

**OCTOBER 21, 2009
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Al 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
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:06P.M.

September 16, 2009 Regular Town Board Meeting: Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

October 5, 2009 Special Town Board Meeting: Motion Councilwoman Michalak, second Councilman Gerace to approve the minutes as written.

Ayes: Michalak, Gerace, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 129:

Councilman Lang offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2010 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 16, 2009; and

WHEREAS, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$57,460.80 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2010 tax warrant.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 130:

Deputy Supervisor Underhill offered the following:

**CALLING FOR PUBLIC HEARING
ON THE 2010 TOWN BUDGET**

WHEREAS, the Town Board of the Town of Batavia is in the process of finalizing the preparation of the Preliminary 2010 Town Budget;

WHEREAS, said 2010 Preliminary Town Budget will be filed with the Town Clerk no later than October 26, 2009;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2010 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:45 P.M. on Wednesday, November 4, 2009, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 131:

Supervisor Post offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2010 TO FEBRUARY 2011**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2010 to February 2011 are Sewer District No. 1 - \$5.30/1,000 gallons, Sewer District No. 2 - \$5.30/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the

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Proposed Sewer Rents-May 2010 to February 2011 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:50 P.M. on Wednesday, November 4, 2009, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

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

RESOLUTION NO.132:

Councilwoman Michalak offered the following:

CALLING A PUBLIC HEARING
WATER RATE – MAY 2010 TO FEBRUARY 2011

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, the proposed water rate for May 2010 to February 2011 is \$4.35/1,000; and

WHEREAS, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2010 to February 2011 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:55 P.M. on Wednesday, November 4, 2009, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

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

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**NOTICE OF PUBLIC HEARING
WATER RATE – MAY 2010 – FEBRUARY 2011**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 4, 2009 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:55 P.M. for the purpose of imposing water rates. The proposed water rate for May 2010 to February 2011 is \$4.35.

The foregoing by order of the Batavia Town Board.

Dated: October 21, 2009

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 133:

Councilman Gerace offered the following:

**RESOLUTION NAMING GALLOWAY ROAD PARK –
“BATAVIA TOWN PARK”**

WHEREAS, the Town of Batavia purchased property on Galloway Road to establish a Recreational Area/Park; and

WHEREAS, the Town received grant funding from the New York Office of Parks Recreation and Historic preservation-Environmental Protection Fund to develop the property into a public recreation area; and

WHEREAS, the Town is required to name the area and place appropriate signage, identifying the project.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby names Galloway Road Parcel Numbers 2-1-15 and 2-1-8.2, “Batavia Town Park”.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 134:

Councilman Lang offered the following:

**ENGINEERING SERVICES AGREEMENT –
CDBG GRANT SANITARY SEWER DISTRICT #1
BETWEEN THE TOWN OF BATAVIA AND ERDMAN ANTHONY**

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WHEREAS, a Request for Qualifications to provide Engineering services for the Town of Batavia – Sanitary Sewer District No.1 Sanitary Sewer Improvements was advertised; and

WHEREAS, Erdman Anthony was the only firm to submit a Qualifications package which demonstrated their ability to complete the work as required by the 2009 CDBG-R Grant requirements; and

WHEREAS, the Supervisor wishes to retain Erdman Anthony to provide project engineering services and to assist the Town of Batavia in complying with the requirements of the CDBG for Sanitary Sewer District #1.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Erdman Anthony for Engineering services and assisting the Town in complying with the requirements of the CDBG for Sanitary Sewer District #1 and for the Supervisor to negotiate and execute an agreement between the Town of Batavia and Erdman Anthony as reviewed and approved by the Town Engineer and Town Attorney.

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

RESOLUTION NO. 135:

Deputy Supervisor Underhill offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.2
ALEXANDER/PIKE ROADS WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Alexander/Pike Roads Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Bidding Services in the amount of \$5,902.20 (agreement attached), 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 Agreement Amendment, which is contingent upon approval by USDA – Rural Development.

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

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RESOLUTION NO. 136:

Supervisor Post offered the following:

**APPROVAL OF ENGINEERING AMENDMENT NO.2
ROSE ROAD WATER DISTRICT**

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the Rose Road Water District, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Bidding Services in the amount of \$3,156.00 (agreement attached), 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 Agreement Amendment, which is contingent upon approval by USDA – Rural Development.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 137:

Councilwoman Michalak offered the following:

**KIP WIDE FORMAT PRINTER MAINTAINENCE AGREEMENT BETWEEN TOSHIBA
BUSINESS SOLUTIONS AND THE TOWN OF BATAVIA**

WHEREAS, the Batavia Town Board approved the purchase of a KIP Wide Format Printer at the October 5, 2009 Special Town Board meeting; and

WHEREAS, Toshiba Business Solutions offers a “Guaranteed Maintenance Agreement” at a base rate of \$.029 per square foot (agreement attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Guaranteed Maintenance Agreement between the Town of Batavia and Toshiba Business Solutions, effective as of October 5, 2009; and be it

FURTHER RESOLVED, the said agreement will automatically renew annually.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Gerace, Lang, Post

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 138:

Councilman Gerace offered the following:

**ARCHEOLOGICAL SERVICES
WORTENDYKE ROAD WATERMAIN EXTENSION**

WHEREAS, the Town of Batavia wishes to retain Deuel Archeology & CRM to assist the Town of Batavia with archeological investigations for portions of the construction of a proposed watermain extension to the public water supply system along Wortendyke Road at a cost not to exceed one thousand, nine hundred, fifty dollars (\$1,950.00) as provided in the recommendation from Stuart I. Brown Associates (attached):

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

RESOLUTION NO. 139:

Councilman Lang offered the following:

**LEVYING UNPAID 2009 WATER DEBT SERVICE
AGAINST 2010 TAX WARRANT**

WHEREAS, the Secretary to the Supervisor has prepared a list of properties that have not paid the Town for the 2009 South Main Water Debt Service (attached).

RESOLVED, that the attached list in the amount of \$260.12 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2010 tax warrant.

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

RESOLUTION NO. 140:

Deputy Supervisor Underhill offered the following:

PURCHASE OF OFFICE WORKSTATIONS

WHEREAS, office workstations are needed in the Building Inspection, Engineering and Town Clerk's departments; and

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WHEREAS, funds were appropriated in the 2009 Town Budget; and

WHEREAS, Office by Design, Incorporated presented Workstation designs and quotes from New York State Contract numbers 63385 and 63411 for each of the departments (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of Office Workstations as presented; and be it further

RESOLVED, the expenditure will be appropriated from the following line items:

A1620.200	Building Equipment
A1330.200	Tax Collector Equipment
A1410.200	Town Clerk Equipment
A3620.200	Building Inspector Equipment

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 141:

Supervisor Post offered the following:

**A RESOLUTION TO AUTHORIZE PARTIAL PAYMENT
FOR THE SERVICES OF A CONSERVATION DEVELOPMENT CONSULTANT**

WHEREAS, the Genesee County Economic Council and its affiliated company, Genesee Gateway Local Development Corporation (hereinafter referred to jointly as "EDC"), intends to engage the services of Sheila S. Hess, d/b/a Conservation Connection, for the purpose of planning and developing a non-profit organization dedicated to providing environmental services to balance natural resource conservation with economic growth and development, and

WHEREAS, the Town of Batavia has been identified by the EDC, along with other portions of Genesee County, as having potential economic development areas that would raise natural resource interests and concerns, and

WHEREAS, the Town of Batavia finds that the hiring of this consultant would help to promote economic development and creating new tax base and employment opportunities, while protecting natural resources and the environment.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Batavia, New York, does find that it would be in the best interests of the residents of the Town of Batavia to encourage and financially support the conservation development project as proposed by Sheila S. Hess, and

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BE IT FURTHER RESOLVED that the Town Board does hereby approve and authorize the expenditure of one-half of the cost of the proposed Phase I of the conservation development project by said Sheila S. Hess, in an amount not to exceed the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00).

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

Abstract No. 10-2009: Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$ 86,746.83
Highway	18,948.93
Sewer No. 1	3,652.42
Sewer No. 2	4,018.72
Water	7,953.94
Alexander/Pike	103,164.70
Lovers Lane	25,602.75
Rose	<u>99,258.14</u>
TOTAL	\$349,346.43

Check numbers 14181 thru 14219, 14221 thru 14227, 14229 thru 14262, 14265, 14267 thru 14273, 14275 thru 14287, Online \$1,550.71

Ayes: Underhill, Lang, Michalak, Gerace, Post
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 .23%.

Special Town Board Meeting- November 4, 2009 immediately following the Public Hearings for the approval of the 2010 Budget and the Water/Sewer Rates.

November Regular Town Board Meeting will be held on Tuesday, November 17 at 7:00 P.M. rather than Wednesday, November 18.

Genesee County Legislature Meeting will be held at the Batavia Town Hall on October 28 as part of the County's Outreach Sessions.

2010 CENSUS NEW CONSTRUCTION PROGRAM LIAISON-Motion Councilman Gerace, second Councilman Lang designating Clinton Worthington as the Liaison for the 2010 Census New Construction Program.

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

COMMUNICATIONS:

The Town Clerk reported on the following:

September Town Clerk monthly report collected a total of \$26,133.09 remitted \$6,636.42 to the Supervisor for the Local Share.

Local Government Records Management Improvement Fund Grant Award—Just received notification that the Town will be receiving a LGRMIF grant in the amount of \$30,803.00 for Records Management. The Grant work needs to be completed by June 30, 2010.

Genesee Finger Lakes Regional Planning Council Fall Government Workshop is being held this year at the Holiday Inn on Friday, November 20, 2009. Reservations need to be made by November 12. The respective Boards have been advised.

Deer Management Permits—Second round will be available beginning Sunday, November 1 on a first come, first serve basis in selected areas. The Town Clerk's office will be open on Sunday, November 1 from 9:00 to 1:00 P.M. for the convenience of the hunters wishing to obtain a DMP.

ADJOURNMENT:

Motion Councilman Gerace, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:32 P.M.

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

Respectfully submitted,

Teressa M. Morasco
Town Clerk