

**JUNE 18, 2008  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Dan Underhill, Deputy Supervisor led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilman Lang

**Absent:** Councilman Gerace  
Councilwoman Michalak

**Others**

**Present:** Town Clerk Morasco  
Town Planning Board Members  
Building Inspector Worthington  
Chad Zambito, GCEDC Vice President of Marketing  
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:05 P.M.

**May 21, 2008 Public Hearing-Revision to the Zoning Map:** Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

**Ayes:** Underhill, Gerace, Lang, Post

**MOTION CARRIED by unanimous vote (4-0)**

**May 21, 2008 Regular Town Board Meeting:** Motion Councilman Gerace, second Councilman Lang to approve the minutes as written.

**Ayes:** Gerace, Lang, Underhill, Post

**MOTION CARRIED by unanimous vote (4-0)**

**SPEAKER:**

**Chad Zambito, GCEDC Vice President of Marketing** addressed the Town Board and Planning Board on the status of the 200+acres Genesee Valley Agri-Business Park, which is planned to be located on East Main Street Road and distributed an overview of the park (copy attached). The GCEDC has a \$3 million funding commitment from the State and \$2.25 million in local funding (County/Town) for Phase 1 to make 200 acres shovel ready. A Canadian based company has submitted a letter of intent to invest fifteen million dollars and create 100 jobs. A very strong incentive for attracting food processors to the site is the 6 million gallons a day of water from the City of Batavia's aquifer. The Park is currently in the archeological study stage and it is possible they could be ready to install infrastructure as early as September or October.

Kathy Jasinski, Planning Board Chairwoman asked if there has been any opposition to the Park. Mr. Zambito stated that he is not aware of any.

Mr. Zambito thanked the Town Board and the Planning Board for all their cooperation.

**RESOLUTION NO. 112:**

Councilman Lang offered the following:

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**TOWN OF BATAVIA  
RESOLUTION OF SUPPORT AND CONCURRENCE  
WITH THE GENESEE COUNTY EMPIRE ZONE  
(FORMERLY ECONOMIC DEVELOPMENT ZONE)  
REVISION APPLICATION**

**WHEREAS**, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

**WHEREAS**, Genesee County, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the Town and city of Batavia, Town of Bergen, Village of LeRoy, and Town of Pembroke, and

**WHEREAS**, New York State has amended the Zones program to increase benefits and allow additional sub-zones, and

**WHEREAS**, Genesee County intends to revise the County Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development and to allow for the expansion of one of the existing sub-zones in the Town of Batavia, and

**WHEREAS**, the Town of Batavia is committed to the development of new business within the proposed sub-zone, and

**WHEREAS**, the Town of Batavia wishes to support and concur with the Empire Zone revision application,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town of Batavia Board, in its capacity as governing body of the Town, does hereby support and concur with the Genesee County Empire Zone revision application to expand the boundaries of the Empire Zone to include the properties more particularly described as follows:

Beginning at a point along the south side of New York State Route 5 at coordinate N42 deg. 59 min. 26.72 sec. lat. W78 deg. 8 min. 25.1 sec. long. and runs thence from said point of beginning the following sixteen courses: 1) south a distance of 1,580.09 feet to a point at coordinate N42 deg. 59 min. 11.15 sec. lat. W78 deg. 8 min. 24.8 sec. long. 2) east northeast a distance of 335.76 feet to a point at coordinate N42 deg. 59 min. 11.80 sec. lat. W78 deg. 8 min. 20.3 sec. long. 3) south a distance of 2,503 feet to a point at coordinate N42 deg. 58 min. 46.88 sec. lat. W78 deg. 8 min. 20.1 sec. long. 4) west a distance of 1,837.89 feet to a point at coordinate N42 deg. 58 min. 47.10 sec. lat. W78 deg. 8 min. 44.8 sec. long. 5) north a distance of 996.90 feet to a point at coordinate N42 deg. 58 min. 56.92 sec. lat. W78 deg. 8 min. 44.4 sec. long. 6) east a distance of 777.41 feet to a point at coordinate N42 deg. 58 min. 57.06 sec. lat. W78 deg. 8 min. 34.0 sec. long. 7) north a distance of 585.63 feet to a point at coordinate N42 deg. 59 min. 2.88 sec. lat. W78 deg. 8 min. 34.2 sec. long. 8) southeast a distance of 779.46 feet to a point at coordinate N42 deg. 59 min. 0.66 sec. lat. W78 deg. 8 min. 24.2 sec. long. 9) north a distance of 265.79 feet to a point at coordinate N42 deg. 59 min. 3.22 sec. lat. W78 deg. 8 min. 24.4 sec. long.

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10) northwest a distance of 1,376.83 feet to a point at coordinate N42 deg. 59 min. 8.02 sec. W78 deg. 8 min. 41.8 sec. long. 11) north a distance of 919.78 feet to a point at coordinate N42 deg. 59 min. 17.06 sec. lat. W78 deg. 8 min. 42.1 sec. long. 12) northeast a distance of 387.29 feet to a point at coordinate N42 deg. 59 min. 18.25 sec. lat. W78 deg .8 min. 37.2 sec. long. 13) north a distance of 63.71 feet to a point at coordinate N42 deg. 59 min. 18.95 sec. lat. W78 deg .8 min. 37.1 sec. long. 14) east southeast a distance of 476.79 feet to a point at coordinate N42 deg. 59 min. 17.86 sec. lat. W78 deg. 8 min. 31.0 sec. long. 15) north a distance of 1,010.88 feet to a point on the south side of New York State Route 5 at coordinate N42 deg. 59 min. 27.84 sec. lat. W78 deg. 8 min. 31.0 sec. long. 16) east southeast along the south side of New York State Route 5 a distance of 454.94 feet to the point of beginning, containing 107.50 acres to be added; and

To delete the properties more particularly described as follows:

Beginning at a point at coordinate N42 deg. 58 min. 56.94 sec. lat. W78 deg. 9 min. 2.49 sec. long. and runs thence from said point of beginning the following six courses: 1) south a distance of 1,163.37 feet to a point at coordinate N42 deg. 58 min. 45.48 sec. lat. W78 deg. 9 min. 2.55 sec. long. 2) east a distance of 676.95 feet to a point at coordinate N42 deg. 58 min. 45.47 sec. lat. W78 deg. 8 min. 53.4 sec. long. 3) south a distance of 729.65 feet to a point at coordinate N42 deg. 58 min. 38.28 sec. lat. W78 deg. 8 min. 53.4 sec. long. 4) west northwest a distance of 1,341.56 feet to a point at coordinate N42 deg. 58 min. 39.87 sec. lat. W78 deg. 9 min. 11.4 sec. long. 5) north a distance of 1,730.87 feet to a point at coordinate N42 deg. 58 min. 56.97 sec. lat. W78 deg. 9 min. 11.3 sec. long. 6) east a distance of 660.74 feet to the point of beginning, containing 37.47 acres to be removed.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Lang, Underhill, Gerace, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 113:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #4 OF 2008**

**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 Development Agency, d/b/a Genesee County Economic Development Center (GCEDC) to develop the project known as Genesee Valley Agriculture Business 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 Genesee Valley Agriculture Business

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Park,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that proposed Local Law #4 of 2008 entitled "A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding Genesee Valley Agriculture Business 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 July, 16, 2008, and that a public hearing be held before this Town Board on the 16<sup>th</sup> day of July, 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 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:** Councilman Lang

**Ayes:** Underhill, Lang, Gerace, Post

**APPROVED by unanimous vote (4-0)**

**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 18<sup>th</sup> day of June, 2008, proposed Local Law #4 of 2008 entitled "A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding Genesee Valley Agriculture Business 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 Genesee Valley Agriculture Business Park.

**PLEASE TAKE FURTHER NOTICE** that on 16<sup>th</sup> day of July, 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

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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  
June 18, 2008

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Teressa M. Morasco, Town Clerk

**Town of Batavia, New York**

**RESOLUTION NO. 114:**

Supervisor Post 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 on July 18<sup>th</sup> and July 19<sup>th</sup>; and

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

**RESOLVED**, the Batavia Town Board hereby authorizes the granting of a fire works permit to the Genesee County Agricultural Society for July 18<sup>th</sup> and 19<sup>th</sup>, 2008.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Post, Underhill, Gerace, Lang  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 115:**

Councilman Gerace offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT**  
**RECORDS AND DOCKETS WAS CONDUCTED**

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

**WHEREAS**, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

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**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditors report along with a copy of this resolution to Dennis W. Donnelly, Director of Internal Audit, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Gerace, Underhill, Lang, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 116:**

Councilman Lang offered the following:

**DEDICATION OF TRAFFIC SIGNAL AND HIGHWAY IMPROVEMENTS FOR VETERANS  
MEMORIAL DRIVE FROM  
COR VETERANS MEMORIAL DRIVE COMPANY, LLC**

**WHEREAS**, COR VETERANS MEMORIAL DRIVE COMPANY, LLC has substantially completed highway improvements necessary for the new Towne Center at Batavia shopping plaza; and

**WHEREAS**, Veterans Memorial Drive is a Town Highway; and

**WHEREAS**, COR VETERANS MEMORIAL DRIVE COMPANY, LLC has constructed the highway improvements as shown on drawings labeled Highway Improvements NYS Route 63, Route 98 and Veterans Memorial Drive dated May 21, 2007, under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

**WHEREAS**, COR VETERANS MEMORIAL DRIVE COMPANY, LLC has requested the Town of Batavia to accept dedication of said highway improvements as described in the attached letter;

**WHEREAS**, the Highway Superintendent and Town Engineer have made recommendation to the Town Board for acceptance (attached);

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia accepts dedication of said highway improvements from COR VETERANS MEMORIAL DRIVE COMPANY, LLC, upon final completion of punch list items, letter of credit in the amount of \$33,000 and certified as built drawings.

**Second by:** Councilman Gerace

**Ayes:** Lang, Gerace, Underhill, Post

**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 117:**

Deputy Supervisor Underhill offered the following:

**RURAL DEVELOPMENT APPLICATION-TOWN ATTORNEY**  
**ALEXANDER/PIKE ROADS WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Alexander/Pike Roads Water District the Town Supervisor is required to execute an agreement between the Town and the Town's Attorney, Kevin Earl for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and the Town's Attorney, Kevin Earl for services rendered in connection with the application to Rural Development for the Alexander/Pike Roads Water District, contingent upon USDA Rural Development approval.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Gerace, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 118:**

Supervisor Post offered the following:

**RURAL DEVELOPMENT APPLICATION-ENGINEERING**  
**ALEXANDER/PIKE ROADS WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Alexander/Pike Roads Water District the Town Supervisor is required to execute an agreement between the Town and Clark Patterson Lee and Backflow Prevention Consultants for work to be performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreements (attached).

**NOW THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreements between the Town of Batavia and Clark-Patterson Lee and Backflow Prevention Consultants for services to be rendered in connection with the application to Rural Development for the Alexander/Pike Roads Water District, contingent upon USDA Rural Development approval.

**Second by:** Councilman Gerace

**Ayes:** Post, Gerace, Lang, Underhill

**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 119:**

Councilman Gerace offered the following:

**RURAL DEVELOPMENT APPLICATION-BOND COUNSEL  
ALEXANDER/PIKE ROADS WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Alexander/Pike Roads Water District the Town Supervisor is required to execute an agreement between the Town and Hodgson Russ, LLP for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Hodgson Russ, LLP for services rendered in connection with the application to Rural Development for the Alexander/Pike Roads Water District, contingent upon USDA Rural Development approval.

**Second by:** Councilman Lang

**Ayes:** Gerace, Lang, Underhill Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 120:**

Councilman Lang offered the following:

**RURAL DEVELOPMENT APPLICATION-FINANCIAL ADVISER  
ALEXANDER/PIKE ROADS WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Alexander/Pike Roads Water District the Town Supervisor is required to execute an agreement between the Municipal Solutions, Incorporated for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for services rendered in connection with the application to Rural Development for the Alexander/Pike Roads Water District, contingent upon USDA Rural Development approval.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Lang, Underhill, Gerace, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 121:**

Deputy Supervisor Underhill offered the following:

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**RURAL DEVELOPMENT APPLICATION-AUDITOR  
ALEXANDER/PIKE ROADS WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Alexander/Pike Roads Water District the Town Supervisor is required to execute an agreement between the Town and Town and Freed, Maxick & Battaglia for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Town and Freed, Maxick & Battaglia for services rendered in connection with the application to Rural Development for the Alexander/Pike Roads Water District, contingent upon USDA Rural Development approval

**Second by:** Councilman Gerace

**Ayes:** Underhill, Gerace, Lang, Post

**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 122:**

Supervisor Post offered the following:

**RURAL DEVELOPMENT APPLICATION-TOWN ATTORNEY  
ROSE ROAD WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Rose Road Water District the Town Supervisor is required to execute an agreement between the Town and the Town's Attorney, Kevin Earl for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and the Town's Attorney, Kevin Earl for services rendered in connection with the application to Rural Development for the Rose Road Water District, contingent upon USDA Rural Development approval.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Post, Underhill, Gerace, Lang

**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 123:**

Councilman Gerace offered the following:

**RURAL DEVELOPMENT APPLICATION-ENGINEERING**

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**ROSE ROAD WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Rose Road Water District the Town Supervisor is required to execute agreements between the Town and Clark Patterson Lee and Backflow Prevention Consultants for work to be performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**NOW THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreements between the Town of Batavia and Clark Patterson Lee and Backflow Prevention Consultants for services to be rendered in connection with the application to Rural Development for the Rose Road Water District, contingent upon USDA Rural Development approval.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Gerace, Underhill, Lang, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 124:**

Councilman Lang offered the following:

**RURAL DEVELOPMENT APPLICATION-BOND COUNSEL  
ROSE ROAD WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Rose Road Water District the Town Supervisor is required to execute an agreement between the Town and Hodgson Russ, LLP for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Hodgson Russ, LLP for services rendered in connection with the application to Rural Development for the Rose Road Water District, contingent upon USDA Rural Development approval.

**Second by:** Councilman Gerace

**Ayes:** Lang, Gerace, Underhill, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 125:**

Deputy Supervisor Underhill offered the following:

**RURAL DEVELOPMENT APPLICATION-FINANCIAL ADVISER**

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**ROSE ROAD WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Rose Road Water District the Town Supervisor is required to execute an agreement between the Municipal Solutions, Incorporated for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Municipal Solutions, Incorporated for services rendered in connection with the application to Rural Development for the Rose Road Water District, contingent upon USDA Rural Development approval.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Gerace, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 126:**

Supervisor Post offered the following:

**RURAL DEVELOPMENT APPLICATION-AUDITOR**  
**ROSE ROAD WATER DISTRICT**

**WHEREAS**, in order to complete the Rural Development Application for the Rose Road Water District the Town Supervisor is required to execute an agreement between the Town and Freed, Maxick & Battaglia for work performed by them in relation to the project; and

**WHEREAS**, the fee for these services are stipulated in the agreement (attached).

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement between the Town of Batavia and Town and Freed, Maxick & Battaglia for services rendered in connection with the application to Rural Development for the Rose Road Water District, contingent upon USDA Rural Development approval

**Second by:** Councilman Gerace

**Ayes:** Post, Gerace, Lang, Underhill

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 127:**

Councilman Gerace offered the following:

**COURT SECURITY**

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**RESOLVED**, the Batavia Town Board hereby appoints Stephen Friedday to the position of Court Security Officer to serve on an as needed basis at a rate of eighteen dollars per hour (\$18.00).

**Second by:** Councilman Lang  
**Ayes:** Gerace, Lang, Underhill, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 128:**

Councilman Lang offered the following:

**AUTHORIZING BUDGET TRANSFER FOR 2008**

**RESOLVED**, the Batavia Town Board hereby authorizes the following Budget Transfer:

**General Fund:**

<b><u>From</u></b>	<b><u>Amount</u></b>	<b><u>To</u></b>
A1220.101 Bookkeeper Pers. Serv.	\$2,870.00	A1220.400 – Supervisor Contractual

**Second by:** Councilman Gerace  
**Ayes:** Lang, Gerace, Underhill, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 129:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE CANCELLATION OF A PORTION  
OF A CERTAIN EASEMENT AND RIGHT OF WAY**

**WHEREAS**, COR Veterans Memorial Drive, LLC, and/or Darien Lake Hospitality, LLC and/or Target Corporation (hereinafter referred to as “Developers”), have received all necessary approvals from the Town of Batavia to construct a project known as the “Towne Center at Batavia”, and

**WHEREAS**, by a prior Resolution, dated December 27, 2007, the Batavia Town Board previously accepted part of a sanitary sewer easement and abandoned part of another existing sanitary sewer easement, and

**WHEREAS**, it has been determined that another easement and right of way for sanitary sewer exists which runs from approximately the mid point of the previously abandoned sewer easement in an easterly direction towards Park Road, but does not connect to Park Road utilities, and

**WHEREAS**, COR Veterans Memorial Drive, LLC, has asked that this easement and right of way be cancelled since it is no longer needed for the Town Centre at Batavia project, and

**WHEREAS**, the Town Engineer and the Town Attorney have reviewed the proposed

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cancellation document.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that it does hereby approve a document entitled "Cancellation of Easement and Right of Way", a copy of which is made part of the Minutes, to abandon an easement and right of way that was granted to the Town from Genesee Monroe Racing Association, Inc., and was recorded in the Genesee County Clerk's Office on March 27, 1985, in Liber 49 of Deeds at Page 38, and it is

**FURTHER RESOLVED** that the Town Supervisor is hereby authorized and directed to execute the aforesaid "Cancellation of Easement and Right of Way" document, along with any other recording documents necessary to cancel this Easement.

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Gerace, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 130:**

Supervisor Post offered the following:

**2007 WATER SYSTEM IMPROVEMENTS PROJECT EASEMENTS**

**WHEREAS**, easements are required for the 2007 Water System Improvements Project; and

**WHEREAS**, agreements have been reached between the following owners and the Town of Batavia, granting the Town Easements; (easements attached):

Charles Herring & Nancy L. Herring, Tax Map # 20-01-28, Easement No. E-13

Anthony & Irma MacRae, Tax Map # 20-01-96, part of tax map #20-01-92, Easement No. E-18

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to accept the attached easements between the Town of Batavia and respective property owners and to execute all documents necessary for recording; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized and directed to pay all required recording costs and fees to the Genesee County Clerk's Office, easement consideration costs, and to file the Easement documents in the Office of the Genesee County Clerk.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Post, Underhill, Gerace, Lang

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 131:**

Councilman Gerace offered the following:

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**WAL-MART REAL ESTATE-WATER MAIN EASEMENT**

**WHEREAS**, a watermain easement is required for a public fire hydrant located on the Wal-Mart property; and

**WHEREAS**, an agreement has been reached between Wal-Mart Real Estate Business District and the Town of Batavia, granting the Town a Water Main Easement dated February 21, 2008 (easement attached), Tax Map No. 8.-1-55.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to accept the attached easement between the Town of Batavia and Wal-Mart Real Estate Business and to execute all documents necessary for recording; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized and directed to pay all required recording costs and fees to the Genesee County Clerk's Office, easement consideration costs, and to file the Easement documents in the Office of the Genesee County Clerk.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Gerace, Underhill, Lang, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 132:**

Councilman Lang offered the following:

**KIWANIS PARK DUMPSTER AGREEMENT**

**RESOLVED**, the Batavia Town Board authorizes the Supervisor to execute the renewal agreement between the Town of Batavia and Waste Management for dumpster service at the Kiwanis Park (agreement attached).

**Second by:** Councilman Gerace

**Ayes:** Lang, Gerace, Underhill, Post

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 133:**

Deputy Supervisor Underhill offered the following:

**ARCHEOLOGICAL SERVICES  
ALEXANDER/ PIKE ROADS WATER DISTRICT**

**WHEREAS**, the Town of Batavia wishes to retain Deuel Archeology & Cultural Resource Management to assist the Town of Batavia with archeological investigations for portions of the construction of improvements to the public water supply system serving the Alexander/Pike Roads Water District at a cost not to exceed three thousand, eight hundred, sixty dollars (\$3,860.00) as provided in the recommendation from Stuart I. Brown Associates (attached):

**JUNE 18, 2008**  
**REGULAR TOWN BOARD MEETING**

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board authorizes the above, described work as recommended by Stuart I. Brown Associates.

**Second by:** Councilman Lang  
**Ayes:** Underhill, Lang, Gerace, Post  
**APPROVED by unanimous vote (4-0)**

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

**Ayes:** Gerace, Underhill, Lang, Post  
**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 134:**

Supervisor Post offered the following:

**APPROVAL OF CHANGE ORDER NO. 3**  
**2007 WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, Sergi Construction, Inc. is under contract with the Town of Batavia for the 2007 Water System Improvement project, and

**WHEREAS**, Sergi Construction, Inc. has submitted a change order requesting an over/under quantity adjustment for a decrease of \$88,363.52 as shown on the attached Change Order No.3, and

**WHEREAS**, CLARK PATTERSON LEE, has recommended approval of the change order request.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order which is contingent upon approval by USDA – Rural Development.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Post, Underhill, Gerace, Lang  
**APPROVED by unanimous vote (4-0)**

**Abstract No. 6-2008:** Motion Councilman Gerace, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$ 42,157.32
Highway	10,063.95
Sewer No. 1	1,060.98
Sewer No. 2	817.16
Water	5,410.42

**JUNE 18, 2008**  
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Pearl St Rd Water	19,399.02
Wilkinson Rd Water	27,503.58
Putnam/Shepard Water	88,698.03
Ellicott/Townline Water	83,771.32
Saile Drive Sewer	50,514.38
Alexander/Pike Water	33.70
Rose Water	33.70
<b>TOTAL</b>	<b>\$ 329,463.56</b>

Check numbers 12649 thru 12734, 1-ACH

**Ayes:** Gerace, Lang, Underhill, Post

**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

**Water** - The Supervisor reported that the Water Department has been busy working on leak detection and initiating repairs. There was a 12" water main break on Veterans Memorial Drive yesterday.

**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 2.23%.

**GAM**- The next GAM meeting is tomorrow at B.W.'s Restaurant in Pavilion at 7:00 P.M.

**Work Session**- There will be a Town Board work session on Wednesday, July 2 at 7:00 P.M.

**SERVER/BACKUP**-Motion Deputy Supervisor Underhill, second Councilman Lang authorizing the purchase of a server/backup system to upgrade/replace the existing system, at a cost not to exceed \$2,800.00.

**Ayes:** Underhill, Lang, Gerace, Post

**MOTION CARRIED by unanimous vote (4-0)**

The Supervisor reported that we had a meeting this morning regarding the server and we are considering relocating some of the electronics to get them away from the plumbing.

**JUNK YARD LICENSE**- Motion Councilman Lang, second Deputy Supervisor Underhill to approve the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelamn Estate Junk Yard Licenses based on the recommendation of the Building Inspector.

**Ayes:** Lang, Underhill, Gerace, Post

**MOTION CARRIED by unanimous vote (4-0)**

**COMMUNICATIONS:**

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

**May Town Clerk monthly report collected** a total of \$6,685.48, remitted \$6,252.90 to the

**JUNE 18, 2008**  
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Supervisor for the Local Share.

**Youth Program**- Information & Applications to register for the City of Batavia Summer Youth Program are available in the lobby of the Town Hall.

**Consumer Protection Forum** will be held at Genesee County Office for the Aging on Wednesday, June 25 at 5:30 P.M. presented by representatives from the NYS Attorney General's Buffalo Regional Office.

**Symposium on Leadership & Community Life** will be held at GCC on Thursday, September 11, 2008, starting at 4:00 P.M.

**COMMITTEE REPORTS:**

**Grant Study-Assessment-** Councilman Gerace reported that the Grant Study committee for assessment collaboration had their first meeting. The next meeting will be the 2<sup>nd</sup> week of July.

**Fire Department-** Deputy Supervisor Underhill reported that the Supervisor and himself met with the Town of Batavia Fire Department to work on a two-year contract for Fire Protection. The proposed contract would maintain the current fire protection rate and is being reviewed by the Attorney for the Town.

**EXECUTIVE SESSION:** Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn at 7:55 P.M. for executive session to discuss Union Negotiations.

**Ayes:** Underhill, Lang, Gerace, Post

**MOTION CARRIED by unanimous vote (4-0)**

**RECONVENE:** Motion Deputy Supervisor Underhill, second Councilman Gerace to reconvene at 9:05 P.M.

**Ayes:** Underhill, Gerace, Lang, Post

**MOTION CARRIED by unanimous vote (4-0)**

**NO ACTION TAKEN**

**ADJOURNMENT:**

Motion Supervisor Post, second Councilman Lang to adjourn the Regular Town Board Meeting at 9:05 P.M.

**Ayes:** Post, Lang, Underhill, Gerace

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teresa M. Morasco  
Town Clerk