

**MAY 15, 2013
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor Post 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
Berneda Scoins, Town Historian and Peace Garden Committee Member
Barb Toal, Carol Grasso, Delores Chiocco, and Kathy Winding, Peace Garden Committee Members
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:10 P.M.

April 17, 2013 Regular Town Board Meeting: Motion Councilman Lang, second Councilman Zambito to approve the minutes as written.

Ayes: Lang, Zambito, Underhill, Michalak, Post
MOTION CARRIED by unanimous vote (5-0)

SPEAKERS: Berneda Scoins, Town Historian and Peace Garden Committee Member, presented the Town Board with the Town sponsored flag that was the first flown in the peace garden. Ms. Scoins expressed their appreciation for the Town's support.

Supervisor Post applauded them for all the effort and time given to this project. He expressed that it looks terrific and shows that we are a community of working together and growing.

RESOLUTION NO. 95:

Councilman Lang offered the following:

**ESTABLISHING WORKDAY
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor:

Elected & Appointed Officials					
Title	Name	Standard	Term	Employer	Days/Month

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		Work Day (hrs/day)	Begins/Ends	Record of Time Worked	(based on record of Activities)
Town Justice	Thomas Williams	6	01/01-2013- 12/31/2016	Y	20
Town Board Member	Chad Zambito	6	01/01/2013 – 12/31/2015	Y	20
Zoning Board of Appeals Member	Gary Diegelman	6	01/01/2013 – 12/31/2017	Y	5.5

and be it further

RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town’s website and the sign board located in the Town Hall; and be it further

RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller’s.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Post

Abstain: Zambito

APPROVED (4-ayes, 1-abstain)

RESOLUTION NO. 96:

Deputy Supervisor Underhill offered the following:

PURCHASE DUMP TRAILER

WHEREAS, the 2013 Town Budget reflects appropriations to purchase a new 2013 dump trailer for the Highway Department; and

WHEREAS, the Town solicited quotes for a new 2013 16 foot long dump trailer. 6 quotes were received at 3:00 PM on May 1, 2013. The low bidder was Roy Teitsworth Inc. 6502 Barber Hill Road, Geneseo, NY 14454 (quote summary memo attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2013 16 foot long dump trailer from Roy Teitsworth Inc. at a cost of \$7,500.00

RESOLVED, the expenditure will be appropriated from DA5130.200-highway equipment.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 97:

Supervisor Post offered the following:

TRAINING WORKSHOP

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

John Della Penna, Michael Pullinzi, & Donna Morrill- Niagara/Orleans Workshop, Farmland Protection and Agricultural Viability & Sign Regulations. There is no fee for this workshop.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 98:

Councilwoman Michalak offered the following:

MEMORIAL DAY WREATHS

WHEREAS, the Town of Batavia has provided three wreaths for Memorial Day in honor of our veterans; and

WHEREAS, the Town would like to continue to provide wreaths; and

WHEREAS, the wreaths will be placed at Daws Corners Cemetery and Grandview Cemetery by the Batavia Memorial Day Committee (Disabled American Veterans, VFW, American Legion, Marine Corp League, and Vietnam Veterans of America).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes three (3) wreaths to be purchased from Floral Fantasies at a cost of sixty-five dollars (\$65.00) each; and be it further

RESOLVED, the expenditure will be appropriated from line item A6510.400-Veterans Services.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 99:

Councilman Zambito offered the following:

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**RESOLUTION IN SUPPORT OF NEW YORK GREEN, INC. AND TO APPOINT
STANDING MEMBERS FOR THIS CORPORATION**

WHEREAS, New York Green, Inc. (NYG), a nonprofit organization with a mission to facilitate informed and creative land use decisions to stimulate economic vitality and protect our natural environment, which also support the objectives that are part of the municipal functions of the Town of Batavia; and

WHEREAS, the Town of Batavia is in full support of designating an individual representative to serve as a standing member to the NYG Board of Directors, as stated in NYG Bylaws, adopted by the NYG Board of Directors on July 16, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that it does hereby formally acknowledge the Bylaws and the Environmental objectives of New York Green, Inc., and

BE IT FURTHER RESOLVED that the Town Board does hereby appoint the Town Supervisor and the Town Engineer as the representatives on behalf of the Town of Batavia to serve as Standing Members on the Board of Directors of New York Green, Inc.

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

RESOLUTION NO. 100:

Councilman Lang offered the following:

**RESOLUTION IN SUPPORT OF NEW YORK GREEN, INC. AND TO APPOINT
STANDING MEMBERS FOR THIS CORPORATION**

WHEREAS, New York Green, Inc. (NYG), a nonprofit organization with a mission to facilitate informed and creative land use decisions to stimulate economic vitality and protect our natural environment, which also support the objectives that are part of the municipal functions of the Town of Batavia; and

WHEREAS, the Town of Batavia is in full support of designating an individual representative to serve as a standing member to the NYG Board of Directors, as stated in NYG Bylaws, adopted by the NYG Board of Directors on July 16, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that it does hereby formally acknowledge the Bylaws and the Environmental objectives of New York Green, Inc., and

BE IT FURTHER RESOLVED that the Town Board does hereby appoint the Town Supervisor and the Town Engineer as the representatives on behalf of the Town of Batavia to serve as Standing

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Members on the Board of Directors of New York Green, Inc.

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

RESOLUTION NO. 101:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH NEW YORK GREEN, INC.**

WHEREAS, the Town of Batavia has been working in partnership with the Genesee County Economic Development Corporation (GCEDC) in the development of New York Green, Inc., a non-profit organization for the purpose of providing environmental services to balance natural resource conservation with economic growth and development; and

WHEREAS, New York Green, Inc. has developed a plan to develop a Green Genesee Road Map which will facilitate planning for continued economic growth opportunities in a way that preserves agriculture, open space and natural resources; and

WHEREAS, New York Green, Inc. has submitted a proposal to initiate implementation of the development of the Green Genesee Road Map and provide the Town with environmental advice for current and future development projects until completion of phase I of the Green Genesee Road Map.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that it does hereby authorize the Supervisor to retain New York Green, Inc. for the Green Genesee Road Map plan and it does hereby approve a proposed Letter Agreement, dated May 14, 2013, by and between the Town of Batavia and New York Green, Inc., a copy of which is annexed to and made a part of the Town Board Minutes; and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized and directed to execute the said Letter Agreement on behalf of the Town of Batavia; and

BE IT FURTHER RESOLVED that the Town Board does hereby approve payment of the total sum of Twenty Thousand Dollars (\$20,000.00) to New York Green, Inc. in consideration for the services by this Corporation, and to be paid as set forth in the Letter Agreement.

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

RESOLUTION NO. 102:

Supervisor Post offered the following:

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**RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE
GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION**

WHEREAS, on April 18, 2012, the Town adopted a Resolution entitled “Authorization to Enter Into Agreements for the Implementation of a Community Development Block Grant Received From the New York State Housing Trust Fund Corporation”, and

WHEREAS, the aforesaid Resolution concerned a Federal grant assistance in the amount of one million dollars (\$1,000,000.00) (the “Grant”) from the New York State Housing Trust Fund Corporation (“HTFC”) represented by the New York State Office of Community Renewal (“OCR”) through the Community Development Block Grant (“CDBG”) Program (OCR Grant #83ED696-12) for the purpose of providing financing to assist Muller Quaker Dairy, LLC in establishing operations in the Genesee Agri-Business Park in the Town of Batavia, New York; and

WHEREAS, the terms and conditions of a proposed Grant Agreement by and between the Town and the Genesee Gateway Local Development Corporation (“LDC”) have been reviewed and approved by the Town Engineer and the Town Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed Grant Agreement by and between the Town and the LDC, a copy of which is annexed to and made a part of the Town Board Minutes, is hereby approved and the Supervisor is authorized and directed to sign this Grant Agreement on behalf of the Town.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilman Lang to suspend the rules to introduce an additional resolution.

Ayes: Underhill, Lang, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 103:

Councilwoman Michalak offered the following:

**GENESEE COUNTY FAIR PARADE
ACKNOWLEDGEMENT**

WHEREAS, Genesee County Agriculture Society’s annual Genesee County Fair will be July 17 through July 20, 2013, and

WHEREAS, the fair parade will be July 17, which the NYSDOT requires the entity to apply for a Special Use Permit; and

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WHEREAS, the NYSDOT also requires the applicant to notify and receive approval from the local authorities.

NOW, THEREFORE, BE IT

RESOLVED the Batavia Town Board hereby acknowledges that the Genesee County Agriculture Society is submitting an application to the NYSDOT for a Special Use Permit for the Genesee County Fair annual parade; and be it further

RESOLVED, the Batavia Town Board hereby has no objections to the NYSDOT issuing a Special Use Permit to the Genesee County Agriculture Society.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 5-2013: Motion Councilman Zambito, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$55,760.88
Highway	18,356.06
Sewer No. 1	33,879.65
Sewer No. 2	51,227.49
Water	138,668.06
West Main Sewer	2,000.00
Total	\$299,892.14

Check numbers 17915 - 17918, 17920 - 17987; ACH-\$4,947.50: Online-\$7,263.03

Ayes: Zambito, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Water/Wastewater:

West Main Sewer- Busy with the West Main Sewer project and putting it back out to bid

Water Billing- Completed meter readings and water/wastewater billing.

Highway: Working on roads and finishing up work in Kiwanis Park.

The Supervisor thanked all the Water/Wastewater and Highway staff for all the work done through this winter with minimal staff.

Building: Building Department is keeping busy with a number of projects being submitted.

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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 .15% and .40%.

GAM- The GAM meeting is tomorrow evening, hosted by the Town of Darien. It will be held at Darien Lake Theme Park at 7:00 P.M.

Hopkins Road Bridge Replacement-There will be an informational meeting on Wednesday, May 29 at 6:00 P.M. regarding the bridge replacement on Hopkins Road.

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$5,881.40, remitted \$5,399.78 to the Supervisor for the Local Share.

Legislation- Received an acknowledgement letter from Assemblyman Hawley receiving the Town's resolution in support of legislation to amend the lien law in relation to filing of false liens against public officials.

Certificate from Shred It- The Town received a certificate of environmental accomplishment for participating in the Shred It shredding and recycling program. The Town saved 17.7 trees in 2012 from destruction.

NYSTCA Conference- Attended the NYSTCA Conference the end of April. There were many great classes. The focus this year was on technology. I received my "Registered Municipal Clerk" certification.

COMMITTEE REPORTS:

Parks- Councilwoman Michalak reported that "Day of Caring" was Wednesday, May 8 with over 75 volunteers working on phase 1 of the "All Inclusive Park Project". She is hopeful that phase 1 will be completed by Memorial Day. Councilwoman Michalak thanked everyone for all their help.

The Supervisor expressed his appreciation. It has been a year since conception to near completion of phase 1.

Councilman Zambito expressed that Tom Lichtenthal, Town Highway Superintendent did a fantastic job with preparing the site for the "Day of Caring". It was very well organized.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:37 P.M.

Ayes: Underhill, Lang, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk