

JUNE 17, 2009
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

John Gerace, 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

The Supervisor called the meeting to order at 7:03 P.M.

May 20, 2009 Regular Town Board Meeting: Motion Deputy Supervisor Underhill second Councilman Lang to approve the minutes as written.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 91:

Councilman Lang offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT
RECORDS AND DOCKETS WAS CONDUCTED**

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditor's report along with a copy of this resolution to Dennis W. Donnelly, Director of Internal Audit, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 92:

Deputy Supervisor Underhill offered the following:

GENESEE COUNTY AGRICULTURAL SOCIETY
FIREWORKS PERMIT

WHEREAS, the Genesee County Agricultural Society wishes to display fireworks on July 25th during the annual Genesee County Fair; and

WHEREAS, a permit from the Town of Batavia is required.

RESOLVED, the Batavia Town Board hereby authorizes the granting of a fireworks permit to the Genesee County Agricultural Society for July 25th, 2009.

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 93:

Supervisor Post offered the following:

MAINTENANCE AGREEMENT WITH REL COMM, INC.

WHEREAS, Rel-Comm, Inc. installed the telecommunications systems upgrade in the Town Hall and Highway Facility in May 2009; and

WHEREAS, the current Maintenance Agreement expires July 31, 2009; and

WHEREAS, a new Maintenance Agreement is now required to be executed between the Town of Batavia and Rel Comm, Inc. (agreement attached); and

WHEREAS, the cost to maintain the upgraded system is \$49.50 per month for the first year, effective May 2009 to May 1, 2010.

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Maintenance Agreement between the Town of Batavia and Rel Comm, Inc. at a cost of \$49.50 per month for one (1) year effective May 1, 2009 to May 1, 2010 to maintain the telecommunications system.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 94:

Councilwoman Michalak offered the following:

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ENGINEERING DEPARTMENT-HIRE TEMPORARY EMPLOYEE

WHEREAS, Joseph Neth, Wilkinson Road, Batavia, was hired in the Fall of 2008 for 13 weeks as a temporary employee (as an Intern/Co-op position), to assist in the Engineering Department; and

WHEREAS, the Town Engineer is requesting the Town to re-hire Joseph Neth as a temporary employee (as an Intern/Co-op Position) (request attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the re-hiring of Joseph Neth, to assist in the Engineering Department at an hourly rate of ten dollars (\$10.00) per hour, not to exceed 40 hours per week for 10 weeks at a maximum cost of \$4,000.00, appropriated from budget line item A1440.102.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 95:

Councilman Gerace offered the following:

**SCANNING AND MICROFILMING LARGE BUILDING PERMIT DRAWINGS-
BUDGET LINE ITEM TRANSFER**

WHEREAS, the Town received a Local Government Records Management Improvement Fund Grant (LGRMIF); and

WHEREAS, Biel's Information Technology Systems was contracted to do the large document scanning and microfilming for the grant project; and

WHEREAS, there are a great number of oversized building permit drawings that need to be scanned and microfilmed that were not included in the grant; and

WHEREAS, the cost to scan and microfilm the documents would be approximately twelve thousand dollars (\$12,000.00).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Biel's Information Technology Systems to scan and microfilm the additional oversized building permit drawings, and be it

FURTHER RESOLVED, a budget transfer of \$12,000 is hereby authorized from contingency line item A1990.400 to line item A1410.401.

Second by: Councilman Lang

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

RESOLUTION NO. 96:

Councilman Lang offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Highway Superintendent recommended to the Batavia Town Board to declare the following equipment as surplus:

- 1- 1988 Auto Car Dump – VIN# 4V2SCBCE2 KU502522
- 1- 1996 Oldsmobile – VIN# 1G3AJ55M2T6375092
- 1- 1987 Auto Car Dump – VIN# 1WBUCCE4HU302379
- 1- 1993 7.5' Western Plow - VIN# B389182
- 1- 1993 F-150 Ford Pick-Up – VIN# 1FTEF14N3TLB21950
- 1- Quill OHP 412 Overhead Projector

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment to be surplus and authorizes the Highway Superintendent to sell it at the auction or place it out to bid.

Second by: Councilman Gerace

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

RESOLUTION TABLED:

Deputy Supervisor Underhill offered the following:

DISPOSE OF EQUIPMENT

WHEREAS, the Highway Superintendent recommended to the Batavia Town Board to dispose of the following equipment that is in operable and/or of no value to the Town:

- 2- One Way Plow & Wing
- 2- Air-flo Tailgate Sander
- 2- Large Safe
- 8- Various Size Old Metal File Cabinets
- 2- HP Printer ss# USJC207272
- 2- Royal Crosscut Shredder
- 1- Magnavox VCR/DVD Player
- 1- Kodak D280 Camera

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to dispose of the aforementioned equipment.

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Second by: Councilwoman Michalak

MOTION was made by Deputy Supervisor Underhill, second by Lang to Table the resolution to find out how the Highway Superintendent will dispose of the equipment.

Ayes- Underhill, Lang, Michalak, Gerace, Post

TABLED by unanimous vote (5-0)

RESOLUTION NO. 97:

Supervisor Post offered the following:

ESTABLISH BUDGETARY LINE ITEM FOR THE
CITY/TOWN CONSOLIDATION EXPENSES

RESOLVED, the Batavia Town Board hereby establishes the following line item to account for expenditures:

A8684.400 Planning and Management (City/Town Consolidation), and be it

FURTHER RESOLVED, a budget transfer of \$6,000.00 is hereby authorized from contingency line item A1990.400 to line item A8684.400.

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Gerace, Lang, Underhill

APPROVED by unanimous vote (5-0)

Abstract No. 6-2009: Motion Councilman Gerace, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$ 72,548.31
Highway	266,605.69
Sewer No. 1	1,797.80
Sewer No. 2	1,529.86
Water	6,197.14
Wilkinson	86.28
Putnam/Shepard	416.00
Alexander/Pike	87,438.48
Rose	<u>12,624.53</u>
TOTAL	\$449,244.09

Check numbers 13824 thru 13837, 13839-13914

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

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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 a CD's paying a rate of .99% for the 6 month CD and .22% for the thirty day CD.

GAM meeting is tomorrow evening at BW's Golf Course Restaurant in Pavilion at 7:00 P.M.

City/Town Consolidation- There will be a public forum regarding the City/Town Consolidation at the Batavia High School on Thursday, June 18 and Tuesday, June 30 at 7:00 P.M., presented by CGR.

BATAVIA DOWNS WAIVER LETTER –Motion Councilman Gerace, second Councilwoman Michalak authorizes a waiver to Batavia Downs Gaming for the 30 day advance notice requirement for applying for a New York State Liquor License Renewal. Said license expires 6/30/09.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

WEBSITE MAINTAIN –Motion Councilman Lang, second Councilman Gerace authorizing Rockhopper Technologies to maintain and update website which includes uploading agendas, minutes, etc. at a cost of \$45.00/hour.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

May Town Clerk monthly report collected a total of \$8,395.37 remitted \$6,036.32 to the Supervisor for the Local Share.

Cornell Cooperative Extension is hosting a "Green Jobs Forum", sponsored by New York Energy Smart program on Thursday, June 25, 2009 from 10:00 a.m. to noon and is open to the public.

NYSDEC -There is funding available by the USFWA for the Landowner Incentive Program (LIP) Grassland Protection and Management for the protection and management of at-risk grassland bird habitat on privately-owned land. Applications can be obtained from the NYSDEC website or by calling (518)402-8910 and must be submitted by August 1, 2009.

Digital TV Conversion-The Office of the Aging will assist those ages 60 and above in making the necessary changes from analog to digital TV.

NYMIR is hosting a seminar again this year on Playground Equipment Inspection & Maintenance July 15, 2009.

COMMITTEE REPORTS:

Park Committee- Councilwoman Michalak and Councilman Gerace reported the committee met with Stuart Brown. They discussed having a comprehensive master plan for the park. The minimum cost for the plan would be about \$15,000. Once the plan is in place, there are grant dollars to apply for to phase in

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the development of the park. A wetland delineation survey needs to be done.

NEW BUSINESS:

Consolidation Meeting Mailing- Councilman Gerace reported that postcards were sent out a week ago to notify all residents of the scheduled Consolidation Meetings. The Town just learned that the bulk mailing could take up to 10 days to be delivered. He apologized to those who may not receive the mailing in a timely fashion.

ADJOURNMENT:

Motion Deputy Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:29 P.M.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk