

**MAY 18, 2011
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

The Supervisor called the meeting to order at 7:05 P.M.

April 20, 2011 Public Hearing-CDBG: Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

April 20, 2011 Regular Town Board Meeting: 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)

May 11, 2011 Special 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. 95:

Councilman Lang offered the following:

**AUTHORIZATION TO SUBMIT A GRANT
APPLICATION TO THE OFFICE OF COMMUNITY RENEWAL**

"RESOLVED, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2011 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

Discussion-Supervisor Post asks that the people in the Sewer area please respond to the survey. This is a

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factor to assist in getting the funding.

RESOLUTION NO. 96:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO PROVIDE THE LOCAL SHARE OF THE COST OF CONSTRUCTING
SANITARY SEWER IMPROVEMENTS TO SERVE THE
TOWN OF BATAVIA WEST MAIN STREET ROAD SEWER DISTRICT**

WHEREAS, the Town has commissioned a preliminary engineering evaluation to define the extent of improvements and cost associated with the construction of needed improvements to the Town of Batavia West Main Street Road Sewer District; and

**WHEREAS, the cost of undertaking these improvements is estimated at \$2,822,000,
including construction, legal, engineering and administrative costs; and**

WHEREAS, the Town Board has previously authorized the Supervisor to file a Community Development Block Grant (CDBG) application in the amount of \$600,000 for the construction of the needed sanitary sewer improvements.

NOW, THEREFORE BE IT RESOLVED, that the Town Board commits that it will provide \$2,222,000 in funds plus any overruns that may be incurred to build the proposed improvements recommended in the preliminary engineering analysis referenced herein, to address the problems and eliminate the problems facing residents within the Town of Batavia West Main Street Road Sewer District. **THIS COMMITMENT IS CONDITIONED ON THE TOWN RECEIVING THE \$600,000 CDBG GRANT REFERRED TO ABOVE. THE TOWN'S FUNDS ARE TO BE PROVIDED BY GENERAL OBLIGATION BONDS TO BE ISSUED BY THIS BOARD CONSISTENT WITH APPLICABLE LAWS OF THE STATE OF NEW YORK.**

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 97:

Supervisor Post offered the following:

TOWN OF BATAVIA

CREATION OF WEST MAIN STREET ROAD SEWER DISTRICT

SEQR RESOLUTION

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RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCR) of a project to establish the Town of Batavia West Main Street Road Sewer District. The creation of the proposed Sewer District will allow for the extension of sanitary sewer service along portions of West Main Street Road and Kelsey Road. The improvements will eventually involve the installation of approximately 11,350 linear feet of gravity sewer line and an additional 3,600 linear feet of forcemain along the same alignment.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated May 18, 2011. The Town Board further declares that, based on the environmental assessment 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: Post, Lang, Underhill, Michalak, Gerace
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 98:

Councilwoman Michalak offered the following:

**AUTHORIZATION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT TO THE
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, Alpina Foods, LLC (“Alpina”) plans to invest a minimum of \$12 million to construct, equip, and operate a specialty yogurt plant in the Genesee Valley Agri-Business Park in the Town of Batavia (the “Project”), and

WHEREAS, the Project is expected to result in the creation of fifty (50) new employment opportunities and contribute to the Town’s property tax base, and

WHEREAS, Alpina requires financial support from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the project cost, and

WHEREAS, the OCR has formally invited the Town of Batavia to submit a grant application in the amount of \$750,000 to assist in financing the Project;

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NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to submit a grant application in the amount of \$750,000 to the New York State Office of Community Renewal to provide financial assistance to Alpina, and be it further

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to execute all necessary documents associated with the implementation of the OCR grant, subject to review by counsel, and be it further

RESOLVED, that the Batavia Town Board hereby designates the Supervisor as its “Certifying Officer” for the purposes of assuring compliance with all federal environmental regulations respecting the grant and representing the Town of Batavia in any challenges to such compliance.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 99:

Councilman Gerace offered the following:

A RESOLUTION TO AUTHORIZE PARTIAL PAYMENT

FOR THE SERVICES OF A CONSERVATION DEVELOPMENT CONSULTANT

WHEREAS, the Genesee County Economic Development Center and its affiliated company, Genesee Gateway Local Development Corporation (hereinafter referred to jointly as “EDC”), intends to engage the services of Sheila S. Hess, d/b/a Conservation ConnectS, for the purpose of planning and developing a non-profit organization dedicated to providing environmental services to balance natural resource conservation with economic growth and development, and

WHEREAS, the first phase of this undertaking has been completed, and

WHEREAS, both parties agree that it is in the best interest to continue to the second phase of the plan as described in the attached proposal to EDC dated April 15, 2011, and

WHEREAS, the Town of Batavia finds that the hiring of this consultant would help to promote economic development and creating new tax base and employment opportunities, while protecting natural resources and the environment.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Batavia, New York, does find that it would be in the best interests of the residents of the Town of Batavia to encourage and financially support the conservation development project as proposed by EDC and Sheila S. Hess, and

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BE IT FURTHER RESOLVED that the Town Board does hereby approve and authorize the expenditure of one-half of the cost of the proposed Phase I of the conservation development project by said Sheila S. Hess, in an amount not to exceed the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00).

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

RESOLUTION NO. 100:

Councilman Lang offered the following:

**EXTENSION OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL DUCHSCHERER
GIS PROGRAMMING AND TRAINING**

WHEREAS, Wendel Duchscherer, has completed the scope of services associated with the implementation of the additional GIS programming and training which was funded through USDA Rural Development ; and

WHEREAS, additional services such as program and website additions, additional training and software/hardware support will allow the advancement of the Town's GIS needs; and

WHEREAS, these additional services cannot be well defined, it is proposed to continue the service with Wendel Duchscherer on a time and materials basis at the same regular rates; and

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to extend the services of Wendel Duchscherer to assist the Town in the advancement of the Town's GIS system at a time and material basis not to exceed \$11,500.

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

Discussion: The Supervisor noted that the Town Board will be given a demonstration of what has been accomplished thus far. It is remarkable that all the components of the Town's infrastructure can be readily located and will assist in strategic planning. It has been very beneficial.

RESOLUTION NO. 101:

Deputy Supervisor Underhill offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Town of Batavia has determined that the following list of items are no longer needed for Town use and has determined the following items should be sold at auction and deleted from

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inventory:

1. One 24ft. wide by 30 ft. long wood frame barn at Galloway Park.
2. One 14 ft wide by 24 ft. long steel frame carport structure

Miscellaneous Surplus Items

<u>Quantity</u>	<u>Size</u>	<u>Item</u>
4 boxes	17"x12"x13"deep	Oil Filters
1 box	16"x15"x20"deep	Single Filter
1 box	13"x9"x8"deep	Hand Radios
1	69"x19"x14"deep	Truck Toolbox
1	N/A	SPX OTC Transmission Jack
1	N/A	Dyna Glo Kerosene Heater
1	N/A	6 Gallon Shop Vac
4	N/A	H.O. 12V Auto Heaters
7 boxes	12"x19"x16"deep	Wall pack Lights
1	N/A	IDC 18" Hedge Trimmer
3	N/A	Tennis Nets
1	N/A	HP Laser jet 1100 Printer
1	N/A	Panasonic Panafax Printer
1	N/A	12" Toshiba TV/VCR Combination
1	N/A	HP Scanjet 6300C Scanner
1	N/A	HP Deskjet 6122
1	N/A	HP C3180 Printer
3	N/A	Wire File Organizers
2	N/A	Stackable File Organizers
1	6'x4'	Chalkboard
1	11"x11"x24"tall	Metal Stand
1	37"x19"x70"tall	Coat & Shoe Rack
1	72"x36"	Desk
2	40"x19"x30"tall	Bookshelf
	9"x36"x36"tall	Bookshelf
1	48"x30"x27"tall	Table
1	18"x25"x28"tall	Filing Cabinets
1	19"x31"x28"tall	Filing Cabinets
1	19"x42"x28"tall	Filing Cabinets
1	18"x36"x40"tall	Filing Cabinets
1	18"x36"x52"tall	Filing Cabinets

NOW THEREFORE BE IT,

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to surplus the items listed above and sell them at auction.

Second by: Councilman Lang

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

Discussion: Supervisor Post stated that the information for the auction of the surplus items will be available on the Town's website.

RESOLUTION NO. 102:

Supervisor Post offered the following:

UPGRADE TOWN FACILITIES ACCESS SYSTEM
CORE LOCKS AND KEYS

RESOLVED, the Batavia Town Board hereby authorizes the upgrade of the Town Facilities Best Lock Access System, with the purchase of the Best Lock Cormax from Stanley Security Solutions at a cost of \$1,187.01 (quote and agreement attached); and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the Patented Keying System Customer Agreement.

Second by: Councilman Gerace

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

RESOLUTION NO. 103:

Councilwoman Michalak offered the following:

POWER EDGE 2900 SERVER
SERVICE CONTRACT EXTENSION

RESOLVED, the Batavia Town Board hereby authorizes the Dell 3 year Service Contract Extension for the Power Edge 2900 Server at a cost of \$648.07(quote attached). The current service contract expires June 20, 2011; and be it

FURTHER RESOLVED, the Supervisor is hereby authorizes to execute the necessary paperwork.

Second by: Councilman Lang

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

Abstract No. 5-2011: Motion Councilman Lang, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

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General	\$60,782.02
Highway	8,171.47
Sewer No. 1	26,719.57
Sewer No. 2	46,132.78
Water	16,509.75
Economic Development	25.09
Wortendyke/Pike	78,074.01
Park Road	3,969.62
Total	240,384.31

Check numbers 15891 thru 15897, 15899 - 15915, 15917-15920, 15922-15945, 15947-15969

Ayes: Lang, Gerace, 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% and .40%

GAM- Next GAM Meeting will be tomorrow evening at Darien Lake Beaver Brother's Restaurant, hosted by the Town of Darien. Councilwoman Michalak and Deputy Supervisor Underhill are planning on attending.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$5,279.19 remitted \$4,847.71, to the Supervisor for the Local Share.

Zoning Training- Town of York is hosting a "Zoning Basics" training session tonight and the Town of Lima will be hosting one on June 13, 2011. Town Officials were emailed the information.

Town Clerk's Conference- Attended the NYS Town Clerk's conference the first week of May. It was very beneficial.

United Way Day of Caring- Participated in the United Way Day of Caring. Thanked the Town Board for allowing Town Employees to participate. It is a very rewarding experience. There were about 260 volunteers working at 48 different sites. We also learned about Community Action and what they have to offer.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:30 P.M.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

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Teresa M. Morasco
Town Clerk