

**NOVEMBER 21, 2007  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Rodney Cook, Highway Superintendent led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman Michalak

**Others**

**Present:** Town Clerk Morasco  
Highway Superintendent Cook  
Building Inspector Worthington  
Councilman Elect Alfred Lang

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

**MINUTES:**

**January 17, 2007 Regular Town Board Meeting:** Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

**MOTION CARRIED by unanimous vote (3-0)**

**RESOLUTION NO. 178:**

Deputy Supervisor Underhill offered the following:

**ORDER CALLING A PUBLIC HEARING  
ON THE FIRE DEPARTMENT CONTRACT**

**RESOLVED**, that this Town Board hereby schedules a public hearing on the advisability of contracting with the Town of Batavia Fire Department, Inc. for fire protection to be provided to the Town of Batavia Fire Protection District by the Town of Batavia Fire Department, Inc., and that not less than ten (10) days notice of said hearing be published in the Daily News and posted on the signboard of the Town; and be it

**FURTHER RESOLVED**, that said hearing be scheduled for December 19, 2007 at the Batavia Town Hall at 6:45 o'clock p.m.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 179:**

Supervisor Post offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW # 5 OF 2007**

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**WHEREAS**, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to waive certain fees for processing applications made by the Genesee County Economic Development Center and its affiliated legal entities, also known as Town of Batavia Local Law #5 of 2007.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law #5 of 2007, entitled "A Local Law Waiving Certain Fees", 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 December 19, 2007, and that a public hearing be held before this Town Board on the 19<sup>th</sup> day of December, 2007, at 6:55 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 (3-0)**

**RESOLUTION NO. 180:**

Councilwoman Michalak offered the following:

**TOWN INSURANCE AWARD**

**WHEREAS**, as of November 27, 2001 the Batavia Town Board retained New York Municipal Insurance Reciprocal to provide the Town with insurance coverage; and

**WHEREAS**, the insurance premium for 2008 (November 27, 2007 through November 27, 2008) has been quoted at forty-three thousand, fifty-eight dollars and four cents (\$43,058.04/ attached).

**RESOLVED**, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of forty-three thousand, fifty-eight dollars and four cents (\$43,058.04).

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**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute any documents necessary for the award.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 181:**

Deputy Supervisor Underhill offered the following:

**EXCESS EMPLOYER'S LIABILITY INSURANCE**

**RESOLVED**, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town's Excess Employer's Liability Insurance at a cost of one thousand, two hundred dollars, (\$1,200.00).

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 182:**

Supervisor Post offered the following:

**GOVERNMENT CRIME POLICY INSURANCE**

**RESOLVED**, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town with Government Crime Policy Insurance at a cost of \$3,038.00. This includes Employee Theft- limit per occurrence, \$100,000.00, at a cost of \$1,174, Forgery or Alteration, limit per occurrence, \$25,000, at a cost of \$142.00, Inside the Premises, Theft of Money and Securities, limit per occurrence, \$25,000.00, at a cost of \$77.00 and Outside the Premises, limit per occurrence, \$25,000.00, at a cost of \$21.00. The Town Clerk/Tax Collector and Deputy Town Clerk/Deputy Tax Collector; limit per occurrence, \$1,000,000.00, at a cost of \$500.00 and limit of \$125,000.00 per occurrence, at a cost of \$481.00 for two (2) Town Justices, two (2) Court Clerks; and (1) Bookkeeper; 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.  
and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby directs the Tax Collector to remit to the Genesee County Treasurer its taxes in a timely manner before they exceed \$1,000,000.00 at any given time. This procedure of collecting taxes has been requested by the County Treasurer.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 183:**

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Councilwoman Michalak offered the following:

**AUTHORIZATION TO EXECUTE**  
**MEMORANDUM OF UNDERSTANDING FOR USAGE OF TOWN HALL**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the Memorandum of Understanding, (attached) regarding the usage of Town facilities for the purpose of New York State Department of Motor Vehicle Hearings.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote** (3-0)

**RESOLUTION NO. 184:**

Deputy Supervisor Underhill offered the following:

**APPOINTMENT TO TOWN BOARD TO FILL AN UNEXPIRED TERM**

**WHEREAS**, Chad Zambito, 8308 Lewiston Road, Batavia, New York, was elected as Councilman to the Town of Batavia Town Board in November 2003, his term expiring December 31, 2007; and

**WHEREAS**, Chad Zambito has resigned this position, creating a vacancy; and

**WHEREAS**, Alfred Lang, 9290 Wortendyke Road, Batavia, New York is Councilman Elect for 2008.

**RESOLVED**, the Batavia Town Board hereby appoints Alfred Lang, 9190 Wortendyke Road, Batavia, New York, as Councilman, to the Town of Batavia Town Board to serve the remainder of this unexpired term, commencing immediately and expiring December 31, 2007.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote** (3-0)

Supervisor Post welcomed Councilman Lang aboard.

**RESOLUTION NO. 185:**

Supervisor Post offered the following:

**RESOLUTION TO APPROVE LAND LEASE AGREEMENT**

**WHEREAS**, John A. Riley has made a request to lease approximately 20 acres of land located within a parcel owned by the Town of Batavia, located at 3190 Galloway Road, and

**WHEREAS**, the parties have reached an agreement for this Lease.

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**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that a proposed Land Lease Agreement by and between the Town of Batavia and John A. Riley, a copy of which is annexed and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized to execute this Land Lease Agreement on behalf of the Town of Batavia.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 186:**

Councilwoman Michalak offered the following:

**PROPOSAL OF SERVICES AGREEMENT –**  
**BETWEEN THE TOWN OF BATAVIA AND BERGMANN ASSOCIATES**  
**GIS PILOT PROJECT**

**WHEREAS**, the Town of Batavia has received approval from USDA Rural Development for the purchase of GPS Equipment and implementation of a GIS system as part of the Lovers Lane water project; and

**WHEREAS**, Bergmann Associates, Genesee County's GIS Consultant, submitted a proposal to assist the Town with the implementation of the GIS Pilot project at a cost of \$17,629.00 (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Bergmann Associates to assist the Town in the implementation of the GIS Pilot project and to execute an agreement between the Town of Batavia and Bergmann Associates.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (3-0)**

**RESOLUTION NO. 187:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE**  
**JOINT APPLICATION FOR SHARED SERVICES GRANT**

**WHEREAS**, the Town of Batavia and the City of Batavia desire to investigate the feasibility of the sharing of services and/or the consolidation of the two municipalities, and

**WHEREAS**, both municipalities would like to submit a joint application to New York State for a Shared Municipal Services Incentive (SMSI) Grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Batavia, New York, authorizes the expenditure of \$2,500 to the City of Batavia for the Town's share for the preparation and submission of the grant application; and be it

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**FURTHER RESOLVED** by the Town Board of the Town of Batavia, New York, as follows:

1. The Town Board of the Town of Batavia authorizes the Town Supervisor, Gregory Post, to submit an application to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2007-2008 Program Year.
2. The City of Batavia shall act as the “Lead Applicant” for the SMSI grant application, and the City Manager shall be named as the “Lead Applicant Contact Person” on the grant application form.
3. The Town Board agrees to serve as “Co-Applicant” and hereby authorizes the Town Supervisor to execute all financial and administrative processes and instruments relating to the grant program.
4. The grant application shall be submitted for a “Shared Municipal Services Incentive” award that would enable the City and Town of Batavia to work cooperatively to retain a consultant to conduct a Consolidation Study for the City and Town. The study will address the potential for shared services as well as for the consolidation of the two municipalities into a single entity. The project has been proposed to reduce the number of governmental entities and to reduce the cost of government services by the cooperative delivery of public services.
5. Based on the estimated cost of \$107,742 for consultant and legal services, the City and the Town will apply for a maximum grant amount of \$96,967. The local share of the project cost is \$10,775.
6. The City of Batavia will apply for the SMSI grant program with the Town of Batavia as the Co-applicant. The two communities will equally share the local cost of \$10,775 and will provide \$5,387.50 from each municipality’s operating budget.
7. The Town of Batavia will work with the City of Batavia to prepare and execute an inter-municipal agreement setting forth individual responsibilities to participate in the conduct of the study and to work toward the implementation of the proposed recommendations.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (3-0)**

**Discussion-** The Grant Study is in conjunction with what the Town Board has been working towards for the last year and a half, from Fire Service to Public Works discussions.

**SUSPEND THE RULES:** Motion Deputy Supervisor Underhill, second Supervisor Post to suspend the rules to introduce an additional resolution.

**MOTION CARRIED by unanimous vote (3-0)**

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**RESOLUTION NO. 188:**

Supervisor Post offered the following:

**AMENDMENT-ADOPTION OF 2008 TOWN ANNUAL BUDGET**

**WHEREAS**, on November 7, 2007 the Batavia Town Board adopted the 2008 Annual Town Budget; and

**WHEREAS**, the Batavia Fire District appropriation and revenue needs to be amended from \$658,719.00 to \$621,096.00 to reflect the Town of Batavia Fire Department proposed contract with the Town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby amends the aforementioned in the 2008 Annual Town Budget, which was adopted November 7, 2007; and be it further

**RESOLVED**, that the Batavia Town Board hereby adopts the amended 2008 Annual Town Budget; and be it further

**RESOLVED**, the Town Clerk is hereby directed to file the Amended Adopted 2008 Annual Town Budget with the Genesee County Clerk of the Legislature and the Genesee County Treasurer.

**Second by:** Deputy Supervisor Underhill

**APPROVED by unanimous vote (3-0)**

**Discussion-** The Supervisor explained that there was a range of figures from 10 cents to 87 cents on the worksheets for the Fire Districts budget. An additional 10 cents was added to the 87 cents.

**Abstract No. 11-2007:** Motion Deputy Supervisor Underhill, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$ 353,251.84
Highway	33,372.22
Sewer No. 1	32,360.54
Sewer No. 2	50,614.58
Water	156,529.22
Pearl St. Rd. Water	5,703.36
Wilkinson Rd Water	8,468.76
Putnam/Shepard Rds. Water	10,380.27
Ellicott/Townline Rds. Water	3,817.36
Lovers Lane Rd Water	329.25
Saile Dr. Sewer	<u>232,105.47</u>
<b>TOTAL</b>	<b>\$ 886,932.87</b>

Check numbers 11901 thru 12005, ACH 10

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**MOTION CARRIED** by unanimous vote (3-0)

**DEPARTMENT REPORTS:**

**Highway Superintendent** reported on the following:

**Shared Services-** Attended the Shared Services meeting.

**Local Roads Program-** Met with some Officials on the Local Roads Program and it seems they are moving in the direction of combined, shared service. He also, talked to a person where Town roads were merged with the County.

The Supervisor thanked the Highway Superintendent and the Building Inspector for taking the time to attend the Shared Services meetings.

**Building Inspector** reported on the following:

**Spectra Group-** Brad Hill from Spectra Group will be coming to the December Planning Board Meeting.

**Potential Development-** An engineering firm and a sign contractor has been in contact with him for potential development of a 6 or 7 unit strip between Home Depot and the Thruway.

**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 between 4.61% to 4.83%.

**GAM-** The next GAM meeting is December 20, hosted by the Town of LeRoy.

**Water Petitions-** Petitions for a Water District Extension to service Creek and East Road were filed in the Town Clerk's Office.

**Moving Forward-** on Ambulance, Fire Protection, and Water Districts.

**Imminent Threat Grant-** Received a Notice of Rejection for the Imminent Threat Grant for Ellicott/Townline Water. The Notice, giving the reasons for rejection is available at the Town Hall. The Town is continuing to move forward for additional funding for this district.

**COMMUNICATIONS:**

**The Town Clerk** reported on the following:

**October Town Clerk's Report-** Collected \$6,119.67 in State, County and Local Revenues for the month of October. The Local Share of \$4,681.89 was remitted to the Town Supervisor.

**Rose Road Speed Reduction-** The NYSDOT has completed the investigation for speed reduction on Rose Road. They determined that it is justified and the orders have been forwarded to the Secretary of State for approval.

The Supervisor wished everyone a Holiday filled with joy, peace and no interruptions.

**ADJOURNMENT:**

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



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**MOTION CARRIED by unanimous vote (3-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk