

**FEBRUARY 16, 2022
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
Councilman Zambito

Absent: Deputy Supervisor Underhill

Others

Present: Town Clerk Morasco
Alecia Kaus, Video New Services

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

January 19, 2022 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman White to approve the minutes as written.

Ayes: Underhill, White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 53:

Councilwoman White offered the following:

**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 2022, appropriated from line item A7620.400.

Second by: Deputy Supervisor Underhill

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

RESOLUTION NO. 54 :

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Sharon White- Association of Towns “Legislation at Lunch- The Executive Budget” (was) February 1, 2022. There was no cost for this webinar.

Greg Post, Gabe Post, Jamie Waff, and Greg Lang- WNY Water Works Conference Training (was) February 16, 2022. There cost for this training was \$30.00 each.

Jamie Waff and Gabe Post- Water Certification Operator Grade D April 26 through April 28, 2022 at Jamestown Community College in Olean, New York. The cost for the training and meals is approximately \$845.00 each. A Town vehicle will be used.

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

RESOLUTION NO. 55:

Supervisor Post offered the following:

CONSULTING SERVICES AGREEMENTS –
BETWEEN THE TOWN OF BATAVIA AND FREED MAXICK PCAs, P.C.

WHEREAS, Town of Batavia requested a proposals from Freed Maxick CPAs to assist and prepare the following:

1. New York State Annual Update Document for December 31, 2021
2. New York State Annual Update Document for Townline Water Project for December 31, 2021
3. New York State Office of the State Comptroller’s annual checklist review of the Justice Court records for year ended December 31, 2021

NOW, THEREFORE, BEIT

RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Consulting Services Agreements, between Freed Maxick and the Town of Batavia for the following:

1. New York State Annual Update Document for December 31, 2021

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2. New York State Annual Update Document for Townline Water Project for December 31, 2021
3. New York State Office of the State Comptroller's annual checklist review of the Justice Court records for year ended December 31, 2021,

copies of which are annexed hereto and made part of the Town Board Minutes, are hereby approved and the Town Supervisor is authorized and directed to sign these Agreements on behalf of the Town of Batavia.

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

RESOLUTION NO. 56:

Councilwoman Michalak offered the following:

APPROVAL OF CHANGE ORDER 2022-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA
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 2022, as follows:

Task 1	Inspections & Reporting	\$ 9,825.00
Task 2	Groundwater Sampling & Monitoring	\$14,310.00
Task 3	Emerging Contaminant Sampling & Reporting	<u>\$10,995.00</u>
Total Estimated Cost		<u>\$35,130.00</u>

; and

WHEREAS, the cost for the service is estimated at thirty-five thousand, one hundred, thirty dollars (\$35,130.00), 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 thirty-five thousand, one hundred, thirty dollars (\$35,130.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

Second by: Deputy Supervisor Underhill
Ayes: Michalak, Underhill, Zambito, White, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 57:

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

TABLE RESOLUTIONS NO. 58, “Authorizing Participation in Year 2022 Joint Youth Program:

Motion Councilman Zambito, second Councilwoman White to table resolution 58, “Authorizing Participation in Year 2022 Joint Youth Program”.

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

RESOLUTION NO. TABLED:

**AUTHORIZING PARTICIPATION IN
YEAR 2022 JOINT YOUTH PROGRAM**

WHEREAS, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Town and Village of Bergen and the Town of Byron (Program R002); and

WHEREAS, the Town of Batavia’s contribution to this joint youth project is \$_____.

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town’s participation in the aforementioned Joint Youth Project in the year 2022; and be it further

RESOLVED, that the year 2022 Joint Youth Project as herein described is approved, as are Town’s contributions as specified for this program in the year 2022:

Programs

Town of Batavia Share

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RESOLUTION NO. 59:

Councilwoman White offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2021

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

General Fund:

From	Amount	To
A1110.120 Justice OT	1038.00	A1110.104 Justice Pers Svc
A1110.120 Justice OT	327.00	A1110.401 Justice Contractual
A1220.400 Spv Contr	1246.00	A1220.120 Spv OT
A1320.400 Auditor	1125.00	A1320.401 Audit Projects
A1355.103 Assessor Pers Svc	80.00	A1355.120 Assessor OT
A1355.103 Assessor Pers Svc	281.00	A1355.104 Assessor Pers Svc
A1411.101 Clerk Typist Pers Svc	1230.00	A1410.200 Town Clerk Equip
A1420.400 Attorney	770.00	A1440.102 Eng Pers Svc
A1440.120 Eng Pers Svc	63.00	A1440.400 Eng Contr
A1620.101 Bldg Pers Svc	117.00	A1620.402 Bldg Exp
A1620.101 Bldg Pers Svc	4104.00	A1620.404 Bldg HVAC
A1620.403 Bldg Janitorial	2036.00	A1620.404 Bldg HVAC
A1680.402 Central Data Web	9998.00	A1680.200 Central Data Equip
A3620.106 Bldg & Saf Pers Svc	8903.00	A3620.103 Bldg & Saf Pers Svc
A3620.106 Bldg & Saf Pers Svc	2955.00	A3620.120 Bldg & Saf OT
A5182.401 St Lt Vet Mem	356.00	A5182.400 St Lt
A5010.200 Hwy Spt Equipment	979.00	A5182.400 St Lt
A7110.102 Parks Pers Svc	373.00	A7110.400 Parks Contr
A7510.200 Historian Equip	1.00	A7510.100 Historian Pers Svc
A8020.401 Pl Board Legal	60.00	A8020.400 Pl Bd Supplies
A8165.407 Superfund Lech Trs	4979.00	A8165.402 Superfund Eng
A8165.407 Superfund Lech Trs	2423.00	A8165.403 Superfund Env Test
A8165.405 Superfund Treatment	5825.00	A8165.403 Superfund Env Test
A8165.406 Superfund Post Maint	1843.00	A8165.403 Superfund Env Test
A8165.401 Superfund Filters	300.00	A8165.403 Superfund Env Test
A8165.400 Superfund fuel	800.00	A8165.403 Superfund Env Test
A8165.102 Superfund PT Pers Svc	842.00	A8165.403 Superfund Env Test
A8164.406 San LF Post Main	3850.00	A8165.403 Superfund Env Test
A8164.403 San LF Env Test	2820.00	A8165.404 Superfund Legal
A8540.401 Comm Env Drain	5000.00	A8684.400 Planning Wtr Cons
A8662.400 Trs Dist Pl	4924.00	A8684.400 Planning Wtr Cons
A9060.800 Health Ins	6964.00	A9089.800 In Lieu of

Highway Fund:

From	Amount	To
DA1380.401 Fis Agent	414.00	DA1380.400 Fis Agent
DA5148.400 Svc other contr	801.00	DA1380.400 Fis Agent
DA5110.103 Gen Rep Ot	2680.00	DA5110.100 Gen Rep Pers Svc
DA5110.103 Gen Rep Ot	3711.00	DA5110.400 Gen Rep Contr
DA5110.101 Gen Rep Pers vc	2228.00	DA5110.400 Gen Rep Contr
DA5142.103 Snow OT	9226.00	DA5110.400 Gen Rep Contr

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DA5130.200 Mach Equip	27445.00	DA5130.400 mach Contr
DA5142.400 Snow Rem Contr	3400.00	DA5140.100 Brush Pers Svc
DA5142.400 Snow Rem Contr	4829.00	DA5140.400 Brush Contr
DA5142.101 Snow Pers Svc	6482.00	DA5142.100 Snow Pers Svc
DA5142.100 Snow Contr	20431.00	DA9010.800 NYSR

Sewer District #1 Fund:

From	Amount	To
SS1-8120.106. San Swr Pers Svc	26.00	SS1-1380.401 Fiscal Agent
SS1-8120.106. San Swr Pers Svc	174.00	SS1-1380.402 Fiscal Agent
SS1-8120.106. San Swr Pers Svc	3096.00	SS1-1380.403 Fiscal Agent
SS1-8120.106. San Swr Pers Svc	2221.00	SS1-8110.100 Pers Svc AM
SS1-8120.106. San Swr Pers Svc	346.00	SS1-8110.400 Swr Admin Contr
SS1-8120.106. San Swr Pers Svc	1387.00	SS1-8110.403 Swr Admin Cons
SS1-8120.106. San Swr Pers Svc	1066.00	SS1-8120.102 San Swr Pers Svc
SS1-8120.106. San Swr Pers Svc	1455.00	SS1-8120.121 Pers Svc on call
SS1-8120.106. San Swr Pers Svc	5123.00	SS1-8120.400 San Swr Contr
SS1-8120.200 San Swr Equip	128065.00	SS1-8130.400 Swr Treatment
SS1-8120.405 Rep Res	200029.00	SS1-8130.400 Swr Treatment
SS1-8120.404 Snt Swr Rep	8000.00	SS1-8130.400 Swr Treatment
SS1-8120.407 Snt Swr Cap	25000.00	SS1-8130.400 Swr Treatment
SS1-8120.406 San Swr Rep	7152.00	SS1-8130.400 Swr Treatment
SS1-8120.401 Snt Swr Legal	635.00	SS1-8130.400 Swr Treatment
SS1-9010.800 NYSR	3212.00	SS1-9060.800 Health Ins
SS1-9010.800 NYSR	1237.00	SS1-9089.800 In lieu
SS1-9030.800 SS	880.00	SS1-9089.800 In lieu
SS1-8120.120 Pers Svc	561.00	SS1-8120.121 Pers Svc

Sewer District #2 Fund:

From	Amount	To
SS2-1380.401 Fiscal Agent	9.00	SS2-1380.403 Fiscal Agent
SS2-1380.401 Fiscal Agent	58.00	SS2-1380.404 Fiscal Agent
SS2-1380.401 Fiscal Agent	1032.00	SS2-1380.405 Fiscal Agent
SS2-8110.403 Swr Admin Cons	1050.00	SS2-8110.100 Swr Admin Pers Svc AM
SS2-8120.106 San Swr Pers Svc	595.00	SS2-8120.102 San Swr Pers Svc
SS2-8110.200 San Swr Equip	5888.00	SS2-8120.400 San Swr Contr
SS2-8120.403 San Swr Upgr	8000.00	SS2-8120.400 San Swr Contr
SS2-8120.407 Sn Swr Cap	16539.00	SS2-8120.400 San Swr Contr
SS2-8120.406 San Swr Rep	11260.00	SS2-8130.400 Swr Treatment
SS2-9010.800 Nysr	726.00	SS2-9089.800 In lieu

Water District Fund:

From	Amount	To
SW8310.101 Wtr Admin Pers Svc	143.00	SW8310.100 Wtr Admin Pers Svc AM
SW8310.120 Wtr Admin Pers Svc	706.00	SW8310.100 Wtr Admin Pers Svc AM
SW8340.105 Trs Dist Pers Svc	135.00	SW8310.100 Wtr Admin Pers Svc AM
SW8340.106 Wtr Dist Per Svc	3925.00	SW8310.100 Wtr Admin Pers Svc AM
SW8340.106 Wtr Dist Per Svc	691.00	SW8310.400 Wtr Admin Contr
SW8340.106 Wtr Dist Per Svc	2775.00	SW8310.403 Wtr Admin cons
SW8340.106 Wtr Dist Per Svc	2393.00	SW8340.102 Trs Dist Pers Svc

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SW8340.106 Wtr Dist Per Svc	12359.00	SW8340.120 Trs Dist Pers Svc
SW8340.106 Wtr Dist Per Svc	2450.00	SW8340.400 Trs Dist Contr
SW8340.106 Wtr Dist Per Svc	4262.00	SW9089.800 In Lieu
SW8340.106 Wtr Dist Per Svc	432.00	SW9030.800 SS
SW8340.200 Trs Dist Equip	1345.00	SW9030.800 SS
SW8340.200 Trs Dist Equip	78786.00	SW8320.400 Source of Supply
SW8340.401 Trs Dist Legal	208.00	SW8320.400 Source of Supply
SW8340.404 Trs Dist Res	52.00	SW1380.400 Fiscal Agent
SW8340.404 Trs Dist Res	347.00	SW1380.401 Fiscal Agent
SW8340.404 Trs Dist Res	480.00	SW1380.402 Fiscal Agent
SW8340.404 Trs Dist Res	6192.00	SW1380.403 Fiscal Agent
SW8340.404 Trs Dist Res	217317.00	SW8320.400 Source of Supply
SW8340.405 TRs Dist Lg Mtr	10265.00	SW8320.400 Source of Supply
SW8340.406 TRs Dist Res Mtr	9600.00	SW8320.400 Source of Supply
SW8389.401 Wtr Mtr new Cust	2400.00	SW8320.400 Source of Supply
SW8389.402 Wtr Mtr Radio Read	2400.00	SW8320.400 Source of Supply
SW9010.800 Nysr	9834.00	SW8320.400 Source of Supply
SW9060.800 Health Ins	8561.00	SW8320.400 Source of Supply
SW9089.802 Uniforms	41.00	SW8320.400 Source of Supply
SW9060.800 Health Ins	451.00	SW8340.120 Pers Svc
SW8340.109 Pers Svc	785.00	SW8340.120 Pers Svc
SW8340.121 Pers Svc	210.00	SW8340.120 Pers Svc

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

RESOLUTION NO. 60:

Supervisor Post offered the following:

RESOLUTION INCREASING 2021 BUDGETARY LINE ITEMS

RESOLVED, the Batavia Town Board hereby authorizes the following 2021 budget line item increases to account for increase of usage sales:

Revenue Line Item:	Amount:	Expenditure Line Item:	Amount:
SW2140	\$259,984.00	SW8320.400	\$259,984.00

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

RESOLUTION NO. 61:

Councilwoman Michalak offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 1 of 2022

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AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the “Zoning Map of the Town of Batavia, New York.”, which was established in Section 235-7 of the Code of the Town of Batavia, adopted on August 15, 2001 by Local Law No. 4 of 2001, as amended through November 17, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law No. 1 of 2022 entitled "A Local Law to Amend the Zoning Map of the Town of Batavia, New York”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until March 16, 2022, and that a public hearing be held on the 16th day of March, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

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

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least ten (10) days prior to the date of said public hearing, pursuant to New York State Law Section 264 (1), which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office; and

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

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

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW**

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PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 16th day of February, 2021, proposed Local Law No. 1 of 2022 entitled "A Local Law to Amend the Zoning Map of the Town of Batavia, New York". Said Local Law proposes to amend the "Zoning Map of the Town of Batavia, New York", as established in Section 235-7 of the Code of the Town of Batavia:

Amend the Zoning Map to change the classification of the following parcels of land, located on North Ag Park Drive, from split Commercial (C) and Industrial Park (IP) zoning to full Industrial Park (IP) zoning:

The entirety of: Tax Map No. 13.-1-170.11 and 13.-1-174

PLEASE TAKE FURTHER NOTICE that on 16th day of March, 2022, at 7:00 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall, located at 3833 West Main Street Road, in the Town of Batavia, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Zoning Map Amendment. A complete copy of the Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for public inspection during regular office hours, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Dated: February 16, 2022
Teressa M. Morasco
Town of Batavia Town Clerk

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 2022.

A local law known as to Amend the Zoning Map of the Town of Batavia, New York
(Insert Title)

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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 I. AMEND THE ZONING MAP

The map entitled “Zoning Map of the Town of Batavia, New York”, which was established in Section 235-7 of the Code of the Town of Batavia, adopted on August 15, 2001, by Local Law No. 4 of the year 2001, as amended through November 17, 2021, is hereby amended as per the Zoning Map annexed hereto and made a part hereof as **EXHIBIT A**. The revision to the Zoning Map is to change the classification of the following parcels of land, located on North Ag Park Drive, from split Commercial District (C) and Industrial Park District (IP) zoning to full Industrial Park District (IP) zoning:

The entirety of: Tax Map No. 13.-1-170.11 and 13.-1-174

SECTION II: EFFECTIVE DATE AND SEVERABILITY

This local law shall take effect 10 days after publication and upon the filing with the Secretary of State in accordance with the Municipal Home Rule Law and Town Law. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022, of the (~~County~~) (~~City~~) (Town) (~~Village~~) of Batavia, New York was duly passed by the Town Board on March 16, 2022, 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

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_____ 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

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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 M. Morasco
Town Clerk, Town of Batavia

Date: _____, 2022

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.

Kevin Earl
Counsel to the Supervisor
~~County~~
City of Batavia
Town
~~Village~~

Date: _____, 2022

RESOLUTION NO. 62:

Councilman Zambito offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION

WHEREAS, the Town Board has introduced Local Law No. 1 of 2022, which proposes to make changes to the Zoning Map of the Town of Batavia to change the classification of the following parcels

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of land, located on North Ag Park Drive, from split Commercial (C) and Industrial Park (IP) to full Industrial Park (IP):

The entirety of: Tax Map No. 13.-1-170.11 and 13.-1-174

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

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

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

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

RESOLUTION NO. 63:

Councilwoman White offered the following:

**AMENDMENT 1 TO RESOLUTION 1 OF 2022
GENERAL ORGANIZATIONAL RESOLUTION**

RESOLVED, the Batavia Town Board hereby amends resolution 1 of 2022, entitled “General Organizational Resolution” by adding the following appointment for the one-year term effective January 1, 2022 and ending December 31, 2022:

OFFICE/DESIGNATION	APPOINTEE
Labor Standards Officer	Steven Mountain

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

RESOLUTION NO. 64:

Deputy Supervisor Underhill offered the following:

**RESOLUTION ACKNOWLEDGING FAIR HOUSING POLICY AND
DESIGNATED FAIR HOUSING, SECTION 3 AND LABOR STANDARDS OFFICERS FOR
THE TOWN OF BATAVIA**

WHEREAS, the Town of Batavia is a recipient of Community Development Block Grant

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(CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor's Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town be responsible for taking specific actions to affirmatively further fair housing (AFFH) practices in the Town; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to oversee compliance; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that it is the policy of the Town to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap or disability, or familial status or national origin, and that discrimination in the sale, rental, leasing, financing of housing to be used for construction of housing, or in the provision of brokerage services, because of race, color, religion, ancestry, sex, national origin, handicap or disability, is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Housing Law); and be it further

RESOLVED, that the Town will undertake the following AFFH actions within one (1) year of the award of CDBG funds:

1. Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, U.S. Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professional and lenders;
2. Elected officials, municipality staff in charge of planning, zoning, building, housing, community and economic development, and their third-party consultants attend and online fair housing training seminar; and be it further.

RESOLVED, that this resolution acknowledges that Patti Michalak of the Town of Batavia, was appointed on January 5, 2022 as the Fair Housing Officer for the Town for the 2022 Fiscal Year; and be it further

RESOLVED, that this resolution acknowledges that Steve Mountain was appointed on January 5, 2022 as the Section 3 Officer for the Town of Batavia for the 2022 Fiscal Year; and be it further

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RESOLVED, that this resolution acknowledges that Steve Mountain was appointed on February 16, 2022 as the Labor Standards Officer for the Town of Batavia for the 2022 Fiscal Year; and be it further

RESOLVED, that the positions of Fair Housing Officer, Section 3 Officer and Labor Standards Officer shall be renewed annually; and be it further

RESOLVED, that this resolution acknowledges that the Town has a Fair Housing Policy adopted by Local Law and is reviewed annually; and be it further

RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 65:

Supervisor Post offered the following:

AUTHORIZATION TO ENTER INTO AGREEMENT WITH HOUSING TRUST FUND CORPORATION (HTFC) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT #83PR103-21 KING'S PLAZA SEWER PUMP STATION

WHEREAS, the Town of Batavia ("Town") has received a Federal grant in the amount of seven hundred, forty-seven thousand, five hundred dollars (\$747,500.00) (the "Grant") from the New York State Housing Trust Fund Corporation ("HTFC") represented by the Office of Community Renewal through the Community Development Block Grant ("CDBG") Program (Project Grant #83PR103-21) for the purpose of providing financing to assist with the King's Plaza Sewer Pump Station Project; and

WHEREAS, the New York State Housing Trust Corporation proposed this New York State Community Development Block Grant Agreement and Schedules.

NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to execute the agreement between HTFC and the Town, a copy of which is annexed hereto and made a part of the

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minutes, evidencing the Grant and all forms and documents related thereto, and be it further

RESOLVED, that the Town Supervisor is hereby designated as the Town's Certifying Officer for all environmental review decisions made pursuant to the National Environmental Policy Act of 1969, as amended for all existing and future CDBG grants received by the Town.

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

RESOLUTION NO. 66:

Councilwoman Michalak offered the following:

**GENERATOR MAINTENANCE AGREEMENT FOR
TOWN WATER/SEWER DEPARTMENT**

WHEREAS, the 2022 Town Budget reflects appropriations to hire a contractor to provide yearly maintenance on the water/wastewater lift station generators; and

WHEREAS, the Town solicited proposals for providing routine maintenance on the generators. Proposals were opened on Thursday January 20, 2022 and 4 proposals were received. The low proposal for providing generator maintenance was Kinsley Power Systems.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Town Supervisor to enter into an agreement with Kinsley Power Systems to provide generator maintenance on the water/wastewater lift station generators for a yearly renewable contract, a copy of which is annexed hereto and made a part of the minutes; and be it further

RESOLVED, the expenditures will be appropriated from the Water/Wastewater line items SS1-8120.200, SS2-8120.200, and SW-8340.200.

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

RESOLUTION NO. 67:

Councilman Zambito offered the following:

PURCHASE OF DELL COMPUTER

WHEREAS, the new spare laptop, inventory tag number 489 was activated for the Town Supervisor on February 1, 2022; and

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WHEREAS, the Town wishes to purchase a new laptop from Dell to have a spare available if a computer fails.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby approves the purchase of one (1) Dell Latitude 5520 laptop computer at a cost of \$1,361.41, NYS Contract #C000000005600, Customer Agreement #NCPA 01-42 to continue to have a new spare laptop available; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1220.200.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, White, Post

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES: Motion by Deputy Supervisor Underhill, second by Councilman Zambito to suspend the rules to introduce an additional resolution.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 68:

Councilwoman White offered the following:

**RESOLUTION DESIGNATING THE CERTIFYING OFFICER
FOR ENVIRONMENTAL REVIEW ACTIVITIES
RELATED TO THE PROPOSED KING'S PLAZA SEWER PUMP STATION PROJECT**

WHEREAS, the Town of Batavia has been awarded a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development as administered by the State of New York; and,

WHEREAS, CDBG Public Infrastructure Grant Funds require compliance with the National Environmental Policy Act of 1969; and,

WHEREAS, Regulations associated with the National Environmental Policy Act require the designation of a Certifying Officer responsible for all activities associated with the prescribed environmental review process associated with NYS CDBG; and,

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Batavia that

1. The Engineer of the Town of Batavia be hereby designated as the King's Plaza Sewer Pump Station Environmental Certifying Officer relating to environmental review activities for the proposed King's Plaza Sewer Pump Station Project for the purpose of signing correspondence and other required documents and forms.

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2. This Resolution shall take effect immediately

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 14-2021 and 2-2022: Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

14-2021

General	\$2,606.43
Highway	322.00
Sewer No. 1	229,369.06
Sewer No. 2	49,082.27
Total	\$281,379.76

Check numbers 24358 thru 24361

2-2022

General	\$49,301.39
Highway	44,603.15
Sewer No. 1	10,033.95
Sewer No. 2	8,555.33
Water	163,050.88
Batavia Fire District	1,185,265.00
Townline Joint Water	264,245.09
Sewer Capacity Purchase	135,410.55
Total	\$1,860,465.34

Check numbers 24371-24390, 24392-25522 SM: 1147-1149, ACH: \$39,072.33

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following:

Departments are engaged in preparing for weather events and attending trainings.

Historian- the Historian submitted her annual report to the Supervisor for the past year and is available for review.

Supervisor's Report:

USDA –Received correspondence and authorized the United States Department of Agriculture to place traps on all town property to trap European fruit flies. They have done it in the past and they are trying to find evidence to mitigate the issue.

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

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GAM- There will be a GAM meeting tomorrow evening at 7:00 P.M. via Zoom.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$2,356.50, remitted \$2,240.50 to the Supervisor for the Local Share.

January Tax Collection- Collected \$6.3 million, remitted the \$3,174.143.76 to the Supervisor and the remainder to the Genesee County Treasurer.

NY Ag & Market – Received the Municipal Shelter Inspection Report and the Dog Control Officer Inspection Report from NYS Ag & Market.

COVID Test Kits- The Town of Batavia has a supply of COVID test kits that are available for Genesee County residents and can be picked up during regular business hours.

COMMITTEES:

Solar Committee – Councilman Zambito reported that there will be a meeting Tuesday, February 22, 2022, at 6:00 p.m. at the Town Hall to finalize the Solar Law to submit to the Town Board.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:16 P.M.

Ayes: Underhill, Zambito, White, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk