

JULY 15, 2009
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Sarah White, Clerk 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
Sharon White, Planning Board Secretary
Sarah White, Clerk

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

June 17, 2009 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

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

RESOLUTION NO. 98:

Councilman Lang offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
ALEXANDER/PIKE ROADS WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Alexander/Pike Roads Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Design and Inspection Services in the amount of \$26,559.90 (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval,

NOW, THEREFORE, BE IT

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

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 99:

Deputy Supervisor Underhill offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
ROSE ROAD WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Rose Road Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Design and Inspection Services in the amount of \$16,412.40 (agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval,

NOW, THEREFORE, BE IT

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

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 100:

Supervisor Post 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:

- 1- One Way Plow & Wing
- 1- Air-flo Tailgate Sander
- 1- Large Safe
- 8- Various Size Old Metal File Cabinets
- 1- HP Printer ss# USJC207272
- 1- 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: Councilman Gerace
Ayes: Post, Gerace, Lang, Underhill, Michalak
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 101:

Councilwoman Michalak offered the following:

PURCHASE OF MOBILE RADIO

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to purchase a mobile radio, for the new truck, through Genesee County, at a cost of \$2,428.00, funds to be expended from DA5130.200.

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

RESOLUTION NO. 102:

Councilman Gerace offered the following:

**SEQR/NEPA/NOTICES OF INTENT SERVICES AGREEMENT –
ALEXANDER/PIKE ROADS WATER DISTRICT
TRANSMISSION MAIN EXTENSION
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town in completing the required SEQR/NEPA reviews, satisfying the requirements of the New York State Department of Agriculture and Markets and ensuring compliance with the procedures and regulations of Rural Development for the Alexander/Pike Roads Water District at a cost of three thousand dollars (\$3,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned service and cost and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 103:

Councilman Lang offered the following:

SEQR/NEPA/NOTICES OF INTENT SERVICES AGREEMENT –

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**ROSE ROAD WATER DISTRICT TRANSMISSION MAIN EXTENSION
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town in completing the required SEQR/NEPA reviews, satisfying the requirements of the New York State Department of Agriculture and Markets and ensuring compliance with the procedures and regulations of Rural Development for the Rose Road Water District at a cost of three thousand dollars (\$3,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned service and cost and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 104:

Deputy Supervisor Underhill offered the following:

**SEQR/NEPA/NOTICES OF INTENT SERVICES AGREEMENT –
WORTENDYKE ROAD WATER DISTRICT TRANSMISSION MAIN EXTENSION
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town in completing the required SEQR/NEPA reviews, satisfying the requirements of the New York State Department of Agriculture and Markets and ensuring compliance with the procedures and regulations of Rural Development for the Wortendyke Road Water District at a cost of two thousand dollars (\$2,000).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned service and cost and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilman Lang to suspend the rules to introduce an additional resolution.

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

RESOLUTION NO. 105:

Supervisor Post offered the following:

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APPOINTMENT OF FULL-TIME JUSTICE CLERK

WHEREAS, Vickie Klein, full-time Justice Clerk has resigned; and

WHEREAS, both Justices recommended and appointed Sarah White as the full-time Justice Clerk.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby concurs with the Town Justices' appointment of Sarah White as full-time Justice Clerk; and be it

FURTHER RESOLVED, Ms. White will be compensated at a rate of \$15.00 per hour, 40 hour work-week.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

Abstract No. 7-2009: Motion Councilman Gerace, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$ 46,849.52
Highway	87,402.51
Sewer No. 1	1,425.26
Sewer No. 2	1,551.41
Water	4,967.08
Pearl Water	7,315.28
Wilkinson Water	7,321.89
Putnam/Shepard Water	7,319.68
Ellicott Water	5,280.00
Alexander/Pike Water	239,658.79
Lovers Water	875.00
Rose Water	89,332.19
Wortendyke Water	<u>145.00</u>
TOTAL	\$499,443.61

Check numbers 13915 thru 13961, 13963 thru 14012, online 230.98

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported for the Water/Sewer:

Sewer District I - There will be a meeting next week for administering the grant funds for Sewer

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District I.

Alexander/Pike and Rose Roads Water District- Working on the water loop expansion for the Alexander/Pike Roads and Rose Road Water Districts.

Building Inspector reported on the following:

Junkyards- The junkyards are scheduled for inspection and should be done by the end of the month.

Building Permits- The issuance of permits is at the same pace as last year.

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 .99% for the 6 month CD and .50% for the 30 day CD.

RI-DAN'S INC. WAIVER LETTER –Motion Deputy Supervisor Underhill, second Councilwoman Michalak, the Batavia Town Board hereby authorizes a waiver to Ri-Dan's Inc. for the 30 day advance notice requirement for applying for a New York State Liquor License Renewal. Said license expires 7/31/09.

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

CHAMBER OF COMMERCE–VISITORS GUIDE- Motion Councilwoman Michalak, second Councilman Lang, the Batavia Town Board hereby authorizes a full-page advertisement in the 2010 Genesee County Visitors Guide at a cost not to exceed \$1,700.00, appointing Teressa Morasco as the Community Page Coordinator.

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

Volunteer Fire Fighters- The Supervisor expressed the deep appreciation for the service provided by the Town of Batavia and East Pembroke Volunteer Fire Departments and Auxiliaries. The Town has a premium level of coverage from the men and women that spend countless hours each week training, preparing and responding to hundreds of calls.

COMMITTEE REPORTS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$12,813.99 remitted \$11,971.56 to the Supervisor for the Local Share.

Liquor License Renewal- Received notice from 48 Deli Express, located at 8204 Park Road that they have made application to NYS to renew their liquor license.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Gerace to adjourn the Regular Town

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Board Meeting at 7:25 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk