

**JANUARY 16, 2008
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Alfred Lang, Councilman 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
Building Inspector Worthington

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

December 19, 2007 Public Hearing-Fire Protection Contract: Motion Councilman Gerace, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

December 19, 2007 Public Hearing-Local Law #5 of 2007, "A Local Law Waiving Certain Fees":

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

December 27, 2007 Special Town Board Meeting: Motion Councilman Lang, second Councilman Gerace to approve the minutes as written.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

January 2, 2008 Organizational Meeting: Motion Councilwoman Michalak, second Councilman Lang to approve the minutes as written.

Ayes: Michalak, Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 25:

Councilman Lang offered the following:

RESOLUTION ADOPTING LOCAL LAW #1 of 2008

WHEREAS, proposed Local Law #1 of 2008 of the Town of Batavia entitled "A Local Law to Prohibit Parking on Park Road", which proposed Local Law in its final form was presented to the Town Board at the meeting held on December 19, 2007, 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

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WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on January 16, 2008, 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 #1 of 2008 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 #1 of 2008 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #1 of 2008 be filed with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 26 :

Deputy Supervisor Underhill offered the following:

**TRANSPORTING LIQUID LANDFILL LEACHATE
FROM THE TOWN'S SANITARY LANDFILL SITE**

RESOLVED, the Batavia Town Board hereby wishes to continue the contract with A.D. Call & Sons, Stafford, New York for transporting liquid leachate from the Town of Batavia Landfill to Niagara Falls at the same pricing as last year, which is \$.0615 per gallon (proposal letter attached).

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

RESOLUTION NO. 27:

Supervisor Post offered the following:

**A RESOLUTION TO ADOPT A FAIR HOUSING POLICY
TO COMPLY WITH SMALL CITIES GRANT REQUIREMENTS**

WHEREAS, Federal and New York State Laws prohibit discrimination in the sale, rental, and financing of housing on the basis of race, creed, gender, national origin, familial status, marital status or handicap, and

WHEREAS, the Town of Batavia recognizes the need to affirmatively further fair housing throughout the Town, and

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WHEREAS, as a participant in the Small Cities Community Development Block Grant Program, the Town has developed a written policy committing to take actions to affirmatively further fair housing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board for the Town of Batavia, New York that the Fair Housing Policy, which is annexed as part of the Minutes, is hereby adopted as the official Plan for compliance with Small Cities Community Development Block Grant.

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

RESOLUTION NO. 28:

Councilwoman Michalak offered the following:

APPOINTMENT OF FAIR HOUSING OFFICER

RESOLVED, that the Batavia Town Board hereby appoints Councilwoman Patti Michalak to serve as the Fair Housing Officer.

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

RESOLUTION NO. 29:

Councilman Gerace offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2007

RESOLVED, the Batavia Town Board hereby authorizes the following Budget Transfers:

General Fund:

<u>From</u>	<u>Amount</u>	<u>To</u>
A1010.402 Town Board – Contr.	\$.02	A1010.102 Town Board – Pers Svc
A1110.200 Justice – Equip.	\$.02	A1110.101 Justice Pers. Svc.
A1110.200 Justice – Equip.	\$249.00	A1110.105 Justice Security
A1110.200 Justice – Equip.	\$118.71	A1110.401 Justice Contr.
A1110.107 Justice – Clerk.	\$2140.00	A1110.403 Justice DA
A1220.000 Supervisor – Equip.	\$.02	A1220.100 Supervisor – Pers. Svc
A1220.000 Supervisor – Equip.	\$943.61	A1220.101 Supervisor – Pers. Svc
A1220.000 Supervisor – Equip.	\$525.68	A1220.102 Supervisor – Pers. Svc
A1110.107 Justice – Equip.	\$597.59	A1231.100 Deputy Clerk – Pers Svc
A1355.400 Assessor – Contr.	\$1226.14	A1320.400 Auditor – Contr.
A1355.400 Assessor – Contr.	\$75.00	A1320.401 Auditor – Consulting
A1330.200 Tax Coll. – Equip.	\$37.93	A1330.101 Tax Collector – Pers.

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Svc.

A1355.101 Assessor – Equip.	\$339.12	A1355.101 Assessor – Stipend
A1420.404 Attorney – Contr.	\$113.32	A1420.402 Attorney – Legal Ad
A1420.404 Attorney – Contr.	\$1284.90	A1420.403 Attorney – Union
A1620.200 Building – Equipment	\$908.28	A1620.403 Building – Janitorial
A1680.200 Central Data Proc. Equip.	\$51.94	A1680.400 Central Data Proc. Contr.
A1680.402 Central data Proc. Web	\$5.82	A3620.100 Bldg & Safety – Pers.

Svc

A1680.402 Central data Proc. Web	\$229.64	A3620.400 Bldg & Safety – Contr.
A1680.402 Central data Proc. Web	\$94.50	A3620.401 Bldg & Safety – Legal
A1680.402 Central data Proc. Web	\$114.53	A3620.402 Bldg & Safety – Engin.
A1330.100 Tax Collector – Pers Svc	\$.04	A4020.100 Regist. Vital – Pers Svc
A1410.100 Town Clerk – Pers Svc	\$.04	A4020.100 Regist. Vital – Pers Svc
A5132.400 Garage – Utilities	\$920.64	A5132.101 Garage – Clerical
A7510.402 Historic Programs – Contr.	\$1104.00	A8020.403 Planning Board

Ordinance

A8020.401 Planning Board – Legal	\$80.28	A8162.100 Trs. St. Pers. Svc.
A8020.401 Planning Board – Legal	\$1428.26	A8162.400 Trs. St. Contr.
A8164.102 Sanitary LF – Pers Svc	\$.06	A8164.101 Sanitary LF – Pers Svc
A8164.102 Sanitary LF – Pers Svc	\$819.54	A8164.403 Sanitary LF – Testing
A8164.400 Sanitary LF – Fuel	\$800.00	A8164.403 Sanitary LF – Testing
A8164.401 Sanitary LF – Grease	\$200.00	A8164.403 Sanitary LF – Testing
A8164.405 Sanitary LF – treatment	\$206.80	A8164.403 Sanitary LF – Testing
A8164.406 Sanitary LF – Closure	\$1000.00	A8164.403 Sanitary LF – Testing
A8164.407 Sanitary LF – Transportation	\$403.50	A8164.403 Sanitary LF – Testing
A8164.408 Sanitary LF – Insurance	\$100.00	A8164.403 Sanitary LF – Testing
A7510.402 Historic programs - Contr	\$1709.33	A8164.403 Sanitary LF – Testing
A9089.802 Staff Development	\$7506.76	A9060.800 Health Ins.
A9089.800 In lieu of	\$2843.32	A9030.800 Social Security
A9089.800 In lieu of	\$178.00	A9089.801 Eye Exam
A1940.400 Land Acquisition	\$48278.31	A8030.400 Research & Dev
A1940.400 Land Acquisition	\$387.20	A8165.102 Superfund – Pers Svc
A1940.400 Land Acquisition	\$21174.12	A8165.403 Superfund – Testing
A1940.400 Land Acquisition	\$4216.80	A8165.404 Superfund Legal
A1940.400 Land Acquisition	\$646.60	A8165.406 Superfund Closure

Highway

DA5110.400 Gen. Repairs Contr.	\$128.78	DA5110.101 Gen. Repairs Pers. Svc.
DA5110.400 Gen. Repairs Contr.	\$5110.400	DA5142.100 Snow Removal Pers

Svc

Sewer District 1

SS1-8110.400 Sewer Admin. Contr.	\$59.25	SS1-8110.100 Sewer Admin. Pers
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Svc.

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SS1-8120.102 Sanitary Sewer PT	\$138.06	SS1-8120.103 Sanitary Swr Pers Svc
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Sewer District 2

SS2-8110.400 Sewer Admin. Contr.	\$.12	SS2-8120.101 Sanitary Pers. Svc
SS2-8110.400 Sewer Admin. Contr.	\$410.56	SS2-8120.103 Sanitary Pers. Svc
SS2-8110.400 Sewer Admin. Contr.	\$353.33	SS2-9060.800 Health Ins.

Water

SW8310.400 Wtr.Admin. Contr.	\$974.10	SW8310.100 Admin. Pers. Svc.
SW8340.101 Trs/Distr. PT	\$2515.22	SW8340.103 Trs. Distr. Pers. Svc.

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

RESOLUTION NO. 30:

Councilman Lang offered the following:

BIDS FOR TRANSFER STATION

RESOLVED, the Town of Batavia will receive sealed bids for refuse removal at the Town of Batavia Transfer Station.

FURTHER RESOLVED, interested bidders may obtain service specifications from the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, or by calling 343-1729. Contact person Town Clerk, Teressa M. Morasco. All bids must be received by 3:00 P.M. on Thursday, February 14, 2008 at the Batavia Town Hall. Bids will be opened at that time. The Town of Batavia reserves the right to reject any and all bids. All bids must be accompanied by a non-collusion statement in order to be considered.

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

NOTICE TO BIDDERS

The Town of Batavia will receive sealed bids for refuse removal at the Town of Batavia Transfer Station.

Interested bidders may obtain service specifications from the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, 14020 or by calling 343-1729. Contact person Town Clerk, Teressa M. Morasco. All bids must be received by 3:00 P.M. on Thursday, February 14, 2008 at the Batavia Town Hall. Bids will be opened at that time. The Town of Batavia reserves the right to reject any and all bids. All bids must be accompanied by a non-collusion statement in order to be considered.

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Dated: January 16, 2008

Teresa M. Morasco
Batavia Town Clerk

REFUSE REMOVAL FROM THE TRANSFER STATION
AT THE TOWN OF BATAVIA
LOCATED ON HARLOFF RD, BATAVIA, NEW YORK

SERVICE SPECIFICATIONS

1. To Provide three (3) thirty (30) yard roll-off containers to the Town of Batavia Transfer Station located at 3381 Harloff Road.
2. Remove full container and replace with empty container in a prompt and reasonable time, when notified by the Town.
3. Supply the Town of Batavia with all related costs and rules and/or regulations for the containers.
4. Insurance Requirements:
 1. General Liability – One million per occurrence, two million aggregate.
 2. Auto - One million combined single limit
 3. Workers Compensation and New York State Disability per statutory requirements.
 4. Waiver of Subrogation for the Town.
 5. Town of Batavia named as additional insured for General and Auto on Certificate of Liability Insurance.

All bids must be sealed in an envelope marked: “**Sealed Bid for Removal of Refuse**”. Bidders must include with their bid a certificate of non-collusion. All bids must be received by 3:00 P.M. on Thursday, February 14, 2008 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at which time all bids received will be opened publicly and read aloud. The Town of Batavia reserves the right to reject any and all bids. Successful contract shall commence on March 1, 2008 for a period of one (1) year.

RESOLUTION NO. 31:

Deputy Supervisor Underhill offered the following:

Amendment: Motion Supervisor Post, second Councilman Lang to amend the first sentence in the second paragraph from “engages Alfred Technical and Analytical Laboratory to Benchmark Analytical. Motion Carried by unanimous vote (5-0)

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**BENCHMARK ANALYTICAL
PROPOSAL – BATAVIA LANDFILL**

WHEREAS, the Town of Batavia has received a proposal from Benchmark Analytical to perform services related to the Town of Batavia Sanitary landfill.

RESOLVED, the Batavia Town Board hereby engages Benchmark Analytical to perform Environmental Groundwater Monitoring for the calendar year 2008, as proposed at the Town of Batavia Sanitary Landfill Site at an annual cost of six thousand, two hundred, forty-eight dollars (\$6,248.00) (proposal attached).

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

RESOLUTION NO. 32:

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE TOWN HIGHWAY SUPERINTENDENT
TO DISCONTINUE USE OF A PORTION OF THE FORMER
STATE STREET ROAD**

WHEREAS, in order to expand the Genesee County Airport, a portion of the former State Street Road in the Town of Batavia, located north of West Saile Drive and East Saile Drive, became part of this Airport expansion and no longer has been used as a Town Highway, and

WHEREAS, the County of Genesee as part of this project relocated a portion of State Street Road, which has been completed and dedicated to the Town of Batavia, and

WHEREAS, the Town of Batavia has received two Applications from the three owners of all property adjacent to this portion of the former State Street Road; namely, L. William Benton and Robert L. Hodgins, in an Application dated November 9, 2007, and the County of Genesee in an Application, dated December 12, 2007, and

WHEREAS, the aforesaid owners have each signed a document entitled “Release of Damages for Highway Discontinuance” on the same dates as their respective Application, whereby they released the Town of Batavia from any and all claims of damages of any kind and nature that may occur as a result of discontinuing the aforesaid portion of the former State Street Road.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Batavia, New York does hereby consent to the discontinuance of the following portion of a Town Highway: former State Street Road, being 49.5 feet in width, commencing at the north boundary of the right of way for

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West Saile Drive and East Saile Drive, and thence running northerly to the south boundary of the right of way of the newly relocated State Street Road, and

BE IT FURTHER RESOLVED that the Town Highway Superintendent is authorized to sign an Order to discontinue use of said portion of former State Street Road, pursuant to Section 171(2) of the New York State Highway Law, and

BE IT FURTHER RESOLVED that the sum of One and No More Dollars (\$1.00 and No More) is hereby authorized to be paid respectively, to L. William Benton and Robert L. Hodgins, as well as to the County of Genesee, as and for the consideration for the aforesaid Releases of Damages.

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 33:

Councilwoman Michalak offered the following:

APPOINTMENT OF TOWN ENGINEER

RESOLVED, that the Batavia Town Board hereby re-appoints Steven Mountain as Town Engineer for a two (2) year term beginning January 1, 2008 and ending December 31, 2009.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 34:

Councilman Gerace offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #2 of 2008

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to enact comprehensive changes to the Town of Batavia Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #2 of 2008 entitled "A Local Law to Enact Comprehensive Changes to the Zoning Ordinance", 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 February 20, 2008, and that a public hearing be held on the 6th day of

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February, 2008, at 7:00 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 (10) ten 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 ten (10) 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; and

BE IT FURTHER RESOLVED that this matter shall be referred to the Genesee County Planning Board and the Town of Batavia Planning Board for consideration; and

BE IT FURTHER RESOLVED that ten (10) days written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264 (2).

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

Discussion: Supervisor Post noted that it is a very comprehensive package and the Town Board did receive a letter of support from the Town Planning Board.

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 January, 2008, proposed Local Law #2 of 2008 entitled "A Local Law to Enact Comprehensive Changes to the Zoning Ordinance". Said Local Law proposes to amend portions of Article 235 of the Code of the Town of Batavia, designated as the "Town of Batavia Zoning Ordinance", as summarized as follows:

1. To amend § 235-5 to add new definitions.
2. To amend the Zoning Map to provide for the changes recommended in the Town's Comprehensive Plan Update. Most of these changes are located on portions of West Main Street Road (Route 5), South Main Street Road, the industrial zone between Creek Road and Ellicott Street Road, East Main Street Road (Route 5), Clinton Street Road (Route 33), State Street Road both north and

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south of Interstate 90, Oak Orchard Road (Route 98) north of Interstate 90, and Lewiston Road (Route 63) south of Interstate 90.

3. To amend § 235-14 to change the floor area of buildings that need a 5 foot setback from 150 square feet to 250 square feet.
4. To amend the Zoning District Regulations in Article IV to eliminate the designation of Agricultural District to be included under the designation of Agricultural-Residential District; to amend certain portions of the area regulations in Zoning Schedule A; to allow certain new uses designated as Auction House, Dwelling, Twin Home, Town House, Town House Clusters, Town House Developments and Non-Commercial Wind Energy Systems; to add a new District known as a Hamlet Commercial District; and to add a new District designated as Planned Business Development District.
5. To amend § 235-37 to change the criteria for buffering motor vehicle, farm and heavy equipment related uses from residential areas.
6. To amend § 235-39 known as the “Sign Ordinance” in several sections to add more precise definitions and to expand the maximum sizes of freestanding signs.
7. To amend Article V entitled “Supplemental Regulations” to add a new use and criteria for multi-family dwellings, townhouses and twin homes.
8. To amend Article V entitled “Supplemental Regulations” to add a new use and criteria for auction houses.
9. To amend § 235-63(D)(5) with regard to special use permits to allow only the Zoning Board of Appeals to grant a variance for modifications to dimensional requirements (set backs, lot size, etc.).
10. To add a new Schedule B entitled “Table of Uses”.

PLEASE TAKE FURTHER NOTICE that on 6th day of February, 2008, at 7:00 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.

PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Zoning Ordinance Amendment. A complete copy of the Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for public inspection during regular office hours.

Dated: Batavia, New York

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January 16, 2008

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

RESOLUTION NO. 35:

Councilman Lang offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #3 of 2008

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to amend the Town of Batavia Zoning Ordinance, in order to add criteria for wind energy systems.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #3 of 2008 entitled "A Local Law to Amend the Town of Batavia Zoning Ordinance to Add Criteria for Wind Energy Systems", 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 February 20, 2008, and that a public hearing be held on the 20th day of February, 2008, 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 (10) ten 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 ten (10) 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; and

BE IT FURTHER RESOLVED that this matter shall be referred to the Genesee County Planning Board and the Town of Batavia Planning Board for consideration; and

BE IT FURTHER RESOLVED that ten (10) days written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264 (2).

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Second by: Councilwoman Michalak
Ayes: Lang, Michalak, Gerace, Underhill, Post
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 January, 2008, proposed Local Law #3 of 2008 entitled "A Local Law to Amend the Town of Batavia Zoning Ordinance to Add Criteria for Wind Energy Systems". Said Local Law proposes to amend the Town of Batavia Zoning Ordinance as summarized as follows:

Said Local Law establishes definitions for non-commercial wind energy systems as being primary for on-site consumption, and has a nameplate capacity of 50 kW or less, a total height of 175 feet or less, and a blade length of 30 feet or less. The Local Law further defines commercial wind energy systems as being all other systems that exceed the aforesaid limits. The Local Law sets forth regulations for a non-commercial wind energy system to be located only in Agricultural-Residential (A-R) zoning districts and prohibits commercial wind energy systems in any area or zone within the Town of Batavia.

PLEASE TAKE FURTHER NOTICE that on 20th day of February, 2008, 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.

PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Zoning Ordinance Amendment. A complete copy of the Local Law is on file at the office of the Batavia Town Clerk, 3833 West Main Street Road, Batavia, New York and is open for public inspection during regular office hours.

Dated: Batavia, New York
January 16, 2008

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

RESOLUTION NO. 36:

Deputy Supervisor Underhill offered the following:

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**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

WHEREAS, the Town wishes to retain Stuart I. Brown Associates to prepare an application for funding for the Town of Batavia under the Records Management program administered by State Archives, “Local Government Records Management Improvement Fund (LGRMIF); and

WHEREAS, the application for funding is to scan and convert records stored at the Town Hall to microfilm, the project is needed to improve access to records and to free up space in existing office areas. The cost to prepare the application is \$1,500.00 (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the preparation of the LGRMIF Application at a cost not to exceed one thousand, five hundred dollars (\$1,500.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates.

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

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

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

RESOLUTION NO. 37:

Supervisor Post offered the following:

SURPLUS EQUIPMENT

WHEREAS, the Town Clerk recommended to the Batavia Town Board to declare the following equipment as surplus:

- 1- Sharp SF2027 Copier, Inventory #36
- 4- Computers, Inventory #9, 39, 47, and 49, (hard drives to be removed and destroyed)
- 1- Monitor

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment to be surplus and authorizes the Highway Superintendent to sell it at the auction or place it out to bid.

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

RESOLUTION NO. 38:

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Councilwoman Michalak offered the following:

**CROSS CONNECTION CONTROL PROGRAM MANAGEMENT AGREEMENT
BETWEEN
BACKFLOW PREVENTION CONSULTANTS AND THE TOWN OF BATAVIA**

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute an agreement between Backflow Prevention Consultants and the Town of Batavia for purposes of the continuation of the development and management of the Cross Connection Control Program, working as directed by the Town Engineer (agreement attached).

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 39:

Councilman Gerace offered the following:

**APPROVAL OF CHANGE ORDER 2007-03
OPERATION & MAINTENANCE- TOWN OF BATAVIA
LANDFILL SUPERFUND SITE**

WHEREAS, Arcadis of New York, Incorporated (Arcadis BBL) (formerly Blasland, Bouck and Lee, Incorporated) is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis BBL has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2008 (attached); and

WHEREAS, the cost for the service is estimated at eighteen thousand, six hundred, twenty-five dollars (\$18,625.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis BBL., at the Town of Batavia Landfill Superfund Site.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 40:

**JANUARY 16, 2008
REGULAR TOWN BOARD MEETING**

Deputy Supervisor Underhill offered the following:

**EXECUTING A MUNICIPAL APPROVAL FORM SO THAT
LAMB FARMS #2 MAY RECEIVE A
STATE ASSISTANCE PAYMENT FROM
THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION**

WHEREAS, Lamb Farms #2, dba Lamb Farms, Incorporated applied for state assistance from the Environmental Farm Assistance and Resource Management Program (EFARM): and

WHEREAS, a Municipal Approval Form needs to be executed by the Supervisor before the application is deemed complete (letters and form attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the EFARM Program Municipal Approval Form to complete Lamb Farms Incorporated, application for a state assistance payment from the New York State Environmental Facilities Corporation.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Building Inspector reported on the following:

Report- Filed the Annual Code Administration and Enforcement report with the New York State. This is a new requirement that when into effect for 2007.

Conference- Requested approval to Bruce and himself to attend two different conferences.

BUILDING INSPECTOR CONFERENCE- Motion Supervisor Post, second Deputy Supervisor Underhill authorizing Clinton Worthington to attend the Northern Adirondack Code Enforcement Annual Educational Conference, March 3 through March 6, 2008 and Bruce Gerould to attend Finger Lakes Building Officials Annual Conference March 17 through March 20, 2008.

Ayes: Post, Underhill, Michalak, Gerace, Lang

MOTION CARRIED by unanimous vote (5-0)

Supervisor Post commended Building Inspectors Clinton Worthington and Bruce Gerould on the job they are doing.

Abstract No. 13-2007, 14-2007, & 1-2008: Motion Councilman Lang, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	<u>\$ 2,222.89</u>
TOTAL	\$ 2,222.89

Check numbers 12091 thru 12092

**JANUARY 16, 2008
REGULAR TOWN BOARD MEETING**

General	\$35,594.31
Highway	9,772.68
Sewer No. 1	476.36
Sewer No. 2	1,079.99
Water	906.11
Pearl St Rd Water	3,853.67
Wilkinson Rd Water	7,121.51
Putnam/Shepard Water	11,525.31
Ellicott/Townline Water	333,059.87
Lovers Lane Water	1,486.10
Saile Sewer	<u>88,826.63</u>
TOTAL	\$493,702.54

Check numbers 12096 thru 12153, ACH 13

General	\$83,429.17
Highway	18,551.73
Sewer No. 1	311.77
Sewer No. 2	526.15
Water	1,867.70
Pearl St Rd Water	446.33
Wilkinson Rd Water	824.49
Putnam/Shepard Water	1,308.19
Lovers Lane Water	1,000.00
Batavia Fire District	621,096.00
East Pembroke Fire District	<u>72,319.32</u>
TOTAL	\$801,680.85

Check numbers 12093,12094, 12202, 12203, 12154 thru 12197

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

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 4.38%. The investments will come due this Wednesday and each Wednesday following the Regular Town Board meeting.

GAM- The next GAM meeting will at the Town of Stafford, January 17 at 7:00 P.M.

Payroll Checking Account- The Payroll Checking Account at Five Star Bank will be closed out. Transactions can be made from the regular checking account.

JANUARY 16, 2008
REGULAR TOWN BOARD MEETING

Farmland Protection Grant was awarded to the Town in the amount of \$25,000.00.

Farmland Protection Committee- Appointed Deputy Supervisor Underhill to the Farmland Protection Committee.

Transfer Station/Landfill Committee – Appointed Highway Superintendent Cook and Councilman Lang to the Transfer Station/Landfill Committee

LEADERSHIP GENESEE- Motion Deputy Supervisor Underhill, second Councilwoman Michalak authorizing Teresa Morasco to participate in the 2008 Leadership Genesee program at a cost of \$1,800.00.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

NYS ASSOCIATION OF TOWNS CONFERENCE-Motion Councilman Lang, second Councilman Gerace authorizing Councilman Gerace and Councilman Underhill to attend the annual NYS Association of Towns Conference in New York City, February 17 through February 19, 2008.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

NYS GOVERNMENT FINANCE OFFICERS ASSOCIATION ANNUAL CONFERENCE- Motion Deputy Supervisor Underhill, second Councilman Gerace authorizing Hiedi Librock, Secretary to the Supervisor to attend the NYS GFOA Annual Conference April 2 through April 8, 2008 in Albany.

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

Zoning Ordinance Support- The Supervisor read a letter of support from the Town Planning Board for the Local Law to Enact Comprehensive Changes to the Zoning Ordinance.

The Town Clerk reported on the following:

December Town Clerk's Report-Collected \$2,433.98 in State, County and Local Revenues for the month of December. The Local Share of \$2,149.20 was remitted to the Town Supervisor.

2008 Town/County Taxes Bill –Collected \$463,000 for the 2008 Town/County Tax Warrant.

COMMITTEE REPORTS:

Fire Committee- The Supervisor reported that the Town of Batavia Fire Department would like to set up a meeting for February to begin working on the new contract.

The Fire Department bids for the new truck came in under what was proposed. The vendors varied in their bids up to \$90,000.

NEW BUSINESS:

JANUARY 16, 2008
REGULAR TOWN BOARD MEETING

Alexander/Pike/Rose Roads Water- An informational meeting will be held Wednesday, January 23, 2008 at 7:00 P.M. regarding Alexander/Pike and Rose Roads proposed water districts.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:45 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk