

**OCTOBER 18, 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
Deputy Supervisor Underhill
Councilman Zambito
Councilwoman Michalak
Councilman Gerace

Others

Present: Town Clerk Morasco
Highway Superintendent Cook
Building Inspector Worthington

The Supervisor called the meeting to order at 7:02 P.M.

MINUTES:

September 20, 2006 Regular Town Board Meeting: Motion Councilman Zambito, second Councilman Gerace to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 130:

Councilman Zambito offered the following:

RESOLUTION ADOPTING LOCAL LAW # 3 OF 2006

WHEREAS, proposed Local Law #3 of 2006 of the Town of Batavia 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 in its final form was presented to the Town Board at the meeting held on September 20, 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 October 18, 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 #3 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 #3 of 2006 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #3 of 2006 be filed

**OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING**

with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 131:

Councilman Underhill offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2007 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 18, 2006; and

WHEREAS, Section 198 (3) (d) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$33,321.96 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2007 tax warrant.

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

RESOLUTION NO. 132:

Supervisor Post offered the following:

**CALLING FOR PUBLIC HEARING
ON THE 2007 TOWN BUDGET**

WHEREAS, the Town Board of the Town of Batavia is in the process of finalizing the preparation of the Preliminary 2007 Town Budget;

WHEREAS, said 2007 Preliminary Town Budget will be filed with the Town Clerk no later than October 20, 2006;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2007 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:00 P.M. on Wednesday, November 1, 2006, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilman Underhill

**OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING**

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 133:

Councilwoman Michalak offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2007 TO FEBRUARY 2008**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2007 to February 2008 are Sewer District No. 1 - \$5.03/1,000 gallons, Sewer District No. 2 - \$5.03/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2007 to February 2008 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 7:20 P.M. on Wednesday, November 1, 2006, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
SEWER RENTS – MAY 2007 – FEBRUARY 2008**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 1, 2006 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 7:20 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2006 to February 2007 are, Sewer District No. 1 at \$5.03/1,000 gallons and Sewer District No. 2 at \$5.03/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 18, 2006

Teressa M. Morasco
Batavia Town Clerk

**OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 134:

Councilman Gerace offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW # 4 OF 2006

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to repeal and replace Chapter 89 of the Code of the Town of Batavia to comply with the New York State requirement to provide for the statewide uniform administration and enforcement of the New York State Uniform Fire Prevention and Building Code, also known as Town of Batavia Local Law #4 of 2006.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #4 of 2006 entitled "A Local Law Providing For The Administration And Enforcement Of The New York State Uniform Fire Prevention And Building Code", 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 November 15, 2006, and that a public hearing be held before this Town Board on the 15th day of November, 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 (5-0)

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

OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 18th day of October, 2006, proposed Local Law #4 of 2006 entitled "A Local Law Providing For The Administration And Enforcement Of The New York State Uniform Fire Prevention And Building Code". Said Local Law will repeal and replace Chapter 89 of the Code of the Town of Batavia to comply with the New York State requirement to provide for the statewide uniform administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

PLEASE TAKE FURTHER NOTICE that on 15th day of November, 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
October 18, 2006

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

RESOLUTION NO. 135:

Councilman Zambito offered the following:

**RESOLUTION ESTABLISHING WORKDAY FOR
ELECTED AND APPOINTED OFFICIALS**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State And Local Employees' Retirement System:

ELECTED OFFICIALS

Supervisor
Councilperson
Town Justice

Five day work week, six (6) hour day.

Town Clerk/Tax Collector
Superintendent of Highways

Five day work week, seven and one-half (7.5) hour day.

**OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING**

APPOINTED OFFICIALS

Members of Board of Zoning Appeals
Members of Planning Board
Town Engineer
Secretary to Supervisor
Clerk-Typist
Financial Clerk-Typist
Clerk-Stenographer
Court Officer
Building Inspector, Part-time

Five day work week, six (6) hour day.

Deputy Town Clerk
Water/Sewer Billing Clerk
Building Inspector
Assessor

Five day work week, seven and one-half (7.5) hour day.

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

RESOLUTION NO. 136:

Councilman Underhill offered the following:

INCOME SURVEY- SANITARY SEWER NO. 1

WHEREAS, an income survey of residents needs to be conducted to determine the eligibility of the proposed sanitary sewer improvements to Sewer District No. 1 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 the aforementioned at a cost of four hundred dollars (\$400.00) plus copying and postage costs.

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

**OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 137:

Supervisor Post offered the following:

**ACCEPTANCE OF AND AGREEMENT TO OPERATE WATERLINE FROM GENESEE
GATEWAY LOCAL DEVELOPMENT CORPORATION (GGLDC)**

WHEREAS, the GGLDC has requested the waterline along Call Parkway from approximate station 16+50 to 37+50 be accepted and operated by the Town of Batavia until formal dedication occurs; and

WHEREAS, the waterline has been installed in accordance with the Town of Batavia standards and has passed all bacteriological and pressure testing; and

WHEREAS, the Batavia Town Engineer has made recommendation to the Batavia Town Board to accept GGLDC's request for the Town of Batavia to operate the waterline until formal dedication.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby accepts the waterline contingent upon receiving a temporary easement for purposes of operating the waterline and a completed works certificate has been received by the GGLDC from the Genesee County Health Department.

Second by: Councilman Michalak

APPROVED by unanimous vote (5-0)

Abstract No. 10-2006: Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$36,251.06
Highway	13,186.11
Sewer No. 1	1,915.12
Sewer No. 2	1,685.16
Water	<u>15,548.95</u>
TOTAL	\$68,586.40

Check numbers 10730 thru 10804

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor Post expressed that he was most pleased at how well the storm response was handled by the Town Employees and thanked everyone.

Highway Superintendent reported on the following:

Storm Clean Up- His department is busy cleaning up after the October 13 storm.

Tailgate Spreaders- He would like to purchase two (2) tailgate spreaders for \$5,900.00,

OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING

however the account is short because of the bush hogs that were purchased. He requested authorization to have funds transferred from the Highway Equipment Reserve Fund to cover the shortfall in the account to purchase the tailgate spreaders.

TAILGATE SPREADERS PURCHASE & BUDGET TRANSFER-Motion Supervisor Post, second Councilman Underhill authorizing the appropriation of funds from the Highway Equipment Reserve Fund to DA5130.200-Highway Machinery Equipment Fund for the balance of dollars needed to purchase two tailgate spreaders.

MOTION CARRIED by unanimous vote (5-0)

October 13, Storm Damage-Any damage to property (excluding trees), please notify the Town so that it can be documented.

The Supervisor stated that residents should place the branches at the edge of the Town right-of-way by November 1, 2006 for pick up.

Mr. Post advised the Building Inspector to note any property damage and photograph damage, if possible.

Building Inspector reported on the following:

New Building Code-Steve, Bruce and he met with FRA Engineering regarding the new building code and such for speeding up the review process.

The Supervisor thanked Clint and Bruce for the great job that they are doing.

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 5.20%. He will be reinvesting the funds on Monday.

GAM- The next GAM meeting is tomorrow evening at the Byron Fire Hall at 7:00 P.M.

Genesee County Mitigation Plan- The next Genesee County Mitigation Planning Meeting will be November 29, 2006. He asked Clint and Rod to continue attending these meetings.

2007 Budget Preparation- Mr. Post thanked the Town Board for attending all the Budget Workshops and the efforts they put forth in preparing the 2007 Budget.

COMMITTEE REPORTS:

The Town Clerk reported on the following:

Galloway Speed Limit- Received an approval letter from the NYSDOT for the request for a speed reduction on a portion of Galloway Road and they have forwarded it on to the Secretary of State for approval .

Genesee County ARC Employer Appreciation Breakfast -Attended the GCARC Appreciation Breakfast on October 3 at Terry Hills. The Town received a certificate of appreciation

GC Chamber of Commerce Annual Membership Meeting -Hiedi and myself attended the GC Chamber of Commerce Annual Membership Meeting.

Credit/Debit Cards-Representatives from Five Star Bank attended the October Genesee County

OCTOBER 18, 2006
REGULAR TOWN BOARD MEETING

Town Clerks Association meeting to answer questions about accepting Credit/Debit Card transactions.

The Supervisor thanked the Town Clerk for reporting to work the day of the storm (October 13).

OLD BUSINESS:

Time Warner- Councilwoman Michalak reported that she is having difficulty getting an agreement with Time Warner.

Rural Opportunities – Councilwoman Michalak attended the Rural Opportunities meeting October 5. They offer affordable housing grants for your home. For information you can contact the Rural Opportunities Office in the Batavia City Centre. The next meeting will be in January.

ADJOURNMENT:

Motion Councilman Zambito second Councilman Gerace to adjourn the Regular Town Board Meeting at 7:31 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk