

**JULY 21, 2010
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, 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
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:07 P.M.

June 16, 2010 Regular Town Board Meeting and June 30, 2010 Special Town Board Meeting:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 110:

Councilman Lang offered the following:

**TOWN OF BATAVIA
CREEK ROAD WATER DISTRICT
SEQR RESOLUTION - NEGATIVE DECLARATION**

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 June 30, 2010, to conduct an environmental review of an extension of public water improvements to serve residents within the Creek Road Water District. The project will improve the quality and quantity of water available to area residents.
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 July 1, 2010, 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.

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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 Creek Road Water District; 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: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

Discussion- The Supervisor reported that these are continued efforts to keep moving forward with the water districts for funding.

RESOLUTION NO. 111:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA
PRATT ROAD WATER DISTRICT
SEQR RESOLUTION - NEGATIVE DECLARATION

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 June 30, 2010, to conduct an environmental review of an extension of public water improvements to serve residents within the Pratt Road Water District. The project will improve the quality and quantity of water available to area residents.
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.

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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 July 1, 2010, 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 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.
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 Pratt Road Water District; 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 Lang
Ayes: Underhill, Lang, Michalak, Gerace, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 112:

Supervisor Post offered the following:

TOWN OF BATAVIA
BATAVIA NORTH (East of Route 98) WATER DISTRICT
SEQR RESOLUTION - NEGATIVE DECLARATION

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 June 30, 2010, to conduct an environmental review of an extension of public water improvements to serve residents within the Batavia North (East of Route 98) Water District. The project will improve the quality and quantity of water available to area residents.
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.

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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 July 1, 2010, 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 Batavia North (East of Route 98) Water District; 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: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 113:

Councilwoman Michalak offered the following:

TOWN OF BATAVIA
BATAVIA NORTH (West of Route 98) WATER DISTRICT
SEQR RESOLUTION - NEGATIVE DECLARATION

WHEREAS,

10. 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 June 30, 2010, to conduct an environmental review of an extension of public water improvements to serve residents within the Batavia North (West of Route 98) Water District. The project will improve the quality and quantity of water available to area residents.

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11. 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.
12. 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.
7. On July 1, 2010, 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.
11. 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.
12. 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 Batavia North (West of Route 98) Water District; 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 Lang

Ayes: Michalak, Lang, Underhill, Post, Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 114:

Councilman Gerace offered the following:

**RESOLUTION TO ONLY USE DECOMMISSIONED
WATER TREATMENT FACILITIES FOR PARK PURPOSES**

WHEREAS, the Town of Batavia purchased two parcels of property on Galloway Road in the Town of Batavia, consisting of approximately 42.7 acres from Andrew Harrington and approximately 21.5 acres from the Village of Oakfield, and

WHEREAS, the aforesaid 21.5 acre parcel has a water works building, a water tower, and well pump houses located thereon that was previously used by the Village of Oakfield for its water treatment facilities, and

WHEREAS, at the time of its purchase, the aforesaid Water Works building only contained a

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master water meter, a pressure reducing valve and chlorinator, and was not being used as a water treatment plant nor were the water tower and well pump houses being used, and

WHEREAS, the Town of Batavia Board wants to use both of the aforesaid parcels for only park and recreational purposes, and

WHEREAS, the Town of Batavia has relocated the master water meter, the pressure reducing valve and the chlorinator.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York, that it hereby certifies that the facilities located on the approximately 21.5 acres of land purchased from the Village of Oakfield is no longer being used for water treatment or transmission purposes, and

BE IT FURTHER RESOLVED, that the Town Board intends to use these facilities solely for park and recreational functions and activities, and

BE IT FURTHER RESOLVED, that the Town Board declares that both parcels in their entirety, 42.7 acres and 21.5 acres, as identified by the attached Boundary Map are dedicated as parkland.

Second by: Councilwoman Michalak

Ayes: Gerace, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Discussion- Deputy Supervisor Underhill asked if this is part of the grant process. The Supervisor reported that it is to keep it consistent with the “use” for compliance for the grant. The Supervisor complimented all involved with this project.

RESOLUTION NO. 115:

Councilman Lang offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.3
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 Resident Inspection in the amount of \$14,000 (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

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Engineering Agreement Amendment, which is contingent upon approval by USDA – Rural Development.

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

RESOLUTION NO. 116:

Deputy Supervisor Underhill offered the following:

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

WHEREAS, National Grid 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 proposed an Energy Savings Program whereby the Town of Batavia could save approximately \$7,980.00 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 Energy Savings Plan documentation and recommends that it be adopted by the Town Board, to be paid pursuant to the lump sum option for \$11,803.26, 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, 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 \$11,803.26 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, Michalak, Gerace, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 117:

Supervisor Post offered the following:

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**APPROVAL OF GRANT AGREEMENT BETWEEN THE TOWN OF BATAVIA AND
GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION
OFFICE OF COMMUNITY RENEWAL (OCR) GRANT-FIRST WAVE TECHNOLOGIES**

WHEREAS, the Batavia Town Board did authorize the Genesee Gateway Local Development Corporation (GGLDC) to submit an application to the New York State Office of Community Renewal (OCR) for funding to provide equipment & working capital loan to First Wave Technologies, Inc., in support of its expansion into the Town of Batavia, and

WHEREAS, the Office of Community Renewal has advised the Batavia Town Board that a grant in the amount of \$516,000 is being offered to the Town of Batavia to provide a loan to First Wave Technologies, Inc. to support the equipping of its new facility in the Upstate MedTech Centre in the Town of Batavia, and

WHEREAS, the Genesee Gateway Local Development Corporation is a nonprofit local development corporation eligible to receive grants of CDBG funds pursuant to Section 105(a)(15) of the Housing and Community Development Act of 1974, as amended (42 USC 5305)., and

WHEREAS, the Town Attorney has reviewed and approved the form and content of the proposed Grant Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board approves the Grant Agreement with the Genesee Gateway Local Development Corporation (GGLDC), a copy of which is annexed and made a part of the Minutes, thereby allowing the GGLDC to administer the Office of Community Renewal Grant on behalf of the Town of Batavia, and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to sign this Grant Agreement on behalf of the Town of Batavia.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 118:

Councilwoman Michalak offered the following:

**RESOLUTION TO AMEND THE
AGRICULTURE AND FARMLAND PROTECTION PLAN AGREEMENT BETWEEN
THE NYS DEPARTMENT OF AGRICULTURE & MARKETS AND
THE TOWN OF BATAVIA**

WHEREAS, on October 17, 2007 a resolution was adopted authorizing the Supervisor to file an application for funds from the New York State Department of Agriculture and Markets for State Assistance Payments for the preparation of a Municipal Agricultural and Farmland Protection Plan and

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enter into and execute a project agreement for such financial assistance; and

WHEREAS, an extension was requested for the completion date of this project and granted; and

WHEREAS, an amendment to the original agreement is required to reflect the new completion date of January 6, 2011 (attached).

NOW, THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the amendment agreement extending the completion period.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Discussion- The agreement and amendments is part of the grant procedure. The Supervisor complimented all who participated in putting this plan together.

RESOLUTION NO. 119:

Councilman Gerace offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
PEARL STREET ROAD WATER DISTRICT

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

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Resident Inspection in the amount of \$4,000 (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: Gerace, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Abstract No. 7-2010: Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General

\$135,877.07

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Highway	14,925.38
Sewer No. 1	26,836.51
Sewer No. 2	1,864.17
Water	151,422.07
Pearl	6,115.06
Wilkinson	19,179.64
Alexander/Pike	66,139.22
Rose	73,161.16
CDBG	<u>214,369.02</u>
TOTAL	\$709,889.30

Check numbers 15013 thru 15017, 15020 thru 15048, and 15050 thru 15104

Ayes: Gerace, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

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 .20%.

Special Town Board Meeting will be held July 28, 2010 at 5:00 P.M. to call a public hearing for Local Law #2 of 2010 retirement incentive and the speed reduction request from Genesee Community College.

Informational Meeting will be held Wednesday, August 25, 2010 at 6:30 on the Pike/Wortendyke Water Transmission Main – Water District Formation.

Lower Great Lakes Fish & Wildlife Conservation Office- Received an email that the LGLFWCO is looking for volunteers to assist with removal of water chestnuts along a portion of Ellicott Creek Park on the Tonawanda Creek starting August 2. If interested, contact Denise Clay at 716-691-5456 ext 131.

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$5,333.64 remitted \$4,962.35 to the Supervisor for the Local Share.

Black Creek Watershed Coalition meeting will be on Thursday, July 22 at 5:30 at the Riga Town Hall.

Work Session- The Supervisor reported that the July 28 work session will be held at the Batavia Sports Park on Bank Street Road immediately following the Special Town Board Meeting.

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ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:38 P.M.

Ayes:

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk