

**MAY 19, 2010
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Sharon White, Planning Board Secretary 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
Sharon White, Planning Board Secretary
Rhonda Saulsbury

The Supervisor called the meeting to order at 7:20 P.M.

Speakers:

The Supervisor informed the Town Board that he has received a number of calls from the Bank Street Road area residents regarding the water contamination. They are looking for guidance from the Town to move forward with the public water extensions. The Supervisor is expecting the citizens to attend the next meeting and encourages others to attend as well.

April 21, 2010 Agricultural & Farmland Protection Plan Public Hearing: Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

April 21, 2010 Regular Town Board Meeting: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Michalak, Underhill, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 86:

Councilman Lang offered the following:

**CONTINUING PROPERTY SALES AND ASSESSMENT
INFORMATION ON THE WEBSITE
ONLINE ASSESSMENT ROLL AGREEMENT BETWEEN PRO-SERVE SOLUTIONS, LLC
AND THE TOWN OF BATAVIA**

WHEREAS, in August 2005 the Batavia Town Board entered into a five year agreement with Pro-Serve to utilize their Online Assessment Roll Software (OARs) which logs property sales and assessment information on its website; and

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WHEREAS, said agreement will be expiring and the Town Assessor strongly recommends that the Town of Batavia renew the agreement with Pro-Serve (recommendation attached); and

WHEREAS, the cost to the Town for approximately 2,760 parcels will be thirty-five cents (\$.35) per parcel (order form attached); and

WHEREAS, said agreement will renew automatically annually unless written notice of cancellation is received by Pro-Serve Solutions, LLC no later than 30 days before anniversary date.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Order Form and any other necessary documents with Pro-Serve to utilize their OARs and the Software License Agreement for logging its property sales and assessment information on its website at the aforementioned cost.

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

RESOLUTION NO. 87:

Deputy Supervisor Underhill offered the following:

RESOLUTION APPOINTING ASSESSOR TRAINEE

WHEREAS, the Town of Batavia desires to appoint Rhonda Saulsbury to the full-time position of Assessor Trainee; and

WHEREAS, Rhonda Saulsbury satisfies the requirements and qualifications of the position of Assessor Trainee; and

WHEREAS, it is anticipated that the appointment of Rhonda Saulsbury to the position of Assessor Trainee will most effectively ensure the provision of necessary services to the Town and its residents.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains Rhonda Saulsbury, at a salary of \$19.23 per hour, 40 hours per week, starting day May 20th, 2010; and be it

FURTHER RESOLVED, there is a six month probationary period for this appointment.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, Post
Nays: Lang
Abstain: Gerace

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APPROVED 3-ayes, 1-nay, 1-abstain

RESOLUTION NO. 88:

Supervisor Post offered the following:

**CONCURRING WITH DEPARTMENT OF TRANSPORTATION CONDITIONS
FOR THE
PHASED DEVELOPMENT OF THE GENESEE VALLEY AGRI-BUSINESS PARK**

Whereas, it is the New York State Department of Transportation's general policy that traffic impacts resulting from a new development shall be mitigated, based on full build out on opening day, so that the level of service is maintained on all New York State highways as they would have operated absent the new development, and

Whereas, The Genesee County Economic Development Center proposes phased development of their property totaling 203.81 acres, located on south side of NYS Route 5 at 5142 East Main Street Road (NYS Route 5) in the Town of Batavia, with an initial development parcel of 2.62 acres, as shown on a subdivision plot filed with the Town of Batavia, and

Whereas a Traffic Impact Assessment for the Genesee Valley Agri-Business Park was completed on February 19, 2008 by GTS Consulting, and

Whereas the New York State Department of Transportation reviewed the Traffic Impact Assessment and offered their recommendations on April 24, 2009, and

Whereas a westbound left turn lane is required on New York State Route 5 entering the Genesee Valley Agri-Business Park once the left turning volume entering the site reaches approximately 250 vehicles during the morning peak hour and an unacceptable level of service.

Whereas an eastbound right turn lane is required on New York State Route 5 entering the Genesee Valley Agri-Business Park once the right turning volume entering the site reaches approximately 200 vehicles during the morning peak hour and an unacceptable level of service.

Whereas a traffic signal is required when the left turning traffic exiting the site reaches 150 vehicles during the evening peak hour and an unacceptable level of service.

Whereas an eastbound left turn lane is required on New York State Route 5 at the Seven Springs Road intersection once the left turning volume reaches an unacceptable level of service, and

Whereas an eastbound right turn lane is required on New York State Route 5 at the Batavia-Stafford Town Line Road intersection once the right turning volume reaches an unacceptable level of service, and

Whereas it is anticipated that additional development will occur inside the Business Park, and

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Whereas, the New York State Department of Transportation will allow this initial development and any future developments which produces traffic volumes that do not exceed any one of the aforementioned thresholds indicated above and based on the following conditions:

- A. That the Town of Batavia agrees not to issue any additional Site Plan Approvals and building permits beyond the 2.62 acre initial development or any future developments which produces traffic volumes that exceed any one of the aforementioned traffic volume thresholds indicated above, until the New York State Department of Transportation receives and approves a traffic impact study conducted by the developer or the successors, that defines the mitigation necessary, if any, to maintain an acceptable level of service on the New York State highway system, and
- B. That the Town of Batavia agrees not to issue any additional Certificates of Occupancy beyond the 2.62 acre initial development or any future developments which produces traffic volume that exceed any one of the aforementioned traffic count thresholds indicated above until all highway mitigation (if required per item A above) is completed to the satisfaction of the New York State Department of Transportation, and

Whereas, the Genesee County Economic Development Center requests the cooperation and assistance from the Town of Batavia to fulfill the New York State Department of Transportation's required conditions.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of Batavia authorizes and agrees with the above stated New York State Department of Transportation's conditions with regard to the proposed phased development by the Genesee County Economic Development Center, and
2. That this resolution shall take effect immediately, and
3. That the Clerk of the Town Board of Batavia is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

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

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 89:

Councilwoman Michalak offered the following:

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**AUTHORIZATION TO REGISTER TO PARTICIPATE IN THE
NYS DMV LICENSE EVENT NOTIFICATION SERVICE**

WHEREAS, the New York State Department of Motor Vehicles (NYS DMV) offers a License Event Notification Service (LENS) at no cost; and

WHEREAS, this service would be very beneficial to the Town, benefits include automatic notifications of changes to driver's records, detect driving problems quickly from this, and the Town could easily obtain a driver's current driving abstract.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the necessary registration form to participate in the LENS program, and be it further

RESOLVED, the attached Driver's License Authorization Form is hereby an official Town form to be executed by current and new employees who use Town vehicles.

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

Abstract No. 5-2010: Motion Deputy Supervisor Underhill second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$ 43,121.18
Highway	44,401.45
Sewer No. 1	32,540.77
Sewer No. 2	39,475.49
Water	127,583.62
Pearl	6,955.10
Wilkinson	6,955.10
Alexander/Pike	142,488.19
Rose	20,455.58
Park	116.00
TOTAL	\$464,092.48

Check numbers 14844 thru 14857, 14859 thru 14880, 14882 thru 14938, ACH \$5,082.50, Online \$392.72
Ayes: Underhill, Gerace, Lang, Michalak, Post
MOTION CARRIED by unanimous vote (5-0)

COMMITTEE REPORTS:

Galloway Road Park- Councilman Gerace reported that there will be a committee meeting tomorrow morning for the proposed Park on Galloway Road.

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DEPARTMENT REPORTS:

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 .22%.

Assessment Board of Review-There will be an opening on the Assessment Board of Review. Applications can be obtained from the Town Clerk's Office or via the website.

2010 Local Government Conference- Attended the 2010 Government Conference in Albany. The Town had the highest representation. It was a well served conference for all departments. The Supervisor had the opportunity to speak to representatives from NYS Agriculture and Market regarding our application for funding.

HIGHWAY SCHOOL- Motion Deputy Supervisor Underhill, second Councilman Gerace authorizing the Assistant Engineer to attend the Annual Town Highway School in Ithaca, New York June 7 through June 9, 2010, the conference cost is \$90.00 plus accommodations, meals and mileage, total cost not to exceed \$600.00.

Amend Motion: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to amend motion, adding: "The Assistant Engineer is to use the Town vehicle to eliminate the mileage reimbursement expense".

Roll Call on the amendment

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

Roll Call on the amended motion

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

GAM-The GAM meeting is tomorrow evening, hosted by the Town of Darien at the Darien Town Hall. The Supervisor will be attending.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$4,711.80 remitted \$4,234.19 to the Supervisor for the Local Share.

American Farmland Trust Roundtable Discussion-There will be a roundtable discussion training on Municipal Agricultural and Farmland Protection Plans hosted by American Farmland Trust Tuesday, June 15 at the GCC Best Conference Center. Employees have been notified on this.

2010 Local Government Conference in Albany-Attended Local Government Conference in Albany and there are going to be changes in the dog licensing. The State is proposing the Town's to totally administer the licensing.

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ADJOURNMENT:

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:40 P.M.

Ayes: Lang, Michalak, Gerace, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk