

**OCTOBER 20, 2010
REGULAR 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
Councilman Gerace

Absent: Councilwoman Michalak

Others

Present: Town Clerk Morasco
Steven Mountain, Town Engineer
Joseph Neth, Town Engineer Technician
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:19 P.M.

September 15, 2010 Public Hearing-Local Law #3 of 2010-Retirement Incentive: Motion Councilman Gerace, second Councilman Lang to approve the minutes as written.

Ayes: Gerace, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (4-0)

September 15, 2010 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

Ayes: Underhill, Gerace, Lang Post

MOTION CARRIED by unanimous vote (4-0)

September 22, 2010 Special Town Board Meeting: Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (4-0)

October 5, 2010 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

Ayes: Underhill, Lang, Gerace, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 135:

Councilman Lang offered the following:

**RESOLUTION AND ORDER FOR ESTABLISHMENT
OF WORTENDYKE AND PIKE ROAD WATER DISTRICT FOR A PORTION OF
THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, duly adopted a Resolution directing

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Gregory H. Post, the Town Supervisor of the Town of Batavia to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said map, plan and report in the office of the Town Clerk of the Town of Batavia in August 27, 2010, and the said Town Board, did on September 22, 2010, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 20th day of October, 2010, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District " was filed in the Batavia Town Clerk's Office on September 17, 2010, which was signed by a number of owners within said district, which was greater than the percentage required by law, and

WHEREAS, the improvements proposed are as follows: a project to provide a safe and reliable potable water supply and fire protection to certain residences in the proposed Wortendyke and Pike Road Water District. The overall project will consist of the construction and installation of approximately 4,600 linear feet of new eight (8) inch water main along a portion of Wortendyke Road starting at and connecting with an existing water transmission line on Wortendyke Road located at the intersection of NYS Route 33 (Pearl Street Road); and then running northerly along Wortendyke Road to the intersection of South Main Street Road, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus and other improvements and costs incidental thereto (referred to herein as "water improvement"), and

WHEREAS, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

- (1) The aforesaid "Petition to Request Water District" was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.
- (2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (3) That all the property and property owners, within the proposed water district are benefited thereby.

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(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Town of Batavia Wortendyke and Pike Road Water District. Said Water District being described on EXHIBIT A, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that the maximum amount proposed to be expended for such water improvement is \$270,140.00, which is planned to be financed by the borrowing from the Town of Batavia with interest at 2.45% in the amount not to exceed \$270,140.00, and be it

FURTHER RESOLVED that the proposed annual debt service (assuming 32.2 units) is estimated to be approximately \$399.00 per typical property user in the proposed district, which is a single family home, and be it

FURTHER RESOLVED that a typical household uses 63,000 gallons of water per year and the estimated cost of the water to be purchased by the Water District's users is a total of \$4.42 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$278.00 per year for water purchase above and beyond the debt service, and be it

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$667.00 per year, and be it

FURTHER RESOLVED that payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal and interest on the amount borrowed from the Town, as the same shall be due and payable, and be it

FURTHER RESOLVED, that the existing water main transmission line running along a portion of both Wortendyke Road and Pike Road, will be a part of the current Water District and it was constructed by funds being paid by residents located in the existing Alexander and Pike Road Water District, Rose Road Water District, Pearl Street Road Water District and Wilkinson Road Water District, and be it

FURTHER RESOLVED, that it is the intention of the Town Board to have the residents of the current Water District continue to pay the estimated amount of \$399.00 per year for debt service, even if there would normally be a reduction in this yearly amount if there would be a lower actual project cost or an increase in the number of units in this Water District, and be it

FURTHER RESOLVED, that any revenue generated above the cost needed to pay any future

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reduced debt service in the current Water District will be equally distributed to the other existing four (4) Water Districts until the year cost for all five (5) Water Districts is equalized, and be it

FURTHER RESOLVED that each property will also have to pay for service from their home to the road right-of-way, incurring estimated one-time costs of \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00- \$600.00; as well as any internal plumbing charges, and be it

FURTHER RESOLVED that this Resolution and Order is not subject to a permissive referendum; and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof; and be it

FURTHER RESOLVED, that this Resolution and Order is not subject to approval by the Office of the State Comptroller, Department of Audit and Control, and be it

FURTHER RESOLVED, that the Town Clerk be and he hereby is authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

Second by: Councilman Gerace

Ayes: Gerace, Underhill, Post

Abstain: Lang

APPROVED (1-abstain, 3-ayes)

Discussion: Councilman Lang expressed that he will be abstaining. He understands the need for water service but doesn't agree with the way it is being correlated. A number of residents expressed to him that when the petitions were carried around, the costs were not explained to them. He stated that there should be a different system as far as the way the charges are being distributed. Councilman Gerace questioned if he would be for it if his family wasn't involved. Councilman Lang expressed that that wouldn't change how he feels about this. Deputy Supervisor Underhill commented that this is the least expensive district that he has been a part of establishing. He is on well water with a water purifying system. Mr. Underhill stated that sooner or later the systems fail, so it is not a bad option to have water available.

Supervisor Post expressed that with an Out of District Water Agreement there is a clause, you pay an in-lieu of, and once a district is formed, you would be paying again. The Town Board is doing the best for the community as a whole. It's an extraordinary benefit and no one has ever asked to disconnect from the public source. In the Spring he has been attending meetings because of well contamination. The Town even offered testing of wells and about a third of the wells tested poor. The Supervisor stated that he supports this opportunity, as we will never be able to move forward at these cost in the future.

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EXHIBIT A

**TOWN OF BATAVIA
PROPOSED WORTENDYKE AND PIKE ROAD WATER DISTRICT**

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District “A” includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the South Main Street Road Water Improvement Area and the north west corner of Tax Parcel #11-1-60; thence,

1. Easterly, along the northerly line of Tax Parcel number 11-1-60, a distance of 1,160 feet, more or less, and extending to the westerly right-of-way line of Wortendyke Road; thence,
2. Southerly, along the westerly right-of-way line of Wortendyke Road a distance of 690 feet, more or less, to a southwesterly corner of the South Main Street Road Water Improvement Area; thence,
3. Easterly, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way) and along the northerly line of Tax Parcel number 11-1-66.11 and the southerly boundary of the South Main Street Road Water Improvement Area, a distance of 1,348 feet, more or less, to the northeasterly corner of Tax Parcel number 11-1-66.11, the intersection point of the Consolidated Water District and the South Main Street Road Water Improvement Area; thence,
4. Southerly, following the Consolidated Water District boundary, along the easterly line of Tax Parcel number 11-1-66.11, through Tax Parcel number 11-1-73, continuing along the easterly property line of Tax Parcel numbers 11-1-66.12 and 11-1-66.2, a distance of 2,808 feet, more or less, to the southeasterly corner of Tax Parcel number 11-1-66.2; thence,
5. Westerly, along the southerly line of Tax Parcel #11-1-66.2, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way), continuing along the southerly line, a distance of 2,607 feet, more or less, to the south west corner of Tax Parcel #11-1-59.2; thence,
6. Northerly, along westerly line of Tax Parcel numbers 11-1-59.2 and 11-1-59.1, through Tax Parcel #11-1-74, continuing along the westerly line of Tax Parcel number 11-1-60, a distance of 3,339’, more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District “A,” as described above, contains approximately 18.5 acres of land.

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District “B” includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point at the centerline of Wortendyke Road and intersection of the Consolidated Water District, approximately 30 feet east of the northeasterly corner of Tax Parcel number 15-1-3.1; thence,

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1. Southerly, along the centerline of Wortendyke Road and the westerly boundary of the Consolidated Water District, a distance of 613 feet, more or less, to a southwesterly corner of the Consolidated Water District; thence,
2. Easterly, along the southerly boundary of the Consolidated Water District, a distance of 30 feet, more or less, to the easterly right-of-way line of Wortendyke Road; thence,
3. Southerly, along the easterly right-of-way line of Wortendyke Road, a distance of 140 feet, more or less, to the northwesterly line of Tax Parcel number 15-1-70.1; thence,
4. Easterly, along the northerly lines of Tax Parcel numbers 15-1-70.1 and 15-1-70.2, a distance of 1,109 feet, more or less, to the northeasterly corner of Tax Parcel number 15-1-70.2; thence,
5. Southerly, along the easterly line of Tax Parcel number 15-1-70.2, a distance of 1,266 feet, more or less, to the southeasterly corner thereof; thence,
6. Easterly, along the northerly line of Tax Parcel number 15-1-63, a distance of 1,295 feet, more or less, to the northeasterly corner thereof; thence,
7. Southerly, along the easterly line of Tax Parcel number 15-1-63, a distance of 1,840 feet, more or less, to the southeasterly corner thereof; thence,
8. Westerly, along the southerly line of Tax Parcel number 15-1-63 and the northerly boundary of the Rose Road Water District, a distance of 2,375 feet, more or less, to the centerline of Wortendyke Road; thence,
9. Southerly, along the centerline of Wortendyke Road and the westerly boundary of the Rose Road Water District, a distance of 380 feet, more or less, to the northerly boundary of the Rose Road Water District; thence,
10. Westerly, along the northerly boundary of the Rose Road Water District and along the Tax Parcel number 16-1-64.112, a distance of 1,427 feet, more or less, to the southwesterly corner of Tax Parcel #15-1-64.112; thence,
11. Northerly, along the westerly lines of Tax Parcel numbers 15-1-64.112, 15-1-64.12, 15-1-64.111, 15-1-68, a distance of 2,926 feet, more or less, to the northwesterly corner of Tax Parcel number 15-1-68; thence,
12. Easterly, along the northerly line of Tax Parcel number 15-1-68, a distance of 1,470, more or less, to the northeasterly corner thereof; thence,
13. Northerly, along the westerly right-of-way line of Wortendyke Road, a distance of 129 feet, more or less, to the southeasterly corner of Tax Parcel number 15-1-3.2; thence,
14. Westerly, along the southerly line of Tax Parcel number 15-1-3.2, a distance of 1,473 feet, more or less, to the southwesterly corner thereof; thence,
15. Northerly, along the westerly line of Tax Parcel number 15-1-3.2, a distance of 621 feet, more or less, to the northwesterly corner thereof at southerly boundary of the Consolidate Water District; thence,
16. Easterly, along the northerly lines of Tax Parcel numbers 15-1-3.2 and 15-1-3.1, a distance of 1,481 feet, more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District “B,” as described above, contains approximately 253.9 acres of land.

The boundary of the proposed Town of Batavia Wortendyke and Pike Road Water District “C” includes

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all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the Rose Road Water District and the northeasterly corner of Tax Parcel number 17-1-5.22; thence,

1. Northerly, along the easterly line of Tax Parcel number 17-1-34.122 and the Rose Road Water District, a distance of 124 feet, more or less; thence,
2. Easterly, through the right-of-way of Wortendyke Road (49.5 feet wide right-of-way), continuing along the northerly line of Tax Parcel number 17-1-34.11, a distance of 2,463 feet, more or less, to northeasterly corner of Tax Parcel number 17-1-34.11; thence,
3. Southerly, along the easterly lines of Tax Parcel numbers 17-1-34.11, 17-1-5.21, and 17-1-18, a distance of 1,655 feet, more or less, to the northwesterly corner of Tax Parcel number 17-1-15; thence,
4. Easterly, along the northerly line of Tax Parcel number 17-1-15, a distance of 1,162 feet, more or less, to the northeasterly corner thereof; thence,
5. Northerly, along the westerly line of Tax Parcel number 17-1-10, a distance of 424 feet, more or less, to the northwesterly corner thereof; thence,
6. Easterly, along the northern lines of Tax Parcel number, 17-1-10, 17-1-9, 18-1-54.1, and 18-1-55, a distance of 2,898 feet, more or less, to the northeasterly corner of Tax Parcel number 18-1-55, the intersection point of the Rose Road Water District and the Alexander and Pike Road Water District; thence,
7. Southerly, along the easterly line of Tax Parcel number 18-1-55, through the right-of-way of Pike Road (49.5 feet wide right-of-way), continuing along the easterly lines of Tax Parcel numbers 18-1-52 and 18-1-51.1, a distance of 2,640 feet, more or less, to the southeasterly corner of Tax Parcel number 18-1-51.1 at the Alexander and Pike Road Water District boundary; thence,
8. Westerly along the southerly line of Tax Parcel number 18-1-51.1, 18-1-51.2, and 18-1-53, a distance of 1,264 feet, more or less, to the southwestly corner of Tax Parcel number 18-1-53; thence,
9. Southerly, along the eastern boundary line of Tax Parcel number 17-1-11.1, a distance of 1,395 feet, more or less, to the southeasterly corner thereof; thence,
10. Westerly, along the Town of Batavia and Town of Alexander Town Line, a distance of 5,414 feet, more or less, to the southwestly corner of Tax Parcel number 17-1-24; thence,
11. Northerly, along the westerly line of Tax Parcel number 17-1-24, a distance of 1,347 feet, more or less, to the northwesterly corner thereof; thence,
12. Westerly, along the southerly line of Tax Parcel number 17-1-21, a distance of 1,219 feet, more or less, to the southwestly corner thereof; thence,
13. Northerly, along the westerly lines of Tax Parcel numbers 17-1-21 and 17-1-20, a distance of 1,266 feet, more or less, to the northeasterly corner of Tax Parcel number 17-1-27; thence,
14. Westerly, along the southerly line of Tax Parcel number 17-1-19, a distance of 798 feet, more or less, to the southwestly corner thereof; thence,
15. Northerly, along the westerly line of Tax Parcel number 17-1-19, a distance of 672 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District boundary; thence,

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16. Easterly, along the northerly line of Tax Parcel number 17-1-19, a distance of 798 feet, more or less, to the southeasterly corner of Tax Parcel number 17-1-3; thence,
17. Northerly, along the westerly line of Tax Parcel number 17-1-19, a distance of 663 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District boundary; thence,
18. Easterly, along the northerly line of Tax Parcel number 17-1-19, a distance of 630 feet, more or less, to the southwesterly corner of Tax Parcel number 17-1-5.22; thence,
19. Northerly, along the westerly line of Tax Parcel number 17-1-5.22, a distance of 526 feet, more or less, to the northwesterly corner thereof, at the Rose Road Water District; thence,
20. Easterly, along the northerly line of Tax Parcel number 17-1-5.22, a distance of 745 feet, more or less, to the point of beginning.

Town of Batavia Wortendyke and Pike Road Water District "C," as described above, contains approximately 710.9 acres of land.

All as shown on a map prepared by the Town of Batavia entitled, "Wortendyke and Pike Road Water District – Proposed Water District," dated 8/25/10.

The entire Town of Batavia Wortendyke and Pike Road Water District, as described above, contains approximately 983.3 acres of land.

RESOLUTION NO. 136:

Deputy Supervisor Underhill offered the following:

CALLING FOR PUBLIC HEARING
ON THE 2011 TOWN BUDGET

WHEREAS, the Town Board of the Town of Batavia is in the process of finalizing the preparation of the Preliminary 2011 Town Budget;

WHEREAS, said 2011 Preliminary Town Budget will be filed with the Town Clerk no later than October 25, 2010;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2010 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:45 P.M. on Wednesday, November 3, 2010, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilman Lang

Ayes: Underhill, Lang, Gerace, Post

APPROVED by unanimous vote (4-0)

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**NOTICE OF PUBLIC HEARING
ON THE 2011 TOWN BUDGET**

PUBLIC NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Batavia for fiscal year 2011 has been completed and filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the Preliminary Budget at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 6:45 P.M. on Wednesday, November 3, 2011 at which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

Public Official Salaries are as follows:

Supervisor: \$ 30,000.00

Deputy Supervisor: \$15,000.00

Councilmen (3): \$ 10,000.00

Town Clerk/Tax Collector: \$46,393.00

Highway Superintendent: \$ 15,000.00

Town Justices (2): \$21,542.00

The foregoing by order of the Batavia Town Board.

Dated: October 20, 2010

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 137:

Supervisor Post offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2011 TO FEBRUARY 2012**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2011 to February 2012 are Sewer District No. 1 - \$5.35/1,000 gallons, Sewer District No. 2 - \$5.35/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2011 to February 2012 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:50 P.M. on Wednesday, November 3, 2010, at

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which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill

APPROVED by unanimous vote (4-0)

Discussion- Supervisor Post commented that the cost reflects an increase of five cents per thousand from last year. A fund has been established for repair and replacement needs.

NOTICE OF PUBLIC HEARING
SEWER RENTS – MAY 2011 – FEBRUARY 2012

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 3, 2010 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:50 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2011 to February 2012 are, Sewer District No. 1 at \$5.35/1,000 gallons and Sewer District No. 2 at \$5.35/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 20, 2010

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 138:

Councilman Gerace offered the following:

CALLING A PUBLIC HEARING
WATER RATE – MAY 2011 TO FEBRUARY 2012

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, the proposed water rate for May 2011 to February 2012 is \$4.48/1,000 gallons; and

WHEREAS, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2011 to February 2012 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:55 P.M. on Wednesday, November 3, 2010, at which time

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and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

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

Discussion- Supervisor Post commented that the cost reflects an increase of thirteen cents per thousand gallons from last year.

**NOTICE OF PUBLIC HEARING
WATER RATE – MAY 2011 – FEBRUARY 2012**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 3, 2010 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:55 P.M. for the purpose of imposing water rates. The proposed water rate for May 2011 to February 2012 is \$4.48/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 20, 2010

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 139:

Councilman Lang offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2011 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 20, 2010; and

WHEREAS, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$39,487.98 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2011 tax warrant.

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

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RESOLUTION NO. 140:

Deputy Supervisor Underhill offered the following:

**AUTHORIZING PARTICIPATION IN
YEAR 2011 JOINT YOUTH PROGRAM**

WHEREAS, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

WHEREAS, the Town of Batavia's contribution to this joint youth project is \$9,146.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$2,000.00;

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2011; and be it further

RESOLVED, that the year 2011 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2011:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 906.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	<u>\$ 906.00</u>
Total	\$9,146.00

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 141:

Supervisor Post offered the following:

**PURCHASE OF NETWORK
INFORMATION & TECHNOLOGY EQUIPMENT**

WHEREAS, the current network server has limited capabilities, and

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WHEREAS, the Town's network volume and needs have increased substantially, and

WHEREAS, to alleviate the problems being experienced the Town is proposing to upgrade the Networking System; and

WHEREAS, the current server will continued to be utilized; and

WHEREAS, it is the Town Board's opinion that this equipment is necessary to the day to day operations of the Town and to enhance security measures identified in recent IT audits.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby authorized the purchase of new networking equipment to be purchased off New York State Contract numbers PT 64100, PT 65196, and PT 55666 at a cost not to exceed \$16,500.00, and be it further

RESOLVED, the expenditure will be appropriated from line item A1680.200.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Lang, Gerace

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 142:

Councilman Gerace offered the following:

**ADOPTION OF THE STANDARD OPERATING PROCEDURES MANUAL
ENTERPRISE CONTENT MANAGEMENT SYSTEM**

WHEREAS, the Town received Local Government Records Management Improvement Fund grants; and

WHEREAS, the Town is committed to continue with the records management and procedures; and

WHEREAS, a "Standard Operating Procedures Manual" for the Enterprise Content Management System was developed by the Town's Technology and Records Management Committee in consultation with James M. Tammaro from the New York State Archives and is based, in part, on various New York State Archives publications and training materials (copy attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Standard Operation Procedures Manual for the Enterprise Content Management System, which is annexed to and made a part of the minutes.

Second by: Councilman Lang

Ayes: Gerace, Lang, Underhill, Post

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APPROVED by unanimous vote (4-0)

Discussion- Deputy Supervisor Underhill thanked Town Clerk Morasco for the time and effort put into creating this manual. The Supervisor offered his thanks as well. There was a staff training session held on the Standard Operating Procedures for the Enterprise Content Management System. It was videotaped for future training of new employees. Supervisor Post expressed that Jim Tamaro, NYS Archives District Director is using this as a model during his workshops. The Town of Batavia is the first to establish a comprehensive Standard Operating Procedures Manual for the Enterprise Content Management System.

RESOLUTION NO. 143:

Councilman Lang offered the following:

**ADOPTION OF FEE SCHEDULE FOR COPIES
TOWN ORDINANCES, LOCAL LAWS, ZONING MAP, ETC.**

RESOLVED, that the Batavia Town Board hereby adopts the attached fee schedule for copies of Town Ordinances, Local Laws, Zoning Map, and other miscellaneous documents.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Post

APPROVED by unanimous vote (4-0)

FEE SCHEDULE FOR COPIES

Budget.....	\$10.00
Local Laws.....	\$ 5.00
Master Plan.....	\$25.00
Mobile Home Park Ordinance.....	\$ 5.00
Sewer Ordinance.....	\$10.00
Sub-Division Ordinance.....	\$10.00
Water Ordinance.....	\$10.00
Zoning Ordinance.....	\$10.00
Zoning Map.....	\$ 5.00
8 ½ x 11 to 11 x 17 per page.....	\$.25
Large Format.....	\$ 5.00

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RESOLUTION NO. 144:

Deputy Supervisor Underhill offered the following:

**RESOLUTION FOR REVISED ENERGY SAVINGS PLAN AGREEMENT
WITH NATIONAL GRID**

WHEREAS, National Grid through their energy consultant, Lime Energy, has performed an energy audit with regard to the Batavia Town Hall and Highway Facility pursuant to its Small Business Service Program, and

WHEREAS, National Grid has revised the original proposed Energy Savings Program whereby the Town of Batavia could save approximately \$2,673.68 per year in energy costs, and

WHEREAS, National Grid has offered three (3) different payment plans for the Town's share of this project, and

WHEREAS, the Town Engineer has reviewed the revised Energy Savings Plan documentation and recommends that it be adopted by the Town Board, to be paid pursuant to the lump sum option for \$3,471.47, in order to realize a savings of 15%, as compared to the other two (2) payment plans.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York, declares the previous agreement dated 7/28/2010 will become null and void upon the signing of the new revised agreement and that the "Terms & Conditions" of the Energy Savings Plan pursuant to the Small Business Service Program of National Grid, a copy of which is annexed and made a part of the Minutes, is hereby approved and the Town Supervisor is hereby authorized and directed to sign this Terms & Conditions Agreement on behalf of the Town of Batavia, and

BE IT FURTHER RESOLVED, that payment of the lump sum cost of \$3,471.47 for this program is hereby authorized; and

BE IT FURTHER RESOLVED, the funds will be expended from line item A1620.404-Buildings-Town Hall Contractual.

Second by: Councilman Lang

Ayes: Underhill, Lang, Gerace, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 145:

Supervisor Post offered the following:

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**AUTHORIZING TOWN ENGINEERING DEPARTMENT TO PROVIDE PROJECT
ENGINEERING SERVICES FOR PROPOSED CREEK ROAD, PRATT ROAD, BATAVIA
NORTH-WEST OF ROUTE 98 AND BATAVIA NORTH-EAST OF ROUTE 98 WATER
DISTRICTS**

WHEREAS, the Town has received interest in the formation of water districts in the following areas: Creek Road, Pratt Road, Batavia North –West of Route 98 and Batavia North-East of Route 98 as a result of well contamination; and

WHEREAS, the Town Board has previously authorized the expenditures of funds to provide private well testing throughout the Town; and

WHEREAS, an informational meeting was held on April 28, 2010 for these proposed Water Districts, and

WHEREAS, the Town Board has previously authorized funds for the environmental investigations and funding applications, and

WHEREAS, many of the funding applications require further advancement of project information and designs before grant and/or loan awards can be made,

NOW, THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby authorizes the Town Engineering Department to begin engineering services relating to the advancement of the formation of Water Districts and funding for the above described proposed Water Districts and that an accounting for “in house” staff labor and expenses be tracked for reimbursement from each Water District in the event they are formed in the future, all in accordance with Town Law.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Gerace, Lang

APPROVED by unanimous vote (4-0)

SUSPEND THE RULES-Motion Councilman Gerace, second Deputy Supervisor Underhill to suspend the rules to introduce additional resolutions.

Ayes: Gerace, Underhill, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 146:

Councilman Gerace offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE
2010 JUSTICE COURT ASSISTANCE PROGRAM**

RESOLVED, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland

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and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2010 Justice Court Assistance Program for equipment and/or office supplies for the court.

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

RESOLUTION NO. 147:

Councilman Lang offered the following:

**RESOLUTION AUTHORIZING GENESEE DATA MANAGEMENT TO
PROVIDE DOCUMENT DESTRUCTION SERVICES**

WHEREAS, the Batavia Town Court is required to dispose of confidential/personal information on a regular basis; and

WHEREAS, currently the Court Clerks are shredding the documents, which is time consuming and costly; and

WHEREAS, Michael Cleveland, Town Justice received a quote from Genesee Data Management to provide a 40" Office Document Security Console at a cost of \$39.00 each per service, inclusive of use of console, document pickup, destruction of documents by shredding and providing a certificate of destruction (quote attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Genesee Data Management to provide Certified Document Destruction Services as previously stated; and be it further

RESOLVED, the Genesee Data Management is required to provide the Town of Batavia with a Certificate of Insurance.

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

Abstract No. 10-2010: Motion Councilman Gerace, second Councilman Lang_ to authorize the Supervisor to pay the following vouchers:

General	\$ 131,880.08
Highway	29,556.46
Sewer No. 1	2,015.25
Sewer No. 2	5,033.21
Water	7,478.29
Pearl	1,000.00
Wilkinson	1,000.00

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Putnam/Shepard	1,000.00
Ellicott	1,500.00
Lovers Lane	23,400.00
Creek	7.16
Wortendyke	849.49
Pratt	7.16
CBDGR	172,318.48
Park Reconstruction	315.00
North East Route 98	7.16
North West Route 98	7.14
TOTAL	\$377,374.88

Check numbers 15257 thru 15352, HQ ck# 106 through 107, online \$2,107.26

Ayes: Gerace, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

Supervisor Post reported on the following:

Water-Staff is continuing to work on the readings and leak detection program.

Wastewater- The dialer at the GCEDC pump station went down. There was some flooding. They replaced it with the spare dialer.

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 .20%.

GAM- Next GAM Meeting will be at Bethany community Center, East Bethany on October 21, 2010 at 7:00 P.M.

Consolidation Charter Committee- Appointed Councilman Lang and Deputy Supervisor Underhill, along with himself to select the City/Town Charter Task Force.

ASSESSOR TRAINING- Motion Councilman Lang, second Deputy Supervisor Underhill authorizing the Assessor Trainee to attend the Uniform Standards of Professional Appraisal Practice course in Syracuse October 25 and October 26, 2010, to satisfy the ethics course requirement for the Assessor Certification. The cost of the class and material is \$350.00 (\$275 class, \$75 book).

Ayes: Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (4-0)

CAD TRAINING- Motion Councilman Gerace, second Deputy Supervisor Underhill authorizing Jason Ambrewster to attend the Imaginit Training Session for Auto CAD in Buffalo when the next session is offered at a cost not to exceed \$1,250.00.

Ayes: Gerace, Underhill, Lang, Post

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MOTION CARRIED by unanimous vote (4-0)

CHAMBER OF COMMERCE–VISITORS GUIDE- Motion Councilman Gerace, Deputy Supervisor Underhill authorizing a full-page advertisement in the 2011 Genesee County Visitors Guide at a cost not to exceed \$1,700.00.

Ayes: Gerace, Underhill, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

September Town Clerk monthly report collected a total of \$11,888.58 remitted \$6,698.43 to the Supervisor for the Local Share.

Highway Superintendent Cook filed his resignation. His retirement will be effective October 22, 2010.

Batavia School District- Received a thank you from the Batavia City School District for the support and assistance with the conversion of the entrance on State Street to help alleviate the traffic issues.

Liquor License Renewal –Received notification from Alex’s Place that they have applied for their renewal of their liquor licenses.

Genesee ARC- Received a certificate of appreciation from the Genesee County ARC

Planning/Zoning Workshops- WNY Stormwater Management Training Classes are being held this Fall and in the Spring at the Henrietta Fire Training Center. Town Officials have been advised and it is posted in the break room.

Town Clerk’s Office will be closed for an employee luncheon on Friday from 12:00 P.M. to 2:00 P.M.

COMMITTEE REPORTS:

Park- Councilman Gerace reported that he attended a grant informational meeting at the County Park, which is specifically for trail grants. The Town Park on Galloway Road will be officially open from 7:00 a.m to 2:30 p.m. The next Park Committee meeting is Monday

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 8:15P.M.

Ayes: Underhill, Lang, Gerace, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk