

**FEBRUARY 16, 2011
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Al Lang, Councilman 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

The Supervisor called the meeting to order at 7:15 P.M.

January 19, 2011 Regular Town Board Meeting: Motion Councilman Lang, second Deputy Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

February 2, 2011 Special 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. 41:

Councilman Lang offered the following:

AWARD BID - TRANSFER STATION

WHEREAS, the Batavia Town Board authorized receipt of sealed bids for refuse removal at the Town of Batavia Transfer Station, and

WHEREAS, the bid opening date was scheduled for Wednesday, February 9, 2011 at 10:00 A.M. at the Town Hall (bid summary attached);

WHEREAS, the lowest responsible bidder was Waste Management, West Seneca, New York.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby awards the bid for refuse removal at the Batavia Transfer Station to Waste Management, at a cost of forty-one dollars (\$41.00) per ton for household garbage and construction/demolition debris, and one hundred sixty-nine dollars (\$169.00) per haul.

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

RESOLUTION NO. 42:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO SUPPORT GENESEE COUNTY
SENIOR CENTER RECREATION PROGRAM**

WHEREAS, the City and Town of Batavia have co-sponsored the Senior Center Recreation Program in the past for benefit of its senior citizens; and

WHEREAS, now, Genesee County has assumed the responsibility from the City of Batavia for overseeing the Senior Center Recreation Program;

WHEREAS, the Town of Batavia wishes to continue support for the Senior Center Recreation Program to ensure quality of life for its senior residents.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the expenditure of \$2,695.00 to support the Genesee County Senior Center Recreation Program for the year 2011.

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

RESOLUTION NO. 43:

Supervisor Post offered the following:

**PROFESSIONAL IT SERVICES BETWEEN
HURRICANE TECHNOLOGIES, INC. AND THE TOWN OF BATAVIA**

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for professional Information and Technology Services; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the Prepaid Block Hour Technical Support Services Agreement between the Hurricane Technologies, Incorporated and the Town of Batavia (agreement attached).

Second by: Councilman Lang

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

The Supervisor thanked the Town Board for reviewing the previous years' IT service and making a recommendation for the renewal agreement.

RESOLUTION NO. 44:

Councilwoman Michalak offered the following:

RESOLUTION AUTHORIZATION EBAY ACCOUNT

WHEREAS, the Highway Superintendent requested authorization to establish a Town of Batavia Ebay Account to sell the Town's Equipment that has been declared surplus.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to establish a Town of Batavia Ebay Account.

Second by: Councilman Gerace

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

RESOLUTION NO. 45:

Councilman Gerace offered the following:

**AMENDMENT TO RESOLUTION 2 OF 2011
ADOPTION OF SALARIES FOR 2011**

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2011, entitled "Adoption of Salaries for 2011", the hour rate for the Part-time Court Clerk should be \$13.13 rather than \$12.88 as reflected in the 2011 budget.

Second by: Deputy Supervisor Underhill

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

RESOLUTION NO. 46:

Councilman Lang offered the following:

**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUPPORT THE
STATE'S FARMLAND PROTECTION PROGRAM
AND ENVIRONMENTAL PROTECTION FUND**

WHEREAS, agriculture is a significant contributor to New York's economy; and

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that

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have a \$31 billion economic impact annually in New York; and

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and

WHEREAS, more than 425,000 acres of farmland were lost to development in New York between 1982 and 2007; and

WHEREAS, the State of new York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 64 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with more than \$500 million in applications turned away since the program inception in 1996; and

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, in 2010 funding for the Farmland Protection Program was cut by 51: and EPF funding was reduced by 37%, and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Batavia does hereby support restoring New York's Environmental Protection Fund and Farmland Protection program; and be it further

RESOLVED, that the Town of Batavia does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting \$22 million in funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

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RESOLVED, that the clerk of the Town of Batavia is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Michael Ranzenhofer, Assemblyman Steven Hawley, and the American Farmland Trust.

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

RESOLUTION NO. 47:

Deputy Supervisor Underhill offered the following:

STREET LIGHT
CORNER OF FAIRWAY DRIVE AND SOUTH MAIN STREET

WHEREAS, the residents of Fairway Drive have requested that a street light be installed at the corner of Fairway Drive and South Main Street to improve lighting and safety at the intersection; and

WHEREAS, the Highway Superintendent discussed the installation of the street light with the homeowners at the corner of the intersection and they agreed to allow the new street light; and

WHEREAS, the street light will be a 100 watt high pressure sodium vapor street light on a new pole at an annual cost of approximately \$230 dollars.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes and directs National Grid to do the following work in the Town of Batavia, Streetlight Account No: 13736-63105:

Install: One street-light only pole and one-100 watt high pressure sodium vapor street light at the intersection of Fairway Drive and South Main Street Road.

Estimated Annual Cost: \$230, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A5182.400.

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

RESOLUTION NO. 48:

Supervisor Post offered the following:

PROFESSIONAL SERVICES AGREEMENT FOR
WEST MAIN/WORTENDYKE SEWER DISTRICT

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BETWEEN THE TOWN OF BATAVIA AND CLARK PATTERSON LEE

WHEREAS, the Town of Batavia has been investigating the extension of public sewers to the West Main/ Wortendyke Road area; and

WHEREAS, Clark Patterson Lee has provided a letter proposal for engineering and grant assistance support services (letter attached) for a lump sum of eight thousand dollars (\$8,000.00).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the Supervisor to retain Clark Patterson Lee for engineering and construction support for the amount of eight thousand dollars (\$8,000.00) to prepare an engineering report and work with the Town's grant consultant to provide supplementary information for the West Main/Wortendyke Sewer District.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

Discussion- The Supervisor expressed that there has been a four year dialogue on the extension of public sewers to the West Main/Wortendyke area and he strongly supports this resolution to help get funding.

RESOLUTION NO. 49:

Councilwoman Michalak offered the following:

**APPROVAL OF CHANGE ORDER NO. 3
2008 WATER SYSTEM IMPROVEMENTS**

WHEREAS, Villager Construction, Incorporated. is under contract with the Town of Batavia for the 2008 Water System Improvement project, and

WHEREAS, Villager Construction, Inc. has submitted a change order, requesting an adjustment in the amount of three thousand dollars (\$3,000.00) (increase), as shown on the attached Change Order No.3 for hydrant access improvements, and

WHEREAS, CLARK PATTERSON LEE, has recommended approval of the change order request.

NOW, THEREFORE, BE IT

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

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 50:

Councilman Gerace offered the following:

**FULL TIME MOTOR EQUIPMENT OPERATOR
HIGHWAY DEPARTMENT**

WHEREAS, Burt Swable has been working as a full-time seasonal employee in the Highway Department since November, 2010; and

WHEREAS, the Highway Superintendent would like to retain Mr. Swable on a full-time basis noting that he has performed his duties exceptionally well this past winter season. He is a very competent and motivated individual who would make a great asset to the Town of Batavia Highway Department; and

WHEREAS, the 2011 Town Budget reflects appropriations to hire one new permanent full-time Motor Equipment Operator (MEO) employee for the Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Burt Swable as a permanent full-time MEO employee for the Highway Department at a rate of \$20.75 per hour; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items DA5110.100 and DA5142.100.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

Discussion- The Supervisor commended the Highway Staff on the job they have been doing with about 50% less staffing.

RESOLUTION NO. 51:

Councilman Lang offered the following:

**RESOLUTION TO AUTHORIZE A GENESEE ASSOCIATION OF MUNICIPALITIES
APPOINTED COMMITTEE TO NEGOTIATE A TIME WARNER CABLE FRANCHISE
CONTRACT ON BEHALF OF ALL GENESEE COUNTY MUNICIPALITIES**

WHEREAS, Municipalities in Genesee County individually are attempting to negotiate with Time Warner a Cable Franchise Contract; and

WHEREAS, Individual negotiations are time consuming, repetitive and usually non productive.

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NOW, THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby agrees to cooperate with all municipalities in Genesee County and authorize Genesee Association of Municipalities (GAM) to form a committee to collectively negotiate with Time Warner for a Cable Franchise Contract that would be acceptable and applicable to all municipalities in Genesee County.

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

Discussion- The Supervisor stated that he will be attending the Genesee Association of Municipalities (GAM) meeting tomorrow where this will be further discussed.

RESOLUTION NO. 52:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
SONIC WALL SECURE UPGRADE**

WHEREAS, the Town of Batavia SonicWALL security subscription expires April 2011; and

WHEREAS, the Town's IT provider recommended upgrading the SonicWall appliance, which would include a two year subscription, offer faster components, additional protection features and an enhanced content filtering service (recommendation and quote attached).

NOW, THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby authorizes the purchase of the SonicWall security Upgrade Appliance at a cost of approximately \$750.00; and be it further

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

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

RESOLUTION NO. 53:

Supervisor Post offered the following:

**ORDER CALLING FOR A PUBLIC HEARING-
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the Batavia Town Board wishes to assess the potential of submitting an application for a Community Development Block Grant through the New York State Office of Community Renewal in response to the Fiscal Year 2011 "Notice of Funding Availability"; and

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WHEREAS, a public hearing is required to allow residents an opportunity to assist the Town in defining community development priorities and identifying possible projects for inclusion in the application for funding under this program.

NOW THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

RESOLVED, that the Public Hearing will be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York at 6:55 o'clock p.m. on the 16th of March, 2011; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in "The Daily News" at least seven (7) days before the date scheduled for Public Hearing, the Public Hearing Notice which is attached hereto.

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
OFFICE OF COMMUNITY RENEWAL
GRANT PROGRAM

The Town of Batavia Board has scheduled a public hearing for Wednesday, March 16, 2011. The hearing will start at 6:55 p.m. and take place at the Batavia Town Hall, 3833 West Main Street Road, Batavia, NY 14020. Written comments are invited and will be accepted upon delivery to 3833 West Main Street Road, Batavia, NY 14020 prior to the Hearing.

The public hearing will be held to discuss community development needs and priorities and to provide residents with information about the Community Development Block Grant Program. Residents are invited to attend the hearing, to assist the Town in defining community development priorities and to assist the Town Board in identifying possible projects for inclusion in an application for Community Development Block Grant funding. Grant funds may be used for an array of projects including public infrastructure, public facilities, housing rehabilitation, homeownership assistance, private water/wastewater assistance, and economic development projects. Grant awards up to \$400,000 are available for housing assistance and public facilities projects; and up to \$600,000 for public water and sewer projects. The Town will provide more detailed information at the hearing to comply with the legislative and program requirements which govern the Community Development Block Grant Program. The Town expects to submit an application for a Community Development Block Grant in response to a Notice of Funding Availability issued by the New York State Office of Community Renewal for the Fiscal Year 2011 program.

The Town Hall is in compliance with accessibility standards under the Americans with Disabilities

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Act. Persons with disabilities who require special accommodations must notify the Town Clerk with a request for specific accommodations at least 48 hours prior to the Public Hearing. The Town expects to submit an application for a CDBG grant in response to a Notice of Funding Availability issued by the administrative agency for the Fiscal Year 2011 program.

Dated: February 16, 2011

Teresa M. Morasco
Town Clerk

Abstract No. 2-2011: Motion Deputy Supervisor Underhill second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$73,508.42
Highway	49,467.46
Sewer No. 1	28,865.45
Sewer No. 2	46,187.13
Water	4,946.35
Alexander/Pike	5,500.00
Lovers	9,638.00
Saile	9,025.00
Rose	2,500.00
Wortendyke	1,928.55
Total	\$231,566.36

Check numbers 15638 thru 15711, 15713 thru 15716

Ayes: Underhill, Lang, Michalak, Gerace, 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 General and Reserve Funds are invested in a CD's paying a rate of .18% and .30%.

GAM- Next GAM Meeting will be tomorrow evening at the United Methodist Church in Alexander at 7:00 P.M.

COMMUNICATIONS:

The Town Clerk reported on the following:

January Town Clerk monthly report collected a total of \$3,833.18 remitted \$2,627.89, to the Supervisor for the Local Share.

January Tax Collection Report- collected a total of 3,173,170.95, remitted \$991,325.74 for the Town levy and the remainder to the County.

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COMMITTEE REPORTS:

Highway Committee –the Supervisor reported that they have been meeting weekly. The maintenance reports were reviewed. There has been an increase in the use of road salt. They will be discussing the drainage issues next.

Water/Sewer Departments- The Supervisor reported that there are issues with the software that they have been working to resolve and the Water/Sewer Department has been busy making repairs to the water system and manhole covers.

Parks & Recreation- Councilman Gerace reported that they had a meeting with the Genesee County Parks Committee and they went over the County Comprehensive Master Plan in regards to the City, Town and County Programs. They are going to be launching a new website promoting recreational programs.

ADJOURNMENT:

Motion Councilman Lang, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:43 P.M.

Ayes: Lang, Michalak, Gerace, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk