

**MAY 3, 2006**  
**SPECIAL TOWN BOARD MEETING**

**Town Hall**

**6:43 P.M.**

**Roll Call**

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

**Others**

**Present:** Town Clerk Morasco

The Supervisor called the meeting to order at 6:43 P.M.

**RESOLUTION NO. 75:**

Councilman Zambito offered the following:

**CONGRATULATIONS**  
**UPON BEING GIRL SCOUT GOLD AWARD RECIPIENT**

**WHEREAS,** Kristen Riegel of the Genesee Valley Girl Scout Council Troop 2255 earned the Senior Girl Scout Gold Award from the Genesee Valley Girl Scout Council; and

**WHEREAS,** the Gold Award is the highest achievement in Girl Scouting; and

**WHEREAS,** a Girl Scout must exhibit efficient organizational, time management and leadership skills, and

**WHEREAS,** Kristen Riegel achieved the Gold Award by earning the Girl Scout Leadership Award, the Girl Scout Career Award, the Girl Scout 4B's Challenge and planning and implementing a Girl Scout Gold Award project; and

**WHEREAS,** Miss Riegel dedicated over 65 hours to this leadership and community service project, and

**WHEREAS,** by virtue of attaining the Gold Award has proven herself to be a Leader in the Community.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Batavia Town Board extends its congratulations to Kristen Riegel on receiving this high honor award and commends her for the hard work needed to attain it, and be it further

**RESOLVED,** The Batavia Town Board sends Kristen Riegel its best wishes for a successful future.

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

**RESOLUTION NO. 76:**

Councilman Underhill offered the following:

**CONGRATULATIONS**  
**UPON BEING GIRL SCOUT GOLD AWARD RECIPIENT**

**WHEREAS,** Amy Seweryniak of the Genesee Valley Girl Scout Council Troop 2035 earned the Senior Girl Scout Gold Award from the Genesee Valley Girl Scout Council; and

**WHEREAS,** the Gold Award is the highest achievement in Girl Scouting; and

**WHEREAS,** a Girl Scout must exhibit efficient organizational, time management and leadership skills, and

**WHEREAS,** Amy Seweryniak achieved the Gold Award by earning the Girl Scout Leadership Award, the Girl Scout Career Award, the Girl Scout 4B's Challenge and planning and implementing a Girl Scout Gold Award project; and

**WHEREAS,** Miss Seweryniak dedicated over 65 hours to this leadership and community service project, and

**WHEREAS,** by virtue of attaining the Gold Award has proven herself to be a Leader in the Community.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Batavia Town Board extends its congratulations to Amy Seweryniak on receiving this high honor award and commends her for the hard work needed to attain it, and be it further

**RESOLVED,** The Batavia Town Board sends Amy Seweryniak its best wishes for a successful future.

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

**RESOLUTION NO. 77:**

Supervisor Post offered the following:

**RESOLUTION TO INTRODUCE AN ORDINANCE**  
**TO AMEND THE ZONING LAW BY ADDING OUTDOOR RECREATION**  
**FACILITY AS A USE REQUIRING A SPECIAL USE PERMIT**

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**WHEREAS**, the Town Board of the Town of Batavia, New York has received a letter from Scott R. Evans, owner of the Gravel Pit located at 5158 East Main Street Road, Batavia New York, requesting that the Town consider adopting legislation to amend the Code of the Town of Batavia by adding “Outdoor Recreation Facility” as a use requiring a Special Use Permit within the Commercial District, Section 235.27 (letter attached).

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that a proposed Ordinance entitled, An Ordinance to Amend the Code of the Town of Batavia to Add “Outdoor Recreation Facility” as a use requiring a Special Use Permit within the Commercial District, Section 235.27, which proposed Ordinance 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 Ordinance 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 May 17, 2006, and that a public hearing be held before this Town Board on the 17<sup>th</sup> day of May 2006, at 7:00 P.M. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Ordinance; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Ordinance 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 ten (10) 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 Ordinance is on file in the Town Clerk’s Office.

**Offered by:** Supervisor Post

**Second by:** Councilman Zambito

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

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

**PUBLIC NOTICE** is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 3<sup>rd</sup> day of May, 2006, a proposed Ordinance entitled, An Ordinance to Amend the Code of the Town of Batavia by Adding “Outdoor Recreation Facility” as a use requiring a Special Use Permit within the Commercial District Section 235.27.

**PLEASE TAKE FURTHER NOTICE** that on the 17<sup>th</sup> day of May, 2006 at 7:00 P.M. 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

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considering the advisability of enacting said proposed Ordinance, at which time and place all persons interested will be heard.

A copy of said proposed Ordinance is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for inspection.

**Dated: May 3, 2006**  
**Town of Batavia, New York**

**Teressa M. Morasco**  
**Town Clerk**

**AN ORDINANCE**  
**TO AMEND ZONING ORDINANCE**  
**TO ADD OUTDOOR RECREATION FACILITY**  
**AS A USE REQUIRING A SPECIAL USE PERMIT WITHIN**  
**THE COMMERCIAL DISTRICT**

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

**AMENDMENT**

Section 235-27 of the Code of the Town of Batavia, and thereby the Town of Batavia Zoning Ordinance, is hereby amended to add a new use requiring a Special Use Permit in the proper numerical order in said Section, as follows:

B (23) Outdoor Recreation Facility

**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.

**Comprehensive Master Plan (CMP) Professional Services-** The Supervisor informed the Town Board that he has received proposals from a few firms for professional service with the CMP update. He would like to blend the services of more than one firm.

**COMPREHENSIVE MASTER PLAN (CMP) PROFESSIONAL SERVICES:** Motion Councilman Underhill, second Councilman Zambito authorizing the Supervisor to retain firms for professional services for the CMP update.

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

**EXECUTIVE SESSION:** Motion Councilman Gerace, second Councilman Zambito to adjourn at 6:55 P.M. for executive session to discuss personnel and Union Negotiations.

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

**RECONVENE:** Motion Councilman Zambito, second Councilman Underhill to reconvene at 7:53 P.M.

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

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**ACTION TAKEN:**

**RESOLUTION NO. 78:**

Councilman Gerace offered the following:

**RESCINDING RESOLUTION 31, DATED JANUARY 26, 2006**  
**RETAINING SECRETARY TO THE SUPERVISOR**

**RESOLVED**, the Batavia Town Board hereby rescinds resolution 31, dated January 26, 2006, "Retaining Secretary to the Supervisor".

**Second by:** Councilman Zambito

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

**RESOLUTION NO. 79:**

Supervisor Post offered the following:

**RETAINING SECRETARY TO THE SUPERVISOR**

**WHEREAS**, the Supervisor wishes to retain Hiedi Librock to assist in the Supervisor's office.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby retains Hiedi Librock as Secretary to the Supervisor at a salary of \$13.50 per hour, not to exceed 30 hours per week

**Second by:** Councilman Zambito

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

**ADJOURNMENT:**

Motion Councilman Zambito, second Supervisor Post to adjourn the Special Town Board Meeting at 7:55 P.M.

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk