

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Alfred Lang, Councilman led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilman Lang  
Councilwoman Michalak  
Councilman Gerace

**Others**

**Present:** Town Clerk Morasco  
Building Inspector Worthington  
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:05 P.M.

**April 23, 2008 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill , second Councilman Lang to approve the minutes as written.

**Ayes:** Underhill, Lang, Michalak, Post

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

**RESOLUTION NO. 100:**

Councilman Lang offered the following:

**SEQR DETERMINATION OF NON-SIGNIFICANCE**  
**ADOPTION OF THE TOWN OF BATAVIA OFFICIAL ZONING MAP**

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQRA) the proposed adoption of the Town of Batavia's Official Zoning Map is an unlisted action; and

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

**WHEREAS**, it has been determined that the proposed adoption 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 for the adoption of the Town of Batavia Official Zoning Map and administer it accordingly.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Lang, Underhill, Michalak, Post

**MAY 21, 2008  
REGULAR TOWN BOARD MEETING**

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

**RESOLUTION NO. 101:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO ADOPT A REVISED  
ZONING MAP OF THE TOWN OF BATAVIA, NEW YORK**

**WHEREAS**, on April 23, 2008, a Resolution was introduced to make a corrective revision due to an inadvertent error to the comprehensive zoning changes that were made on February 20, 2008, to the Zoning Map as adopted in Local Law No. 2 of 2008, and

**WHEREAS**, a Public Hearing on the advisability of adopting a revised Zoning Map was held on May 21, 2008, 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**, all required referrals to the Genesee County Planning Board and the Batavia Town Planning Board, as well as required publications and postings, have been properly completed, and

**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that that the adoption of the proposed revisions to the Zoning Map 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 the "Zoning Map of the Town of Batavia, New York", which has an adoption date of February 20, 2008, and a last revision date of March 19, 2008, and which is incorporated into the present Minutes of the Town Board by reference thereto, is hereby adopted pursuant to Section 235-7 of the Code of the Town of Batavia, New York, with the revisions thereon as the official "Zoning Map of the Town of Batavia, New York", and shall be on file at the Town Clerk's Office.

**Second by:** Councilwoman Michalak

**Ayes:** Underhill, Michalak, Lang, Post

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

**RESOLUTION NO. 102:**

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE APPLICATION TO STATE COMPTROLLER  
FOR ROSE ROAD WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Batavia, adopted a Resolution on April 23, 2008, establishing a water district on portions of Rose Road in the Town of Batavia, and

**WHEREAS**, this Resolution was subject to approval of the Office of the State Comptroller,

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

Department of Audit and Control, and

**WHEREAS**, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia as follows:

- (1) That the annexed application was prepared at the direction of the Batavia Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that the Rose Road Water District, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Underhill, Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 103:**

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE APPLICATION TO STATE COMPTROLLER  
FOR ALEXANDER AND PIKE ROADS WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Batavia, adopted a Resolution on April 23, 2008, establishing a water district on portions of Alexander and Pike Roads in the Town of Batavia, and

**WHEREAS**, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

**WHEREAS**, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia as follows:

- (1) That the annexed application was prepared at the direction of the Batavia Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that the Alexander and Pike Roads Water District, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

(4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Michalak, Underhill, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 104:**

Councilman Lang offered the following:

**CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN  
THE TOWN OF BATAVIA AND THE TOWN OF BYRON**

**WHEREAS**, the Town of Batavia and the Town of Byron employs Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations; and

**WHEREAS**, each party has identified a need to have its Codes enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences.

**NOW, THEREFORE, BE IT**

**RESOLVED**, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into an agreement between the Town of Batavia and the Town of Byron for Code Enforcement coverage (agreement attached), expiring December 31, 2009; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Lang, Underhill, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_ day of May, 2008, by and between the **Town of Byron**, a municipal corporation with offices at 7028 Route 237, Byron, New York, 14422 (“Byron”), and the **Town of Batavia**, a municipal corporation with offices at 3833 West Main Street Road, Batavia, New York, 14020 (“Batavia”),

**WHEREAS**, both parties employ Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

**WHEREAS**, each party has identified a need to have its Code enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences,

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

NOW THEREFORE, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

First: That Byron shall appoint the Code Enforcement Officer of the Town of Batavia as its Deputy Code Enforcement Officer.

Second: That Batavia shall appoint the Code Enforcement Officer of the Town of Byron as one of its Deputy Code Enforcement Officers.

Third: That each party shall establish an hourly rate at which it shall be reimbursed for such times as its Code Enforcement Officer is performing duties in the other Town and the Town receiving such services shall and hereby does agree to pay for such services at said rate. Each party shall also reimburse the other for any expenses paid by the other, including mileage for vehicle use by the officer while in the other party's Town, or reimburse the officer directly for the use of his personal vehicle in those instances when he uses it for either party's purposes with prior authorization.

Fourth: The rate shall include the hourly cost to the Town for the Code Enforcement Officer's wages, health insurance, retirement fund contribution, and any other fringe benefits, and shall not exceed such hourly costs.

Fifth: Each Town Supervisor shall notify the other Town Supervisor as soon as it becomes known that the service of the Deputy will be necessary, but in no event shall such notice be given less than 72 hours prior to the time when the Deputy is needed. In the event that one officer becomes injured, ill or otherwise suddenly incapacitated, the Town supplying the Deputy shall do so as soon as practical, but shall not be required to do so any sooner than 72 hours after notification. It is further understood that each municipality may have or currently has similar agreements with other municipalities and, therefore it is understood that the Deputy may not be available due to services being provided to those other municipalities. In this event the Deputy will be provided on a first come first serve basis.

Sixth: Each Town shall indemnify the other against any negligent act and shall name the other as an additional insured on any and all liability insurance policies. Each Town shall be responsible for the acts of the Deputy Enforcement Officer when working in its Town and the other shall not be so responsible.

Seventh: This agreement shall take effect upon the adoption of resolutions by Town Board agreeing hereto and the authorizing of the respective Supervisors to execute this Agreement and shall be in effect until December 31, 2009.

Eighth: This agreement may be terminated by either party by giving the other party ninety (90) days notice intention to terminate and shall become effective on the first day of the month following the expiration of the ninety (90) day period.

**TOWN OF BYRON**

**TOWN OF BATAVIA**

\_\_\_\_\_  
Thomas L. Chapell, Supervisor

\_\_\_\_\_  
Gregory H. Post, Supervisor

**STATE OF NEW YORK)**

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

**COUNTY OF GENESEE) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas L. Chapell, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 105:**

Deputy Supervisor Underhill offered the following:

**INCREASE LINE ITEM A1110.107**  
**JUSTICES-PERSONAL SERVICES**

**RESOLVED**, the Batavia Town Board hereby increases Justices-Personal Services/Clerk line item, A1110.107 to account for Part-time Clerk-Typist Services; and be it

**FURTHER RESOLVED** that the Batavia Town Board hereby authorizes \$7,500.00 to be transferred from line item A1990.400 Contingency to line item A1110.107 Part-time Personal Services/Clerk.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Michalak, Post

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

**RESOLUTION NO. 106:**

Supervisor Post offered the following:

**TOWN OF BATAVIA**  
**SEQR - LEAD AGENCY RESOLUTION**

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

**ROSE ROAD WATER DISTRICT**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to extend public water improvements to serve residents along Rose Road. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of approximately 11,300 linear feet of watermain along a portion of Rose Road. Activities include the installation of watermain, fire hydrants, valves, water services, connections, appurtenances, and surface restoration.

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

**Second by:** Councilwoman Michalak  
**Ayes:** Post, Michalak, Lang, Underhill  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 107:**

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA**

**SEQR - LEAD AGENCY RESOLUTION**  
**ALEXANDER & PIKE ROADS WATER DISTRICT**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to extend public water improvements to serve residents along Alexander and Pike Roads. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

The project consists of approximately 14,830 linear feet of watermain along portions of Alexander Road (NYS Route 98) and Pike Road. Activities include the installation of watermain, fire hydrants, valves, water services, connections, appurtenances, and surface restoration.

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Underhill, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 108:**

Councilman Lang offered the following:

**PROPOSAL OF SERVICES AGREEMENT –  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES  
RURAL DEVELOPMENT PRE-ELIGIBILITY DETERMINATION-CREEK ROAD**

**WHEREAS**, the Town wishes to retain Stuart I. Brown Associates to prepare the Town's Pre-Eligibility Determination (PED) for submission to Rural Development to determine the Town's eligibility for loan and grant assistance for the proposed extension of public water service to serve areas along Creek Road; and

**WHEREAS**, the cost to prepare the PED's is \$1,000.00 (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the preparation of the Pre-Eligibility Determination (PED) for submission to Rural Development at a cost not to exceed one thousand, dollars (\$1,000.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Lang, Underhill, Michalak, Post



**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

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

**RESOLUTION NO. 109:**

Deputy Supervisor Underhill offered the following:

**PROJECT MANAGEMENT SERVICES AGREEMENT –  
PARK LAND ACQUISITION AND DEVELOPMENT PROJECT  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

**WHEREAS**, the Supervisor wishes to retain Stuart I. Brown Associates to provide project management services and to assist the Town of Batavia in complying with the requirements of the New York State Office of Parks, Recreation and Historic Preservation and the Environmental Protection Fund (EPF) for the proposed Park on Galloway Road at a cost of two thousand-five hundred dollars (\$2,500.00) (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for project management services and assisting the Town in complying with the requirements of the NYS Office of Parks, Recreation and Historic Preservation and the EPF at a cost of two thousand-five hundred dollars (\$2,500.00) and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

**Second by:** Councilwoman Michalak  
**Ayes:** Underhill, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 110:**

Supervisor Post offered the following:

**BUILDING PERMIT FEE SCHEDULE**

**WHEREAS**, the Town of Batavia building permit fees have not been updated in a number of years; and

**WHEREAS**, the Building Inspector, Town Engineer and Town Clerk have worked collaboratively to prepare a revised building permit fee schedule (fee schedule attached).

**RESOLVED**, the Batavia Town Board hereby adopts the revised building permit fee schedule, effective June 2, 2008.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Underhill, Michalak  
**APPROVED by unanimous vote (4-0)**

**TOWN OF BATAVIA**

**MAY 21, 2008  
REGULAR TOWN BOARD MEETING**

**BUILDING/PLANNING/ZONING**

**FEE SCHEDULE**

**BUILDING PERMITS:**

Building Permits are valid for one year from issuance date. A six-month extension may be granted for good cause shown and applicable fee. Only two such six-month extensions shall be permitted.

**NOTE:** Any actual costs incurred by the Town for the application of a subject permit which exceeds the permit fee schedule outlined here will be charged to the applicant and must be paid in full prior to issuance of the Certificate of Occupancy (CO) or upon withdrawal of subject project.

At the discretion of the Town, projects requiring substantial reviews, i.e. attorney, engineering, etc., would be required to provide a deposit in an amount to-be-determined.

**Residential Structures**

a) area up to 1,200 square feet.....	\$250.00
b) area 1,201 to 2,000 square feet.....	\$350.00
c) area in excess of 2,000 square feet...additional .....	45¢ per sq. ft.

**Residential Alterations and Additions-House/Garage/Porch/Deck/Carports**

a) area up to 325 square feet.....	\$100.00
b) area in excess of 325 square feet...additional.....	40¢ per sq. ft.

**NOTE:** Floor area shall include all floors as well as an accessory garage.

**Accessory Structures –Storage Buildings, Etc.**

a) area up to 500 square feet.....	\$40.00
b) area in excess of 500 square feet...additional.....	10¢ per sq. ft.
maximum of \$150.00	

**Miscellaneous**

Handicap Ramp-Residential.....	***	see below
Fence.....		\$40.00
*Swimming Pools-Above Ground.....		\$40.00
Swimming Pools-In-Ground.....		\$50.00

**MAY 21, 2008  
REGULAR TOWN BOARD MEETING**

(An electrical certificate of compliance shall be furnished from a recognized third party inspection bureau. )

Wood Stoves / Furnaces / Fireplaces.....	\$40.00
<i>(UL or Nationally recognized test laboratory approval required)</i>	
Demolition Permit.....	\$40.00
Barns-Farm Buildings .....	\$100.00
Home Occupation .....	\$100.00
Install Mobile Home In Mobile Home Park.....	\$100.00
Ponds.....	\$40.00
Generators.....	\$25.00
*Hot Tubs and Spas.....	\$40.00
Storage Tanks-Installation.....	\$100.00
Removal.....	\$ 50.00
Fill Permits.....	\$ 50.00
**Driveway Permit on Town Road.....	\$100.00
**Highway Work Permit on Town Road.....	\$100.00

\*No Permit required if pool is capable of containing less than 24 inches of water. No permit required if Spa or Hot Tub with a safety cover complies with ASTM F 1346 and as listed in Section AG107.

\*\* For County & State Roads-This Fee Not Applicable-Must obtain permit from County or State  
\*\*\*Permit required, fee waived when documented by a medical certificate

**Commercial New Structures & Alterations:**

a) area up to 1,000 square feet.....	\$350.00
b) area in excess of 1,000 square feet...additional .....	35¢ per sq. ft.

**Annual Operating Permits by Occupancy Classifications:**

Assembly Group A.....	\$100.00 yearly
Factory/Industrial F.....	\$100.00 yearly
High Hazard H.....	\$150.00 yearly

Building Permit Extension Fee-Residential.....	\$50.00
Building Permit Extension Fee-Commercial.....	\$250.00

**ZONING BOARD OF APPEALS:**

a) Appeals for Area Variance	\$100.00
b) Appeals for Use Variance	\$100.00

**PLANNING BOARD:**

**MAY 21, 2008  
REGULAR TOWN BOARD MEETING**

a) Site Plan Review	<b>\$200.00</b>
b) Special Use Permit –Ag and Residential Zoning	<b>\$100.00</b>
c) Special Use Permit- All Zones (except Ag & Res)	<b>\$200.00</b>
d) Subdivision Preliminary Site Plan Review	<b>\$200.00</b>
e) Subdivision Final Site Plan Review	<b>\$200.00</b>

**In the event that work requiring a building permit is commenced prior to the filing and issuance of the permit, the fee for the permit shall be double the regular rate. This shall be in addition to any other penalty provided for under applicable laws.**

**NOTE Other Fees: See Water/Wastewater Fee Schedule for other fees relating to the construction of subject project.**

**RESOLUTION NO. 111:**

Councilwoman Michalak offered the following:

**USE OF TOWN PARK FACILITIES  
APPLICATION/HOLD HARMLESS AGREEMENT**

**WHEREAS**, the Town of Batavia’s insurance carrier recommends that a certificate of insurance and /or a hold harmless agreement be obtained for use of the park pavilions.

**RESOLVED**, the Batavia Town Board hereby requires an application and a hold harmless agreement be obtained for use of the Town park facilities (application/agreement attached).

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Underhill, Post  
**APPROVED** by unanimous vote (4-0)

**Discussion:** The Supervisor expressed his sadness to have applicants do this and hopes that the Town Board will continue to support any reform against this.

**APPLICATION FOR USE OF PARK FACILITIES**

**Today’s Date:** \_\_\_\_\_ **Date Requested:** \_\_\_\_\_

**Pavilion Requested:** \_\_\_\_\_ **A** \_\_\_\_\_ **B**      **Time:** \_\_\_\_\_ **to** \_\_\_\_\_

**INFORMATION ABOUT YOUR GROUP**

Name of Organization or Individual: \_\_\_\_\_

Person In Charge: \_\_\_\_\_

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

Mailing Address: \_\_\_\_\_

Telephone: (Day) \_\_\_\_\_ (Night) \_\_\_\_\_

**INFORMATION ABOUT YOUR INTENDED USE OF MUNICIPAL FACILITIES**

Purpose of Use: \_\_\_\_\_

Total Participants Expected: \_\_\_\_\_ Adults: \_\_\_\_\_ Children: \_\_\_\_\_

Residents (number): \_\_\_\_\_ Non-Residents (number): \_\_\_\_\_

Is an admission fee charged: Yes \_\_\_\_\_ No \_\_\_\_\_

If so, what will proceeds be used for? \_\_\_\_\_

**HOLD HARMLESS AGREEMENT**

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the municipality for the use and care of the facilities. He/she on behalf of \_\_\_\_\_ does hereby covenant and agree to defend, indemnify and hold harmless the **Town of Batavia** from and against any and all liability, loss damages, claims or actions (including costs and attorneys fees) for bodily injury and/or property damage to the extent permissible by law, arising out of or in connection with the actual or proposed use of the **Town of Batavia's** property, facilities and or services by \_\_\_\_\_.

Signature of Person in Charge \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**OFFICE USE ONLY**

**Date & Time Received** \_\_\_\_\_ **Confirmation Letter Sent** \_\_\_\_\_  
**Permit Issued** \_\_\_\_\_

**PARK FACILITIES REGULATIONS**

The use of the Parks Facilities shall be subject to the approval and rules of the Town of Batavia.

1. Organizations or Individuals wishing to use Park Facilities must first apply to the Town Clerk's Office on the prescribed form at least 72 hours in advance of the time of the reservation requested. In the event more applications are received than space is available, such applications shall be considered in the chronological order received.
2. Each application for such permit shall be accompanied by a deposit of \$25.00. Said deposit shall

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

be for the purpose of ensuring that the pavilion and/or reserved area is undamaged and free of debris upon completion of use. If the same is undamaged and free of debris, said deposit shall be returned. If said area is either damaged or not free of debris, said deposit shall be forfeited to the Town to cover the cost of repair or cleaning. In addition, the Town may institute legal proceedings against any person for the recovery of damages caused by the use of the park or park pavilion.

3. Park Opens at 8:00 A.M. and Closes at 10:00 P.M.
4. In the event of inclement weather or an emergency, any portion of the park may be closed to the public, to vehicles or to designated persons.
5. No Alcoholic Beverages and No Glass Bottles
6. No person shall build an open fire, except in park or portable grills. Fires shall be extinguished upon leaving the park.
7. No person shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow or other dangerous weapon.
8. No person shall bring into or keep in the park any dog, cat, household pet or other animal destructive to birds and other wildlife, except dogs and cats that are in control by a leash while in the park.
9. No person shall hunt or trap game within any park boundaries. No person shall kill, injure or unnecessarily disturb any wildlife found in a park.
10. Except for refuse and other natural wastes of a picnic, no person shall leave behind, dump or similarly dispose of materials of any kind in the park. Refuse is not to be dropped, thrown or scattered on park property.
11. No person shall, either within or outside of a park, discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through a park, any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook or stream within any park, interfere with the natural resources of any park or endanger the health of visitors to any park.
12. Certificate of Insurance required for Commercial Users:
  - ❖ General Liability Insurance- \$1,000,000 per occurrence/\$2,000,000 aggregate
  - ❖ Naming the Town as an unrestricted additional insured on the user's policy
  - ❖ The policy naming the Town as an additional insured shall: be an insurance policy from a "secured" New York State licensed insurer; contain a 30 day notice of cancellation; state that the organization's coverage shall be primary coverage for the Town; and additional insured status shall be provided with ISO endorsement CG2026 or its equivalent.
  - ❖ The user agrees to indemnify the Town for any applicable deductibles
  - ❖ Enclose a copy of the endorsement providing additional insured status
13. In case of an emergency; contact the Town Hall at (585)343-1729 or (585)356-6904.

**Abstract No. 5-2008:** Motion Councilman Lang, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$89,285.86
Highway	14,773.09
Sewer No. 1	24,589.91

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

Sewer No. 2	33,288.46
Water	128,164.94
Pearl St Rd Water	37,329.23
Wilkinson Rd Water	100,937.01
Putnam/Shepard Water	19,309.01
Ellicott/Townline Water	22,994.32
Alexander/Pike Water	178.54
Rose Road Water	<u>227.46</u>
<b>TOTAL</b>	<b>\$471,077.83</b>

**Ayes:** Lang, Underhill, Michalak, Post  
**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

**Building Inspector** reported he is keeping busy with the development.

Supervisor Post commented that the tax base is steadily growing, the housing values and construction has increased. Mr. Post expressed that with the collaborative effort from the staff and the community the Town shines and has a bright spot in the economy.

**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 General and Reserve Funds are invested in CD's paying a rate between 2.05 % and 2.63%. The monies will be reinvested on Wednesday.

**SMSI Grant**-The City of Batavia was awarded a SMSI Grant to study the potential savings for the consolidation of the City and Town.

**GAM**- Next meeting is June 19 and will be hosted by the Town of Pavilion

**GCEDC** has requested to do a presentation on the Ag Park at the next Town Board meeting and the Town Planning Board has considered changing their meeting from June 17 to June 18 to attend.

**Local Government Conference**-He will be attending the Local Government Conference June 1 to June 3 in Albany, along with other officials from the Town.

**Work Session**- A work session is scheduled for June 11 at 7:00 P.M.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**April Town Clerk monthly report collected** a total of \$6,739.92, remitted \$6,410.07 to the Supervisor for the Local Share.

**Liquor License Renewals**- Received notices from Glenn S Loomis Post Home-American Legion, Bohn's Restaurant and TLC West, LLC (Applebee's) that they have made application to NYS to renew their liquor license.

**Assemblyman Hawley Drive Speed Reduction**-Received a letter from the NYSDOT and they are reviewing the Town's petition to lower the speed limit on Assemblyman Hawley Drive, as for the

**MAY 21, 2008**  
**REGULAR TOWN BOARD MEETING**

use of traffic control devices (other than speed limits) that is up to the Town or County to address.

**COMMITTEE REPORTS:**

**Farmland Protection Committee-** Will have a kick off meeting tomorrow evening at 7:00 P.M. with the steering committee on the Farmland Protection.

**ADJOURNMENT:**

Motion Councilman Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:30 P.M.

**Ayes:** Underhill, Lang, Michalak, Post

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk