svc

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SS1-8110.200 Swr Admin Equipment	172.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.400 Swr Admin Contr	848.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.401 Swr Admin Backflow	3200.00	SS1-8130.400 Swr Treatment & Disp
SS1-8110.403 Swr Admin Cons	5152.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.101 San Swr Pers Svc	1166.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.102 San Swr Pers Svc	513.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.105 San Swr Pers Svc	10.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.109 San Swr Pers Svc	13305.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.200 San Swr Equipment	8743.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.401 San Swr Legal	109.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.404 San Swr Pump	8000.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.406 San Swr Swr Rep	8000.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.407 San Swr Cap Cty	3377.00	SS1-8130.400 Swr Treatment & Disp
SS1-8120.408 San Swr Meter	16000.00	SS1-8130.400 Swr Treatment & Disp
SS1-9060.800 Health Ins	4040.00	SS1-8130.400 Swr Treatment & Disp
SS1-9089.802 Uniforms	25.00	SS1-8130.400 Swr Treatment & Disp

Sewer District #2 Fund:

From	Amount	To
SS2-8110.120 Swr Admin Pers Svc	373.00	SS2-8110.100 Swr Admin Pers Svc
SS2-8110.120 Swr Admin Pers Svc	50.00	SS2-8110.101 Swr Admin Pers Svc
SS2-8120.102 San Swr Pers Svc	1125.00	SS2-8120.120 San Swr Pers Svc
SS2-8120.109 San Swr Pers Svc	5861.00	SS2-8120.400 San Swr Contractual
SS2-8120.403 San Swr Upgrade	7901.00	SS2-8120.400 San Swr Contractual
SS2-9060.800 Health Ins	17.00	SS2-9030.800 Soc Sec

Water District Fund:

From	Amount	To
SW8310.120 Wtr Admin Pers Svc	1118.00	SW8310.100 Water Admin Pers Svc
SW8310.120 Wtr Admin Pers Svc	103.00	SW8310.101 Wtr Admin Pers Svc
SW8310.200 Wtr Admin Equipment	44.00	SW8310.101 Wtr Admin Pers Svc
SW8340.102 Trs/Dist Pers Svc	4928.00	SW8340.120 TRs/Dist Pers Svc
SW9060.800 Health Ins	60.00	SW9030.800 Soc Sec
SW9060.800 Health Ins	2050.00	SW9730.602 Ban Pric – Excavator
SW9060.800 Health Ins	1.00	SW9730.702 Ban Int
SW8310.200 Wtr Admin Equipment	1512.00	SW8320.400 Source of Supply
SW8310.400 Wtr Admin Contr	1175.00	SW8320.400 Source of Supply
SW8310.401 Wtr Admin Backflow	1960.00	SW8320.400 Source of Supply
SW8310.403 Wtr Admin Cons	12800.00	SW8320.400 Source of Supply
SW8340.102 TRs/Dist Pers Svc	366.00	SW8320.400 Source of Supply
SW8340.105 Trs/Dist Pers Svc	30.00	SW8320.400 Source of Supply
SW8340.200 TRs/Dist Equipment	11268.00	SW8320.400 Source of Supply
SW8340.400 Trs/Dist Contractual	39996.00	SW8320.400 Source of Supply
SW8340.404 Trs/Dist Replacement	206067.00	SW8320.400 Source of Supply
SW8340.405 TRs/Dist Meters	12000.00	SW8320.400 Source of Supply
SW8340.406 Trs/Dist Meters	9600.00	SW8320.400 Source of Supply
SW8389.401 Wtr Meters	2400.00	SW8320.400 Source of Supply
SW9060.800 Health Ins	10520.00	SW8320.400 Source of Supply
SW8310.101 Wtr Admin Pers Svc	276.00	SW8320.400 Source of Supply
SW8389.402 Wtr Meters	2341.00	SW8320.400 Source of Supply
SW8389.402 Wtr Meters	59.00	SW9089.802 Uniforms

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

The Town Supervisor noted that Town staff reduced spending in 2020 by one million dollars. He applauds the staff.

RESOLUTION NO. 55:

Councilman Zambito offered the following:

RESOLUTION INCREASING 2020 BUDGETARY LINE ITEMS

RESOLVED, the Batavia Town Board hereby authorizes the following 2020 budget line item increases to account for increase of usage sales:

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
SS12120	\$114,989.00	SS18130.400	\$114,989.00
SW2140	\$229,590.00	SW8320.400	\$229,590.00

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

TABLE RESOLUTIONS NO. 56 THROUGH 61: Motion Deputy Supervisor Underhill, second Councilman Zambito to table resolutions 56 – 61.

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

RESOLUTION NO. 56- TABLED:

Councilwoman White offered the following:

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT
BJ'S PLAZA**

WHEREAS, BJ Plaza Realty, LLC and BJ Plaza Holdings, LLC, as owners of BJs Plaza situated on Lewiston Road in the Town, SBL 8.-2-26.1, (the “Premises”), have offered to transfer to the Town an access easement over a certain portion of the Premises adjoining Veterans Memorial Drive, consisting of a 30’x30’ area, for purposes of a vehicle turnaround,

WHEREAS, the Town wishes to accept the same for use as a public roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby accepts the conveyance of the above-referenced easement

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from BJ Plaza Realty, LLC and BJ Plaza Holdings, LLC, as more particularly described on the Access Easement Agreement attached hereto as “Exhibit A,” and be it further

RESOLVED, that the Town Board hereby directs the Supervisor to sign the attached Access Easement Agreement and all other instruments, agreements, and related documents necessary to affect this transfer as provided herein, and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to record the same with the Genesee County Clerk upon receipt of all full executed transfer documents, and be it further

RESOLVED, that the Town Board hereby directs the Highway Superintendent to add the above-referenced easement area to the Town highway inventory for use as a public highway.

RESOLUTION NO. 57-TABLED:

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING ACCEPTANCE OF ROADWAY
BJ’S PLAZA**

WHEREAS, BJ Plaza Realty, LLC and BJ Plaza Holdings, LLC, as owners of BJs Plaza situated on Lewiston Road in the Town, SBL 8.-2-26.1, (the “Premises”), have offered to transfer to the Town, in fee, a portion of the Premises improved by a roadway and subsurface utility infrastructure running from Lewiston Road along the southerly portion of the Premises, terminating at the Southwest corner of same, collectively known as Veterans Memorial Drive, and

WHEREAS, the Town wishes to accept the same for use as a public roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby accepts the conveyance of the above-referenced real property from BJ Plaza Realty, LLC and BJ Plaza Holdings, LLC, as more particularly described on the deed attached hereto as “Exhibit A,” and be it further

RESOLVED, that the Town Board hereby directs the Supervisor to sign all deed instruments, agreements, and related documents necessary to affect the transfer as provided herein, and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to record the same with the Genesee County Clerk upon receipt of all full executed transfer documents, and be it further

RESOLVED, that the Town Board hereby directs the Highway Superintendent to add the roadway hereby acquired to the Town highway inventory for use as a public highway.

RESOLUTION NO. 58- TABLED:

Supervisor Post offered the following:

RESOLUTION AUTHORIZING ASSIGNMENT OF ELLICOTT TRAIL EASEMENTS TO

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THE COUNTY OF GENESEE

WHEREAS, The Town acquired certain easements to support the development of the Ellicott Trail, including the following:

<u>TAX ID</u>	<u>RECORDING LOCATION</u>	<u>GRANTOR</u>
85.013-1-29	Instrument # DE2018-564	1515 Management Company, Inc.
85.013-1-31	Instrument # DE2018-358	Sikes Realty, LLC

(collectively, the “Easements”), and,

WHEREAS, the Town now wishes to assign to the County of Genesee (the “County”) all its right, title and interest in and to such Easements and all Ellicott Trail improvements thereon,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver to the County all instruments necessary and sufficient to assign the Easements and all Ellicott Trail improvements thereon to the County in the form acceptable to the Attorney for the Town and the Town Engineer.

RESOLUTION NO. 59-TABLED:

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING TRANSFER OF EASEMENT TO
THE CITY OF BATAVIA**

WHEREAS, The Town acquired certain real property, in fee, to support the development of the Ellicott Trail, including the following:

<u>TAX ID</u>	<u>RECORDING LOCATION</u>	<u>GRANTOR</u>
84.014-2-61	Instrument # DE2018-891	Graham Corporation & Judith G. Della Penna

(the “Premises”), and,

WHEREAS, the Town now wishes to transfer to the City of Batavia (the “City”) a permanent easement over and upon a portion of the Premises described as follows, together with all right, title and interest in and to the Ellicott Trail improvements thereon:

BEGINNING AT POINT of intersection of the southerly property line of parcel 84.014-2-61 and the easterly bank of the Tonawanda Creek thence;

1. Northerly a distance of 77’ along the easterly bank of the Tonawanda Creek, thence;
2. Southeasterly a distance of 45’, thence
3. Easerly a distance of 1083’, thence
4. Southeasterly a distance of 18’ to a point of intersection of said line and the western right of way line of Evans Street, thence;

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5. Southerly a distance of 35' along the western right of way line of Evans Street to the intersection of the southern property line of said parcel and western right of way line of Evans Street, thence;
 6. Northwesterly a distance of 32' along the southerly property line of said parcel, thence;
 7. Westerly a distance of 1121' along the southerly property line of said parcel to the point of beginning with a total approximate area of 33,257 square feet.
- (the "Easement Area"),

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver to the City all instruments necessary and sufficient to transfer an Easement over and upon the Easement Area to the City as set forth herein, together with all right, title and interest in and to all Ellicott Trail improvements thereon, in the form acceptable to the Attorney for the Town and the Town Engineer.

RESOLUTION NO. 60-TABLED:

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING TRANSFER OF REAL PROPERTY TO
THE COUNTY OF GENESEE**

WHEREAS, The Town acquired certain real property, in fee, to support the development of the Ellicott Trail, including the following:

<u>TAX ID</u>	<u>RECORDING LOCATION</u>	<u>GRANTOR</u>
85.013-1-45.2	Instrument # DE2018-934	Time Warner Cable Northeast, LLC

(the "Premises"), and,

WHEREAS, the Town now wishes to transfer all its right, title and interest in and to the Premises and all Ellicott Trail Improvements thereon to the County of Genesee (the "County"),

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver to the County all instruments necessary and sufficient to transfer the fee interest in the Premises and all Ellicott Trail improvements thereon to the County in the form acceptable to the Attorney for the Town and the Town Engineer.

RESOLUTION NO. 61 TABLED:

Councilwoman White offered the following:

**RESOLUTION AUTHORIZING ASSIGNMENT OF ELLICOTT TRAIL EASEMENTS TO
THE CITY OF BATAVIA**

WHEREAS, The Town acquired certain easements to support the development of the Ellicott

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Trail, including the following:

<u>TAX ID</u>	<u>RECORDING LOCATION</u>	<u>GRANTOR</u>
84.015-1-37.311	Instrument # DE2017-1926	Ellicott Station, LLC
84.015-1-37.312	Instrument # DE2017-1926	Ellicott Station, LLC
84.020-1-4	Instrument # DE2018-563	Elmwood Cemetery Association
85.013-1-23.1	Instrument # DE2018-669	665 East Main Street, LLC
85.013-1-74	Instrument # DE2018-359	Batavia Gardens Associates, LP

(collectively, the “Easements”), and,

WHEREAS, the Town now wishes to assign to the City of Batavia (the “City”) all its right, title and interest in and to such Easements and all Ellicott Trail improvements thereon,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver to the City all instruments necessary and sufficient to assign the Easements and all Ellicott Trail improvements thereon to the City in the form acceptable to the Attorney for the Town and the Town Engineer.

Abstract No. 14-2020 and 2-2021: Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

14-2020

General	\$4,457.73
Sewer No. 1	188,002.34
Sewer No. 2	57,222.92
Water	2,304.48
Townline Joint Water	7,874.19
Kings PS Improve	2,379.86
Total	\$262,241.22

Check numbers 23539 thru 23545, SM: 1136 & 1137

2-2021

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General	\$48,785.70
Highway	33,191.34
Sewer No. 1	7,400.70
Sewer No. 2	3,562.45
Water	159,374.64
Batavia Fire District	1,086,523.32
Ellicott Trail	294.00
Townline Joint Water	263,551.55
Total	\$1,602,683.70

Check numbers 23546 - 23553, 23555 – 23614; SM: 1138 -1140; ACH: \$45,481.06

Ayes: Underhill, White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Engineering- Working with grant applications, firming up water consolidation logistics, working on design of road replacement, continually doing plan review, and assisting both the building department and the planning department.

Highway- Balancing between plowing and clearing snow and grading and maintaining the roads.

Water/Wastewater- Doing main waterline testing, flushing and inspections, meter reading, pump station maintenance and repairs, and clearing fire hydrants. This department has been short staffed.

Building Inspector -Anticipating a very heavy year of plan review, inspections, and site visits. Working well through COVID with scheduling inspections and site visits. Any questions, you can contact Dan Lang.

Town Historian- The Supervisor read off highlights from the attached 2020 report that the historian submitted. The report will also be posted on the Historian page of the Town website.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$17,164.50, remitted \$17,034.16 to the Supervisor for the Local Share.

January Tax Collector report collected a total of \$5,798,369.77, remitted \$3,058,299.69 to the Supervisor for the Town portion of the levy and the remainder to the Genesee County Treasurer.

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 February 11, 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.

A committee has been formed to establish an after pandemic operating procedure for utilization

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of the Town Hall, Highway Facility, and the Parks to end the constant State of Emergency but

to still maintain pandemic protocols.

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

Solar Committee Appointments- Appointed Chad Zambito as Chair, Dan Lang, Britt Witkop, Donald Partridge, Nancy Brach, and Paul McCullough and the Town will have assistance from a consultant. Meetings will be primarily via Zoom. Mr. Zambito will be reaching out to the members to schedule the meetings.

ADJOURNMENT:

Motion Councilwoman Michalak, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:42 P.M.

Ayes: Michalak, Underhill, Zambito, White, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk