

**SEPTEMBER 20, 2006
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

John Gerace, Councilman led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Building Inspector Worthington

The Supervisor called the meeting to order at 7:10 P.M.

MINUTES:

August 16, 2006 Regular Town Board Meeting and August 21, 2006 Special Town Board

Meeting: Motion Councilman Gerace, second Councilman Zambito to approve the minutes as written.

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 124:

Councilman Zambito offered the following:

**RESOLUTION SOLICITING THE GOVERNOR AND GENESEE COUNTY LEGISLATOR'S
TO SUPPORT ASSEMBLY BILL 10710-A AND SENATE BILL 1428-S**

WHEREAS, the Town maintains a local Court system at considerable expense in furtherance of the pursuit of justice within the Town of Batavia; and

WHEREAS, The New York State Police superintendent, to save in officer compensation, has initiated a new policy prohibiting State Police Troopers from participating in the well and long time established process of prosecutorial negotiations necessary for the timely and proficient pursuit of justice within this Town (the prosecutorial arm of our system of justice will be handicapped by more trial or dismissals); and

WHEREAS, the Superintendent's new policy will lead to a reduction of State Police Officer availability for prosecuting traffic infractions within the Town at considerable disruption to the Court process and possible prosecutorial cost to the Town, while at the same time bringing about a reduction of the Town's share of traffic infraction revenues; and

WHEREAS, the overwhelming majority of imposed fines and surcharges are sent to the State of New York by the Town ostensibly for the advancement of criminal justice services, including State Police cost; and

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WHEREAS, State Legislative Bills, Assembly Bill 10710-A and Senate Bill S7354 exist for the purpose of reversing the Superintendent's new policy in recognition of its adverse impact upon local Courts and Governments.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Batavia solicits the Governors' and Genesee County Legislators' support for the passage and implementation of that legislation at the very first opportunity.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 125:

Supervisor Post offered the following:

BID AWARD
LEWISTON ROAD STORM AND SANITARY SEWER IMPROVEMENTS

WHEREAS, the Town of Batavia received bids August 3, 2006 at 2:30 P.M. for the construction of a sewer main and drain line/swale from Lewiston Road to West Main Street with approximately 995 linear feet of storm pipe and 1,200 linear feet of PVC Sanitary Sewer; and

WHEREAS, Pro Construction, 6062 Sautell Road, Bergen, New York was the lowest responsible bidder for the Base Bid and Alternate Bid No.1 at a cost of three hundred, three thousand, one hundred, sixty dollars and fifty cents (\$303,160.50).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby awards the bid to Pro Construction at a cost of three hundred, three thousand, one hundred, sixty dollars and fifty cents (\$303,160.50) for construction of approximately 995 linear feet of storm pipe and 1,200 linear feet of PVC Sanitary Sewer contingent upon the insurance and bonding being in place as approved by the Town Attorney; and

BE IT FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to issue the Notice to Proceed once the aforementioned conditions are met.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 126:

Councilwoman Michalak offered the following:

APPOINTMENT TO ASSESSMENT BOARD OF REVIEW

WHEREAS, Nathan Call's term on the Assessment Board of Review expires September 30,

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2006;

RESOLVED, the Batavia Town Board hereby re-appoints Nathan Call, 8057 Lewiston Road, Batavia, New York, to the Assessment Board of Review for a term to commence October 1, 2006 and expiring September 30, 2011.

Second by: Councilman Gerace

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 127:

Councilman Gerace offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2006

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

<u>FROM</u>	<u>\$</u>	<u>TO</u>
A1220.200	\$ 360.00	A1220.400
A1440.400	\$ 400.00	A1440.401
A1411.400	\$ 107.00	A3510.400
A8020.404	\$ 5.00	A8020.400
A6410.400	\$ 500.00	A7110.400
A1310.100	\$ 43,280.00	A1440.101
A1310.100	\$ 750.00	A1220.401
A1310.100	\$ 10,100.00	A1420.403
A3645.400	\$ 5,605.00	A8020.402
A1990.400	\$ 45,000.00	A8020.405
A3645.400	\$ 505.00	A7110.400
A1355.400	\$ 1.00	A1355.401
A7510.402	\$ 1,000.00	A1680.402
A3645.400	\$ 1,020.00	A1680.402
SS1-8120.200	\$ 2,500.00	SS1-8120.402
SS1-8120.400	\$ 1,000.00	SS1-8120.402
DA5110.400	\$ 1,000.00	DA5130.400

FURTHER RESOLVED, the Batavia Town Board authorizes \$192,500.00 to be transferred

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from the General Unappropriated-Unexpended Fund Balance to line item A8030.400-Research & Development in the amount of \$45,500.00 and line item A8540.400 Community Development in the amount of \$147,000.00; and be it

FURTHER RESOLVED, the Batavia Town Board authorizes \$13,000.00 to be transferred from the Sewer1 and \$13,000.00 from the Sewer 2 Unappropriated-Unexpended Fund Balance to line items SS18120-407 and SS28120.407.

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 128:

AMENDMENT- Motion Councilman Zambito, second Councilwoman Michalak to increase the Town's contribution for the Year 2007 Joint Youth Program twenty-two percent (from \$7,498.00 to \$9,146.00).

MOTION CARRIED by unanimous vote (4-0)

Councilman Zambito offered the following amended resolution:

AMENDED RESOLUTION
AUTHORIZING PARTICIPATION IN
YEAR 2007 JOINT YOUTH PROGRAM

WHEREAS, at the August 16, 2006 Town Board Meeting the Batavia Town Board authorized participation in the year 2007 Joint Youth Program; and

WHEREAS, the Town received requests from some of the municipalities for an increase in the year 2007 Contribution (requests attached);

WHEREAS, the Town has not increased the contributions since 2002 (for year 2003).

RESOLVED, the Batavia Town Board hereby amends the year 2007 Joint Youth Program Town's contributions from-to, as follows:

<u>Programs</u>	<u>From</u>	<u>To</u>
City of Batavia (R006)	\$2,821.00	\$3,442.00
Pembroke, et al. (R004)	1,705.00	\$2,080.00
Oakfield/Alabama (R005)	743.00	\$ 906.00
Elba (R001)	743.00	\$ 906.00
Byron/Bergen (R002)	743.00	\$ 906.00
Alexander (R003)	743.00	\$ 906.00

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Total	\$7,498.00	\$9,146.00
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Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

Discussion: The Town Board discussed the increase requests received from the Town of Pembroke, which was a 22% increase from last year. They agreed on increasing each contribution by the same percent as requested by Pembroke.

RESOLUTION NO. 129:

Supervisor Post offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW # 3 OF 2006

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to prohibit the consumption and/or possession of alcoholic beverages and the use of glass beverage bottles in Town Parks, also known as Town of Batavia Local Law #3 of 2006.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #3 of 2006 entitled "A Local Law to Prohibit the Consumption and/or Possession of Alcoholic Beverages and the Use of Glass Beverage Bottles in Town Parks", 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 October 18, 2006, and that a public hearing be held before this Town Board on the 18th day of October, 2006, at 6:50 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 ten (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 Zambito

APPROVED by unanimous vote (4-0)

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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 20th day of September, 2006, proposed Local Law #3 of 2006 entitled "A Local Law to Prohibit the Consumption and/or Possession of Alcoholic Beverages and the Use of Glass Beverage Bottles in Town Parks". Said Local Law will enact rules and regulations concerning the prohibition of the consumption and/or possession of all alcoholic beverages, as well as the possession of all glass beverage bottles within the Town of Batavia Parks, and will establish penalties for the violation thereof.

PLEASE TAKE FURTHER NOTICE that on 18th day of October, 2006, at 6:50 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
September 20, 2006

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

Abstract No. 9-2006: Motion Councilman Zambito, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$300,742.31
Highway	33,205.01
Sewer No. 1	2,039.75
Sewer No. 2	1,896.02
Water	<u>7,570.38</u>
TOTAL	\$345,453.47

Check numbers 10650 thru 10729

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

Building Inspector reported on the following:

Purchase Vehicle- Found a 2006 Jeep Cherokee off the New York State Contract Pricing List to

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purchase for the Inspection Department. It is about \$6,000.00 less expensive than what was initially proposed to be purchase.

Motorsports Parks- The report he submitted is not an all inclusive relating to the Motorsports Parks on Harloff Road. He has been visiting residents and will be doing a personal inspection during the next race on October 14, 2006.

The Supervisor wished Mr. & Mrs. Jason Tomporowski a Happy Anniversary, who emailed their continued concerns and frustrations to Mr. Post regarding the Motorsports Parks. Mr. Post indicated that the situation will be attended to as soon as possible and they will make every effort to get together with them.

PURCHASE VEHICLE-Motion Councilman Zambito, second Councilman Gerace authorizing the Building Inspector to purchase a Jeep Cherokee off the New York State Contract Pricing List at a cost of \$18,483.00 plus \$80.00 delivery charge.

MOTION CARRIED by unanimous vote (4-0)

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 5.35%.

Budget Work Sessions- Scheduled budget work sessions for Wednesday, September 27, October 4 and tentatively October 11 at 7:00 P.M.

GAM- The GAM meeting is tomorrow evening at Stafford Country Club at 7:30 P.M.

Informational Meeting-Wilkinson/Pearl Street Roads Proposed Water Districts will be held October 18 following the Regular Town Board Meeting.

Agriculture Committee of the Genesee County Chamber of Commerce is having the Annual Decision Makers Agriculture Forum on Wednesday, September 27 at GCC. Councilman Gerace is planning on attending.

Genesee County Chamber of Commerce Annual Membership Meeting is Thursday October 12 at the Hampton Inn. Let the Town Clerk know by October 9, 2006 if you would like to attend.

Genesee Finger Lakes Region Fall Government Workshop is November 17. Let the Town Clerk know by November 10 if you would like to attend.

Genesee County ARC Employer Appreciation Breakfast is Tuesday, October 3 at Terry Hills. If any of the Town Board members would like to attend, contact the Town Clerk by September 26.

National Incident Management System-700 (NIMS) training course is scheduled for Thursday, September 28, 2006 at the Genesee County Emergency Management Training Center. All Town Board members should attend. NIMS, provides a uniform set of processes and procedures that all emergency responders will use to respond to domestic incidents. Compliance is a condition of federal preparedness program funding for fiscal year 2007.

MICROSOFT POWER POINT CLASS- Motion authorizing the Secretary to the Supervisor to attend a Microsoft Power Points Class at the Genesee Valley BOCES at a cost of \$68.00.

MOTION CARRIED by unanimous vote (4-0)

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COMMITTEE REPORTS:

Park/Recreation and Water/Sewer- Councilman Zambito reported that he checked out the baseball fields on Alexander Road and checked out the Water/Sewer Districts with Highway Superintendent Rod Cook.

Sex Offender- Councilwoman Michalak is working on the sex offender ordinance and asked if there is a timeline for this. The Supervisor requested it be prepared as soon as possible for the Boards review, then it would be forwarded to the Attorney.

Communication Committee (Broadband-Wireless)-Councilman Gerace reported the Broadband Wireless Committee is continuing to meet once a month but are running into problems with the amount of coverage area and what would work.

IT Support- Supervisor Post reported that he meet with the Supervisor's from the Town of Pembroke and LeRoy to discuss IT Support options as a joint venture.

ADJOURNMENT:

Motion Councilman Gerace, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:55 P.M.

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk