

**MAY 17, 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  
Councilman Underhill  
Councilwoman Michalak  
Councilman Gerace

**Absent:** Councilman Zambito

**Others**

**Present:** Town Clerk Morasco  
Building Inspector Worthington  
Peter Godfrey, Attorney for the Town-Labor Matters

The Supervisor called the meeting to order at 8:05 P.M.

**MINUTES:**

**April 19, 2006 Public Hearing-“A Local Law to Establish a Town Engineer Position”:**  
Motion Councilman Gerace, second Councilman Underhill to approve the minutes as written.

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

**April 19, 2006 Public Hearing-“Amendment to the Code-PUD Hawley Drive”:** Motion Councilman Gerace, second Councilman Underhill to approve the minutes as written.

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

**April 19, 2006 Regular Town Board Meeting:** Motion Councilman Gerace, second Councilman Underhill to approve the minutes as written.

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

**May 3, 2006 Public Hearing-“Small Cities Grant Community Development Block Grant Funds”:** Motion Councilman Underhill, second Councilman Gerace to approve the minutes as written.

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

**May 3, 2006 Special Town Board Meeting:** Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

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

**RESOLUTION NO. 80:**

Councilman Underhill offered the following:

**AUTHORIZATION TO SUBMIT A GRANT  
APPLICATION TO THE GOVERNOR’S OFFICE FOR SMALL CITIES**

**WHEREAS**, Wellsville Carpet Town, Inc. plans to construct a new 75,600 square foot facility at 7993 Call Parkway within the Gateway II Corporate Park in the Town of Batavia, and

**WHEREAS**, Wellsville Carpet Town, Inc. plans to transfer approximately 35 jobs to this facility

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and create 76 new jobs for Genesee County and New York State for total employment of 111 at the site, and

**WHEREAS**, Wellsville Carpet Town, Inc. requires financial support from the Governor's Office for Small Cities to finance part of the project. Now, therefore, be it

**FURTHER RESOLVED**, that the Batavia Town Council hereby authorizes the Supervisor to submit a grant application in the amount of \$556,000 to the Governor's Office for Small Cities, based on the estimated job creation, and be it

**FURTHER RESOLVED**, that the Batavia Town Council authorizes the Supervisor to execute all other necessary documents associated with the Governor's Office for Small Cities grant approval, subject to review by counsel, and be it

**FURTHER RESOLVED**, that the Batavia Town Council authorizes the Supervisor to serve as "Certifying Officer" for the purposes of assuring compliance with all federal environmental regulations and representing the Town of Batavia in any challenge to such compliance of the Small Cities grant.

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

**RESOLUTION NO. 81:**

Supervisor Post offered the following:

**SEQR DETERMINATION OF NON-SIGNIFICANCE  
COMMERCIAL DISTRICT AS A SPECIAL USE PERMIT,  
"OUTDOOR RECREATION FACILITY"**

**WHEREAS** ; in accordance with the State Environmental Quality Review Act (SEQRA) the proposed amendment to the Code of the Town of Batavia, "Outdoor Recreation Facility" as a Special Use Permit added to Section 235-27, Commercial District, is an unlisted action; and

**WHEREAS**, the Batavia Town Board acting as Lead Agency has reviewed the Short Environmental Assessment Form addressing the proposed amendment (attached); and

**WHEREAS**, it has been determined that the proposed amendment will not have an adverse impact on the environment.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby directs the Supervisor to prepare the Negative Declaration Notice of Determination of Non-Significance to amend the Code of the Town of Batavia to include in Section 235-27, Commercial District, as a Special Use Permit, "Outdoor Recreation Facility" and administer it accordingly.

**Second by:** Councilman Underhill

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

**RESOLUTION NO. 82:**

Councilwoman Michalak offered the following:

**ADOPTION OF AN ORDINANCE TO AMEND  
THE CODE OF THE TOWN OF BATAVIA –  
ADDING OUTDOOR RECREATION FACILITY AS A USE REQUIRING A  
SPECIAL USE PERMIT WITHIN A COMMERCIAL DISTRICT**

**WHEREAS;** the Batavia Town Board wishes to adopt an ordinance to amend the Code of the Town of Batavia to include in Section 235-27, “Outdoor Recreation Facility” as a Use Requiring a Special Use Permit within a Commercial District, the Ordinance thereof hereto attached; and

**WHEREAS,** the Genesee County Planning Board recommended approval to amend the aforementioned by action taken May 11, 2006; and

**WHEREAS,** a public hearing on the advisability of amending the said Code of the Town of Batavia was held May 17, 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 Batavia Town Board has complied with the State Environmental Quality Review Act (SEQRA) in making a determination of non-significance.

**NOW, THEREFORE BE IT**

**RESOLVED,** the ordinance to amend the Code of the Town of Batavia is hereby adopted to include “Outdoor Recreation Facility” as a Use Requiring a Special Use Permit within a Commercial District in Section 235-27; and be it

**FURTHER RESOLVED,** that the Batavia Town Clerk be and she hereby is authorized and directed to enter said resolution adopting an ordinance to amend the Code of the Town of Batavia in the minutes of the Town, to publish said adoption of the Ordinance or a summary thereof in the official newspaper of the Town and to file an affidavit of such publication in her office; and be it

**FURTHER RESOLVED,** this ordinance shall take effect ten (10) days after publication of a Notice of Enactment of the same and in accordance with Law.

**Second by:** Councilman Underhill

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

**RESOLUTION NO. 83:**

Councilman Gerace offered the following:

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**POSTAGE METER RENTAL AGREEMENT**

**RESOLVED**, the Batavia Town Board hereby authorizes the rental of a DM200 Postage Meter from Pitney Bowes in the amount of one hundred nine dollars (\$109.00) per month to comply with the new postal regulations; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to execute the agreement (attached).

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

**RESOLUTION NO. 84:**

Councilman Underhill offered the following:

**RURAL DEVELOPMENT PROJECT MANAGEMENT SERVICES AGREEMENT –  
PUTNAM AND SHPEARD ROADS WATER DISTRICT  
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 Putnam and Shepard Roads Water District 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 to 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. 85:**

Supervisor Post offered the following:

**HOME RULE REQUEST TO ESTABLISH THE NONCOMPETITIVE CIVIL SERVICE  
POSITION OF DEPUTY ASSESSOR AND AUTHORIZE APPOINTMENT TO A  
CONSOLIDATED ASSESSING UNIT**

**WHEREAS**, the Town of Batavia and several Genesee County Municipalities have considered a consolidated assessing unit, and

**WHEREAS**, such a unit will also benefit from the services of a deputy assessor; and

**WHEREAS**, Senate bill (No.S.7722) and Assembly bill (No. A.10946) need to be enacted to

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establish the noncompetitive civil service position of deputy assessor and authorize appointment to a consolidated assessing unit.

**NOW, THEREFORE, BE IT**

**RESOLVED**, Pursuant to Article IX of the Constitution, the Town of Batavia hereby requests the enactment of Senate bill (No.S.7722) and Assembly bill (No. A.10946), entitled “ an Act to authorize the Town of Batavia, County of Genesee, to establish the noncompetitive civil service position of deputy assessor and authorize appointment to a consolidated assessing unit.

**Seconded by:** Councilman Underhill

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

**RESOLUTION NO. 86:**

Councilwoman Michalak offered the following:

**RESCINDING RESOLUTION 72, DATED APRIL 19, 2006**  
**HIGHWAY SHARED SERVICES AGREEMENT**

**RESOLVED**, the Batavia Town Board hereby rescinds resolution 72, dated April 19, 2006, “Highway Shared Services Agreement”.

**Second by:** Councilman Gerace

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

**RESOLUTION NO. 87:**

Councilman Gerace offered the following:

**HIGHWAY SHARED SERVICES AGREEMENT**

**WHEREAS**, the Town of Batavia Superintendent of Highways reported that the Town of Batavia currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with the New York State Highway Law and General Municipal Law, the Town of Batavia is required to adopt an agreement formalizing this arrangement; and

**WHEREAS**, the Superintendent of Highways reported that municipalities, including the Town of Batavia, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

**WHEREAS**, the Superintendent of Highways reported that it has been determined that the Town of Batavia and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed; and

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**WHEREAS**, it has been determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Batavia and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money; and

**WHEREAS**, it is the intent of the Town of Batavia to give the Town's Superintendent of Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangement; and

**WHEREAS**, the Superintendent of Highways has presented an agreement which is expected to be adopted and placed into effect in other municipalities and will grant the person holding the position comparable to that of the head of the highway department authority to make such arrangements and has requested approval of this agreement by the Batavia Town Board; and

**WHEREAS**, the Batavia Town Board has determined that it is in the best interest of the Town to be a party to such shared services arrangement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute the Highway Shared Services Agreement, which shall be effective immediately for five (5) years and shall expire five (5) years from the date of its signing. The Town Board shall review this agreement each year, and be it

**FURTHER RESOLVED**, that the Town Clerk is authorized and directed to file a copy of the Highway Shared Services Agreement with the Town Clerk and Superintendent of Highways of each municipality within the County of Genesee.

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

**RESOLUTION NO. 88:**

Councilman Underhill offered the following:

**RESOLUTION APPOINTING TOWN ENGINEER**

**WHEREAS**, the Town of Batavia desires to appoint Steven J. Mountain to the position of Town Engineer in accordance with the terms and conditions as set forth in Offer Letter attached hereto and incorporated by reference herein; and

**WHEREAS**, the Town has enacted Local Law No. 1 of the Year 2006 creating and establishing residency requirements for the position of Town Engineer; and

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**WHEREAS**, Steven J. Mountain satisfies the requirements and qualifications of the position of Town Engineer; and

**WHEREAS**, it is anticipated that the appointment of Steven J. Mountain to the position of Town Engineer will most effectively ensure the provision of necessary services to the Town and its residents.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Supervisor shall be and hereby is authorized to execute Offer Letter on behalf of the Town thereby extending to Steven J. Mountain a provisional offer of employment in the position of Town Engineer.

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

**RESOLUTION NO. 89:**

Supervisor Post offered the following:

**PURCHASE NEW VEHICLE FOR**  
**BUILDING INSPECTION/CODE ENFORCEMENT**

**WHEREAS**, the 2006 Town Budget reflects appropriations to purchase a new vehicle for the Building Inspection/Code Enforcement Department.

**RESOLVED**, the Batavia Town Board hereby authorizes the Building Inspector to purchase a new vehicle from the New York State Bid at a cost not to exceed twenty-five thousand dollars (\$25,000.00).

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

**RESOLUTION NO. 90:**

A meeting of the Town Board of the Town of Batavia, in the County of Genesee, New York, was held at the Town Hall, in said Town, on **May 17, 2006**.

PRESENT:

Hon. Gregory H. Post, Supervisor  
Hon. Daniel Underhill, Councilman

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Hon. Patti Michalak, Councilwoman  
Hon. John Gerace, Councilman

-----X

In the Matter

of the

Establishment of the Town of Batavia  
Putnam and Shepard Roads Water District  
in the Town of Batavia,  
County of Genesee, New York, pursuant to  
Article 12-A of the Town Law.

-----X

**RESOLUTION CREATING TOWN OF BATAVIA  
PUTNAM AND SHEPARD ROADS WATER DISTRICT  
IN THE TOWN OF BATAVIA, SUBJECT TO PERMISSIVE REFERENDUM  
AND APPROVAL OF STATE COMPTROLLER**

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, has caused FRA Engineering P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of the Town of Batavia Putnam and Shepard Roads Water District (the "District") in the Town, with proposed improvements consisting of the construction of approximately 2,800 linear feet of 8-inch water main along the right of way of Shepard Road and 4,700 linear feet of 8-inch water main along the Putnam Road right of way, the installation of a booster pump station and generator and minor grading in the Town of Batavia, and including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (referred to herein as "Water Improvement"); the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$706,800; and

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WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on May 17, 2006 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN BATAVIA as follows:

The Board hereby determines:

- 1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.**
- 2. That all properties and property owners benefited by the improvements are included in the District.**
- 3. That all properties and property owners included in the District are benefited thereby.**
- 4. That it is in the public interest to establish the Town of Batavia Putnam and Shepard Roads Water District.**
- 5. That in the opinion of the Board, none of the properties included in the District will be unduly burdened by the creation of the District.**

RESOLVED that the Town Board hereby approves the creation of the Town of Batavia Putnam and Shepard Roads Water District and shall be bounded and described as follows:

**SHEPARD/PUTNAM WATER DISTRICT**

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT (FORMERLY WATER DISTRICT #3) SAID POINT BEING 300 FEET EASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF SHEPARD ROAD, THENCE;

1. SOUTHERLY ALONG A LINE 300 FEET EASTERLY OF AND PARALLEL TO THE SAID CENTERLINE OF SHPEARD ROAD TO THE CENTERLINE OF THE BATAVIA-BETHANY TOWNLINE ROAD, THENCE,

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2. WESTERLY AND ALONG THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD TO A POINT 300 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE SAID CENTERLINE OF SHEPARD ROAD, THENCE;
3. NORTHERLY AND ALONG A LINE 300 FEET WESTERLY OF AND PARALLEL TO THE SAID CENTERLINE OF SHEPARD ROAD TO A POINT 1000 FEET SOUTHERLY AS MEASURED PERPENDICULAR TO THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT, THENCE;
4. WESTERLY 1000 FEET SOUTHERLY OF AND PARALLEL TO THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT TO THE POINT WHERE IT INTERSECTS A LINE 300 FEET SOUTHEASTERLY AS MEASURED PERPENDICULAR TO THE CENTERLINE OF PUTNAM ROAD, THENCE;
5. SOUTHWESTERLY AND ALONG A LINE 300 FEET PARALLEL TO AND SOUTHEASTERLY OF SAID CENTERLINE OF PUTNAM ROAD TO A POINT ON THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD, THENCE;
6. WESTERLY AND ALONG THE SAID CENTERLINE OF BATAVIA-BETHANY TOWNLINE ROAD TO A POINT 300 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE SAID CENTERLINE OF PUTNAM ROAD, THENCE;
7. NORTHEASTERLY AND ALONG A LINE 300 FEET NORTHWESTERLY OF AND PARALLEL TO PUTNAM ROAD TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF TOWNLOT 9, THENCE;
8. NORTHERLY AND ALONG THE SAID WESTERLY LINE OF TOWNLOT 9 TO A POINT ON THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT, THENCE;
9. EASTERLY AND ALONG THE SAID SOUTHERLY LINE OF THE CONSOLIDATED WATER DISTRICT TO THE POINT AND PLACE OF BEGINNING.

AND BE IT FURTHER RESOLVED that the maximum amount proposed to be expended for such Water Improvement is \$706,800, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$373,000, offset by any funds received from the United States

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of America, and/or the State of New York, and/or the County of Genesee, and/or local grants including, but not limited, to a USDA Rural Development Agency Grant of \$333,800, and/or the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and be it

FURTHER RESOLVED, that the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be \$757; and each property will also have to provide for service from their home to the road right-of-way, at an estimated one-time cost of approximately \$12 per foot of pipe; and each property will have to pay for the purchase of a water meter and internal plumbing changes; and be it

FURTHER RESOLVED that this resolution is subject to a permissive referendum; and  
be it

FURTHER RESOLVED that the Town Clerk shall, within ten days after the adoption of this Resolution, publish a public notice at least once in each newspaper designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, in the Form of Exhibit A to this Resolution, stating the adoption of this Resolution subject to permissive referendum, and the Town Clerk shall cause to be prepared and have available for distribution proper forms for the petition requesting a referendum and shall distribute a supply to any person requesting same; and be it

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FURTHER ORDERED, that if the time for filing a petition requesting that the matter be submitted to a referendum of the property owners expires without such a petition be filed, the Town Clerk shall file a certificate stating such fact in the office of the county clerk; and be it

FURTHER ORDERED, that if such petition is filed, after such referendum is held Town Clerk shall file a certificate stating that a petition was filed and a referendum held and certifying the results of the vote on the proposition submitted at such referendum fact in the office of the county clerk; and be it

FURTHER ORDERED, that upon expiration of the permissive referendum period or upon the affirmative vote of a proposition submitted, the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the office of the State Comptroller, Department of Audit and Control for approval for the formation of the District.

DATED: May 17, 2006

TOWN BOARD OF THE  
TOWN OF BATAVIA

(SEAL)

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:           Councilwoman Michalak  
                  Councilman Gerace  
                  Councilman Underhill  
                  Supervisor Post

NOES:

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**Exhibit A**

**NOTICE OF ADOPTION OF RESOLUTION  
CREATING THE TOWN OF BATAVIA**

**PUTNAM AND SHEPARD ROADS WATER DISTRICT  
IN THE TOWN OF BATAVIA,  
SUBJECT TO PERMISSIVE REFERENDUM  
AND APPROVAL OF STATE COMPTROLLER**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Batavia, in the County of Genesee, State of New York, at a meeting held on May 17, 2006, adopted a resolution calling for the establishment of the Town of Batavia Putnam and Shepard Roads Water District, consisting of the construction of approximately 2,800 linear feet of 8-inch water main along the right of way of Shepard Road and 4,700 linear feet of 8-inch water main along the Putnam Road right of way, the installation of a booster pump station and generator and minor grading in the Town of Batavia, and including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (referred to herein as "Water Improvement"); the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$706,800, which amount is to be financed by the issuance of serial bonds not to exceed \$373,000, offset by any federal, state, county and/or local funds received, including but not limited to, a USDA Rural Development Agency grant of \$333,800. The expected average annual cost to the Typical Property (as defined in the Town Law) in the proposed District (which is a single family home) during the first year will be \$757; and each property will also have to provide for service from their home to the road right-of-way, at an estimated one-time cost of approximately \$12 per foot of pipe; and each property will have to pay for the purchase of a water meter and internal plumbing changes. Such Resolution was adopted subject to permissive referendum pursuant to Article 7 of the Town Law.

Dated: May 17, 2006  
Batavia, New York

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF BATAVIA, COUNTY OF GENESEE, STATE  
OF NEW YORK

**SUSPEND THE RULES:** Motion Councilman Gerace, second Councilman Underhill to suspend the rules to introduce an additional resolution.

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

**RESOLUTION NO. 91:**

Councilman Underhill offered the following:

**ESTABLISH LINE ITEMS**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items to account for

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the Town Engineer position and the review and update of the comprehensive master plan:

A1440.101 - Engineer Personnel  
A1440.401 – Town Engineer Contractual  
A8020.405 – Comprehensive Master Plan Update

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

**Abstract No. 5-2006:** Motion Councilman Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$95,974.71
Highway	10,637.83
Sewer No. 1	22,947.10
Sewer No. 2	24,804.15
Water	<u>107,830.03</u>
<b>TOTAL</b>	<b>\$262,193.82</b>

Check numbers 10333 thru 10405

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

**Discussion:** Prior to the vote the Town Board discussed the Sanitary Sewer billing from the City. The voucher the Town Board approved for payment is going to be based on the usage billed to the Town customers rather than on the readings from the Master Meters that the City billed the Town.

**DEPARTMENT REPORTS:**

**Building Inspector reported** that his department is very busy with development.

**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 4.79%.

**Town Real Property** Information can now be accessed via the Town website link or going directly to [www.oarsystem.com/ny/geneseecounty](http://www.oarsystem.com/ny/geneseecounty)

**COMMITTEE REPORTS:**

**Communication Committee (Broadband-Wireless )**-Councilman Gerace reported that the meeting for last evening was cancelled and is being rescheduled.

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**Fire Department Committee**- Councilman Underhill reported that City/Town Fire Committee are going to be meeting on June 6, 2006 at the Town of Batavia Fire Hall..

**Time Warner**-Councilwoman Michalak reported that she has not received anything from Time Warner regarding the Franchise Agreement.

**EXECUTIVE SESSION:** Motion Councilman Gerace, second Councilman Underhill to adjourn at 8:40 P.M. for executive session to discuss Bargaining Unit Agreement.

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

**RECONVENE:** Motion Councilman Gerace, second Councilman Underhill to reconvene at 9:35 P.M.

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

**RESOLUTION NO. 92:**

Supervisor Post offered the following:

**RESOLUTION REGARDING  
COLLECTIVE BARGAINING AGREEMENT  
WITH TEAMSTERS LOCAL 264**

**WHEREAS**, the Town of Batavia was party to a collective bargaining agreement (“CBA”) with Teamsters Local 264 (“Union”) that expired on December 31, 2004, which was extended by mutual agreement through December 31, 2005, and thereafter continued to date under Section 201-a(1)(e) of the Taylor Law; and

**WHEREAS**, the Town has been actively engaged in negotiations with Local 264; and

**WHEREAS**, the Town’s negotiating representatives and the Union’s negotiating representatives have reached a tentative agreement on the terms of a new collective bargaining agreement effective through and including December 31, 2009, subject to the ratification of the Union’s membership and the approval of the Town Board

**WHEREAS**, the Town Board has determined that the new collective bargaining agreement will be in the best interest of the Town of Batavia;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, the Town Supervisor shall be and hereby is authorized to execute on behalf of the Town a new collective bargaining agreement with the Union, effective through and including December 31, 2009, incorporating the terms of the prior collective bargaining agreement as modified by the annexed tentative agreements between the Town’s negotiating team and the Union’s negotiating team.

**Second by:** Councilman Underhill

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

**RESOLUTION NO. 93:**

Councilman Underhill offered the following:

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**RESOLUTION REGARDING**  
**MEMORANDUM OF AGREEMENT**  
**WITH TEAMSTERS LOCAL 264**

**WHEREAS** the Town Board of the Town of Batavia (“Town”) has authorized the Town Supervisor to execute a collective bargaining agreement (“CBA”) between the Town and Teamsters Local 265 (“Union”) covering employees in the Town’s highway department through December 31, 2009; and

**WHEREAS**, through collective negotiations the Town and the Union have agreed to change health insurance plans from the Teamsters “Supreme” plan to the Teamsters “Select” Plan at a significant cost savings to the Town; and

**WHEREAS** such new CBA provides for the application of a portion of the cost savings realized by the Town to a program as set forth in the annexed Memorandum of Agreement to offset some of the increased deductible and co-pay costs that employees will incur;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, the Town Board hereby authorizes the Town Supervisor to execute the annexed Memorandum of Agreement with the Union establishing a program to offset certain increased deductible and co-pay costs that employees will incur under the new CBA, subject to the Union’s execution of the CBA and the approval of the Town’s labor counsel.

**Second by:** Councilman Gerace

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

**RESOLUTION NO. 94:**

Councilman Gerace offered the following:

**NEW YORK STATE TEAMSTERS COUNCIL HEALTH & HOSPITAL FUND**

**WHEREAS** the Town Board of the Town of Batavia (“Town”) has authorized the Town Supervisor to execute a collective bargaining agreement (“CBA”) between the Town and Teamsters Local 265 (“Union”) covering employees in the Town’s highway department through December 31, 2009; and

**WHEREAS** such CBA provides for health insurance coverage through the New York State Teamster Council Health and Hospital Fund (“Fund”) at a plan level which will offer substantial cost savings to the Town during the term of the CBA; and

**NOW THEREFORE, BE IT HEREBY RESOLVED**, subject to the Union’s execution of the CBA and the approval of the Town’s labor counsel, the Town Board hereby authorizes the Town Supervisor to execute the annexed New York State Teamster Council Health and Hospital Participation Agreements with the Fund to facilitate the provision of health insurance benefits required under the Town’s collective bargaining agreement for the period June 1, 2006 through and including December

**MAY 17, 2006**  
**REGULAR TOWN BOARD MEETING**

31, 2009 and to facilitate provision of coverage under said plan to the Town's non-union employees.

**Second by:** Councilman Underhill

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

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilman Underhill to adjourn the Regular Town Board Meeting at 9:36 P.M.

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk