

**AUGUST 20, 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  
Councilwoman Michalak  
Councilman Gerace

**Others**

**Present:** Town Clerk Morasco  
Town Engineer Mountain  
Building Inspector Worthington  
Highway Superintendent Cook  
Jason Molino, Batavia City Manager  
City Council Members Charlie Mallow, Mary Ann Clattenburg & Bill Cox  
The City/Town SMSI Grant Oversight Committee Members

The Supervisor called the meeting to order at 7:03 P.M.

**July 16, 2008 Public Hearing-Local Law #4 of 2008-GCEDC Grant:** Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (5-0)**

**July 16, 2008 Regular Town Board Meeting:** 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)**

**SPEAKER:** Jason Molino, Batavia City Manager introduced the City Council members and the Oversight Committee and reported on the progress of the City/Town Shared Municipal Service Incentives Grant (SMSI). In the fall of 2007 an application for a SMSI grant was filed and the grant was awarded in May. An oversight committee was formed and they put together an RFP. The RFP went out in July to 10 firms and only Career for Government Research (CGR) submitted a proposal. This firm does the vast majority of consolidated studies. They have offices in Rochester and Albany. The study is to identify overlapping areas and the feasibility of merging or sharing of services. They will assess the Water/Sewer Districts and sales tax agreements and such. It is expected to take twelve months to complete the study once all the information is provided to them. The City is the liaison. City Council member Bill Cox questioned when a study was last done and what the cost will be to do this study. The Town Supervisor stated that it was done in the early 90's and there were recommendations for shared services in that study. Since that study there have been several agreements entered into between the Town and the City. The City Manager stated that the cost for the study is \$92,000 and other cost to be borne by the Town and the City.

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

The Supervisor commended all who are involved and the overwhelmed response from surrounding Town Boards. The information is going to be able to be used in every aspect of government.

Mr. Molino informed the Town Board that CGR's proposal is going to be considered at next City Council meeting on September 8.

**RESOLUTION NO. 143:**

Councilman Lang offered the following:

**RESOLUTION AUTHORIZING APPLICATION TO U.S. DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT**

**FOR GRANT AND/OR LOAN ASSISTANCE – ROSE ROAD WATER DISTRICT**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Rose Road Water District, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

**Second by:** Deputy Supervisor Underhill

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

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 144:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING APPLICATION TO U.S. DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT**

**FOR GRANT AND/OR LOAN ASSISTANCE – ALEXANDER/PIKE ROADS WATER  
DISTRICT**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Alexander-Pike Roads Water District, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (5-0)**

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**RESOLUTION NO. 145:**

Supervisor Post offered the following:

**TOWN OF BATAVIA**  
**ROSE ROAD WATER DISTRICT**

**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on May 21, 2008, to conduct an environmental review of a project to install public water improvements to serve residents within the Rose Road Water District. The project will improve the quality and quantity of water available to area residents.
2. The Town Board has determined that, as a portion of the project is within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR.
3. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On May 28, 2008, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
5. Comments received from Involved or Interested Agencies on the project have been addressed in the Negative Declaration. The Town will comply with these requirements and will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
6. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the Rose Road Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

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

**RESOLUTION NO. 146:**

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA**  
**ALEXANDER AND PIKE ROADS WATER DISTRICT**  
**SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS,**

5. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as lead agency on May 21, 2008, to conduct an environmental review of a project to install public water improvements to serve residents within the Alexander and Pike Roads Water District. The project will improve the quality and quantity of water available to area residents.
6. The Town Board has determined that, as a portion of the project is within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR.
7. The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
8. On May 28, 2008, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
7. Comments received from Involved or Interested Agencies on the project have been addressed in the Negative Declaration. The Town will comply with these requirements and will continue to work with State, Federal and local agencies until all necessary permits and approvals have been obtained.
8. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the Alexander and Pike Roads Water District; and,

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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

**RESOLUTION NO. 147:**

Councilman Gerace offered the following:

**RESOLUTION TO APPROVE A**  
**TRAFFIC CONTROL DEVICE MAINTENANCE AGREEMENT**  
**WITH THE CITY OF BATAVIA**

**WHEREAS**, the Town of Batavia has accepted the dedication, control and ownership of a traffic signal from COR Veteran's Memorial Drive, LLC, that is located on Veteran's Memorial Drive at the intersection of the Towne Center at Batavia in the Town of Batavia, and

**WHEREAS**, the Town desires to enter into a cooperative Agreement with the City of Batavia to provide for the maintenance and repair of this traffic control device.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed "Traffic Control Device Maintenance Agreement", by and between the Town of Batavia and City of Batavia, a copy of which is annexed and made a part of the Town Board Minutes, is hereby approved, and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia.

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

**RESOLUTION NO. 148:**

Councilman Lang offered the following:

**CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN**  
**THE TOWN OF BATAVIA AND THE TOWN OF ELBA**

**WHEREAS**, the Town of Batavia and the Town of Elba employs Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations; and

**WHEREAS**, each party has identified a need to have its Codes enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences.

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**NOW, THEREFORE, BE IT**

**RESOLVED**, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into an agreement between the Town of Batavia and the Town of Elba for Code Enforcement coverage (agreement attached), expiring December 31, 2009; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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

**RESOLUTION NO. 149:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE INQUIRIES  
TO ESTABLISH A JOINT JUSTICE COURT FACILITY**

**WHEREAS**, the Towns of Batavia, Oakfield and Elba would like to explore the possibilities of establishing and constructing a new Court facility to be able to house the Justice Courts from all three Towns, and

**WHEREAS**, Kevin D. Earl, Esq., who is the Attorney for all three of these Towns, has done some preliminary legal research to determine that the current New York State Law would not allow the use of such a joint facility, since the Judges for two of the Towns would not have jurisdiction to hold Court in the third Town, and that it may be possible to accomplish this goal if the New York State Legislature passed special legislation to allow the same, and

**WHEREAS**, the legal research and other time spent by Attorney Kevin D. Earl is and will be equally beneficial to all three Towns.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the Supervisor and the Town Attorney are hereby authorized to contact the Offices of Assemblyman Hawley and Senator Rath, and to make whatever other inquiries or investigation is necessary to determine the feasibility of a joint Court facility and what steps would specifically be needed to accomplish this goal; and

**BE IT FURTHER RESOLVED** that the Town of Batavia will pay one-third of any legal fees to date, and incurred hereinafter, for Town Attorney Kevin D. Earl to complete this investigation.

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

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**RESOLUTION NO. 150:**

Supervisor Post offered the following:

**BOUNDARY SURVEY FOR PROPOSED PARK LAND-GALLOWAY ROAD**

**WHEREAS**, a survey of properties is needed to acquire land for the proposed park on Galloway Road; and

**WHEREAS**, Welch & O'Donoghue Land Surveyors, P.C. has quoted a price of three thousand, four hundred dollars (\$3,400.00), to complete a Boundary Survey for tax parcel numbers 2-1-8.2 and 2-1-15 in response to a request for proposal (Proposal and Request attached); and

**WHEREAS**, the Town Engineer has recommended Welch & O'Donoghue Land Surveyors, P.C. (recommendation attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Welch & O'Donoghue Land Surveyors, P.C. to perform the aforementioned work at a cost of three thousand, four hundred dollars (\$3,400.00).

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

**RESOLUTION NO. 151:**

Councilwoman Michalak offered the following:

**DEDICATION OF WATER AND SEWER IMPROVEMENTS FOR GATEWAY II  
CORPORATE PARK (CALL PARKWAY)  
FROM  
GENESEE ECONOMIC DEVELOPMENT CENTER**

**WHEREAS**, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP. has substantially completed water and sewer improvements necessary for the Gateway II Corporate Park; and

**WHEREAS**, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP. has constructed the water and sewer improvements as shown on drawings labeled Gateway Corporate Park Phase I and Gateway Corporate Park Phase II dated October 2005, April 2006 and subsequent revisions, under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

**WHEREAS**, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP. has requested the Town of Batavia to accept dedication of said water and sewer improvements as described in the attached letter;

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia accepts dedication of said water and sewer improvements from GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP., upon final completion of punch list items and certification of as-built drawings.

**Second by:** Councilman Gerace

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

**APPROVED by unanimous vote (5-0)**

**Abstract No. 8-2008:** Motion Councilman Gerace, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$ 68,763.04
Highway	46,026.46
Sewer No. 1	24,737.04
Sewer No. 2	40,653.95
Water	144,881.37
Pearl Water District	1,079.50
Wilkinson Water District	4,806.24
Putnam/Shepard Water	3,128.00
Ellicott Water District	2,040.60
Alexander/Pike Water	3,915.27
Rose Water District	<u>3,915.27</u>
<b>TOTAL</b>	<b>\$343,946.74</b>

Check numbers 12811 thru 12907

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

**MOTION CARRIED by unanimous vote (5-0)**

The Supervisor thanked all employees for their efforts to reduce the expenditures.

**DEPARTMENT REPORTS:**

**Highway Superintendent** reported on the following:

**Highway Salt-**The highway salt pricing is going up next month. He requested authorization to purchase 1,300 tons this month to take advantage of the 2007-2008 pricing.

**Terry Hills Drive-**The Supervisor asked what the problem is regarding the petition the Town received for the unsafe conditions at the intersection of Terry Hills Drive and Clinton Street Road. Mr. Cook reported that they have an issue with the access and entering and the insufficient lighting at Terry Hills Drive. He has checked this out and the access meets the standards as outlined by the New York State Department of Transportation. He will be installing reflectors at the entrance. Mr. Cook has met with the resident that filed the petition.

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**Water/Sewer Department-The Engineer reported on the following:**

**Leak Detection**- The Town is continuing testing with Rural Water (a service provided by the State) for leak detection. Some small leaks have been found but nothing substantial. The Supervisor stated that an increase in the 2009 budget is going to be proposed to address this issue.

**Manhole Rehabilitation Study** has been started.

**Building Inspector reported on the following:**

**Genesee Valley Ag-Business Park**- The Draft Generic Environmental Impact Statement for Genesee Valley Ag-Business Park has been filed.

**Kentucky Fried Chicken**- The Engineers are working on the parking and drive through plans for the Kentucky Fried Chicken.

**Supervisor's Report:**

**Temporary Bookkeeper**- Appointed Marcy Crandall as the Temporary Bookkeeper.

**Status Report on expenditures and revenues** is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in a CD paying a rate of 2.23%.

**Terry Hills Drive Petition**- Received a petition from Terry Hills Drive residents to improve the entrance and provide lighting at the intersection of Terry Hills Drive and Clinton Street Road.

**Small Cities NYS Community Development Block Grant (CDBG)**-Received notification from NYS that the Town's application for a CDBG grant for sewer district #1 was not successful.

The Town Engineer has requested a report of why the grant was denied and will meet with them to see how the Town can improve the application.

**SMSI GRANT**- Motion Deputy Supervisor Underhill, second Councilman Gerace to support the Oversight Committee's recommendation to accept Center Governmental Research's (CGR) proposal to conduct a services and municipal consolidation study for the City and Town of Batavia.

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

**MOTION CARRIED by unanimous vote (5-0)**

**STREETLIGHT**-Motion Councilman Gerace, second Councilwoman Michalak authorizing the Supervisor to proceed with the necessary measures for installation of a streetlight at the intersection of Terry Hills Drive and Clinton Street Road.

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

**MOTION CARRIED by unanimous vote (5-0)**

**HIGHWAY SALT PURCHASE**- Motion Councilman Gerace, second Councilwoman Michalak authorizing the Highway Superintendent to purchase 1,300 tons of Highway Salt at a cost of \$29.93 per ton prior to August 31, 2008 to receive the 2008 pricing, a savings of \$9.05 per ton.

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

**MOTION CARRIED by unanimous vote (5-0)**

**TEMPORARY BOOKKEEPER SALARY**- Motion Deputy Supervisor Underhill, second

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

Councilman Lang establishing the salary for the temporary bookkeeper at a rate of \$12.57 per hour, not to exceed 19 ½ hours per week.

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

**MOTION CARRIED by unanimous vote (5-0)**

**COMMUNICATIONS:**

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

**July Town Clerk monthly report collected** a total of \$7,656.24, remitted \$7,181.94 to the Supervisor for the Local Share.

**Local Government Records Management Grant-** Unofficially received notice that the Town received grant funding to undertake the Microfilm project of building permits/map records in the amount of \$25,569 .

**Conservation Licenses-**The conservation licenses for the 2008 – 2009 season went on sale Monday, August 18, 2008.

**TVGA Consultants Planning and Zoning Training** has scheduled a series of training workshops in September, October and November. Copy of the registration form was distributed to the departments and boards.

**Cornell Cooperative Extension Workshops-** Cornell Cooperative Extension is conducting a series of workshops in September as part of the Empower New York Program; “Learn How to Save Energy and Dollars, Make Ends Meet and Manage Debt”.

**Water/Sewer Co-funding Workshop-**NYS Water & Sewer Infrastructure Co-Funding Initiative is presenting a workshop on October 7 in Buffalo

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

**Kiwanis Park Donation-** Fran Lawrence donated \$25.00 for the use of Kiwanis Park and I sent a thank you letter to her.

**Monroe County Planning-Training Workshops-** The Monroe County Planning will be holding a Land Use Decision Making Workshops in October and November. Copy of the registration form was distributed to the departments and boards.

**Orleans County Planning-Training Workshops-**The Orleans County Planning Department is having a workshop on September 24. Copy of the registration form was distributed to the departments and boards.

**GLOW Solid Waste** –GLOW Solid Waste, in cooperation with other agencies, is holding a Pharmaceutical Waste Collection on Saturday, October 4 from 8 to Noon at the Pavilion Fire Department, located at 11310 South Lake Road.

**COMMITTEE REPORTS:**

**Courts-** Councilman Lang reported that the court is a third of the way through the postings of the backlog records. The Supervisor commended the Town Board on the support of the court. The court is moving along smoothly.

**Fire-**Deputy Supervisor Underhill reported that he will be setting up a meeting with the Fire Department to work on the 2009 budget and contract.

**AUGUST 20, 2008**  
**REGULAR TOWN BOARD MEETING**

**Recreation-** Councilman Gerace and Councilwoman Michalak reported that Craig Yunker and Ted Hawley are proposing a recreational complex in the Town of Batavia and would like support of the project from the Town Board. They are not looking for funding from the Town, only support of the project.

Once the survey is completed for the Oakfield property, then a closing date can be scheduled and then a meeting will be scheduled for the proposed park project.

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 8:07 P.M.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk