

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

**Town Hall**

**7:00 P.M.**

Teressa Morasco, Town Clerk led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Councilman Underhill  
Councilman Gerace  
Councilman Worthington

**Others**

**Present:** Town Clerk Morasco  
Highway Superintendent Cook  
Building Inspector Worthington

The Supervisor called the meeting to order at 7:59 P.M.

**MINUTES:**

**January 18, 2006 Regular Town Board Meeting:** Motion Councilman Underhill, second Councilman Gerace to approve the minutes as written.

**MOTION CARRIED by unanimous vote (4-0)**

**January 26, 2006 Special Town Board Meeting:** Motion Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 32:**

Councilman Underhill offered the following:

**AWARD BID - TRANSFER STATION**

**WHEREAS**, the Batavia Town Board authorized receipt of sealed bids for refuse removal at the Town of Batavia Transfer Station; and

**WHEREAS**, the bid opening date was scheduled for Thursday, February 9, 2006 at 3:00 P.M. at the Town Hall (bid summary attached); and

**WHEREAS**, the low bidder was Waste Management.

**RESOLVED**, the Batavia Town Board hereby awards bid for refuse removal at the Batavia Transfer Station Waste Management, at a cost of forty-five dollars (\$45.00) per ton for household garbage and forty-five dollars (\$45.00) per ton for construction/demolition debris and one hundred, fifteen dollars (\$115.00) per haul.

**Second by:** Councilwoman Michalak

**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 33:**

Supervisor Post offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2005**

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

<b><u>From</u></b>	<b><u>Amount</u></b>	<b><u>To</u></b>
A1310.100 Twn Mgr- Pers Svc	261.65	A1220.101 Bookkeeper- Pers Svc
A1420.400 Attny-Contractual- Town	25.83	A1420.402 Attny-Legal Ads
A1420.400 Attny- Contractual – Town	357.00	A1420.403 Attny- Contrat- Union
A1620.400 Building- Utilities	90.31	A1620.402 Building-other opr exp
A1620.400 Building- Utilites	1115.40	A1620.403 Building- bldg&janitorial
A1620.400 Building- Utilities	224.38	A1620.404 Town Hall- Contractual
A1630.401 Central Data Proc-Maint Ag	16.28	A1680.400 Central Data Process-Contrac
A3645.400 Homeland Security- Contrac	390.15	A3620.100 Bldg & Safety Insp-pers svc
A3620.200 Bldg & Safety Insp- Equip	751.55	A3620.400 Bldg & Safety Insp-Contrac
A3620.200 Bldg & Safety Insp – Equip	171.65	A3620.401 Bldg & Safety Insp-Legal
A1990.400 Contingency	743.17	A5182.400 Street Lighting- Contr
A1990.400 Contingency	5073.25	A8030.400 Research & Dev- Contrac w/s
A8161.400 Recycling-Contrac	128.46	A8162.100 Transfer Station-Pers Svc
A8163.400 Tire Disposal – Contrac	339.09	A8162.400 Transfer Station- Contrac
A8164.402 Sanitary L F Shared- Eng	840.00	A8164.403 San L F Shared- Envir test
A8165.404 Super Fund LF – Legal	372.35	A8165.406 Super LF –Post Clos Maint
A9060.800 Health Ins	64.10	A9030.800 Social Security
 <b><u>Highway Fund:</u></b>		
DA5110.400 General Repairs- Contr	1762.18	DA1530.400 Machinery-contrac
DA5148.100 Services for other Govs-Pers Svc	531.48	DA5140.400 Brush & Weeds- contrac
DA5148.100 Services for other Govs-pers svc	182.15	DA5142.101 Sno Remov-pers svc-wing
DA5142.100 Snow Removal- pers svc	11301.23	DA5142.400 Snow Removal contrac
DA5110.100 General Repairs-pers svc	2629.68	DA5142.400 Snow Removal – contrac
 <b><u>Sewer No. 1:</u></b>		
SS18120.102 Sanitary Sewers-pers svc-p/t	71.20	SS18120.103 San Sewers- w/s maint
 <b><u>Sewer No. 2:</u></b>		
SS28120.102 Sanitary Sewers-pers svc p/t	20.94	SS28110.400 Sewer Admin-contrac
SS28120.102 Sanitary Sewers-pers svc p/t	2165.18	SS28120.400 San Sewers-contrac svc
SS28120.103 Sanitary Sewers –w/s maint	1678.13	SS28120.400 San Sewers – contra svc
SS28120.402 Sanitary Sewers – Eng Svc	77.90	SS28130.400 Sewage Trt/Disp- Contrac
 <b><u>Water:</u></b>		
SW8340.402 Transmission/dist – eng	104.67	SW8310.400 Water Admin-Contrac

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SW8340.402 Trans/Dist-Eng	381.06	SW8340.400 Trans/Dist-Contrac
SW8340.402 Trans/Dist – Eng	77.02	SW9030.800 Social Security
SW8340.402 Trans/Dist- Eng	426.28	SW9710.703 Serial Bonds-South Main

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

**RESOLUTION NO. 34:**

Councilwoman Michalak offered the following:

**RESOLUTION TO FACILITATE AN ENERGY-ONLY STREET LIGHTING ACCOUNT**

**RESOLVED**, Niagara Mohawk Power Corporation is hereby authorized and directed to do the following work in the Town of Batavia, Street Lighting Account Number: *to be assigned*

Attach to and supply electric service to the Town of Batavia installed and owned street lighting system at the intersection of Lewiston and West Main Street Road. The street lighting system will consist of:

2-150 watt high-pressure sodium vapor decorative fixtures on New York State Department of Transportation traffic signal poles served via underground distribution, which are owned and maintained by the Town of Batavia (S.C. 3 Energy Only Account), at an annual estimated cost to the Town of \$170.00 (letter attached), and be it

**FURTHER RESOLVED**, the Batavia Town Board here authorizes the Supervisor to execute Form “P” – Application for Service to establish an Energy Only Street Lighting Account.

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

**RESOLUTION TABLED:** Motion Supervisor Post, second Councilman Underhill to table the resolution entitled, “Resolution Calling a Public Hearing on the Creation of a Proposed Water District-Putnam/Shepard Roads-Subject to a Permissive Referendum”.

**MOTION CARRIED by unanimous vote** (4-0)

**RESOLUTION NO. 35:**

Councilman Gerace offered the following:

**RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND SUBMIT THE  
APPLICATION FOR LOAN AND GRANT ASSISTANCE  
TO THE USDA RURAL DEVELOPMENT**

**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 to the Putnam and Shepard Roads Water District, and is hereby directed and authorized to act in connection with the submission of the

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application and to provide such additional information as may be required.

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

**RESOLUTION NO. 36:**

Councilman Underhill offered the following:

**RURAL DEVELOPMENT PROJECT MANAGEMENT SERVICES AGREEMENT –  
LOVERS LANE WATER IMPROVEMENT AREA  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

**WHEREAS**, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town of Batavia in the implementation of the project to be assisted with funding from Rural Development for the construction of improvements to the public water supply system serving the Lovers Lane Water Improvement Area at a cost of seven thousand, five hundred dollars (\$7,500.00) (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board authorizes the Supervisor to retain Stuart I. Brown Associates for Rural Development Project Management Services at a cost not to exceed seven thousand, five hundred dollars (\$7,500.00) and execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

**RESOLUTION NO. 37:**

Supervisor Post offered the following:

**ESTABLISH LINE ITEM A1220.102  
SECRETARY TO THE SUPERVISOR**

**RESOLVED**, the Batavia Town Board hereby establishes line item A1220.102 Secretary to the Supervisor to account for this position.

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

**RESOLUTION NO. 38:**

Councilwoman Michalak offered the following:

**BUDGET TRANSFER  
SECRETARY TO THE SUPERVISOR**

**RESOLVED**, the Batavia Town Board hereby transfers \$13,000.00 from Line Item A1990.400 Contingency to Line Item A1220.102 Secretary to the Supervisor.

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

**RESOLUTION NO. 39:**

Councilman Gerace offered the following:

**AMENDING RESOLUTION #5-2006**  
**DESIGNATION OF OFFICIAL DEPOSITORY**

**RESOLVED**, the Batavia Town Board hereby amends resolution 5-2006 by adding the following as official depository of the Town of Batavia for Investment purposes:

1. First Niagara Bank
2. Bank of Castile

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

**RESOLUTION NO. 40:**

Councilman Underhill offered the following:

**RESOLUTION TO ADOPT A NEGATIVE ENVIRONMENT IMPACT**  
**REGARDING A PROPOSED SANITARY DRAIN AND STORM SEWER PROJECT**

**WHEREAS**, the Town of Batavia is proposing to construct approximately 400 linear feet of Sanitary & Storm Sewer to upgrade portions of the current Town of Batavia Sewer District No. 2 to run between Lewiston Road and West Main Street Road, and

**WHEREAS**, the location of this sewer project has been recently changed and finalized to run across real properties owned respectively by the Town of Batavia Fire Department, Jerry J. Arena and Mary M. Sorce, and

**WHEREAS**, the present proposed location of this utility construction is based upon the recommendation of the Town Engineer and the availability of permanent easements based upon agreement, or in one instance, to be obtained by a pending Eminent Domain Procedure, and

**WHEREAS**, the Town Board has reviewed a Short Environmental Assessment Form for unlisted actions, dated February 15, 2006, with the "Overall Sanitary Sewer Plan" annexed thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a finding and determination is hereby made that the proposed project will not result in any significant adverse environmental impacts and that the Town Supervisor is authorized to sign and enter this determination upon the aforesaid Short Environmental Assessment Form on behalf of the Town.

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

**RESOLUTION NO. 41:**

Supervisor Post offered the following:

**ADDITIONAL ENGINEERING SERVICES  
IMPROVEMENTS TO SANITARY SEWER SYSTEM  
WITHIN SEWER DISTRICT NO. I**

**WHEREAS**, Erdman Anthony was authorized on January 19, 2005 to provide engineering services required for making improvements to the Town's Sanitary Sewer System within Sewer District No. I at a cost of twenty-five thousand, nine hundred dollars (\$25,900.00); and

**WHEREAS**, the Batavia Town Board would like proposed improvements currently under design by Erdman Anthony to include provisions for accommodating potential future flows from development on R. Stephen Hawley Drive.

**NOW, THEREFORE BE IT, RESOLVED**, the Batavia Town Board hereby authorizes the engineering firm, Erdman Anthony to provide the additional engineering services required for making improvements to the Town's Sanitary Sewer System within Sewer District No. I at an additional cost of five thousand, nine hundred dollars (\$5,900.00) (proposal attached).

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

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

**MOTION CARRIED by unanimous vote** (4-0)

**RESOLUTION NO. 42:**

Councilwoman Michalak offered the following:

**ALFRED TECHNICAL & ANALYTICAL LABORATORY  
PROPOSAL – BATAVIA LANDFILL**

**WHEREAS**, the Town of Batavia has received a proposal from Alfred Technical and Analytical Laboratory to perform services related to the Town of Batavia Sanitary landfill.

**RESOLVED**, the Batavia Town Board hereby engages Alfred Technical and Analytical Laboratory to perform Environmental Groundwater Monitoring for the calendar year 2006, as proposed at the Town of Batavia Sanitary Landfill Site at an annual cost of eight thousand, five hundred, sixty-five dollars and twelve cents (\$8,565.12) (proposal attached).

**Second by:** Councilman Gerace

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**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 43:**

Councilman Gerace offered the following:

**LEAD AGENCY STATUS**  
**SOUTHWORTH MILTON DBA MILTON CAT**

**WHEREAS**, the Town of Batavia Planning Board wishes to assume Lead Agency status for the proposal from Southworth Milton, DBA Milton Cat to construct a sales and service facility on East Saile Drive, located in the Town of Batavia; and

**WHEREAS**, the Batavia Town Board does not object to the Town of Batavia Planning Board assuming this role.

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the attached SEQR Lead Agency Coordination Request Form designating the Town of Batavia Planning Board as Lead Agency for the proposed construction of a sales and service facility on East Saile Drive, located in the Town of Batavia.

**Second by:** Supervisor Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 44:**

Councilman Underhill offered the following:

**LEAD AGENCY STATUS**  
**COR VETERANS MEMORIAL DRIVE COMPANY, LLC**

**WHEREAS**, the Town of Batavia Planning Board wishes to assume Lead Agency status for the proposal from COR Veterans Memorial Drive Company, LLC to construct a retail center with three out parcels along the Southeast side of Veterans Memorial Drive, located in the Town of Batavia; and

**WHEREAS**, the Batavia Town Board does not object to the Town of Batavia Planning Board assuming this role.

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the attached SEQR Lead Agency Coordination Request Form designating the Town of Batavia Planning Board as Lead Agency for the proposed construction of a retail center with three out parcels along the Southeast side of Veterans Memorial Drive, located in the Town of Batavia.

**Second by:** Councilman Gerace

**APPROVED by unanimous vote (4-0)**

**Abstract No. 2-2006:** Motion Supervisor Post, second Councilman Gerace to authorize the Supervisor

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to pay the following vouchers:

General	\$47,864.69
Highway	18,049.49
Sewer No. 1	20,160.30
Sewer No. 2	29,136.92
Water	<u>112,030.23</u>
<b>TOTAL</b>	<b>\$227,241.63</b>

Check numbers 10080 thru 10155

**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

**Highway Superintendent/Water/Sewer Supervisor** reported on the following:

**Rotary Cutter-** Requested authorization to purchase two rotary cutters. They were not budgeted but there are funds available in the reserve equipment fund. The surplus cutter he would like to sell at the auction.

**ROTARY CUTTERS-** Motion Councilman Underhill, second Councilman Gerace authorizing the Highway Superintendent to purchase the rotary cutters from Java Farms as proposed at a total cost of \$6,500.00.

**MOTION CARRIED by unanimous vote (4-0)**

**Small City Grants-** Received correspondence from Congressman Tom Reynolds regarding a training conference for small city grants on February 27, 2006. Supervisor Post expressed that he spoke to Stu Brown regarding this and in the past the Town has not qualified for this.

**Water Conference-** Attended water conference today.

**Building Inspector** reported on the following:

**Large Projects-** There are two large projects proposed in the Town, Milton Cat and Cor Development Veterans Memorial Drive.

**Places of Assembly-** Bruce Gerould, Deputy Building Inspector is working on the inspections of "Places of Assembly" for the second year.

**Building Code-** The Engineers for the Town are working on local law language for updating the building code.

Supervisor Post thanked Rod and Clint 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 4.38%. The previous months investments will also be entered in the minute book.

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**GAM-** Meeting is tomorrow evening at 7:00 P.M. and will be held at the City of Batavia. The Town will be hosting the April 20 meeting.

**Joint Meeting-** There will be a joint meeting with the City February 21, 2006 at 6:00 P.M. at the Town Hall.

**Legislature Appreciation Dinner-** There will be a Genesee County Legislature Appreciation Dinner for Richard Rudolph and Michael Welsh at Bohn's on Thursday, February 23, 2006.

**Meeting-** The Town Board will meet with the Town of Batavia Fire Department on March 14, 2006 at 7:00 P.M. at the Town Hall.

**Stormwater Conference-** On March 30, 2006 a Stormwater Conference and Tradeshow will be held at RIT Inn and Conference Center in Rochester.

**Magistrates Dinner-** Genesee County Magistrates Association Annual Recognition Dinner is April 1, 2006. Cost is \$27.50 per person.

**Land Use Decision Making Training Sessions** will be held on various dates at the Cornell Cooperative Extension in Rochester.

**Storm Sewer Easements-** He is working with the landowners involved for the storm sewer easements and hopes to have them by the next meeting.

**Easements-** Met with the City of Batavia regarding future needs for Sanitary Sewer Districts 1 and 2.

**COMPUTER PURCHASE-**Motion Councilman Gerace, Supervisor Post authorizing the purchase of a computer and related software from Marchese's Computer Products, Inc., off the NYS Contract Bidding for the Supervisor's Office at a cost not to exceed \$1,500.00 .

**MOTION CARRIED by unanimous vote (4-0)**

**ADDITIONAL ENGINEERING FIRM-** Motion Councilman Underhill, second Councilman Gerace authorizing the firm of Clark Patterson Associates as additional Engineers for the Town.

**MOTION CARRIED by unanimous vote (4-0)**

**COMMUNICATIONS:**

**The Town Clerk** requested authorization to attend the New York State Town Clerk's conference April 23 to April 26, 2006.

**NEW YORK STATE TOWN CLERKS CONFERENCE-**Motion Councilman Underhill, second Councilman Gerace authorizing the Town Clerk to attend the NYSTC Conference April 23 to April 26, 2006 in Saratoga Springs at a cost of \$673.00.

**MOTION CARRIED by unanimous vote (4-0)**

**The Supervisor** reported that the website maintenance and the Batavia Motel proposal will be discussed at the next meeting.

**Communication Committee (Broadband-Wireless )-**Councilman Gerace reported that they will be meeting again on Wednesday, February 22.

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**Sharing Assessors-** He is working with the City and other involved parties on sharing assessors within the County.

**Fire Department Committee-**Councilman Underhill reported that the Supervisor and himself had a meeting with the Town of Batavia Fire Department. It was a good meeting. It opened the line of communication between the Town and Fire Department.

**EXECUTIVE SESSION:** Motion Councilman Gerace, second Councilman Underhill to adjourn at 8:50 P.M. for executive session to discuss Teamsters Union Contract.

**MOTION CARRIED by unanimous vote (4-0)**

**RECONVENE:** Motion Councilman Gerace, second Supervisor Post to reconvene at 9:12 P.M.

**MOTION CARRIED by unanimous vote (4-0)**

**NO ACTION TAKEN**

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 9:13 P.M.

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk