

**AUGUST 16, 2006
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Daniel Underhill, Councilman led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman Michalak
Councilman Gerace

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Highway Superintendent Cook
Building Inspector Worthington
Deputy Building Inspector Gerould

The Supervisor called the meeting to order at 7:06 P.M.

MINUTES:

July 19, 2006 Public Hearing-“Local Law #2 of 2006-Authorizing a Grant to GCEDC”:

Motion Councilman Underhill, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

July 19, 2006 Regular Town Board Meeting:

Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

SPEAKERS:

Jason Tomporowski, Town Resident addressed the Town Board regarding the petition that was filed with the Planning Board and Building Inspector for the continuous problem with the noise from the Motorsports Parks on Harloff Road. He spoke to the Supervisor today and understands that they are looking into it. The Supervisor is planning on having a meeting with the landowners and/or Planning Board before the next regular Town Board Meeting.

Loren Clark, Town Resident who circulated the petition against the Putnam/Shepard Water Improvements expressed to the Town Board that he feels it is a conflict of interest for Mr. Post to vote on any of the Water Improvements because he owns an excavation business and he should refrain from voting on these issues.

Paul Heist, Town Resident is concerned with the noise from the Motorsports Parks but will hold comments until the meeting.

Mike Liptak, Town Resident addressed the Town Board with the same concerns. He does not want the west end of Town to be like the east end, referring to the Fairgrounds racing, the noise and the lights.

RESOLUTION NO. 117:

Councilman Zambito offered the following:

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

BID AWARD
LOVERS LANE ROAD WATERLINE

WHEREAS, the Town of Batavia received bids August 3, 2006 at 1:30 P.M. for the construction of approximately 5,500 linear feet of 8 inch PVC waterline on Lovers Lane Road; and

WHEREAS, R. Myers Contractors, Incorporated was the lowest responsible bidder at a cost of two hundred, forty thousand, three hundred, seven-five dollars (\$240,375.00).

NOW THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby awards the bid to R. Myers Contractors, Incorporated at a cost of two hundred, forty thousand, three hundred, seven-five dollars (\$240,375.00) for construction of approximately 5,500 linear feet of 8 inch PVC waterline on Lovers Lane Road contingent upon approval by the USDA- Rural Development-Rural Utility Service and 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: Councilman Gerace
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 118:

Councilman Underhill offered the following:

AUTHORIZING PARTICIPATION IN
YEAR 2007 JOINT YOUTH PROGRAM

WHEREAS, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

WHEREAS, the Town of Batavia's contribution to this joint youth project is \$7,498.00 and such Town contributions qualify for New York State Aid reimbursement of \$2,200.00;

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2007; and be it further

RESOLVED, that the year 2007 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2007:

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$2,821.00
Pembroke, et al. (R004)	1,705.00
Oakfield/Alabama (R005)	743.00
Elba (R001)	743.00
Byron/Bergen (R002)	743.00
Alexander (R003)	<u>743.00</u>
Total	\$7,498.00

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

Discussion- Prior to the vote the Supervisor informed the Town Board that he just received letters from some municipalities requesting an increase in the contribution for 2007, which can be considered and amended at a future meeting.

RESOLUTION NO. 119:

Supervisor Post offered the following:

INCOME SURVEY- SANITARY SEWER EXTENSION
WORTENDYKE/WEST MAIN STREET ROADS

WHEREAS, an income survey of residents needs to be conducted to determine the eligibility of the proposed sanitary sewer extension on Wortendyke/West Main Street Road area for Small Cities funding and hardship assistance under the CWSRF; and

WHEREAS, Stuart I. Brown Associates, Inc. has indicated that they will assist the Town in conducting the survey at a cost of four hundred dollars (\$400.00) plus direct reimbursement of cost for copying and postage.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby authorizes Stuart I. Brown, Associates, Inc. to conduct a household income survey for sanitary sewer extensions on the aforementioned roads at a cost of four hundred dollars (\$400.00) plus copying and postage costs.

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

RESOLUTION NO. 120:

Councilwoman Michalak offered the following:

ESTABLISH LINE ITEMS
BACKFLOW PREVENTION CONSULTANTS

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

RESOLVED, the Batavia Town Board hereby establishes the following line items for Backflow Prevention Consultants:

SW8310.401 – Backflow Prevention Consultants Contractual
SS18110.401 – Backflow Prevention Consultants Contractual
SS28110.401 – Backflow Prevention Consultants Contractual

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 121:

Councilman Gerace offered the following:

TOWN OF BATAVIA
PEARL STREET ROAD PUBLIC WATER EXTENSION

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 June 21, 2006, to conduct an environmental review of the extension of public water facilities within the project service area along Pearl Street Road. 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 June 30, 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. 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.
6. 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.

NOW THEREFORE BE IT RESOLVED,

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

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 Pearl Street Road Public Water Extension project area; 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.

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

RESOLUTION NO. 122:

Councilman Zambito offered the following:

TOWN OF BATAVIA
WILKINSON ROAD PUBLIC WATER EXTENSION
SEQR RESOLUTION - NEGATIVE DECLARATION

WHEREAS,

4. 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 June 21, 2006, to conduct an environmental review of the extension of public water facilities within the project service area along Wilkinson Road. The project will improve the quality and quantity of water available to area residents.
5. 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.
6. 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.
5. On June 30, 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.
7. 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.

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

8. 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.

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 Wilkinson Road Public Water Extension project area; 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.

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

SUSPEND THE RULES: Motion Councilman Underhill, second Councilman Gerace to suspend the rules to introduce an additional resolution.
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 123:

Councilman Underhill offered the following:

INCREASE IN DEPUTY BUILDING INSPECTORS HOURS

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

WHEREAS, at the June 15, 2005 Regular Town Board Meeting the Town Board adopted a motion to increase the Deputy Building Inspectors hours to work no more than thirty hours per week; and

WHEREAS, the Building Inspection Department's workload has since increased and requests additional hours for Mr. Gerould.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Bruce Gerould, Deputy Building Inspector to work provisionally no more than 40 hours per week for the remainder of this year (2006).

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

Abstract No. 8-2006: Motion Councilman Gerace, second Councilman Zambito to authorize the

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

Supervisor to pay the following vouchers:

General	\$103,082.90
Highway	49,121.06
Sewer No. 1	34,524.63
Sewer No. 2	42,832.95
Water	<u>118,749.86</u>
TOTAL	\$348,311.40

Check numbers 10573 thru 10649

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Highway Superintendent reported on the following:

New York Municipal Insurance Reciprocal (NYMIR) Seminar- Attended the NYMIR Seminar on playgrounds.

Comprehensive Master Plan (CMP) Meeting- Received a call from Stu Brown asking him to attend the CMP Meeting Wednesday, August 23.

Building Inspector reported on the following:

Dump Fill Permit- Distributed to the Town Board a copy of a dump fill permit application he received from Neil and Luanne Jacobs and recommended approval of the permit with the stipulation that they have a floodplain permit with the fill permit.

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%.

Special Town Board Meeting- There will be a Special Town Board Meeting on August 21, 2006 at 7:00 P.M. to discuss the networking and security report.

"Energy Costs Up" Teleconference- The Office of the State Comptroller & the NYS Energy Research & Development Agency are co-sponsoring a teleconference, entitled, "Energy Costs Up" on Thursday, September 7, 2006 at the Genesee Valley BOCES in LeRoy. If anyone from the Board members would like to attend, see the Town Clerk.

Town Active Projects - There are many active, major projects in the Town.

Thanked the Town staff and Town Board's for all their hard work and dedication.

COMMUNICATIONS:

The Town Clerk reported on the following:

Hunting License- Hunting Licenses for the 2006-2007 season went on sale Monday, August 14. The Town will laminate the license for \$1.00.

Kiwanis Park Donation- Fran Lawrence, City of Batavia resident donated \$25.00 to the Town

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

for the use of Kiwanis Park.

COMMITTEE REPORTS:

Time Warner- Councilman Zambito and Councilwoman Michalak reported they are still waiting for a reply.

Fire Department Committee- Councilman Underhill reported the next joint Town/City Fire Committee meeting will be August 22, 2006. At the last meeting Steve Hyde, from GCEDC and a representative from Albany attended to answer some legal questions. It was very educational. Mr. Underhill stated that we are very fortunate to have volunteer fire departments.

Comprehensive Master Plan (CMP) Committee- Councilman Underhill reported that the CMP committee will be meeting August 23, 2006. The topic is transportation. Mr. Underhill thanked Clint for his help.

Assemblyman Steve Hawley's fundraiser will be Saturday, August 26, 2006 from 6:00 P.M. to 9:30 P.M. at Call's Barn.

Communication Committee (Broadband-Wireless)-Councilman Gerace reported that the next meeting will be September 6. They are still working on the logistics. It is a lengthy process.

NEW BUSINESS:

PURCHASE WATER/SEWER REFERENCE MATERIAL-Motion Councilman Underhill, second Councilman Zambito authorizing the Town Engineer to purchase Water/Sewer Reference Materials at a cost not to exceed \$2,200.00

MOTION CARRIED by unanimous vote (5-0)

NYS ASSESSORS CONFERENCE- Motion Councilman Zambito, second Councilman Underhill authorizing Michael Cleveland to attend the NYS Assessors Conference September 17 through September 20, 2006 in Lake Placid, New York.

MOTION CARRIED by unanimous vote (5-0)

DUMP FILL PERMIT -Motion Councilman Underhill, second Councilman Zambito approving the Dump Fill permit for Christine and Scott Schrader, 17 Valle Drive, Batavia, NY, for fill to be placed at 17 Valle Drive, based on the Building Inspectors and Town Engineer's recommendation with the following additional conditions:

1. Proposed drainpipe shall be 12-inch minimum and shall be the property owners responsibility to appropriately size the pipe to allow the continued conveyance of storm water equal to or greater than existing requirements.
2. End sections of the pipe shall terminate a minimum of 5 feet from property lines.
3. Fill permit valid for 17 Valle Drive only.
4. Finish grading of property shall continue to drain to existing ditch at end of new closed drainage system.

MOTION CARRIED by unanimous vote (5-0)

DUMP FILL PERMIT -Motion Councilman Underhill, second Councilman Zambito approving the Dump Fill permit for Neil and Luanne Jacobs, 9268 Creek Road, Batavia, NY, for fill to be placed on

AUGUST 16, 2006
REGULAR TOWN BOARD MEETING

vacant lot, north of 9268 Creek Road, based on the Building Inspectors review recommending approval with the stipulation that they have a floodplain permit with the fill permit.

MOTION CARRIED by unanimous vote (5-0)

ADJOURNMENT:

Motion Councilman Zambito, second Councilman Gerace to adjourn the Regular Town Board Meeting at 7:43 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk