

**SEPTEMBER 26, 2012
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
Hiedi Librock, Secretary to the Supervisor

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

September 12, 2012 Public Hearing-Local Law #2 of 2012 to Override Tax Cap and September 12, 2012 Regular Town Board Meeting : Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Zambito, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 152:

Councilman Lang offered the following:

RESOLUTION ADOPTING LOCAL LAW #2 OF 2012

WHEREAS, proposed Local Law #2 of 2012 of the Town of Batavia entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2013”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on August 15, 2012, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on September 19, 2012, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #2 of 2012 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law #2 of 2012 be and the same hereby is adopted; and

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BE IT FURTHER RESOLVED, that a certified copy of said Local Law #2 of 2012 be filed with the New York State Secretary of State in accordance with Law.

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

Discussion-Prior to the vote Councilman Zambito questioned the benefit in enacting this local law. The Supervisor explained that it has been recommended by the Town's auditor and legal counsel to pass the Local Law to override the cap. The language in the tax cap bill is unclear and Albany has not been able to give municipalities clear answers. This proposed law allows us to set the tax rate to maintain the revenue side of the budget and to protect our community. It is the safest thing to do to avoid any financial imposition from New York State.

RESOLUTION NO. 153:

Deputy Supervisor Underhill offered the following:

AUTHORIZING PARTICIPATION IN
YEAR 2013 JOINT YOUTH PROGRAM

WHEREAS, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

WHEREAS, the Town of Batavia's contribution to this joint youth project is \$9,146.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$2,000.00;

RESOLVED, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2013; and be it further

RESOLVED, that the year 2013 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2013:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 906.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	<u>\$ 906.00</u>
Total	\$9,146.00

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Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 154:

Supervisor Post offered the following:

PURCHASE BACKHOE-LOADER

WHEREAS, the 2012 Town Budget reflects appropriations to purchase a new 2012 Tractor Loader Backhoe for the Highway, Water and Sewer Departments; and

WHEREAS, the Town solicited bids for a new 2012 Tractor Loader Backhoe. Five bids were received at 3:00 PM on September 25, 2012. The low bidder was Five Star Equipment, Inc. located at 60 Paul Road Rochester, NY 14624 at a price of \$69,480.00 including the trade-in of the Town's current 2000 Case 580L backhoe (bid summary attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase a new 2012 Tractor Loader Backhoe from Five Star Equipment, Inc. at a cost of \$69,480.00; and be it further

RESOLVED, the Batavia Town Board hereby authorizes the trade-in of the Town's 2000 Case 580L backhoe VIN JJG0249174 as part of the purchase for the new backhoe; and be it further

RESOLVED, the expenditure will be appropriated 50 % from DA5112.200-highway equipment and 50% split between SS1-8120.200, SS2-8120.200 and SW 8340.200.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 155:

Councilwoman Michalak offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Town of Batavia has determined that the following item(s) are no longer needed for Town use and that the following item(s) should be sold at auction and deleted from inventory:

1. Karcher HDS 790 Electric Pressure washer
2. Homelite 2 inch trash Pump with 5 Horsepower gas engine
3. Homelite 3 inch trash pump with 8 Horsepower gas engine
4. 1990 Trojan L3000 Front End Loader VIN 3163005

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

RESOLUTION NO. 156:

Councilman Zambito offered the following:

APPOINTMENT TO ASSESSMENT BOARD OF REVIEW

WHEREAS, Lyn Eick term on the Assessment Board of Review expires September 30, 2012.

RESOLVED, the Batavia Town Board hereby re-appoints Lyn Eick, 8880 Batavia-Stafford Townline Road, Batavia, New York, to the Assessment Board of Review for a term to commence October 1, 2012 and expiring September 30, 2017.

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

RESOLUTION NO. 157:

Councilman Lang offered the following:

2013 VISITORS GUIDE ADVERTISEMENT

RESOLVED, the Batavia Town Board hereby authorizes a full-page advertisement in the 2013 Genesee County Visitors Guide at a cost not to exceed \$1,700.00; and be it further

RESOLVED, Berneda Scoins, Town Historian is hereby appointed as the Community Page Coordinator for this advertisement.

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

RESOLUTION NO. 158:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOPS

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

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John Della Penna- Powers & Duties of Zoning Board of Appeals workshop October 16, 2012- no cost

Brittany Witkop -G/FLRPC Workshop November 16 at a cost of \$60.00

Hiedi Librock and Teresa Morasco- Association of Towns Fall Personnel & Ethics School November 2 at a cost of \$75.00 each and the use of a Town vehicle.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 159:

Supervisor Post offered the following:

**EXTENSION OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL COMPANIES
(GEOGRAPHICAL INFORMATIONAL SYSTEM) GIS PROGRAMMING, MAINTENANCE
AND TRAINING**

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

WHEREAS, Wendel Companies has prepared a proposal (attached) as requested by the Town Engineer for the following:

TASK 1-Link to Town Online Zoning Codes

TASK 2-Adding County-wide Parcel and Orthoimagery (for shared services with partner municipalities)

for a total fee of \$2,850; and

WHEREAS, the Town Engineer recommends approval of these services to continue the Town's advancement and fulfillment of its GIS needs as well as providing better service to our shared services partners; and

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to extend the services of Wendel Companies to assist the Town in the advancement of the Town's GIS system at a cost not to exceed \$2,850.

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Zambito, Lang, Underhill

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 160:

Councilwoman Michalak offered the following:

SUBDIVISION MAP FOR PROPOSED PHASE III AGRI-BUSINESS PARK

WHEREAS, a subdivision plan is needed for the proposed Phase III Agri-Business Park; and

WHEREAS, Welch & O'Donoghue Land Surveyors, P.C. has quoted a price of five thousand dollars (\$5,000.00), to complete the subdivision mapping (Proposal attached); and

WHEREAS, the Town Engineer has reviewed and recommends acceptance of Welch & O'Donoghue Land Surveyors, P.C.'s proposal.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Welch & O'Donoghue Land Surveyors, P.C. to perform the aforementioned work at a cost of five thousand dollars (\$5,000.00).

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Zambito, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO.161:

Supervisor Post offered the following:

**FIVE STAR BANK
ACCOUNT AUTHORIZATIONS**

RESOLVED, the Batavia Town Board hereby authorizes updating the Town's Municipal Authorization Resolutions and the execution of said resolutions with Five Star Bank for the following accounts:

General Checking, CBDGR, HRA, Town Clerk/Tax Collector, and the Town Justice's.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

Abstract No. 9-2012: Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$ 126,133.33
Highway	27,927.05
Sewer No. 1	3,999.05
Sewer No. 2	358,008.32
Water	59,974.11
W Main Sewer	49,883.29
Total	\$625,925.15

Check numbers 17225 thru 17307, ACH: \$47,565.15, Online: \$5,142.51, Wire: \$353,390.77

Ayes: Zambito, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Special Town Board Meeting at 7:17 P.M.

Ayes: Underhill, Lang, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk