

**MAY 16, 2012
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:02 P.M.

April 18, 2012 Public Hearing-Local Law #1 of 2012 Amendment to Sewer Ordinance and April 18, 2012 Regular Town Board Meeting: Motion Councilman Lang second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 99:

Councilman Lang offered the following:

**TEMPORARY LABORER
FOR HIGHWAY DEPARTMENT**

WHEREAS, the Highway Superintendent would like to hire a temporary laborer to assist the Highway Department in completing construction projects this summer; and

WHEREAS, the 2012Town Budget reflects appropriations to hire a temporary laborer to assist the Highway Department during the summer months.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to interview and hire a temporary laborer for 40 hours per week from May, 2012 thru September, 2012 at an hour rate of \$10.00 per hour for the Highway Department; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA5110.101.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 100:

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Deputy Supervisor Underhill offered the following:

RESOLUTION ESTABLISHING THIRD DEPUTY TOWN CLERK

WHEREAS, the Town Clerk can appoint up to three Deputy Town Clerks; and

WHEREAS, these positions need to be established by the Town Board and approved through Civil Service; and

WHEREAS, there are only two Deputy Town Clerk positions established for the Town of Batavia through Civil Service; and

WHEREAS, Civil Service is in the process of revising the rules and regulations and this is the best time to get the third position established.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby establishes a Third Deputy Town Clerk position.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, Lang, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 101:

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
DELL DESKTOP COMPUTERS FOR TOWN CLERK OFFICE**

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two (2) Dell Desktop Computer for the Town Clerk offices at a cost of \$1,916.54, New York State Contract #PT65340 (quote attached); and be it further

RESOLVED, the expenditure will be appropriated from line item A1410.200.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, Lang
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 102:

Councilwoman Michalak offered the following:

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**BORROWING AND GENERAL
FINANCIAL ADVISORY SERVICES AGREEMENT
MUNICIPAL SOLUTIONS, INCORPORATED**

WHEREAS, Municipal Solutions, Incorporated has assisted the Town of Batavia with Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services; and

WHEREAS, to continue this service Municipal Solutions, Incorporated submitted a proposal of services agreement (attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for Bond Anticipation Note Borrowing, Long-term Serial Bond Borrowing and General Financial Services; said agreement is for a period of two years.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 103:

Councilman Lang offered the following:

**RESOLUTION TO AUTHORIZE TWO ELECTION INSPECTORS
TO MONITOR THE SPECIAL ELECTION
FOR A REFERENDUM REGARDING THE PROPOSED
WEST MAIN STREET ROAD SEWER DISTRICT**

WHEREAS, the Batavia Town Board authorized a Special Election to hold a Referendum on the establishment of the West Main Street Road Sewer District in the Town of Batavia to be held at the Batavia Town Hall, located at 3383 West Main Street Road, Batavia, New York, on June 12, 2012, continuously between the hours of 12:00 Noon and 8:00 p.m.; and

WHEREAS, two impartial Election Inspectors are needed to monitor the voting process and to certify the Special Election results.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes two Election Inspectors to monitor the voting on June 12, 2012 from 12:00 noon to 8:00 p.m.; and be it

FURTHER RESOLVED that each of the Election Inspectors will be compensated \$200.00 for the day.

Second by: Deputy Supervisor Underhill

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Ayes: Lang, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 104:

Deputy Supervisor Underhill offered the following:

**MITEL/INTER-TEL 5000 TELECOMMUNICATION SYSTEM
SOFTWARE ASSURANCE PACKAGE**

WHEREAS, Rel-Comm, Inc. installed the Mitel CS 5000 telecommunications system upgrade in the Town Hall and Highway Facility in 2009, which also included enrollment in the Software Assurance Program; and

WHEREAS, the Software Assurance contract expires today; and

WHEREAS, Rel-Comm is offering customers an opportunity to renew the Software Assurance for up to an additional five (5) years on guaranteed software upgrades (pricing and contract attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board authorizes the purchase of an additional three (3) Year Software Assurance at a cost of \$850.00; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contract.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, Lang, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 105:

Supervisor Post offered the following:

**GENERATOR MAINTENANCE AGREEMENT
KEY POWER SYSTEMS, INCORPORATED**

WHEREAS, Key Power Systems, Inc. has been servicing all of our Emergency Generators on an emergency and as needed basis; and

WHEREAS, Key Power Systems, Inc. submitted an itemized preventative maintenance proposal totaling \$4,000.00 to maintain eight generators on a semi-annual basis (agreement attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby accepts Key Power Systems, Inc. proposals to perform Prevention Maintenance for eight emergency generators; and be it

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FURTHER, RESOLVED the Batavia Town Board hereby authorizes the Supervisor to execute the agreements, effective June 1, 2012 and expiring May 31, 2014; and be it

FURTHER RESOLVED the expenditure will be appropriated from the corresponding water and sewer contractual line items.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 106:

Councilwoman Michalak offered the following:

**RESOLUTION TO EXTEND THREE SEPARATE
PURCHASE OPTION AGREEMENTS FOR AN ADDITIONAL TWO YEARS**

WHEREAS, the Town Board continues to investigate the use of certain parcels of land located on portions of Galloway, Harloff and Kiefer Roads in the Town of Batavia; and

WHEREAS, the Town of Batavia entered into Purchase Option Agreements with three separate land owners in 2010, with said agreements expiring July 6, 2012; and

WHEREAS, the Town Board desires to extend the three Purchase Option Agreements for an additional two (2) years period.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that the terms and conditions of the three (3) separate Purchase Option Agreements, along with a "Purchase and Sale Contract for Lots and Vacant Land" executed in 2010 be extended for an additional two years and the Town Supervisor is authorized and directed to execute the necessary Purchase Option Agreement extensions and any other related necessary documents, as follows:

1. With Richard G. Bauer, residing at 3936 Cookson Road, Batavia, New York 14020, for premises consisting of the following:
 - A. Approximately 40.6 acres of vacant land located on Galloway Road, Tax Map No. 2-1-16.
 - B. Approximately 36.9 acres of vacant land located on Harloff Road, Tax Map No. 2-1-20.
 - C. Approximately 27.7 acres of vacant land located on Galloway Road, Tax Map No. 2-1-25.

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2. With John A. Riley and Marcia Riley, residing at 2982 Galloway Road, Batavia, New York 14020, for premises consisting of the following:
 - A. Approximately 12.5 acres of vacant land located on Galloway Road, being a portion of Tax Map No. 2-1-8.1, located in the southeast corner of this parcel.
3. With Joseph Fenton and Elizabeth Fenton, residing at 2889 Pratt Road, Batavia, New York 14020, for premises consisting of the following:
 - A. Approximately 33.0 acres of vacant land located on Kiefer Road, being the north portion of Tax Map No. 2-1-24.

BE IT FURTHER RESOLVED that payment is hereby authorized to said Richard G. Bauer in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) for the Purchase Option Agreement Extension as outlined in Subparagraph 1 herein, and

BE IT FURTHER RESOLVED that payment is hereby authorized to said John A. Riley and Marcia Riley in the amount of One Thousand Two Hundred Dollars (\$1,200.00) for the Purchase Option Agreement Extension as outlined in Subparagraph 2 herein, and

BE IT FURTHER RESOLVED that payment is hereby authorized to said Joseph Fenton and Elizabeth Fenton in the amount of Three Thousand Dollars (\$3,000.00) for the Purchase Option Agreement Extension as outlined in Subparagraph 3 herein.

Second by: Councilman Lang
Ayes: Michalak, Lang, Underhill, Post
APPROVED by unanimous vote (4-0)

Abstract No. 5-2012: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$80,185.75
Highway	14,057.63
Sewer No. 1	21,847.40
Sewer No. 2	46,138.66
Water	126,310.39
Ellicott St Rd	3,587.63
West Main/Wortendyke Sewer	9,976.75
Sewer No. 1 Improve	46,764.48
Total	348,868.69

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Check numbers 16912 thru 16993, Online-\$1,788.08 , ACH- \$4,483.75

Ayes: Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported for the following departments:

Building: Continuing to meet with Building Department to review policy and procedures

Highway: Finishing paving and continuing to work on Parks and Roads

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 .45% and .18%.

GAM- Next GAM Meeting is tomorrow evening, hosted by the Town of Pembroke at the Darien Town Hall at 7:00 P.M.

West Main Sewer Informational Meeting- There will be a West Main Sewer Informational Meeting on Wednesday, May 30 at 6:30 P.M. at the Town Hall

CYBER SECURITY CONFERENCE- Motion by Deputy Supervisor Underhill, seconded by Councilman Lang authorizing Shawn Petti, Joey Neth and Patti Michalak to attend the NYS CYBER Security Conference June 4 through June 6 in Albany. A town vehicle will be used.

Ayes: Underhill, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS:

Parks- Councilwoman Michalak reported that the Parks Committee is continuing to work on plans for Galloway Road Park and the area on West Main Street Road.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$8,196.04, remitted \$7,965.05 to the Supervisor for the Local Share.

NYS Town Clerk's Conference- Attended the NYSTAC last month and she was appointed for a three year term as District Director.

United Way Day of Care- Participated in the Annual United Way Day of Care. Approximately 300 people participated. It was a very rewarding day.

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Liquor License Renewal- Received a renewal application notification from Glenn S. Loomis Post Home Inc. American Legion Post 332 that they are renewing their liquor license.

ADJOURNMENT:

Motion Deputy Supervisor Underhill , second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:21 P.M.

Ayes: Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk