

**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Clinton Worthington, Building Inspector led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Councilman Zambito  
Councilman Underhill  
Councilwoman Michalak  
Councilman Gerace

**Others**

**Present:** Town Clerk Morasco  
Building Inspector Worthington  
Deputy Building Inspector Gerould

The Supervisor called the meeting to order at 7:03 P.M.

**MINUTES:**

**February 15, 2006 Public Hearing-Amend Comprehensive Master Plan:** Motion Councilman Gerace, second Councilman Zambito to approve the minutes as written.

**MOTION CARRIED by unanimous vote (5-0)**

**February 15, 2006 Public Hearing-Amend Code of the Town of Batavia:** Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

**MOTION CARRIED by unanimous vote (5-0)**

**February 15, 2006 Regular Town Board Meeting:** Motion Councilman Underhill, second Councilman Gerace to approve the minutes as written.

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 45:**

Councilman Zambito offered the following:

**RESOLUTION TO AUTHORIZE EASEMENT AGREEMENTS**

**AND TO SETTLE A PENDING EMINENT DOMAIN PROCEDURE ACTION**

**WHEREAS**, the Town of Batavia is contemplating several improvements to Sewer District #1 and Sewer District #2, located within the Town of Batavia, and

**WHEREAS**, these improvements are necessary to provide upgraded sewer service for the health and welfare of the residents of the Town of Batavia, and

**WHEREAS**, the Town of Batavia has initiated an Eminent Domain Procedure Law against one of the owners of a parcel, upon which the Town needs a Sanitary Sewer and Storm Drainage Easement,

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and a settlement of the same has been negotiated, and

**WHEREAS**, the Town Supervisor has negotiated compensation to owners of three other parcels for proposed Easements.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the Town of Batavia will settle and discontinue a currently pending Eminent Domain Procedure action commenced in the Supreme Court for Genesee County and the Supervisor is authorized to pay the Respondent in said action, Jerry J. Arena, the sum of Fifteen Thousand Dollars (\$15,000.00), as compensation for granting the requested Easement across his property, and the Town Supervisor is authorized to execute the proposed "Agreement to Grant Easement and Settle Eminent Domain Litigation" on behalf of the Town of Batavia, and

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to enter into an "Agreement Regarding Easement" by and between the Town of Batavia and Country Meadows MHC Associates, LLC, in which the Town will accept certain maintenance responsibilities for portions of a drainage ditch located upon said parcel within the area of an existing Easement previously granted to the Town, and will temporarily waive its rights to enforce an encroachment upon the said existing Easement, and

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to enter into an "Agreement Regarding Easement" by and between the Town of Batavia and Jeffrey J. Thompson and Kathryn P. Thompson, in which the Town will pay Thompson the sum of One Thousand Dollars (\$1,000.00), as well as authorize its contractor to perform certain limited work upon an existing drainage swale, and

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to pay the sum of One and No More Dollars (\$1.00) to the Estate of Violet R. Stringham for a very limited Sanitary Sewer and Storm Drainage Easement of approximately one (1) foot in width, and

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to execute all Agreements and Easement documents necessary to effectuate the terms and conditions referred to herein, and the Town Clerk is hereby directed and authorized to file the four Sanitary Sewer and Storm Drainage Easements in the Office of the Genesee County Clerk when all necessary documents have been fully executed, and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized and directed to pay all required recording costs and fees to the Genesee County Clerk's Office to file the Easement documents.

**Second by:** Councilman Underhill

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 46:**

Councilman Underhill offered the following:

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**TOWN OF BATAVIA**  
**PUTNAM AND SHEPARD ROADS WATER DISTRICT**

**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on January 18, 2006, to conduct an environmental review of the extension of public water facilities to serve the Putnam and Shepard Roads Water District. The project will improve the quality and quantity of water available to area residents.
2. The Town Board has determined that, as a portion of the project is within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR.
3. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On January 31, 2006, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
5. In a letter dated February 9, 2006, the State Historic Preservation Officer (SHPO) determined that the project would have No Effect on cultural resources (see correspondence attached to the Negative Declaration).
6. Comments received from Involved Agencies on the project have been addressed (see Negative Declaration). The Town will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
7. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

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**NOW THEREFORE BE IT RESOLVED**, The Town Board of the Town of Batavia declares that it will serve as lead agency for the extension of public water supply facilities to serve the Putnam and Shepard Roads Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

**Seconded by:** Councilman Zambito  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 47:**

Supervisor Post offered the following:

**RESOLUTION AUTHORIZING THE PURCHASE OF A  
SUBMERSIBLE SEWAGE PUMP**

**WHEREAS**, the Water/Wastewater Department of the Town of Batavia presently owns 12 sewage pumps manufactured by the Myers Pump Manufacturing Company and has on hand a supply of spare parts; and

**WHEREAS**, to purchase a different model would be inefficient and uneconomical since alternate and additional supplies of spare parts would have to be purchased which would not be interchangeable with the ones already on hand; and

**WHEREAS**, for other reasons, such as handling and operation of the lift stations, it is determined by this Board, desirable to purchase a sewage pump of the same make as the ones presently owned by the Town; and

**WHEREAS**, the Highway Superintendent received written proposals (attached) for a F.E. Myers 4V75M403 Model 7.5 hp 208V 3 Phase Submersible Sewage Pump; and

**WHEREAS**, Fluid Kinetics, Inc. was the lowest proposal, at a cost of three thousand, four hundred, sixty-nine dollars (\$3,469.00).

**NOW, THEREFORE, BE IT RESOLVED** that for reasons of efficiency and economy and pursuant to the authority conferred by Subdivision 5 of Section 103 of the General Municipal Law, it is determined by the Batavia Town Board that there is a need for standardization in the purchase of sewage pumps for the Water/Wastewater Department; and be it

**FURTHER RESOLVED**, that the Superintendent of Highways is authorized to purchase a F.E. Myers 4V75M403 Model 7.5 hp 208V 3 Phase Submersible Sewage Pump from Fluid Kinetics, Inc. at a cost of three thousand, four hundred, sixty-nine dollars (\$3,469.00).

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**Second by:** Councilman Gerace  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 48:**

Councilwoman Michalak offered the following:

**ORDER CALLING A PUBLIC HEARING  
AMENDING CODE OF THE TOWN OF BATAVIA  
ZONE CHANGE FROM AGRICULTURAL/RESIDENTIAL  
TO PLANNED UNIT DEVELOPMENT**

**WHEREAS**, the Batavia Town Board has received a request from the Genesee County Economic Development Center to rezone a parcel of property located on R. Stephen Hawley Drive, said rezoning providing for a change in land use from Agricultural/Residential to Planned Unit Development, on the south side of R. Stephen Hawley Drive bordering said roadway of an approximately 34 acre parcel (map and request attached).

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board hereby calls for a Public Hearing pursuant to Town Law Section 264 whereat all interested persons shall be heard; and

**BE IT FURTHER RESOLVED**, that the Public Hearing will be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York at 6:35 o'clock P.M. on the 19<sup>th</sup> day of April, 2006 and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to have published at least once in "The Daily News" at least ten (10) days before the date scheduled for Public Hearing, the Public Hearing Notice which is attached hereto.

**Second by:** Councilman Gerace  
**APPROVED by unanimous vote (5-0)**

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**NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE IS HERE BY GIVEN** that there has been introduced by the Town Board of the Town of Batavia, New York on the 15<sup>th</sup> day of March, 2006 a proposed amendment to the “Code of the Town of Batavia”. Said amendment provides for the rezoning from Agricultural/Residential to Planned Unit Development, on the south side of R. Stephen Hawley Drive bordering said roadway of an approximately 34 acre parcel

**PLEASE TAKE FURTHER NOTICE**, that on the 19<sup>h</sup> day of April, 2006 at 6:35 o'clock P.M. the Town Board of the Town of Batavia, New York will conduct a Public Hearing at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York for the purpose of considering the advisability of enacting said amendment to the Code of the Town of Batavia, and at which time and place all interested persons will be heard.

A map showing the said proposed rezone, is on file at the office of the Batavia Town Clerk and is available for public inspection.

DATED: March 15, 2006

Teresa M. Morasco, Town Clerk  
Town of Batavia, New York

**RESOLUTION NO. 49:**

Councilman Gerace offered the following:

**RURAL DEVELOPMENT PROJECT MANAGEMENT SERVICES AGREEMENT –  
PEARL STREET ROAD IMPROVEMENT AREA  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements along Pearl Street Road, 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; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Management Services Agreement between the Town of Batavia and Stuart I. Brown Associates at the proposed cost of \$5,000.

**Second by:** Councilwoman Michalak  
**APPROVED** by unanimous vote (5-0)

**RESOLUTION NO. 50:**

Councilman Zambito offered the following:

**RURAL DEVELOPMENT PROJECT MANAGEMENT SERVICES AGREEMENT –  
WILKINSON ROAD IMPROVEMENT AREA**

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**BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements along Wilkinson Road, 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; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Management Services Agreement between the Town of Batavia and Stuart I. Brown Associates at the proposed cost of \$5,000.

**Second by:** Councilman Gerace  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 51:**

Councilman Underhill offered the following:

**RETAINING AN ADDITIONAL BUILDING INSPECTOR**

**WHEREAS**, in order to absorb the heavy work load, Bruce Gerould was retained as an additional Building Inspector; and

**WHEREAS**, Mr. Gerould is working more than 19 ½ hours, therefore, civil service classifies this as a competitive position; and

**WHEREAS**, a Civil Service Examination was held and Mr. Gerould was in the top four listing, and

**WHEREAS**, the top three candidates eligible were notified and one of the three candidates declined the position putting Mr. Gerould in the top three; and

**WHEREAS**, the Town wishes to retain Bruce A. Gerould as an additional Building Inspector.

**RESOLVED**, the Batavia Town Board hereby re-appoints Bruce A. Gerould as an additional Building Inspector, at a salary of \$15.61 per hour plus mileage.

**Second by:** Councilman Zambito  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 52:**

Supervisor Post offered the following:

**RESOLUTION FOR PREPARATION OF GENERAL**

**MARCH 15, 2006  
REGULAR TOWN BOARD MEETING**

**MAP, PLAN AND REPORT FOR PROVIDING FACILITIES,  
IMPROVEMENTS OR SERVICES PRIOR TO ESTABLISHING WATER DISTRICT OR  
IMPROVEMENT AREA FOR PORTIONS OF  
ELLCOTT STREET ROAD AND BATAVIA TOWNLINE ROAD**

**WHEREAS**, a proposal has been made in the Town Board of the Town of Batavia, New York (the "Town"), to establish a water district or improvement area in the following described portion of said Town: starting on Ellicott Street Road from the Shepard Road running to the Batavia Townline Road and then north on the Batavia Townline Road to connect to a water main owned by the Monroe County Water Authority.

**NOW, THEREFORE, BE IT RESOLVED**, subject to permissive referendum as provided in Article 7 and Section 209-b of the Town Law, a sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town, and

**BE IT FURTHER RESOLVED**, that the Town Supervisor, is hereby authorized and directed to retain the services of a professional engineer or engineering firm to supervise the preparation of such map, plan and report within the limits of the amount appropriated therefor, and upon completion thereof to file the same in the office of the Town Clerk, and

**BE IT FURTHER RESOLVED**, that within five (5) days hereof the Town Clerk is authorized and directed to post on the Town sign board and publish in The Daily News a Legal Notice of the Adoption of this Resolution.

**Second by:** Councilman Gerace  
**APPROVED by unanimous vote (5-0)**

**Discussion:** Prior to the vote the Supervisor explained that this would be proposed to connect on Batavia-Stafford Townline Road and would involve the Towns of Stafford and Bethany. This could eliminate a pump station that would be needed if the waterlines were only servicing Shepard/Putnam Roads.

**LEGAL NOTICE**

**TOWN OF BATAVIA**

**NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO**

**PERMISSIVE REFERENDUM FOR PREPARATION OF  
GENERAL MAP, PLAN AND REPORT FOR PROVIDING FACILITIES,  
IMPROVEMENTS OR SERVICES PRIOR TO ESTABLISHING WATER DISTRICT  
OR IMPROVEMENT AREA FOR PORTIONS OF ELLICOTT STREET ROAD AND  
BATAVIA TOWNLINE ROAD**

**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Batavia, County of Genesee, New York at a regular meeting thereof held on the 15<sup>th</sup> day of March, duly adopted pursuant to Section 209-b of the Town Law, a Resolution subject to permissive referendum, the purpose and effect of which is for preparation of a general map, plan and report for providing facilities, improvements or services prior to establishing a water district or improvement area in the following described portion of said Town: starting on Ellicott Street Road from the Shepard Road running to the Batavia Townline Road and then north on the Batavia Townline Road to connect to a water main owned by the Monroe County Water Authority.

A sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town

Dated: Batavia, New York  
March 15, 2006

**BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF BATAVIA, NEW YORK**

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**Teressa M. Morasco, Town Clerk**

**RESOLUTION NO. 53:**

Councilwoman Michalak offered the following:

**RESOLUTION FOR PREPARATION OF GENERAL  
MAP, PLAN AND REPORT FOR PROVIDING  
FACILITIES, IMPROVEMENTS OR SERVICES PRIOR TO  
ESTABLISHING AN EXTENSION OR IMPROVEMENT AREA TO SEWER DISTRICT #2  
FOR PORTIONS OF ROUTE 5 AND WORTENDYKE ROAD**

**WHEREAS**, a proposal has been made in the Town Board of the Town of Batavia, New York (the "Town"), to establish an extension or improvement area to Sewer District #2 in the following described portion of said Town: running west on Route 5 from the end of the current sewer line located near the Town Hall to Wortendyke Road and then south on portions of Wortendyke Road as far as is economically feasible.

**NOW, THEREFORE, BE IT RESOLVED**, subject to permissive referendum as provided in Article 7 and Section 209-b of the Town Law, a sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town, and

**BE IT FURTHER RESOLVED**, that the Town Supervisor, is hereby authorized and directed to retain the services of a professional engineer or engineering firm to supervise the preparation of such

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map, plan and report within the limits of the amount appropriated therefor, and upon completion thereof to file the same in the office of the Town Clerk, and

**BE IT FURTHER RESOLVED**, that within five (5) days hereof the Town Clerk is authorized and directed to post on the Town sign board and publish in The Daily News a Legal Notice of the Adoption of this Resolution.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (5-0)**

**Discussion:** Prior to the vote Supervisor Post informed the Town Board that the Planning Board is deliberating on a Mobile Home Park that has been proposed to be located on Wortendyke Road. It is in the Town's best interest to research this sewer extension. The sewer extension would be funded in part by the developer and the residents.

**LEGAL NOTICE**

**TOWN OF BATAVIA**

**NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO**

**PERMISSIVE REFERENDUM FOR PREPARATION OF  
GENERAL MAP, PLAN AND REPORT FOR PROVIDING FACILITIES,  
IMPROVEMENTS OR SERVICES PRIOR TO ESTABLISHING  
AN EXTENSION OR IMPROVEMENT AREA TO SEWER DISTRICT #2  
FOR PORTIONS OF ROUTE 5 AND WORTENDYKE ROAD**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Batavia, County of Genesee, New York at a regular meeting thereof held on the 15<sup>th</sup> day of March, duly adopted pursuant to Section 209-b of the Town Law, a Resolution subject to permissive referendum, the purpose and effect of which is for preparation of a general map, plan and report for providing facilities, improvements or services prior to establishing an extension or improvement area to Sewer District #2 in the following described portion of said Town: running west on Route 5 from the end of the current sewer line located near the Town Hall to Wortendyke Road and then south on portions of Wortendyke Road as far as is economically feasible.

A sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town.

**Dated: Batavia, New York**  
**March 15, 2006**

**BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF BATAVIA, NEW YORK**

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**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

Teresa M. Morasco, Town Clerk

**RESOLUTION NO. 54:**

Councilman Gerace offered the following:

**RESOLUTION FOR PREPARATION OF GENERAL  
MAP, PLAN AND REPORT FOR PROVIDING  
FACILITIES, IMPROVEMENTS OR SERVICES PRIOR TO  
ESTABLISHING AN EXTENSION OR IMPROVEMENT AREA TO SEWER DISTRICT #2  
FOR PORTIONS OF ROUTE 98, SAILE DRIVE  
AND NEW YORK STATE THRUWAY**

**WHEREAS**, a proposal has been made in the Town Board of the Town of Batavia, New York (the "Town"), to establish an extension or improvement area to Sewer District #2 in the following described portion of said Town: extending service on the east side of Route 98, all of Saile Drive from Route 98 to Bank Street, including extending to portions of the New York State Thruway, with the exact boundaries to be determined as economically feasible.

**NOW, THEREFORE, BE IT RESOLVED**, subject to permissive referendum as provided in Article 7 and Section 209-b of the Town Law, a sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town, and

**BE IT FURTHER RESOLVED**, that the Town Supervisor, is hereby authorized and directed to retain the services of a professional engineer or engineering firm to supervise the preparation of such map, plan and report within the limits of the amount appropriated therefor, and upon completion thereof to file the same in the office of the Town Clerk, and

**BE IT FURTHER RESOLVED**, that within five (5) days hereof the Town Clerk is authorized and directed to post on the Town signboard and publish in The Daily News a Legal Notice of the Adoption of this Resolution.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (5-0)**

The Supervisor stated that there is going to be an informational meeting with property owners, County and Town Officials on Wednesday, March 22 at 9:00 a.m. at the Town Hall in regards to establishing a Sanitary Sewer District 3.

**LEGAL NOTICE**

**TOWN OF BATAVIA**

**NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO**

**MARCH 15, 2006  
REGULAR TOWN BOARD MEETING**

**PERMISSIVE REFERENDUM FOR PREPARATION OF  
GENERAL MAP, PLAN AND REPORT FOR PROVIDING FACILITIES,  
IMPROVEMENTS OR SERVICES PRIOR TO ESTABLISHING  
AN EXTENSION OR IMPROVEMENT AREA TO SEWER DISTRICT #2  
FOR PORTIONS OF ROUTE 98, SAILE DRIVE AND NEW YORK STATE THRUWAY**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Batavia, County of Genesee, New York at a regular meeting thereof held on the 15<sup>th</sup> day of March, duly adopted pursuant to Section 209-b of the Town Law, a Resolution subject to permissive referendum, the purpose and effect of which is for preparation of a general map, plan and report for providing facilities, improvements or services prior to establishing an extension or improvement area to Sewer District #2 in the following described portion of said Town: extending service on the east side of Route 98, all of Saile Drive from Route 98 to Bank Street, including extending to portions of the New York State Thruway, with the exact boundaries to be determined as economically feasible.

A sum not to exceed \$2,000.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing the facilities, improvements or services in the above described portion of the Town

**Dated: Batavia, New York  
March 15, 2006**

**BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF BATAVIA, NEW YORK**

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Teresa M. Morasco, Town Clerk

**RESOLUTION NO. 55:**

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING ONLINE BANKING**

**RESOLVED**, the Batavia Town Board hereby authorizes Online Banking for all Town accounts at Five Star Bank.

**Second by:** Councilman Underhill

**APPROVED** by unanimous vote (5-0)

**RESOLUTION TABLED:** Motion Councilman Underhill, second Councilman Zambito to table the resolution entitled, "Resolution authorizing Disability".

**MOTION CARRIED** by unanimous vote (5-0)

**RESOLUTION NO. 56:**

Supervisor Post offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 OF 2006**

**MARCH 15, 2006**  
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**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation establishing the position of Town Engineer, also known as Local Law #1 of 2006,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law #1 of 2006 entitled "A Local Law to Establish a Town Engineer Position", 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 April 19, 2006, and that a public hearing be held before this Town Board on the 19<sup>th</sup> day of April, 2006, at 6:30 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) 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 five (5) days prior to the date of said public hearing, 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.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (5-0)**

**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

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

**PUBLIC NOTICE** is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 15<sup>th</sup> day of March, 2006, proposed Local Law #1 of 2006 entitled "A Local Law to Establish a Town Engineer Position". Said Local Law will establish the position of Town Engineer, and set forth the duties and requirements for said position.

**PLEASE TAKE FURTHER NOTICE** that on 19<sup>th</sup> day of April, 2006, at 6:30 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.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street, Batavia, New York and is open for inspection during regular Office hours.

Dated: Batavia, New York  
March 15, 2006

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Teresa M. Morasco, Town Clerk  
Town of Batavia, New York

**SUSPEND THE RULES:** Motion Councilman Gerace, second Councilman Zambito to suspend the rules to introduce three additional resolutions.

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 57:**

Councilwoman Michalak offered the following:

**ESTABLISH LINE ITEM A1220.200**  
**SUPERVISOR EQUIPMENT**

**RESOLVED**, the Batavia Town Board hereby establishes line item A1220.200 Supervisor-Equipment.

**Second by:** Councilman Underhill  
**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 58:**

Councilman Gerace offered the following:

**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

**AUTHORIZING BUDGET TRANSFERS FOR 2006**

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

**General Fund:**

<u>From</u>	<u>Amount</u>	<u>To</u>
A1990.400 Contingency	\$5,000.00	A1220.200 Supervisor Equipment

**Second by:** Councilman Underhill  
**APPROVED by unanimous vote** (5-0)

**RESOLUTION NO. 59:**

Councilman Zambito offered the following:

**LEAD AGENCY STATUS**

**RESOLVED**, Batavia Town Board wishes to Solicit Lead Agency Status for the Medical & High Technology Business Park proposed to be located on Assemblyman R. Stephen Hawley Drive.

**Second by:** Councilman Underhill  
**APPROVED by unanimous vote** (5-0)

**Abstract No. 3-2006:** Motion Councilman Zambito, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$ 82,332.61
Highway	25,846.09
Sewer No. 1	3,065.35
Sewer No. 2	1,957.62
Water	2,903.18
Batavia Fire (SF1)	<u>323,261.10</u>
<b>TOTAL</b>	<b>\$439,365.95</b>

Check numbers 10156 thru 10243  
**MOTION CARRIED by unanimous vote** (5-0)

**DEPARTMENT REPORTS:**

**Supervisor Post** reported that Water/Sewer Development is very active with improvement projects in Sewer District 1 and 2, district mapping for Saile Drive, Gateway Park 1 & 2 sewer extension and FRA, Engineers for the Town, working on the documents to go out to bid for the Lovers Lane Water Improvement Area.

**Building Inspector** reported on the following:

**Thanked Town Board** for reappointing Bruce Gerould, Deputy Building Inspector.

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**REGULAR TOWN BOARD MEETING**

**Code Conference-** Reported on his attendance at the Annual Code Conference.

**Construction Season-** There are a lot of projects coming in and anticipates a brisk construction season.

Supervisor Post thanked Clint and the Planning Board for doing a great job.

**Supervisor's Report:**

**Status Report** on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The monies are invested in CD's and are paying a rate of 4.52%. The previous months investments will also be entered in the minute book.

**GAM-** Meeting is tomorrow evening at 7:00 P.M. and will be held at the Batavia Downs.

**Work Session** will be held Monday, March 20 at 5:00 P.M. at the Town Hall.

**Comprehensive Master Plan Committee-** Mr. Post will be appointing a committee to work on updating the Comprehensive Master Plan.

**Conferences/Workshops-** There are several conferences/workshops coming up in the near future. Anyone interested, the information is on file in the Town Clerk's office.

**FIRE RATED FILING CABINET-** Motion Councilman Zambito, second Councilwoman Michalak authorizing the purchase of a 4-Drawer Fire Rated Filing Cabinet from Garlock's Office Centre at a cost of \$1,424.00 for the Payroll/Personnel Files.

**MOTION CARRIED by unanimous vote (5-0)**

**RESCIND MOTION DUMP FILL PERMIT -** Motion Councilman Underhill, second Councilman Zambito to rescind motion dated November 16, 2005, Dump Fill Permit for Genesee County Agricultural Society, Inc., 5065 East Main Street Road, Batavia, NY.

**MOTION CARRIED by unanimous vote (5-0)**

**DUMP FILL PERMIT -** Motion Councilman Gerace, second Councilman Zambito approving the Dump Fill Permit for Genesee County Agricultural Society, Inc., 5065 East Main Street Road, Batavia, NY.

**MOTION CARRIED by unanimous vote (5-0)**

Prior to the vote Clint Worthington, Building Inspector, reported that there would be no adverse impact in issuing this Dump Fill Permit as proposed.

**NEW BUSINESS:**

**DUMP FILL PERMIT -** Motion Councilman Zambito, second Councilman Underhill approving the Dump Fill Permit for Robert Todd Jantzi, 3368 Pearl Street Road, contingent upon receiving a completed application, no objection letters from the abutting properties and upon the Building Inspectors approval.

**MOTION CARRIED by unanimous vote (5-0)**

**COMMITTEE REPORTS:**

**MARCH 15, 2006**  
**REGULAR TOWN BOARD MEETING**

**Coordinated Assessment Proposal (CAP)-** Councilman Gerace reported that the committee is still working out details on the Shared Assessment Services.

**Cable Committee-**Councilwoman Michalak reported that a meeting has been scheduled for April 7, 2006 with Time Warner regarding the renewal of the Franchise Agreement and Cable Service to the Town.

**Fire Department Committee-** Councilman Underhill reported that he had a meeting with the Town of Batavia Fire Department Directors and the East Pembroke Fire Department. Jeremy Hunt is putting together a chart of Places of Assembly and where the Town of Batavia Fire Fighters live.

**April GAM Meeting-**Councilman Underhill reported that he booked Penna Catering to cater the April 20, 2006 GAM Meeting that the Town is hosting. The cost per plate will be in the range of \$8.50 to \$9.00.

Supervisor Post expressed his thanks and gratitude for the outstanding service the Town's Volunteer Fire Departments provide. They're always working to improve services and are a very valuable asset.

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:46 P.M.

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk