

**OCTOBER 17, 2012  
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 Zambito

**Others**

**Present:** Town Clerk Morasco  
Roger Muehlig, Daily News Reporter

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

**September 26, 2012 Special Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

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

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

**October 5, 2012 Special Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

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

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

**RESOLUTION NO. 162:**

Councilman Lang offered the following:

**CALLING A PUBLIC HEARING  
SEWER RENTS – MAY 2013 TO FEBRUARY 2014**

**WHEREAS**, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

**WHEREAS**, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

**WHEREAS**, the proposed sewer rents for May 2013 to February 2014 are Sewer District No. 1 - \$5.15/1,000 gallons, Sewer District No. 2 - \$5.15/1,000 gallons;

**WHEREAS**, a public hearing is required before the new sewer rents are imposed;

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the

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Proposed Sewer Rents-May 2013 to February 2014 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:40 P.M. on Wednesday, November 7, 2012, at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

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

**NOTICE OF PUBLIC HEARING  
SEWER RENTS – MAY 2013 – FEBRUARY 2014**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 7, 2012 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:40 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2013 to February 2014 are, Sewer District No. 1 at \$5.15/1,000 gallons and Sewer District No. 2 at \$5.15/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 17, 2012

Teresa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 163:**

Deputy Supervisor Underhill offered the following:

**CALLING A PUBLIC HEARING  
WATER RATE – MAY 2013 TO FEBRUARY 2014**

**WHEREAS**, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

**WHEREAS**, the proposed water rate for May 2013 to February 2014 is \$4.34/1,000 gallons; and

**WHEREAS**, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

**RESOLVED**, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2013 to February 2014 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:45 P.M. on Wednesday, November 7, 2012, at which time and place all interested persons will be heard; and be it further

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**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

**Second by:** Councilman Zambito

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

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

**NOTICE OF PUBLIC HEARING  
WATER RATE – MAY 2013 – FEBRUARY 2014**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held November 7, 2012 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:45 P.M. for the purpose of imposing water rates. The proposed water rate for May 2013 to February 2014 is \$4.34/1,000 gallons.

The foregoing by order of the Batavia Town Board.

**Dated:** October 17, 2012

Teressa M. Morasco  
Batavia Town Clerk

**RESOLUTION NO. 164:**

Supervisor Post offered the following:

**LEVYING UNPAID WATER AND SEWER  
CHARGES AGAINST 2013 TAX WARRANT**

**WHEREAS**, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 17, 2012; and

**WHEREAS**, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list in the amount of \$39,221.84 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2013 tax warrant.

**Second by:** Councilwoman

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

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

**RESOLUTION NO. 165:**

Councilwoman Michalak offered the following:

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**AUTHORIZING BUDGET MODIFICATION FOR 2012  
HIGHWAY RESERVE FUND TO HIGHWAY EQUIPMENT**

**RESOLVED**, the Batavia Town Board hereby authorizes \$34,740.00 from Highway Reserve Fund to increase line item DA5112.200- Highway Equipment.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 166:**

Councilman Zambito offered the following:

**APPOINTMENT TO ZONING BOARD OF APPEALS  
TO FILL AN UNEXPIRED TERM**

**WHEREAS**, a vacancy has occurred on the Town of Batavia Zoning Board of Appeals due to the resignation of Peter Call; and

**WHEREAS**, this vacancy needs to be filled to serve his remaining term;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Brittany Witkop, 9280 Alexander Road, Batavia, New York, to the Town of Batavia Zoning Board of Appeals as a regular member, commencing immediately and expiring December 31, 2013, and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 167:**

Councilman Lang offered the following:

**APPOINTMENT TO ZONING BOARD OF APPEALS  
TO FILL AN UNEXPIRED TERM- ALTERNATE MEMBER**

**WHEREAS**, a vacancy has occurred on the Town of Batavia Zoning Board of Appeals (ZBA) for an alternate member due to the Brittany Witkop being appointed as regular member on the ZBA ; and

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**WHEREAS**, this vacancy needs to be filled to serve her remaining term.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Donna Morrill, 8647 Seven Springs Road, Batavia, New York, to the Town of Batavia Zoning Board of Appeals as an alternate member, commencing immediately and expiring December 31, 2012, and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 168:**

Deputy Supervisor Underhill offered the following:

**TRAINING WORKSHOP**

**RESOLVED**, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

Jon Long, Jeremy Liles and Louis Paganello- Powers & Duties of Planning Board workshop  
October 24, 2012- no cost for the workshop

Gordon Offhaus, Paul Marchese, Paul McCullough, Lou Paganello, and Kathleen Jasinski-  
G/FLRPC Workshop November 16 at a cost of \$60.00/each.

**Second by:** Councilman Lang

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

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

**Abstract No.10-2012:** Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$63,965.30
Highway	141,373.81
Sewer No. 1	1,295.45
Sewer No. 2	6,131.25
Water	160,448.57
Wortendyke Sewer	36.72
<b>Total</b>	<b>\$373,251.10</b>

Check numbers 17311 thru 17365, online: \$6,268.50, ACH: \$2,947.50

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

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

**DEPARTMENT REPORTS:**

**The Supervisor reported for the following departments:**

**Highway-**Paving operations are complete for the season. Getting ready for the snowplowing season.

**Water/Wastewater:**

- \* Flow test studies and locating infrastructure at the Ag Park are complete.
- \* The Ag Park Factory Inspections are on-going
- \* Meter reading is in process

**Building Inspector**

- \* Regular and construction inspections are on-going
- \* There is an increase in housing construction
- \* Dan Lang, Code Enforce completed another portion of his assessor training and scored 92 percent

**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 .15%.

**October 24, 2012 Special Town Board Meeting** - There will be a Special Town Board Meeting at 5:00 P.M. on October 24 to accept the preliminary budget and call a public hearing on the proposed 2013 Preliminary Budget

**October 24, 2012 Informational Meeting**-There will be an informational meeting for the Proposed Creek/East Road Water District and the Proposed Pratt Road Water District on October 24, 2012 at 6:30 P.M. at the Batavia Town Hall.

**November Town Board Meeting**- The Regular Town Board meeting for November will be on Monday, November 19, 2012 rather than Wednesday, November 21, 2012.

**Batavia-Elba Proposed Water District**- An informational meeting for the Batavia-Elba Proposed Water District will be at a future date, when funding opportunities are available.

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**GAM**- The next GAM meeting will be Thursday, October 19, 2012 at 7:00 P.M., hosted by the Town of Elba, at the Byron Hotel.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**September Town Clerk monthly report collected** a total of \$11,675.98, remitted \$6,463.93 to the Supervisor for the Local Share.

**Town of Castile**- As everyone is aware the Town of Castile had a devastating fire two weeks ago. The Genesee County Town Clerk's gathered some office supplies and delivered them to the Town of Castile today. The Town Clerk was very touched by all the help and support they received.

**COMMITTEE REPORTS:**

**Parks**- Councilwoman Michalak reported that donations for the "Inclusive Interplay Community Project" are going well. An anonymous donor, donated \$5,000. The committee is working on a letter to go out with information on how and where to donate money for this project.

**ADJOURNMENT:**

Motion Councilman Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:30 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk