

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

**Town Hall**

**7:00 P.M.**

Chad Zambito, GCEDC Vice President of Marketing led the pledge to the flag.

**Roll Call**

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

**Absent:** Councilman Lang

**Others**

**Present:** Town Clerk Morasco  
Chad Zambito, GCEDC Vice President of Marketing

The Supervisor called the meeting to order at 7:08 P.M.

**June 18, 2008 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

**Ayes:** Underhill, Michalak, Gerace, Post

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

**July 2, 2008 Special Town Board Meeting:** Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

**Ayes:** Gerace, Michalak, Underhill, Post

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

**RESOLUTION NO. 137:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION ADOPTING LOCAL LAW #4 OF 2008**

**WHEREAS**, proposed Local Law #4 of 2008 of the Town of Batavia entitled “A Local Law Authorizing a Grant to the Genesee County Industrial Development Agency Regarding Genesee Valley Agriculture Business Park”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on June 18, 2008, 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

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on July 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 #4 of 2008 is in the best interest of the Town of Batavia, New York,

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**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York that said proposed Local Law #4 of 2008 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #4 of 2008 be filed with the New York State Secretary of State in accordance with Law.

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

**RESOLUTION NO. 138:**

Supervisor Post offered the following:

**MAINTENANCE AGREEMENT WITH REL COMM, INC.**

**WHEREAS**, Rel-Comm, Inc. installed the telecommunications systems in the Town Hall and Highway Facility; and

**WHEREAS**, a Maintenance Agreement is required to be executed between the Town of Batavia and Rel Comm, Inc. (agreement attached) to maintain the system at a cost of \$94.50 per month for one (1) year starting August 1, 2008.

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the Maintenance Agreement between the Town of Batavia and Rel Comm, Inc. at a cost of \$94.50 per month for one (1) year starting August 1, 2008 to maintain the system telecommunications system.

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

**RESOLUTION NO. 139:**

Councilwoman Michalak offered the following:

**ESTABLISH LINE ITEMS**

**RESOLVED**, the Batavia Town Board hereby establishes the following line items to account for expenditures:

HL 8340.401 Transmission/Distribution – Other, (Rose Road Water District)  
A5182.401 Signal Lights

**Second by:** Councilman Gerace  
**Ayes:** Michalak, Gerace, Underhill, Post

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

**RESOLUTION NO. 140:**

Councilman Gerace offered the following:

**SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM  
INTER-MUNICIPAL AGREEMENT BETWEEN THE  
TOWN OF BATAVIA AND THE CITY OF BATAVIA**

**WHEREAS**, the both the City and the Town submitted a joint application in December 2007 for the Shared Municipal Services Incentive Grant Program (SMSI) to conduct a Consolidation Study; and

**WHEREAS**, the City received notice that the joint application was awarded a grant in the amount of \$93,670.12. The total project cost is \$104,077.91 and the two communities will equally share the local cost of \$10,407.79; and

**WHEREAS**, an agreement between the Town of Batavia and the City of Batavia is necessary to proceed with the Consolidation Study.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York that the proposed "Inter-municipal Agreement", for the SMSI grant to conduct a Consolidation Study, annexed and made part of these minutes, is hereby approved, and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town; and be it

**FURTHER RESOLVED** that the Town Board of the Town of Batavia, New York, authorizes the expenditure of \$5,203.90 to the City of Batavia for the Town's share to retain a consultant to conduct a Consolidation Study; and be it

**FURTHER RESOLVED** the source of funding will be from contingency line item A1990.400.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Gerace, Underhill, Michalak, Post

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

**RESOLUTION NO. 141:**

Deputy Supervisor Underhill offered the following:

**APPROVAL OF ENGINEERING AMENDMENT NO.1  
2007 WATER SYSTEM IMPROVEMENTS  
PUTNAM/SHEPARD WATER DISTRICT  
PEARL STREET ROAD WATER DISTRICT  
WILKINSON ROAD WATER DISTRICT**

**WHEREAS**, Backflow Prevention Consultants is under contract with the Town of Batavia for the 2007 Water System Improvement Project, and

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**WHEREAS**, Backflow Prevention Consultants has submitted Engineering Agreement amendments requesting an increase in the amount for Inspection Services (attached) in the total amount of \$10,500 which is equally proportioned to each of the Water Districts, and

**WHEREAS**, the Town Engineer has reviewed the request and recommends approval,

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby authorizes the Supervisor to execute the attached Engineering Amendments, which are contingent upon approval by USDA – Rural Development.

**Second by:** Councilman Gerace

**Ayes:** Underhill, Gerace, Michalak, Post

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

**RESOLUTION NO. 142:**

Supervisor Post offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE  
2008 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED**, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2008 Justice Court Assistance Program for equipment and/or office supplies for the court.

**Second by:** Councilwoman Michalak

**Ayes:** Post, Michalak, Underhill, Gerace

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

**RESOLUTION NO. 143:**

Councilwoman Michalak offered the following:

**BUILDING PERMIT FEE SCHEDULE**

**WHEREAS**, the Batavia Town Board adopted a revised building permit fee schedule May 21, 2008; and

**WHEREAS** the Sign Permit fee and Land Separation fee was not included on the fee schedule; and

**WHEREAS**, the amended Building Permit Fee Schedule (attached) reflects these additions, along with wording changes relating to pools.

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**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the amended building permit fee schedule, effective immediately.

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

**TOWN OF BATAVIA  
BUILDING/PLANNING/ZONING  
FEE SCHEDULE**

**BUILDING PERMITS:**

Building Permits are valid for one year from issuance date. A six-month extension may be granted for good cause shown and applicable fee. Only two such six-month extensions shall be permitted.

**NOTE: Any actual costs incurred by the Town for the application of a subject permit which exceeds the permit fee schedule outlined here will be charged to the applicant and must be paid in full prior to issuance of the Certificate of Occupancy (CO) or upon withdrawal of subject project.**

**At the discretion of the Town, projects requiring substantial reviews, i.e. attorney, engineering, etc., would be required to provide a deposit in an amount to-be-determined.**

**Residential Structures**

- |   |                 |
|---|-----------------|
| a) area up to 1,200 square feet.....                      | \$250.00        |
| b) area 1,201 to 2,000 square feet.....                   | \$350.00        |
| c) area in excess of 2,000 square feet...additional ..... | 45¢ per sq. ft. |

**Residential Alterations and Additions-House/Garage/Porch/Deck/Carports**

- |  |                 |
|--|-----------------|
| a) area up to 325 square feet.....                     | \$100.00        |
| b) area in excess of 325 square feet...additional..... | 40¢ per sq. ft. |

**NOTE: Floor area shall include all floors as well as an accessory garage.**

**Accessory Structures –Storage Buildings, Etc.**

- |  |                 |
|--|-----------------|
| a) area up to 500 square feet.....                     | \$40.00         |
| b) area in excess of 500 square feet...additional..... | 10¢ per sq. ft. |
- maximum of \$150.00**

**Miscellaneous**

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Handicap Ramp-Residential.....	***	see below
Fence.....		\$40.00
*Swimming Pools-Above Ground.....		\$40.00
Swimming Pools-In-Ground.....		\$50.00
(An electrical certificate of compliance shall be furnished from a recognized third party inspection bureau. )		
Wood Stoves / Furnaces / Fireplaces.....		\$40.00
<i>(UL or Nationally recognized test laboratory approval required)</i>		
Demolition Permit.....		\$40.00
Barns-Farm Buildings .....		\$100.00
Home Occupation .....		\$100.00
Install Mobile Home In Mobile Home Park.....		\$100.00
Ponds.....		\$40.00
Generators.....		\$25.00
*Hot Tubs and Spas.....		\$40.00
Storage Tanks-Installation.....		\$100.00
Removal.....		\$ 50.00
Fill Permits.....		\$ 50.00
**Driveway Permit on Town Road.....		\$100.00
**Highway Work Permit on Town Road.....		\$100.00

\*No Permit required if pool is capable of containing no more than 24 inches of water. No permit required if Spa or Hot Tub with a safety cover complies with ASTM F 1346 and as listed in Section AG107.

\*\* For County & State Roads-This Fee Not Applicable-Must obtain permit from County or State  
\*\*\*Permit required, fee waived when documented by a medical certificate

**Commercial New Structures & Alterations:**

a) area up to 1,000 square feet.....	\$350.00
b) area in excess of 1,000 square feet...additional .....	35¢ per sq. ft.

**Annual Operating Permits by Occupancy Classifications:**

Assembly Group A.....	\$100.00 yearly
Factory/Industrial F.....	\$100.00 yearly
High Hazard H.....	\$150.00 yearly

Building Permit Extension Fee-Residential.....	\$50.00
Building Permit Extension Fee-Commercial.....	\$250.00

**Signs**

a) New Sign-surface area up to 50 sq. ft.....	\$100.00
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- b) Replacement Sign-surface area up to 50 sq. ft..... \$ 50.00
- c) New & Replacement Sign  
     –surface area in excess of 50 sq. ft .....additional.....40¢ per sq. ft.

**ZONING BOARD OF APPEALS:**

- a) Appeals for Area Variance \$100.00
- b) Appeals for Use Variance \$100.00

**PLANNING BOARD:**

- a) Site Plan Review \$200.00
- b) Land Separation \$200.00
- c) Special Use Permit –Ag and Residential Zoning \$100.00
- d) Special Use Permit- All Zones (except Ag & Res) \$200.00
- e) Subdivision Preliminary Site Plan Review \$200.00
- f) Subdivision Final Site Plan Review \$200.00

**In the event that work requiring a building permit is commenced prior to the filing and issuance of the permit, the fee for the permit shall be double the regular rate. This shall be in addition to any other penalty provided for under applicable laws.**

NOTE Other Fees: See Water/Wastewater Fee Schedule for other fees relating to the construction of subject project.

**Abstract No. 7-2008:** Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$ 28,560.21
Highway	46,378.49
Sewer No. 1	1,288.26
Sewer No. 2	1,626.47
Water	6,893.77
Putnam/Shepard Water	15,044.50
Ellicott Water	5,185.46
Alexander/Pike Water	582.01
Rose Water	<u>582.01</u>
<b>TOTAL</b>	<b>\$106,141.18</b>

Check numbers 12735 thru 12810, ACH-\$2,813.04

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

**DEPARTMENT REPORTS:**

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**Water/Wastewater-**The Supervisor reported that the Water Districts in process are moving along administratively.

**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 2.33%.

**EMAIL ACCOUNTS-** Motion Deputy Supervisor Underhill, second Councilman Gerace authorizing increasing the hosted email client accounts through Pervasive Solutions from 16 to 18 at a cost of \$15.20 per client account, for a total increase of \$30.40 per month.

**Ayes:** Underhill, Gerace, Michalak, Post

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

**CHAMBER OF COMMERCE-VISITORS GUIDE-** Motion Councilman Gerace, Second Councilwoman Michalak authorizing a full-page advertisement in the 2009 Genesee County Visitors Guide at a cost not to exceed \$1,700.00. Appointing Teresa Morasco as the Community Page Coordinator.

**Ayes:** Gerace, Michalak, Underhill, Post

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

**COMMUNICATIONS:**

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

**June Town Clerk monthly report collected** a total of \$4,767.80, remitted \$4,344.05 to the Supervisor for the Local Share.

**Planning & Zoning School-** The Planning Federation is having a planning and zoning school on Thursday, July 31 at SUNY Geneseo. Information has been distributed to the respective Boards.

**Disaster Preparedness Conference** is being held August 19 from 8:30 to 4:00 at the University of Buffalo's Center for the Arts, in Amherst

**Liquor License-** Park Road Associates have applied to NYS for a liquor license for 8250 Park Road.

**Dog Enumerator-**Requested authorization to hire a dog enumerator to conduct a Town wide dog enumerations. Betsy Torrey is conducting one in the Town of Stafford and would be willing to do it for the Town of Batavia when she is done with Stafford.

**DOG ENUMERATION-** Motion Deputy Supervisor Underhill, second Councilwoman Michalak authorizing Betsy Torrey to do a Town wide dog enumeration at a rate of \$1.00 per dog counted plus mileage.

**Ayes:** Underhill, Michalak, Gerace, Post

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

**New York Municipal Insurance Reciprocal (NYMIR) Playground Equipment Inspection & Maintenance Seminar-** The Supervisor reported that Rod Cook, Highway Superintendent attended the

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NYMIR Playground seminar yesterday and will make the material available.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:25 P.M.

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk