

**JANUARY 31, 2007
SPECIAL TOWN BOARD MEETING**

Town Hall

6:00 P.M.

Councilman Gerace led the pledge to the flag.

Roll Call

Present: Supervisor Post

Councilman Underhill
Councilman Michalak
Councilman Gerace

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Town Justice Wiater
Court Clerk Jacobs
Building Inspector Worthington
Town Engineer Mountain
Mary Sorce, Town Resident

The Supervisor called the meeting to order at 6:15 P.M.

RESOLUTION NO. 33:

Councilman Gerace offered the following:

ESTABLISHING TOWN PROSECUTOR POSITION

RESOLVED, the Batavia Town Board wishes to create the position of Town Prosecutor to handle traffic infractions at the Town of Batavia Court at a rate not to exceed \$150.00 per hour.

Second by: Deputy Supervisor Underhill

APPROVED by unanimous vote (4-0)

Discussion- Prior to the vote to establish the Prosecutor position the Town Board held a brief discussion with Town Justice Wiater and Court Clerk Jacobs. Town Justice Wiater expressed that he was uncomfortable with hiring a prosecutor at this time. The Supervisor spoke to Town Justice Filio, who was unable to attend this evenings meeting, and Judge Filio has expressed feelings both ways, for and against hiring a prosecutor. The Town Board expressed that they were in favor of hiring a prosecutor on an interim basis.

The Town Board would like to table the resolution to appoint the prosecutor and have a work session to further discuss this with all parties involved.

TABLED RESOLUTION: Motion Councilman Gerace, second Deputy Supervisor Underhill to table the resolution entitled, "Appointment of Town Prosecutor".

MOTION CARRIED by unanimous vote (4-0)

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DUMP FILL PERMITS:

Clinton Worthington, Building Inspector informed the Town Board that Nash Dsylva would like to fill on his additional parcel he purchased, which is located at 4736 Saile Drive. Mr. Dsylva has been in contact with the NYSDEC and they have no problem with him filling to the edge of the buffer zone, but not on the buffer zone. Mr. Worthington has no objections to the issuing of the permit to Mr. Dsylva. Also, John T. O'Brien, for property located at 8862 Alexander Road and Doug Diegelman, for property located at 3727 West Main Street Road have requested a renewal for their fill permits. The Building Inspector has no objections to the renewal of these permits. In addition, Mr. Worthington received a call from Gerard Haitz who also would like a fill permit for his property located on Saile Drive, however he has not yet received Mr. Haitz's application.

DUMP FILL PERMITS: Motion Councilman Gerace, second Deputy Supervisor Underhill approving the Dump Fill Permit for Nash Dsylva, 4736 Saile Drive and the Dump Fill Permit Renewals for John T. O'Brien, 8862 Alexander Road and Doug Diegelman, 3727 West Main Street Road. Also, approving the Fill Permit for Gerard Haitz contingent upon receiving a completed application and the Building Inspectors approval.

MOTION CARRIED by unanimous vote (4-0)

The Town Board discussed Clinton Worthington's recommendation to change the review and approval process for issuing the dump fill permits. Currently the process is not time effective for applicants. Also dump fill permits are under the section "Solid Waste" of the Town Codes, which should also be changed.

The Supervisor asked Mr. Worthington to do the research on this and put something together to get this amended.

SUSPEND THE RULES: Motion Councilman Gerace, second Deputy Supervisor Underhill to suspend the rules to discuss the sanitary sewer and storm drainage easement for the Lewiston Road and West Main Road Sanitary Sewer and Storm Drainage Project.

MOTION CARRIED by unanimous vote (4-0)

Sanitary Sewer Easement-The Town Board held a discussion regarding the easement for the Sorce property for the construction of the Lewiston/West Main Street Roads Sanitary Sewer and Storm Drainage Project. The construction has been underway for the Sanitary Sewer and Storm Drainage, however, the contractor is at a point on the property where there are 15 colorado blue spruce trees along the permanent easement which need to be removed in order to continue with the project. Also, an extension to the temporary working easement needs to be obtained. The Town Board discussed the Town's options as well as compensating Mrs. Sorce for the removal of the trees.

The Supervisor advised Mrs. Sorce, the Town Engineer and himself will continue to research the options and try to get this resolved as quickly as possible.

ADJOURNMENT:

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Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 7:15 P.M.

MOTION CARRIED by unanimous vote. (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk