Councilman Gerace authorizing the Deputy Historian to attend APHNYS Spring Conference in Albany April 29 through May 1, 2007 at a cost not to exceed $600.00.
MOTION CARRIED by unanimous vote (4-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

March Town Clerk monthly report – collected a total $3,879.41, remitted $3,651.24 to the Supervisor for the Local Share.

2007 Town/County Taxes –March Taxes Collected $209,820.60, $4,421.69 was remitted to the Supervisor for Penalties and the $1.00 delinquent notice fee. The remainder was remitted to the County, along with 129 unpaid tax bills to end the tax collection season.

Household Hazardous Waste-The GLOW Region Solid Waste will be sponsoring the annual household hazardous waste collection on Saturday May 12 from 9 to 2. Appointments are required and can be made through the GLOW office 344-2580 ex 5463.

NEW BUSINESS:

DUMP FILL PERMITS-Motion Councilman Gerace, second Deputy Supervisor Underhill approving the Dump Fill Permits for Joseph Jaszko, Gary Diegelman (2 permits),Calvin Winkstern, and Del Mar Farms, Incorporated and the Dump Fill Permit Renewal for Genesee County Agricultural Society, as per the Building Inspectors recommendation.

MOTION CARRIED by unanimous vote (4-0)

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 8:25 P.M.
MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk

Sewer No. 1	1,648.53
Sewer No. 2	1,712.29
Water	5,097.36
Lovers Lane Water	4,545.00
TOTAL	**$115,063.07**

Check numbers 11291 thru 11356
MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:
Building Inspector reported on the following:

Comprehensive Master Plan (CMP) Zoning Changes- People requesting zoning changes to the CMP, he has advised them to direct them to the Town Board.

The Supervisor's delegate will be contacting the Planning Board Chair and Zoning Board Chair regarding these requests.

Floodplain-Met with officials from the New York State Department of Environmental Conservation and reviewed the Floodway/Floodplain.

Dump Fill Permits-The Building Inspector approved the Dump Fill Permit Applications from Joseph Jaszko, Gary Diegelman, Del Mar Farms, Inc. and Calvin Winkstern. However, he is not clear on exactly what Mr. Winkstern wants to do.

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 5.20%.

GAM- The next GAM meeting will be in Pembroke at the Pizza Pantry on April 19, 2007.

Genesee County is celebrating National County Government Week April 22 to April 28. A family night is planned for April 24 at the Genesee County Office for the Aging.

Work Session -Scheduled for Wednesday, April 25, 2007 at 6:00 P.M.

Informational Meeting-Scheduled for Wednesday, April 25, 2007 at 7:00 P.M. at the Town Hall regarding a Privately Owned Recreational Facility.

Conference Call- May 4, 2007 with a potential large developer.

GCEDC-Press Release- Received a press release this afternoon from GCEDC regarding WNY Science and Technology Advanced Manufacturing Park feasibility study. A Public Input meeting has been set for May 14, 2007 at the Batavia Town Hall from 7:00 P.M. to 9:00 P.M.

Joint Meeting-The Town Board is having a joint work session with the Planning Board on Tuesday, May 15 at 6:30 P.M.

DEPUTY HISTORIAN POSITION-Motion Councilman Gerace, second Councilman Zambito to create the position of Deputy Historian and set the Deputy Historians annual salary at $1.00.
MOTION CARRIED by unanimous vote (4-0)

APPOINTMENT: The Supervisor appointed Barbara Toal as Deputy Historian.

DEPUTY HISTORIAN-APHNYS CONFERENCE-Motion Councilman Zambito, second

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION

SUPPLEMENT TO THE PUTNAM & SHEPARD ROADS WATER DISTRICT

"**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to install public water improvements to serve residents along portions of Putnam Road, Francis Road, and Batavia-Bethany Town Line Road. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of approximately 3,700 linear feet of watermain along portions of Putnam Road, Francis Road, and Batavia-Bethany Town Line Road. The project represents an extension of the Putnam & Shepard Roads Water District as originally proposed in 2006. Activities include the installation of watermain, fire hydrants, valves, water services, residential hook-ups, appurtenances, and surface restoration; and be it

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

Abstract No. 4-2007: Motion Councilman Gerace, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	$ 82,480.79
Highway	19,579.10

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 79:

Councilman Zambito offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION

SUPPLEMENT TO THE WILKINSON ROAD WATER DISTRICT

"**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to install public water improvements to serve residents along a portion of Wilkinson Road. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of approximately 1,100 linear feet of watermain along the portion of Wilkinson Road from 100 feet south of Lear Road to the railroad tracks. The project represents an extension of the Wilkinson Road Water District as originally proposed in 2006. Activities include the installation of watermain, fire hydrants, valves, water services, residential hook-ups, appurtenances, and surface restoration; and be it

FURTHER RESOLVED, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 80:

Genesee, New York at its Regular Board Meeting held on the 18th of April 2007 duly adopted, subject to a mandatory referendum a resolution, to be submitted as Proposition No. 3 at the general election to be held on November 6, 2007, an Abstract of which is as follows:

The purpose and effect of the Resolution is to provide that the term of elective office for the Highway Superintendent of Batavia shall be four (4) years commencing January 1, 2010, as that officer is elected hereafter.

By Order of the Town Board
Town of Batavia
DATED: April 18, 2007

Teressa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLUTION NO. 78:

Councilman Gerace offered the following:

RESOLUTION TO APPROVE SECOND AMENDMENT TO PURCHASE AGREEMENT
SALE OF 3.846 ACRES OF LAND – VETERAN'S MEMORIAL DRIVE

WHEREAS, the Town of Batavia and The Spectra Group, Inc. previously entered into a "Real Estate Purchase Agreement", last dated September 14, 2005, and

WHEREAS, the same parties entered into a "First Amendment to Purchase Agreement", last dated November 7, 2006, and

WHEREAS, the same parties desire to make revisions to both of these previous Agreements as per a proposed "Second Amendment to Purchase Agreement", for the reasons set forth in the Second Amendment, and

WHEREAS, the Town of Batavia has requested that all monies deposited in escrow be transferred to Monroe Title Insurance Corporation, located in Rochester, New York, and in order to effect this transfer it is necessary to enter into a proposed "Escrow Agreement", and

WHEREAS, these two Agreements have been drafted and approved by the Town Attorney who thereby has recommended the same to the Town Board.

NOW, THEREFORE, BE IT RESOLVED that the Town Board for the Town of Batavia does here by find that entering into the proposed "Second Amendment to Purchase Agreement" and the proposed "Escrow Agreement", copies of which are attached to this Resolution, is in the best interests of the Town, and be it

FURTHER RESOLVED that the Batavia Town Board does hereby approve these two Agreements, and directs and authorizes the Supervisor to execute three copies as triplicate originals on behalf of the Town.

RESOLUTION NO. 77:

Supervisor Post offered the following:

TOWN BOARD RESOLUTION TO INCREASE TERMS OF OFFICE FOR HIGHWAY SUPERINTENDENT

WHEREAS, the Batavia Town Board has proposed an increase in the term of offices from two (2) years to four (4) years for the office of Highway Superintendent; and

WHEREAS, Town Law Section 24-a permits an increase in the terms of office of elective officers for the Town, being the Highway Superintendent by mandatory referendum at a biennial Town election.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that pursuant to the provisions of Town Law Section 24-a, that the term of office of elective Highway Superintendent of the Town of Batavia shall be four years upon submission to the qualified electors of the Town at the next biennial Town election to be held on November 6, 2007; and be it further

RESOLVED, that should a majority of the electors cast votes in the affirmative, then the term of office of the Highway Superintendent thereafter elected shall be for a period of four years; commencing on January 1, 2010 and be it further

RESOLVED, that the term of office, if approved, shall supersede the application of Town Law Section 24 in the Town of Batavia with respect to the term of office for the Highway Superintendent; and be it further

RESOLVED, that pursuant to sections 82 and 90 of the Town Law that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall continue an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a mandatory referendum, and shall publish such notice in the Batavia Daily News, a newspaper published in Genesee County having general circulation in the Town of Batavia; in addition thereto the Town Clerk shall post or cause to be posted on the signboard of the Town of Batavia, a copy of such notice.

Second by: Deputy Supervisor Underhill
APPROVED by unanimous vote (4-0)

LEGAL NOTICE
TERM OF OFFICE- HIGHWAY SUPERINTENDENT

NOTICE IS HERE BY GIVEN that the Town Board of the Town of Batavia, County of

officers for the Town, being the Town Clerk by mandatory referendum at a biennial Town election.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that pursuant to the provisions of Town Law Section 24-a, that the term of office of elective Town Clerk of the Town of Batavia shall be four years upon submission to the qualified electors of the Town at the next biennial Town election to be held on November 6, 2007; and be it further

RESOLVED, that should a majority of the electors cast votes in the affirmative, then the term of office of the Town Clerk thereafter elected shall be for a period of four years, commencing on January 1, 2010; and be it further

RESOLVED, that the term of office, if approved, shall supersede the application of Town Law Section 24 in the Town of Batavia with respect to the term of office for the Town Clerk; and be it further

RESOLVED, that pursuant to sections 82 and 90 of the Town Law that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall continue an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a mandatory referendum, and shall publish such notice in the Batavia Daily News, a newspaper published in Genesee County having general circulation in the Town of Batavia; in addition thereto the Town Clerk shall post or cause to be posted on the signboard of the Town of Batavia, a copy of such notice.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

LEGAL NOTICE
TERM OF OFFICE-TOWN CLERK

NOTICE IS HERE BY GIVEN that the Town Board of the Town of Batavia, County of Genesee, New York at its Regular Board Meeting held on the 18th of April 2007 duly adopted, subject to a mandatory referendum a resolution, to be submitted as Proposition No. 2 at the general election to be held on November 6, 2007, an Abstract of which is as follows:

The purpose and effect of the Resolution is to provide that the term of elective office for the Town Clerk of Batavia shall be four (4) years commencing January 1, 2010, as that officer is elected hereafter.

By Order of the Town Board
Town of Batavia
DATED: April 18, 2007

Teressa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLVED, that the term of office, if approved, shall supersede the application of Town Law Section 24 in the Town of Batavia with respect to the term of office for the Town Supervisor; and be it further

RESOLVED, that pursuant to sections 82 and 90 of the Town Law that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall continue an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a mandatory referendum, and shall publish such notice in the Batavia Daily News, a newspaper published in Genesee County having general circulation in the Town of Batavia; in addition thereto the Town Clerk shall post or cause to be posted on the signboard of the Town of Batavia, a copy of such notice.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

LEGAL NOTICE
TERM OF OFFICE- TOWN SUPERVISOR

NOTICE IS HERE BY GIVEN that the Town Board of the Town of Batavia, County of Genesee, New York at its Regular Board Meeting held on the 18th of April 2007 duly adopted, subject to a mandatory referendum a resolution, to be submitted as Proposition No. 1 at the general election to be held on November 6, 2007, an Abstract of which is as follows:

The purpose and effect of the Resolution is to provide that the term of elective office for the Town Supervisor of Batavia shall be four (4) years commencing January 1, 2010, as that officer is elected hereafter.

By Order of the Town Board
Town of Batavia
DATED: April 18, 2007

Teressa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLUTION NO. 76:
Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA, COUNTY OF GENESEE, NEW YORK
TOWN BOARD RESOLUTION TO INCREASE TERMS OF OFFICE FOR TOWN CLERK

WHEREAS, the Batavia Town Board has proposed an increase in the term of offices from two (2) years to four (4) years for the office of Town Clerk; and

WHEREAS, Town Law Section 24-a permits an increase in the terms of office of elective

ESTABLISH LINE ITEMS
HEALTH INSURANCE-
MEDICAL EXPENSE REIMBURSEMENT

WHEREAS, the Town of Batavia adopted a Medical Expense Reimbursement Plan; and

WHEREAS, to account for the medical expense reimbursements, line items need to be established for the General, Water, and Sewer Funds.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby establishes the following line items to account for the Medical Expense Reimbursements:

A9060.801	Health Insurance-Medical Expense Reimbursement
SW9060.801	Health Insurance-Medical Expense Reimbursement
SSI 9060.801	Health Insurance-Medical Expense Reimbursement
SS29060.801	Health Insurance-Medical Expense Reimbursement

Second: Deputy Supervisor Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 75:

Councilman Zambito offered the following:

TOWN OF BATAVIA, COUNTY OF GENESEE, NEW YORK
TOWN BOARD RESOLUTION TO INCREASE TERMS OF
OFFICE FOR TOWN SUPERVISOR

WHEREAS, the Batavia Town Board has proposed an increase in the term of offices from two (2) years to four (4) years for the office of Town Supervisor; and

WHEREAS, Town Law Section 24-a permits an increase in the terms of office of elective officers for the Town, being the Town Supervisor by mandatory referendum at a biennial Town election.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that pursuant to the provisions of Town Law Section 24-a, that the term of office of elective Town Supervisor of the Town of Batavia shall be four years upon submission to the qualified electors of the Town at the next biennial Town election to be held on November 6, 2007; and be it further

RESOLVED, that should a majority of the electors cast votes in the affirmative, then the term of office of the Town Supervisor thereafter elected shall be for a period of four years; commencing January 1, 2010, and be it further

PICTOMETRY INTERNATIONAL CORPORATION
AUTHORIZED SUBDIVISION USER AGREEMENT

WHEREAS, the Town of Batavia entered into an agreement on June 19, 2002 with Genesee County for the use of Pictometry and Data Software; and

WHEREAS, Genesee County now has an updated version of the Pictometry (2006-2008 Pictometry Aerial Image Warehouse and Electoronic Field Study); and

WHEREAS, a new User Agreement between the Town of Batavia and Genesee County must be executed for this latest version; and

WHEREAS, each employee of the Town that has Pictometry installed on the computer they operate for the Town, must also execute a User Agreement and post it by the computer.

NOW, THEREFORE, BE IT
RESOLVED, the Batavia Town Board hereby authorizes the Supervisor and each User to execute the attached Subdivision User Agreement between the Town of Batavia and Genesee County.

Second by: Councilman Gerace
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 73:
Supervisor Post offered the following:

ADOPTION OF THE MEDICAL EXPENSE REIMBURSEMENT PLAN

RESOLVED, in a manner consistent with Section 105 of the Internal Revenue Code the Batavia Town Board hereby adopts the Medical Expense Reimbursement Plan (Basic Plan Document and Plan Summary attached); and be it

FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Town of Batavia Medical Expense Reimbursement Plan Adoption Agreement (attached); and be it

FURTHER RESOLVED, the Batavia Town Board hereby appoints the Secretary to the Supervisor to be the Plan Administrator.

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 74:
Councilman Gerace offered the following:

Mr. Steven has spoke with the Town Assessor and expressed that the assessment for his home should not increase until this is resolved.

Michele Mullen-Ms. Mullen's well currently is not contaminated but inquired as to what she would need to do to get a system, if needed. The Supervisor informed her that a system can be installed, the literature distributed explains how. Mr. Post also informed her that she is in a risk area and the recommendation is not to drink the water.

Ray Woeller- Mr. Woeller questioned whose responsibility would it be for the water bills. He expressed that they should not be responsible for the monthly bills, since their well water didn't cost them anything. The Supervisor informed Mr. Woeller that there are costs involved to maintain a well, such as, electricity, purifying systems, testing, etc.

Sharon Seanor-Ms. Seanor's concern is the construction costs. Also, she didn't understand why the water is not potable with the Ultra-Violet systems installed.

Jerry Buchinger-Mr. Buchinger is concerned with the plumbing in the house being contaminated. The Supervisor suggested that the plumbing be super disinfected. It is a recommended standard for all new, etc. piping. Mr. Buchinger would also like answers and does not feel Mr. Boxler is the person to go to. Councilman Zambito and Deputy Supervisor Underhill suggested that he contact Genesee County Water & Soil and Genesee County Cooperative Extension.

Melodi Leaton-Ms. Leaton discussed the vendors installing the ultra violet systems and not following the same guidelines for use of the system. One says they can use it within one hour and the other says to wait 24 hours. Steve Mountain, Town Engineer explained that there are several methods and vendors will be providing certifications.

The Supervisor stated to the residents that if they have any questions, they can contact him through the Town Hall or his cell phone. As things develop, he will keep them informed.

RESOLUTION NO. 71:

Councilman Zambito offered the following:

HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT

RESOLVED, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Hall for one year (proposal attached); and

BE IT FURTHER, RESOLVED the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

Second by: Deputy Supervisor Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 72:

Deputy Supervisor Underhill offered the following:

APRIL 18, 2007
REGULAR TOWN BOARD MEETING

Town Hall **7:00 P.M.**
Daniel Underhill, Deputy Supervisor led the pledge to the flag.

Roll Call
Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Gerace
Councilman Zambito
Absent: Councilwoman Michalak
Others Present: Town Clerk Morasco
Town Engineer Mountain
Building Inspector Worthington
Mary Pat Hancock, Genesee County Legislator Chair
Many Ellicott Street Road/Area Residents

The Supervisor called the meeting to order at 7:00 P.M.

MINUTES:

March 21, 2007 Public Hearing-"Small Cities Grant Community Development Block Grant Funds": Motion Councilman Gerace, second Councilman Zambito to approve the minutes as written.
MOTION CARRIED by unanimous vote (4-0)

March 21, 2007 Regular Town Board Meeting: Motion Deputy Supervisor, second Councilman Zambito to approve the minutes as written.
MOTION CARRIED by unanimous vote (4-0)

SPEAKERS:

The following people addressed the Town Board in regards to the Ellicott Street Road well water contamination issue:

Nellie Gardner -She wanted to know what the status of the grant application was and stated that she would like water as soon as possible. Ms. Gardner commended the Town and the involved agencies for their collaborate efforts. She presented petitions for public water and inquired what the next step would be.

The Town Engineer informed the public that the USDA has advanced the application to the Federal office and it will be reviewed. Congressman Reynolds is personally making sure it is addressed. The Supervisor explained to the public how the Town and the involved agencies have worked as fast as practically and reasonably possible and the efforts will continue. Once there is further information available the residents will be notified. As for the petitions, these are informal petitions and at a later date a legal petition may be required to move ahead.

William Stevens -He just returned from Florida and his water has tested positive. Mr. Stevens is not in favor of public water and does not feel the residents should be responsible for any of the costs involved. He would like a source to go to for information on the allowance of the manure spreading, such as, was the time of year considered, structured ground, proximity, etc. The Supervisor suggested that Mr. Steven's speak to Mr. Boxler.