

**MAY 16, 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
Councilwoman Michalak
Councilman Gerace
Councilman Zambito

Others

Present: Town Clerk Morasco
Town Justice Wiater
Deputy Historian Toal

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

MINUTES:

April 17, 2007 Regular Town Board Meeting: Motion Councilman Gerace, second Councilman Zambitoto approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

SPEAKER:

Barbara Toal, Deputy Historian reported on the recent Historian conference she attended and thanked the Town Board for their support in allowing her to attend the conference.

SUSPEND THE RULES: Motion Deputy Supervisor Underhill, second Councilman Zambito to suspend the rules to adjourn for Executive Session.

MOTION CARRIED by unanimous vote (5-0)

EXECUTIVE SESSION: Motion Supervisor Post, second Councilman Gerace to adjourn at 7:12 P.M. for executive session to discuss personnel-personal matter.

MOTION CARRIED by unanimous vote (5-0)

RECONVENE: Motion Councilman Gerace, second Councilman Zambito to reconvene at 7:16 P.M.

MOTION CARRIED by unanimous vote (5-0)

NO ACTION TAKEN

RESOLUTION NO. 81:

Councilman Zambito offered the following:

ADDITIONAL GOVERNMENT CRIME POLICY INSURANCE

MAY 16, 2007
REGULAR TOWN BOARD MEETING

RESOLVED, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town with additional Government Crime Policy Insurance at an additional cost of \$643.00. The additional insurance includes, Computer Fraud- limit per occurrence, \$100,000.00, at a cost of \$175.00, Funds Transfer Fraud, limit per occurrence, \$100,000, at a cost of \$117.00, and the Secretary to the Supervisor, limit per occurrence, \$1,000,000.00, at a cost of \$351.00.

Second by: Councilman Gerace
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 82:

Deputy Supervisor Underhill offered the following:

RETAIN TOWN PROSECUTOR

WHEREAS, the Batavia Town Board appointed Theron E. Howard as Prosecutor for the Town of Batavia on a 90-day provisional basis at the February 21, 2007 Town Board Meeting; and

WHEREAS, the 90-day provisional period will be ending May 31, 2007 and Mr. Howard wishes to continue as the Prosecutor for the Town (proposal attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains Theron E. Howard as Prosecutor for the Town of Batavia at a rate of \$530.00 per week for the period of June 1, 2007 to August 31, 2007. This will be an all-inclusive fee with no additional charges or deletions of any nature.

Second by: Councilman Zambito
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 83:

Supervisor Post offered the following:

ENGINEERING DEPARTMENT-HIRE SEASONAL EMPLOYEE

WHEREAS, the Town Engineer has requested the hiring of Darren Brodie, as a seasonal employee, to assist in the Engineering Department (request attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the hiring of Darren Brodie, to assist in the Engineering Department at an hourly rate of ten dollars (\$10.00) per hour, not to exceed thirty hours per week and a maximum of \$4,200.00, appropriated from budget line item A1990.400.

Second by: Deputy Supervisor Underhill
APPROVED by unanimous vote (5-0)

MAY 16, 2007
REGULAR TOWN BOARD MEETING

SUSPEND THE RULES: Motion Deputy Supervisor Underhill, second Councilman Zambito to suspend the rules to introduce additional resolutions.

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 84:

Supervisor Post offered the following:

ESTABLISH LINE ITEM A1440.102
ENGINEERING-PERSONAL SERVICES

RESOLVED, the Batavia Town Board hereby establishes Engineering-Personal Services line item, A1440.102 to account for Part-time Engineering Personal Services; and be it

FURTHER RESOLVED that the Batavia Town Board hereby authorizes \$4,200.00 to be transferred from line item A1990.400 Contingency to line item A1440.102 Part-time Personal Services.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 85:

Councilman Gerace offered the following:

GENESEE COUNTY AGRICULTURAL SOCIETY
FIREWORKS PERMIT

WHEREAS, the Genesee County Agricultural Society wishes to display fireworks during their annual Genesee County Fair from July 20th to July 21st, 2007; and

WHEREAS, a permit from the Town of Batavia is required to do so.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the granting of a fire works permit to the Genesee County Agricultural Society from July 20th to July 21st, 2007.

Second by: Councilwoman Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 86:

Councilman Zambito offered the following:

PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES
ENVIRONMENTAL PROTECTION FUND GRANT APPLICATION

MAY 16, 2007
REGULAR TOWN BOARD MEETING

WHEREAS, the Town of Batavia is planning to submit an application for a grant under the Environmental Protection Fund (EPF) for funding to acquire and develop one or more sites for recreation; and

WHEREAS, Stuart I. Brown Associates submitted a proposal to prepare the EPF grant at a cost of three thousand dollars (\$3,000.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to prepare the 2007 Environmental Protection Fund Grant Application at a cost of three thousand dollars (\$3,000.00) and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Councilwoman Michalak
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 87:

Deputy Supervisor Underhill offered the following:

PROPOSAL OF SERVICES
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES
PREPARE REVISIONS TO THE CODE OF THE TOWN

WHEREAS, the Town of Batavia is planning to revise the Code of the Town in order to implement the recommendations of the recently adopted Comprehensive Master Plan; and

WHEREAS, Stuart I. Brown Associates submitted a proposal to assist the Town at a cost of thirteen thousand, eight hundred, sixty dollars (\$13,860.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to assist and prepare the revisions of the Code of the Town at a cost of thirteen thousand, eight hundred, sixty dollars (\$13,860.00) and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Councilman Gerace
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 88:

Supervisor Post offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 OF 2007

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to assist the development of infrastructure in order to allow the Genesee County Industrial

MAY 16, 2007
REGULAR TOWN BOARD MEETING

Development Agency, d/b/a Genesee County Economic Development Center (GCEDC) to develop the project known as Upstate Med & Tech Park, and

WHEREAS, the Town Attorney has reviewed the proposed mechanism for the Town of Batavia to assist in this project, and

WHEREAS, it has been determined that the Town of Batavia has authority pursuant to its Municipal Home Rule Law powers to enter into an agreement with GCEDC in order to authorize a grant to this Industrial Development Agency for the purpose of facilitating the planning, design and construction of water, sewer and roadway improvements for the Upstate Med & Tech Park, and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #1 of 2007 entitled "A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding Upstate Med & Tech Park", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until June 20, 2007, and that a public hearing be held before this Town Board on the 20th day of June, 2007, at 6:50 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Second by: Deputy Supervisor Underhill

APPROVED by unanimous vote (5-0)

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD
OF THE TOWN OF BATAVIA, NEW YORK
TO CONSIDER ADOPTING A PROPOSED LOCAL LAW

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Batavia, New York on the 16th day of May, 2007, proposed Local Law #1 of 2007 entitled "A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding

MAY 16, 2007
REGULAR TOWN BOARD MEETING

Upstate Med & Tech Park". Said Local Law will authorize the Town of Batavia to grant the sum of \$225,00.00 to the Genesee County Industrial Development Agency, d/b/a Genesee County Economic Development Center (GCEDC) in order to allow the GCEDC to plan, design and construct water, sewer and roadway improvements to facilitate the establishment of a project in the Town of Batavia entitled Upstate Med & Tech Park.

PLEASE TAKE FURTHER NOTICE that on 20th day of June, 2007, at 6:50 o'clock in the afternoon of that day the Town Board of the Town of Batavia, New York will conduct a public hearing at the Batavia Town Hall located at 3833 West Main Street Road in the Town of Batavia, New York for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard.

A copy of said proposed Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street, Batavia, New York and is open for inspection during regular Office hours.

Dated: Batavia, New York
May 16, 2007

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

Abstract No. 5-2007: Motion Councilman Gerace, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$ 146,745.67
Highway	31,844.91
Sewer No. 1	24,127.16
Sewer No. 2	36,790.93
Water	126,657.27
Pearl Water (HA)	5,000.00
Wilkinson Water (HB)	5,000.00
Putnam/Shepard Water (HC)	400.00
Ellicott/Townline Water (HE)	5,870.00
Lovers Lane Water (HJ)	149,563.14
Batavia fire District (SF1)	<u>10,000.00</u>
TOTAL	\$ 541,999.08

Check numbers 11357 thru 11450, 11453, ACH's
MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor's Report:

MAY 16, 2007
REGULAR TOWN BOARD MEETING

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 5.19% and 5.11% respectively.

GAM meeting is tomorrow evening at the Beaver Brothers Lodge in Darien at 7:00 PM

Work Session, Wednesday, May 23, 2007 at 7:00 P.M. and possibly a Special Meeting.

CHAMBER OF COMMERCE–VISITORS GUIDE- Motion Councilman Gerace, second Councilman Zambito authorizing a full-page advertisement in the 2008 Genesee County Visitors Guide at a cost not to exceed \$1,700.00. Appointing Councilman Zambito as the Community Page Coordinator and solicitor to businesses in the Town to defray this cost.

MOTION CARRIED by unanimous vote (5-0)

COMPUTER AND MONITOR PURCHASES- Motion Deputy Supervisor Underhill, second Councilwoman Michalak authorizing the purchase of 3 Dell Computer Mini-towers, 1 each for the Deputy Building Inspector, the Highway Superintendent and the Deputy Town Clerk/Water/Sewer Clerk Building Inspector at a cost of \$626.70 each, NYS Contract Bid Number 9915015, quote #363190585 and 2 Dell 22 Inch Flat Panel Monitors, for the Building Inspector and Deputy Building Inspector at a cost of \$278.10 each, NYS Contract Bid Number 70572, quote #363190818.

MOTION CARRIED by unanimous vote (5-0)

CODE OF THE TOWN MANUALS-Motion Councilwoman Michalak, second Councilman Zambito authorizing the purchase of 5 additional Code of the Town Manuals with imprinted binders from General Code at a cost of \$838.00.

MOTION CARRIED by unanimous vote (5-0)

INHANCE CONFERENCE (Water/Wastewater Billing)-Motion Councilman Gerace, second Councilman Zambito authorizing the Water/Wastewater Clerk to attend the Inhance Small Business Conference in St. Louis, Missouri, October 3 through October 5, 2007 at a cost not to exceed \$1,300.00.

MOTION CARRIED by unanimous vote (5-0)

WARBIRD MUSEUM –Motion Councilwoman Michalak, second Councilman Zambito, the Batavia Town Board hereby supports the development of a War Bird Museum in the Town of Batavia and hereby authorizes the Supervisor to send a letter of support to the Genesee County Legislature and Nash Dsylvia .

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report – collected a total \$4,213.26, remitted \$3,897.67 to the Supervisor for the Local Share.

Town Clerk's Conference –Attended the NYS Town Clerk's conference April 30 and May 2.

MAY 16, 2007
REGULAR TOWN BOARD MEETING

COMMITTEE REPORTS:

Fire Department Committee-Deputy Supervisor Underhill reported that the Town of Batavia Fire Department is having a planning meeting on Monday, May 21 and the Town Board is welcome to attend. Deputy Supervisor Underhill may not be able to attend.

The Supervisor encouraged the Town Board to attend.

OLD BUSINESS:

Ellicott/Townline Roads Water and Saile Drive Sewer: The Supervisor reported that the Town is still engaged in the process of making application for grant funding and is moving as rapidly as possible towards solutions to the Ellicott/Townline Roads well water contamination, as well as for the sanitary sewer project on Saile Drive.

NEW BUSINESS:

DUMP FILL PERMIT: Motion Councilman Gerace, second Deputy Supervisor Underhill approving the Dump Fill permit for Christian Bartz for fill to be placed at property located at 17 Fairway Drive, contingent upon the Building Inspectors and the Town Engineers approval.

MOTION CARRIED by unanimous vote (5-0)

ADJOURNMENT:

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

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk