

**JULY 28, 2010  
SPECIAL TOWN BOARD MEETING**

**Town Hall**

**5:00 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  
Howard , The Batavian  
Geoff Redick, WBTA Radio Station  
Tom Lichtenthal, Assistant Town Engineer

The Supervisor called the meeting to order at 5:00 P.M.

**RESOLUTION NO. 120:**

Councilman Lang offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #2 OF 2010**

**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to provide employees who are members of the New York State and Local Employees' Retirement System, and otherwise meet the eligibility requirements pursuant to Part A of the New York State 2010 Retirement Incentive Program, with the allowable benefits pursuant to this Program, also known as Town of Batavia Local Law #2 of 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law #2 of 2010 entitled "A Local Law to Enact Part A of the New York State 2010 Retirement Incentive Program", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until August 18, 2010, and that a public hearing be held before this Town Board on the 18<sup>th</sup> day of August, 2010, at 6:55 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and

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securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

**Second by:** Councilman Gerace

**Ayes:** Lang, Gerace, Underhill, Michalak, Post

**APPROVED by unanimous vote (5-0)**

**Discussion:** The Supervisor reported that the incentive is restricted and not offered to elected officials. If adopted, there will be no cost to the Town if no one chooses to take advantage of this incentive.

**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD  
OF THE TOWN OF BATAVIA, NEW YORK  
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW**

**PUBLIC NOTICE** is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 28<sup>th</sup> day of July, 2010, proposed Local Law #2 of 2010 entitled "A Local Law to Enact Part A of the New York State 2010 Retirement Incentive Program". Said Local Law will provide employees who are members of the New York State and Local Employees' Retirement System, and otherwise meet the eligibility requirements pursuant to Part A of the New York State 2010 Retirement Incentive Program, with the allowable benefits pursuant to this Program of one (1) additional month of service credit for each year of service credit as of the date of retirement, with a maximum amount of additional service credit to be no more than three (3) years. The Town has also established that eligible employees shall be employed in the following titles:

- A. Building Inspector
- B. Sr. Water/Waste Water Maintenance Worker
- C. Automotive Mechanic

**PLEASE TAKE FURTHER NOTICE** that on 18<sup>th</sup> day of August, 2010, at 6:55 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road in the Town of Batavia, New York for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the Office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York, and is open for inspection during regular Office hours.

Dated: Batavia, New York  
July 28, 2010

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Teresa M. Morasco, Town Clerk  
Town of Batavia, New York

**RESOLUTION NO. 121:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION FOR REDUCTION OF SPEED LIMIT**  
**ASSEMBLYMAN R. STEPHEN HAWLEY DRIVE**

**WHEREAS**, Genesee Community College has expressed concern regarding unsafe traffic conditions on Assemblyman R. Stephen Hawley Drive (letter attached); and

**WHEREAS**, the Genesee County Traffic Safety Board concurs that there is a need for a speed reduction on Assemblyman R. Stephen Hawley Drive (letter attached); and

**WHEREAS**, the Genesee Community College request that the speed limit on Assemblyman R. Stephen Hawley Drive be reduced from 45 MPH to 30 MPH between the College entrances and exits and reduced from 55 MPH to 40 MPH just west of the College up to Bank Street Road.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby petitions the Genesee County Highway Department and the New York State Department of Transportation by way of this resolution to consider a speed reduction on Assemblyman R. Stephen Hawley Drive.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Michalak, Gerace, Post

**APPROVED by unanimous vote (5-0)**

**Discussion:** Tom Lichtenthal, Assistant Engineer explained that there was a previous speed reduction to the east. The College is requested reduction to the west now, because they are concerned with the nursing students walking from the College Village Apartments to the Med-Tech Center. This is the best approach for now.

**RESOLUTION NO. 122:**

Supervisor Post offered the following:

**AUTHORIZATION TO REGISTER TO PARTICIPATE IN THE**  
**LICENSE MONITORING/NYMIR PILOT PROGRAM**

**WHEREAS**, in May 2010 the Town Board authorized participation in the New York State Department of Motor Vehicles (NYSDMV) License Event Notification Service (LENS); and

**WHEREAS**, in addition to the LENS program there is another license monitoring program, "License Monitor/New York Municipal Insurance Reciprocal (NYMIR) Pilot Program" being offered by

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License Monitor through December 2010, which provides the same service as the LENS program, as well as has the capability to run risk management reports; and

**WHEREAS**, the Town is insured through NYMIR and it would be beneficial to participate in this additional license monitoring, no cost pilot program.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the Motor Vehicle Record Search Account Application and any necessary forms to participate in the License Monitor/NYMIR Pilot Program.

**Second by:** Councilman Gerace

**Ayes:** Post, Gerace, Lang, Underhill, Michalak

**APPROVED by unanimous vote (5-0)**

**Discussion:** The Supervisor reported that this is a pilot program that runs to the end the year that NYMIR is endorsing. It may help to reduce the Town's insurance costs.

**ADJOURNMENT:**

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Special Town Board Meeting at 5:15 P.M.

**Ayes:** Gerace, Underhill, Michalak, Lang, Post

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk