

**OCTOBER 5, 2009
SPECIAL TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor 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

The Supervisor called the meeting to order at 7:15 P.M.

The Town Clerk distributed the 2010 Tentative Town Budget

The Town Board acknowledged receipt and review of the Community Development Block Grant Environmental Review Record for Sanitary Sewer District #1

RESOLUTION NO. 118:

Supervisor Post offered the following:

**APPROVAL OF CHANGE ORDER NO. 2
2008 WATER SYSTEM IMPROVEMENTS**

WHEREAS, Villager Construction, Incorporated is under contract with the Town of Batavia for the 2008 Water System Improvement project, and

WHEREAS, Villager Construction, Inc. has submitted a change order, requesting an over/under quantity adjustment in the amount of twelve thousand, four hundred, eighty-nine dollars (\$12,849.00) (increase), as shown on the attached Change Order No.2, and

WHEREAS, CLARK PATTERSON LEE, has recommended approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order which is contingent upon approval by USDA – Rural Development.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Lang, Gerace

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 119:

Deputy Supervisor Underhill offered the following:

**ADMINISTRATION SERVICES AGREEMENT –
CDBG GRANT SANITARY SEWER DISTRICT #1
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 CDBG for Sanitary Sewer District #1 at a cost not to exceed eighteen thousand dollars (\$18,000.00) (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 CDBG for Sanitary Sewer District #1 at a cost not to exceed eighteen thousand dollars (\$18,000.00) and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Councilman Lang

Ayes: Underhill, Lang, Gerace, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 120:

Councilwoman Michalak offered the following:

**GALLOWAY ROAD PARK CONCEPTUAL MASTER PLAN
PROFESSIONAL SERVICES AGREEMENT –
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 preparing a Conceptual Master Plan for the Galloway Road Park at a cost not to exceed eighteen thousand, three hundred dollars (\$18,300.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the Supervisor to retain Stuart I. Brown Associates for the preparation of the Conceptual Master Plan for the Galloway Road Park at a cost not to exceed eighteen thousand, three hundred dollars (\$18,300.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Gerace

Ayes: Michalak, Gerace, Underhill, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 121:

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Councilman Gerace offered the following:

PURCHASE OF WIDE FORMAT PRINTER/COPIER/SCANNER

WHEREAS, the Town of Batavia received bid proposals for Wide Format Printer/Copier/Scanners; and

WHEREAS, USDA Rural Development approved funding for a direct expenditure of up to \$22,582.00 for a Wide Format Printer/Copier/Scanners as selected by the Town; and

WHEREAS, a committee consisting of Town staff evaluated multiple units, two of which provided demo units for a trial period and use by Town staff; and

WHEREAS, the committee evaluated the units based upon 1) Functionality, 2) Quality of the Prints/Copies/Scans, and 3) Overall Ease of Use; and

WHEREAS, based upon the evaluation scoring system (attached), the KIP 3100 ranked the highest; and

WHEREAS, Toshiba Business Solutions submitted a price within the approved funding from USDA Rural development; and

WHEREAS, the committee is recommending to the Town Board to purchase the KIP 3100.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board authorizes the Town Engineer to purchase the KIP 3100 for the amount of seventeen thousand, five hundred dollars (\$17,500.00).

Second by: Lang

Ayes: Gerace, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 122:

Councilman Lang offered the following:

RESOLUTION ESTABLISHING SECOND DEPUTY TOWN CLERK

WHEREAS, the Town Clerk can appoint up to three Deputy Town Clerks; and

WHEREAS, these positions need to be established by the Town Board and approved through Civil Service.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby establishes a Second Deputy Town Clerk.

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Second by: Councilwoman Michalak
Ayes: Lang, Michalak, Gerace, Underhill, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 123:

Supervisor Post offered the following:

**RESOLUTION RETAINING
MARY CORDES**

WHEREAS, Mary Cordes has been working as the temporary Indexing Clerk to complete the LGRMIF 2008-2009 grant project; and

WHEREAS, the grant project has been completed.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby wishes to retain Mary Cordes to continue digitizing records and assisting the office at a salary of \$12.36 per hour, not to exceed 32 hours per week, appropriated from line item A1411.100

Second by: Councilman Gerace
Ayes: Post, Gerace, Underhill, Michalak, Lang
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 124:

Deputy Supervisor Underhill offered the following:

AMEND HOURS FOR SECRETARY TO THE SUPERVISOR

RESOLVED, the Batavia Town Board hereby amends the Secretary to the Supervisor hours from part-time to full-time (40 hours per week) status.

Second by: Councilman Lang
Ayes: Underhill, Lang, Gerace, Michalak, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 125:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
ALEXANDER AND PIKE ROADS WATER DISTRICT – TRANSMISSION MAIN
SEQR RESOLUTION - NEGATIVE DECLARATION**

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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 August 19, 2009, to conduct an environmental review of a project to install a transmission main as an extension to the Alexander and Pike Roads Water District. The project will increase looping of watermains, thereby improving water quality and fire flows.
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 August 25, 2009, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
5. Comments received from Involved and Interested Agencies on the project have been addressed in the 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 and Interested 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 Alexander and Pike Roads Water District – Transmission Main project; 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 Gerace

Ayes: Michalak, Gerace, Underhill, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 126:

Councilman Gerace offered the following:

TOWN OF BATAVIA
ROSE ROAD WATER DISTRICT – TRANSMISSION MAIN
SEQR RESOLUTION - NEGATIVE DECLARATION

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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 August 19, 2009, to conduct an environmental review of a project to install a transmission main as an extension to the Rose Road Water District. The project will increase looping of watermains, thereby improving water quality and fire flows.
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 August 25, 2009, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
7. Comments received from Involved or Interested Agencies on the project have been addressed in the Negative Declaration. The Town will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
8. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved and Interested 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 Rose Road Water District – Transmission Main project; 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

Ayes: Gerace, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 127:

Councilman Lang offered the following:

**TOWN OF BATAVIA
WORTENDYKE ROAD WATERMAIN EXTENSION
SEQR RESOLUTION - NEGATIVE DECLARATION**

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WHEREAS,

7. 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 August 19, 2009, to conduct an environmental review of the Wortendyke Road Watermain Extension project. The project will provide a public water supply to residents who currently depend upon individual wells which are inadequate and produce contaminated supplies. .
8. 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.
9. 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.
6. On August 25, 2009, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
9. Comments received from Involved and Interested Agencies on the project have been addressed in the Negative Declaration. The Town will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
10. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved and Interested 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 Wortendyke Road Watermain Extension; 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

Ayes: Lang, Michalak, Gerace, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 128:

Supervisor Post offered the following:

ARCHEOLOGICAL SERVICES

OCTOBER 5, 2009
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SANITARY SEWER DISTRICT #1

WHEREAS, the Town of Batavia wishes to retain Deuel Archeology & CRM to assist the Town of Batavia with archeological investigations for portions of the construction of Sanitary Sewer District #1 to the public sewer supply system at a cost not to exceed one thousand, eight hundred, twenty-five dollars (\$1,825.00) as provided in the recommendation from Stuart I. Brown Associates (attached):

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the above, described work as recommended by Stuart I. Brown Associates.

Second by: Gerace

Ayes: Post, Gerace, Underhill, Michalak, Lang

APPROVED by unanimous vote (5-0)

Councilman Lang and the Town Board wishes to congratulate the Village of Alexander for 175 years of service. Saturday, October 10 they are hosting a celebration for their 175 years.

ADJOURNMENT:

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Special Town Board Meeting at 7:42P.M.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk