

APRIL 19, 2006
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Chad Zambito, Councilman led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Highway Superintendent Cook
Building Inspector Worthington

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

MINUTES:

March 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. 60:

Councilman Zambito offered the following:

RESOLUTION ADOPTING LOCAL LAW #1 OF 2006

WHEREAS, proposed Local Law #1 of 2006 of the Town of Batavia entitled “A Local Law to Establish a Town Engineer Position”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on March 15, 2006, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on April 19, 2006, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #1 of 2006 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law #1 of 2006 be and the same hereby is adopted; and

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BE IT FURTHER RESOLVED, that a certified copy of said Local Law #1 of 2006 be filed with the New York State Secretary of State in accordance with Law.

Dated: Batavia, New York
April 19, 2006

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

RESOLUTION NO. 61:

Councilman Underhill offered the following:

SEQR DETERMINATION
PLANNED UNIT DEVELOPMENT-HAWLEY DRIVE

WHEREAS ; in accordance with the State Environmental Quality Review Act (SEQRA) the proposed amendment to the Code of the Town of Batavia is to provide 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 a 33.903 acre parcel is a Type 1 Action; and

WHEREAS, the Batavia Town Board acting as Lead Agency has reviewed the Part 1 of the SEQR that was presented by Genesee County Economic Development Center (GCEDC) and Part 2 and Part 3, which was presented by the Town Board; and

WHEREAS, it has been determined that the proposed amendment will not have an adverse impact on the environment.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby directs the Supervisor to prepare the Negative Declaration Notice of Determination of Non-Significance to amend the Code of the Town of Batavia to provide 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 a 33.903 acre parcel and administer it accordingly.

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

RESOLUTION NO. 62:

Supervisor Post offered the following:

RESOLUTION TO ADOPT “AN ORDINANCE
TO AMEND THE ZONING MAP
OF THE TOWN OF BATAVIA, NEW YORK
TO ESTABLISH A PLANNED UNIT DEVELOPMENT”

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WHEREAS, a Petition was submitted to the Town Clerk, dated March 10, 2006, pursuant to § 235-31 of the Code of the Town of Batavia, by the Genesee County Economic Development Center requesting that the Batavia Town Board re-zone a 33.903 acre parcel of land to establish a Planned Unit Development, and

WHEREAS, said 33.903 acres is located on Assemblyman R. Stephen Hawley Drive and is the southern portion of land owned by the County of Genesee in trust for Genesee Community College, which is designated with Tax Map No. 9-1-6.11, and

WHEREAS, the Petition and related documents have been forwarded to the Town of Batavia Planning Board and the Genesee County Planning Board for review and recommendation, and

WHEREAS, both the Town of Batavia Planning Board and the Genesee County Planning Board have recommended approval of this re-zoning request, and

WHEREAS, the Batavia Town Board has conducted a public hearing with regard to this Application, on April 19, 2006, upon proper public notice published in The Daily News at least ten (10) days prior to said public hearing, and

WHEREAS, the Applicant has submitted Part 1 of a Full Environmental Assessment Form, dated March 13, 2006, in order to submit this project to environmental review, and

WHEREAS, the Town of Batavia has duly assumed Lead Agency status after service of the proper notifications required for said designation, and

WHEREAS, the Batavia Town Batavia Board has reviewed and completed Part 2 of the Full Environmental Assessment Form, and Part 3 of said form where necessary, and

WHEREAS, the Batavia Town Board has adopted a Resolution making a Negative Declaration with regard to any potential environmental impacts, and

WHEREAS, the Batavia Town Board is of the opinion that the re-zoning of said parcel of land to establish a Planned Unit Development is in the best interest of the Town of Batavia, New York.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that “An Ordinance to Amend the Zoning Map of the Town of Batavia, New York to Establish a Planned Unit Development”, be and the same hereby is adopted, and

BE IT FURTHER RESOLVED, that within ten (10) days of adoption of this Ordinance, the Town Clerk shall publish a Notice of Enactment of said Ordinance in The Daily News, and the Ordinance shall take effect ten (10) days after said publication.

Dated: April 19, 2006

Second by: Councilman Gerace

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APPROVED by unanimous vote (5-0)

AN ORDINANCE
TO AMEND THE ZONING MAP
OF THE TOWN OF BATAVIA, NEW YORK
TO ESTABLISH A PLANNED UNIT DEVELOPMENT

BE IT ORDAINED by the Town Board of the Town of Batavia, New York, as follows:

ARTICLE I. AMENDMENT OF ZONING MAP

The “Town of Batavia Zoning Ordinance” is here amended to amend the “Zoning Map of the Town of Batavia, New York” as referred to and established in § 235-7 of the Code of the Town of Batavia in order to establish a new Zone as a Planned Unit Development for property currently located in an Agricultural-Residential District, with the boundaries of this Planned Unit Development to be described as follows;

A parcel of land of 33.903 acres, which is the southern most part of land owned by the County of Genesee in trust for Genesee Community College, which is designated with the Tax Map No. 9-1-6.11, and is the area of said parcel running from the centerline of Assemblyman R. Stephen Hawley Drive southwards; which is more particularly set forth in a survey prepared by Clark Patterson Associates, dated 01-15-06, Drawing No. BNDY-1. Said survey is incorporated by reference and made a part of the present Ordinance.

ARTICLE II. LEGAL EFFECT FOR IMPROVEMENTS

This re-zoning to a Planned Unit Development is made pursuant to the authority set forth in § 235-31(C)(2)(f) of the Code of the Town of Batavia, and this re-zoning action does not authorize any improvements to the re-zoned parcel set forth herein. Any improvements may only be undertaken upon the procedure for a Final Plan, as set forth in § 235-31(C)(3) of the Code of the Town of Batavia, which may be undertaken by a developer for the entire parcel or in phases.

ARTICLE III. EFFECTIVE DATE

This Ordinance shall take effect ten (10) days after publication of a Notice of Enactment of the same and in accordance with Law.

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**NOTICE OF ENACTMENT BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
OF "AN ORDINANCE TO AMEND THE ZONING MAP
OF THE TOWN OF BATAVIA, NEW YORK
TO ESTABLISH A PLANNED UNIT DEVELOPMENT"**

PLEASE TAKE NOTICE that on 19th day of April, 2006, the Town Board of the Town of Batavia, New York, enacted an Ordinance to re-zone a parcel of land consisting of 33.903 acres on the southern portion of land owned by the County of Genesee in trust for Genesee Community College, which is designated with Tax Map No. 9-1-6.11. This parcel was re-zoned from an Agricultural-Residential District to a Planned Unit Development.

Dated: Batavia, New York
April 20, 2006

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

RESOLUTION NO. 63:

Councilwoman Michalak offered the following:

RESOLUTION PURSUANT TO CYBER SECURITY CITIZENS NOTIFICATION POLICY

WHEREAS, a Resolution be proposed for adoption of a Cyber Security Private Citizens Notification Policy relative to inadvertent disclosure of 'Private Information' of an individual to an unauthorized party.

WHEREAS, the definition of private information is provided in the law and specifically excludes public records such as tax bill, deeds, etc, which would be available to the public pursuant to the Freedom of Information Law.

NOW, THEREFORE, BE IT

RESOLVED that, the Town of Batavia Town Board hereby adopts the 'Cyber Security citizens Notification Policy'.

Second by: Councilman Underhill

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 64:

Councilman Gerace offered the following:

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**RESOLUTION AUTHORIZING EXPENDITURES BY SUPERINTENDENT OF
HIGHWAYS WITHOUT PRIOR TOWN BOARD APPROVAL**

WHEREAS, Section 142, sub. 1(a) of the Highway Law authorizes the Town Board to adopt a resolution permitting the Town Superintendent of Highways to purchase equipment, tools and implements, to be used for highway maintenance construction or reconstruction, snowplows or other devices for the removal of snow from the highways from monies appropriated for that purpose, without prior approval of the Town Board in an amount to be fixed by it from time to time; and

WHEREAS, it is determined by this Board to be reasonable and proper and in the best interests of the efficient functioning of the Highway Department that the Superintendent of Highways of the Town be granted permission to purchase such items without its prior approval in an amount not to exceed ten thousand dollars (\$10,000.00).

NOW, THEREFORE, BE IT

RESOLVED, that the Town Superintendent of Highways be hereby authorized to spend an amount not in excess of ten thousand dollars (\$10,000.00) for the purchase of equipment, tools and implements without the prior approval of this Board; and be it

FURTHER RESOLVED, that the authorization hereinabove granted shall be construed as meaning that the total amount of all such items purchased by the Town Superintendent shall not exceed the amount of ten thousand dollars (\$10,000.00) in the fiscal year 2006.

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

RESOLUTION NO. 65:

Councilman Zambito offered the following:

TOWN WEBSITE UPDATE & MAINTENANCE

WHEREAS, the Town of Batavia Website needs to be updated; and

WHEREAS, Kim McCullough has submitted a proposal to update and continue to post all minutes to the Town Website.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby wishes to accept Kim McCullough's proposal to update all the pages on the Website at a cost of \$75.00 and continue to post the meeting minutes, received electronically, at no additional cost.

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

RESOLUTION NO. 66:

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Councilman Underhill offered the following:

SALARY FOR DEPUTY SUPERVISOR

WHEREAS, the position of Deputy Supervisor was established in January; and

WHEREAS, the Supervisor appointed Daniel Underhill to the aforementioned position.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby wishes to provide additional compensation for this fiscal year to the Deputy Supervisor in the amount of six hundred eighty-two dollars (\$682.00).

Second by: Supervisor Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 67:

Supervisor Post offered the following:

HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT

RESOLVED, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Hall for one year (proposal attached); and

BE IT FURTHER, RESOLVED the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

Second by: Councilman Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 68:

Councilwoman Michalak offered the following:

RESOLUTION AUTHORIZING TIME WARNER
BUSINESS CLASS INTERNET ACCESS

WHEREAS, the Town of Batavia received a proposal from Time Warner Cable for high speed internet access and cable television service for the Town Hall and Highway Facility.

RESOLVED, the Batavia Town Board hereby accepts Time Warner Cable's proposal for the three year contract terms at a cost of \$80.00 per month; and be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized to execute the contract.

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

Discussion-Prior to the vote the Board held a short discussion.

RESOLUTION NO. 69:

Councilman Gerace offered the following:

**ORDER CALLING FOR A PUBLIC HEARING-
SMALL CITIES GRANT
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the Batavia Town Board wishes to submit an application for a Small Cities grant in response to a “Notice of Funding Availability” to be issued by the administrative agency for the Fiscal Year 2006 Program; and

WHEREAS, a public hearing is required to allow residents an opportunity to assist the Town in defining community development priorities and identifying possible projects for inclusion in an application for funding under the Small Cities program.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby calls for a Public Hearing 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 6:30 o’clock P.M. on the 3rd of May, 2006; and

BE IT FURTHER RESOLVED, 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 Zambito
APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
GOVERNOR’S OFFICE FOR SMALL CITIES
GRANT PROGRAM**

PLEASE TAKE NOTICE that on the 3rd day of May, 2006 at 6:30 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.

The Public Hearing will be held to discuss \$48 million available statewide (\$750,000 locally for this purpose) in Community Development Block Grant funds available. Eligible activities include

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economic development (open round application). Residents are invited to attend the hearing, to assist the Town in defining community development priorities and to assist the Board in identifying possible projects for inclusion in an application for funding under the Small Cities program. The Town expects to submit an application for a Small Cities grant in response to a Notice of Funding Availability to be issued by the administrative agency for the Fiscal Year 2006 program.

Written comments are invited and will be accepted upon delivery to 3833 West Main Street Road, Batavia, NY 14020 prior to the Hearing.

DATED: April 19, 2006

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

RESOLUTION NO. 70:

Councilman Zambito offered the following:

**ORDER CALLING FOR A PUBLIC HEARING-
SMALL CITIES GRANT
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS APPLICATION**

WHEREAS, the Batavia Town Board wishes to submit an application for a Small Cities grant to fund the Economic Development to fund equipment purchases and working capital needs for a company constructing a facility in the Town of Batavia; and

WHEREAS, a public hearing is required on the proposed application to fund the project.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby calls for a Public Hearing 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 6:30 o'clock P.M. on the 17th of May, 2006; and

BE IT FURTHER RESOLVED, 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: Councilwoman Michalak

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
GOVERNOR'S OFFICE FOR SMALL CITIES
GRANT PROGRAM**

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PLEASE TAKE NOTICE that on the 17th day of May, 2006 at 6:30 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.

Residents are invited to attend the hearing and comment on the proposed application to fund the Economic Development project to fund equipment purchases and working capital needs for a company constructing a facility in the Town of Batavia. For this purpose, \$556,000 in Small Cities funds are being requested for use in the purchase of equipment and for funding working capital needs of Wellsville Carpet Town and will enable the company to employ 111 people at the new facility.

Written comments are invited and will be accepted upon delivery to 3833 West Main Street Road, Batavia, NY 14020 prior to the Hearing.

DATED: April 19, 2006

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

RESOLUTION NO. 71:

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Batavia, in the

County of Genesee, New York

April 19, 2006

* * *

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on April 19, 2006.

There were present: Gregory H. Post, Supervisor; and

Councilpersons: Chad Zambito

Daniel Underhill
Patti Michalak
John Gerace

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Also present: Teressa M. Morasco, Town Clerk

* * *

The following resolution was offered by Councilman Underhill, seconded by Councilman Gerace, to wit;

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on April 19, 2006.

PRESENT:

Hon. Gregory H. Post, Supervisor
Chad Zambito, Councilperson
Daniel Underhill, Councilperson
Patti Michalak, Councilperson
John Gerace, Councilperson

-----X

In the Matter

of the

Establishment of the Town of Batavia
Putnam and Shepard Roads Water District
in the Town of Batavia, County of Genesee,
New York, pursuant to Article 12-A of the Town Law.

-----X

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
MAY 17, 2006**

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REGARDING THE PROPOSED
ESTABLISHMENT OF TOWN OF BATAVIA
PUTNAM AND SHEPARD ROADS WATER DISTRICT

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, has caused FRA Engineering, P.C. competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Putnam and Shepard Roads Water District, which map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said map, plan and report proposes the construction of approximately 2,800 linear feet of 8-inch water main along the right of way of Shepard Road and 4,700 linear feet of 8-inch water main along the Putnam Road right of way, the installation of a booster pump station and generator and minor grading in the Town of Batavia, and including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (referred to herein as "Water Improvement"); and

WHEREAS, the proposed District is bounded and described as follows:

SHEPARD/PUTNAM WATER DISTRICT

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT (FORMERLY WATER DISTRICT #3) SAID POINT BEING 300 FEET EASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF SHEPARD ROAD, THENCE;

1. SOUTHERLY ALONG A LINE 300 FEET EASTERLY OF AND PARALLEL TO THE SAID CENTERLINE OF SHPEARD ROAD TO THE CENTERLINE OF THE BATAVIA-BETHANY TOWNLINE ROAD, THENCE,
2. WESTERLY AND ALONG THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD TO A POINT 300 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE SAID CENTERLINE OF SHEPARD ROAD, THENCE;

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3. NORTHERLY AND ALONG A LINE 300 FEET WESTERLY OF AND PARALLEL TO THE SAID CENTERLINE OF SHEPARD ROAD TO A POINT 1000 FEET SOUTHERLY AS MEASURED PERPENDICULAR TO THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT, THENCE;
4. WESTERLY 1000 FEET SOUTHERLY OF AND PARALLEL TO THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT TO THE POINT WHERE IT INTERSECTS A LINE 300 FEET SOUTHEASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF PUTNAM ROAD, THENCE;
5. SOUTHWESTERLY AND ALONG A LINE 300 FEET PARALLEL TO AND SOUTHEASTERLY OF SAID CENTERLINE OF PUTNAM ROAD TO A POINT ON THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD, THENCE;
6. WESTERLY AND ALONG THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD TO A POINT 300 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE SAID CENTERLINE OF PUTNAM ROAD, THENCE;
7. NORTHEASTERLY AND ALONG A LINE 300 FEET NORTHWESTERLY OF AND PARALLEL TO PUTNAM ROAD TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF TOWNLOT 9, THENCE;
8. NORTHERLY AND ALONG THE SAID WESTERLY LINE OF TOWNLOT 9 TO A POINT ON THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT, THENCE;
9. EASTERLY AND ALONG THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT TO THE POINT AND PLACE OF BEGINNING.

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$706,800, which amount is to be financed by the issuance of serial bonds not to exceed in the amount of \$373,000, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants including, but not limited to, a USDA Rural Development Agency Grant of \$333,800, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so

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much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be \$757; and each property will also have to provide for service from their home to the road right-of-way, at an estimated one-time cost of approximately \$12 per foot of pipe; and each property will have to pay for the purchase of a water meter and internal plumbing changes.

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 3833 West Main Street Road, Batavia, New York, on May 17, 2006, at 6:45 o'clock P.M. (Prevailing Time) to hear all persons interested in the Establishment of the Town of Batavia Putnam and Shepard Roads Water District, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspapers designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing, and

FURTHER ORDERED, that the Town Clerk mail by first class mail to each owner of the taxable real property in the District, a copy of this Order; and

BE IT FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

DATED: April 19, 2006

TOWN BOARD OF THE
TOWN OF BATAVIA

(SEAL)

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

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

The foregoing resolution was thereupon declared duly adopted.

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

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 72:

Supervisor Post offered the following:

Amendment: Motion Supervisor, second Councilman Gerace to add in the first resolved, after Highway Services Agreement, “contingent upon approval from the Town Attorney”.

MOTION CARRIED by unanimous vote (5-0)

HIGHWAY SHARED SERVICES AGREEMENT

WHEREAS, the Town of Batavia Superintendent of Highways reported that the Town of Batavia currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with the New York State Highway Law and General Municipal Law, the Town of Batavia is required to adopt an agreement formalizing this arrangement; and

WHEREAS, the Superintendent of Highways reported that municipalities, including the Town of Batavia, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, the Superintendent of Highways reported that it has been determined that the Town of Batavia and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed; and

WHEREAS, it has been determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Batavia and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra

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materials and supplies, thereby saving the taxpayers money; and

WHEREAS, it is the intent of the Town of Batavia to give the Town's Superintendent of Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangement; and

WHEREAS, the Superintendent of Highways has presented an agreement which is expected to be adopted and placed into effect in other municipalities and will grant the person holding the position comparable to that of the head of the highway department authority to make such arrangements and has requested approval of this agreement by the Batavia Town Board; and

WHEREAS, the Batavia Town Board has determined that it is in the best interest of the Town to be a party to such shared services arrangement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the Highway Shared Services Agreement, contingent upon approval from the Town Attorney, which shall be effective immediately for a two (2) year term through April 30, 2008 with a clause to allow two (2) additional two (2) year renewals, and be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a copy of the Highway Shared Services Agreement with the Town Clerk and Superintendent of Highways of each municipality within the County of Genesee.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 73:

Councilwoman Michalak offered the following:

DISPOSE OF EQUIPMENT

WHEREAS, the Town Clerk and Highway Superintendent recommended to the Batavia Town Board to declare the following equipment of no value to the Town and remove it from the Town's inventory:

Lucent Phones, Okidata Printer, 3-Epson Printers, Samtron Monitor, Power Grafix hard drive, Star System Monitor, IBM Wheelwriter Typewriter, Miscellaneous Office Accessories, Office Chairs, Gateway PS100 Computer, Dell Dimension Computer, Miscellaneous Software (old versions); and

WHEREAS, Genesee Community College (GCC) Earth Club is holding a collection day on, Thursday, April 20, 2006; and

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WHEREAS, old-used computers and related items can be disposed of at the GCC Campus.

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment of no value to the Town and authorizes the Highway Superintendent to dispose of such and directs the bookkeeper to remove the items from the Town's inventory.

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

RESOLUTION NO. 74:

Councilman Gerace offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Town Highway Superintendent recommended to the Batavia Town Board to declare the following equipment as surplus:

- 2 – American Environmental Cardboard Bailer –Model #600H, Serial #B3219RPH and Model #600H, Serial #B3223RPH
- 1 – Roto Con/Mark II – Model #76, Serial #RC12228
- 1 – Sterling hanging Natural Gas Heater – Model #QVF100
- 1 – Older Model Natural Gas Heater (from old Town Hall)
- 2 – Two Ton Air Conditioners (from old Town Hall)
- 1 – 30 gallon Natural Gas Hot Water Tank
- 1 – Old Wood Roll Top Desk
- 2 – Fedders Window Air Conditioners, Model #A6T12FZA, Serial #AN675300, Model #A3T12FZAG, Serial #GM1426081990

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment to be surplus and authorizes the Highway Superintendent to sell it at the auction or place it out to bid.

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

Abstract No. 4-2006: Motion Councilman Gerace, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$ 54,006.81
Highway	18,222.49
Sewer No. 1	1,648.80
Sewer No. 2	5,554.20
Water	<u>20,955.05</u>
TOTAL	\$100,387.35

APRIL 19, 2006
REGULAR TOWN BOARD MEETING

Check numbers 10244 thru 10332

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Highway Superintendent reported on the following:

Highway School- Requested authorization to attend Highway School, June 5 through June 7.

HIGHWAY SCHOOL- Motion Councilman Zambito, second Councilman Gerace authorizing the Highway Superintendent to attend the Highway School in Ithaca, New York, June 5 through June 7, 2006 at a cost of \$85.00.

MOTION CARRIED by unanimous vote (5-0)

CHIPS Program- Received correspondence from New York State Senator Mary Lou Rath that the NYS Association has been lobbying for CHIPS funds. There may be a small increase in the funds.

Spring Clean-Up- His department is getting an early start on the Spring clean-up.

Water Testing- Received a letter regarding the new rules and requirements by the Department Of Health for the long term to enhance water treatment. The Town is on a system that is connected to 100,000 people and we are going to fall under different guidelines that are going to require the Town to do more testing.

Landfill- Discussed the Landfill and the project that needs to be done to be in compliance regarding the wetlands restoration.

Building Inspector reported on the following:

Comprehensive Master Plan (CMP) Update- Matt Balling from Genesee County Planning will be on the committee for reviewing the CMP update.

Stormwater Monitoring- Distributed a memo to the Town Board relating to the inspection/monitoring of stormwater pollution asking their thoughts on this. The NYSDEC issues the permits but does not do inspections.

The Supervisor reported that Genesee County Economic Development Center Representatives are delighted with the cooperation they have received by all Town personnel. Mr. Post commended the Town Staff.

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 4.66%.

GAM- Meeting is being hosted at the Batavia Town Hall tomorrow evening at 7:00 P.M.

Rezone Property on Oak Orchard Road- The Planning Board made a recommendation to incorporate an update to the Comprehensive Master Plan to rezone property on Oak Orchard Road in regards to a request they received.

Genesee County Youth Bureau is hosting a Family Game Night on April 27, 2006 at the Office for the Aging on Bank Street in conjunction with County Government Week.

APRIL 19, 2006
REGULAR TOWN BOARD MEETING

GLOW Region Solid Waste is having the Annual Household Hazardous Waste Collection on Saturday, May 13, 2006 in Rock Glen, News York, Wyoming County.

City/Town Fire Committee- Appointed the Councilman Underhill, Paul Dibble, Town of Batavia Fire Chief, Bob Mullen, Town of Batavia Fire, Bob Youngfleisch, East Pembroke Fire Chief, and Paul Fenton, East Pembroke Fire to the City/Town Fire Committee.

Comprehensive Master Plan (CMP) Committee Appointments- Appointed the following representatives to the CMP Committee: Councilman Underhill, Michael Cleveland, Town Assessor, Clinton Worthington Building Inspector; Jeremy Hunt, Town of Batavia Fire Department; Dave Winters, East Pembroke Fire Department; Kathy Jasinski, Town Planning Board Chair, Gordon Offhaus and Paul McCullough, Town Planning Board Members; Gary Diegelman, Town Zoning Board of Appeals Chairman, Mike Pullinzi, Town Zoning Board of Appeals Member; Matt Balling, Genesee County Planning; Dana Stringham, Town Resident; Mary Pat Hancock, Genesee County Legislature Chair; Ray Tourt, City of Batavia; Kevin Earl, Attorney for the Town and a Consultant "to be named".

The meetings will be opened to the public. The first meeting is Wednesday, April 26, 2006 at 6:00 P.M. at the Town Hall.

PENNA'S CATERING VOUCHER-Motion Councilman Gerace, second Councilman Zambito authorizing the Supervisor to pay the voucher for Penna's Catering for the GAM meeting buffet.

MOTION CARRIED by unanimous vote (5-0)

REQUEST COUNTY PLANNING INCREASE MEETINGS-Motion Councilman Underhill, second Councilman Zambito authorizing the Supervisor to send a letter on behalf of the Town Board to the Genesee County Legislature requesting the County Planning Board increase there meetings per month.

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk requested authorization to restore the two (2) vital records books and reported that she will be attending the New York State Town Clerk's Conference in Saratoga Springs next week.

PRESERVE BIRTH & MARRIAGE VITAL RECORD BOOKS- Motion Councilman Underhill, second Councilman Zambito authorizing Brown's River to preserve the 1882 Births Record Book and the 1845-1858 Marriage Record Book at a cost not to exceed \$1,400.00.

MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS:

Time Warner-Councilman Zambito reported that he will have an update on the Franchise for the next Town Board meeting.

Fire Department Committee- Councilman Underhill reported that City/Town Fire Committee are going to be meeting.

OLD BUSINESS:

Spectra Group- Supervisor Post reported that he received a call from Spectra Group regarding the sale of Veteran's Memorial Drive property.

APRIL 19, 2006
REGULAR TOWN BOARD MEETING

EXECUTIVE SESSION: Motion Councilman Underhill, second Councilman Zambito to adjourn at 8:40 P.M. for executive session to discuss personnel.

MOTION CARRIED by unanimous vote (5-0)

RECONVENE: Motion Councilman Gerace, second Supervisor Post to reconvene at 9:03 P.M.

MOTION CARRIED by unanimous vote (5-0)

NO ACTION TAKEN

ADJOURNMENT:

Motion Councilman Gerace, second Councilman Zambito to adjourn the Regular Town Board Meeting at 9:04 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk