

MAY 20, 2009
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Sharon White, Planning Board Secretary led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Building Inspector Worthington
Sharon White, Planning Board Secretary
Roger Muehlig, Daily News Reporter

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

April 15, 2009 Public Hearing-Small Cities Grant: Motion Councilman Gerace, second Councilman Lang to approve the minutes as written.

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

April 15, 2009 Regular Town Board Meeting: Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 84:

Councilman Lang offered the following:

GENESEEE COUNTY DOG SHELTER SERVICES AGREEMENT

WHEREAS, pursuant to Article 7 of the Agriculture and Markets Law, the New York State Agriculture and Markets is requiring Genesee County to have agreements with all municipalities for providing dog shelter services.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Dog Shelter Services agreement between Genesee County and the Town of Batavia (agreement attached).

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Gerace, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 85:

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Deputy Supervisor Underhill offered the following:

APPOINTMENT OF FULL-TIME JUSTICE CLERK

WHEREAS, Joseph Macaluso, Town Justice Cleveland's clerk has resigned; and

WHEREAS, Town Justice Michael Cleveland and Town Justice Thomas Williams have each expressed the need for a full-time Justice Clerk to fill the needs of the court; and

WHEREAS, both Justices recommended and appointed Vickie Klein as the full-time Justice Clerk.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby concurs with the Town Justices' appointment of Vickie Klein as full-time Justice Clerk; and be it

FURTHER RESOLVED, the Town Board hereby establishes the position of one (1) full-time Justice Clerk; and be it further

RESOLVED, Vickie Klein will be compensated at a rate of \$15.72 per hour, 40 hour work-week and upon hire date will be credited with 58 sick days; and be it further

RESOLVED, Ms. Klein will be credited on her anniversary date 6 years of service, for vacation purposes; and be it further

RESOLVED, the full-time position will be expensed from budget line item A1110.103; and be it further

RESOLVED, the funds will be transferred from line item A1110.104 in the amount of \$9,903.81 and line item A1110.107 in the amount of 3,651.26 to line item A1110.103.

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 86:

Supervisor Post offered the following:

SALARY ADJUSTMENT
JUSTICE CLERK

WHEREAS, part-time Justice Clerk Joseph Macaluso resigned, effective May 4, 2009; and

WHEREAS, Dorothy Meyers' has agreed to serve as interim Justice Clerk for both Town Justices, increasing her work week from three days to five days; and

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WHEREAS, a salary adjustment is in order for the addition two days.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adjusts Dorothy Meyers' salary from \$600.23 per pay period to \$1,000.39 per pay period until June 26, 2009; and be it

FURTHER RESOLVED, this increase in salary is retroactive as of May 4, 2009.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 87:

Councilwoman Michalak offered the following:

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

WHEREAS, the Town of Batavia is planning to submit an application to the New York State Environmental Facilities Corporation to request funding under the Green Innovation Grant Program (GIGP) for the purchase and installation of equipment on the Town's existing water meters to enable the Town to read meters electronically; and

WHEREAS, Stuart I. Brown Associates submitted a proposal to prepare the GIGP Grant Application at a cost of four thousand dollars (\$4,000.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to prepare the 2009 GIGP Grant Application at a cost of four thousand dollars (\$4,000.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates; and be it

FURTHER RESOLVED, the cost will be expended from budgetary line item number A8030.400- Research & Development.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 88:

Councilman Gerace offered the following:

**RESOLUTION TO FILE AN APPLICATION FOR FUNDS FROM
THE NYS DEPARTMENT OF STATE**

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RESOLVED, That Gregory Post., as Supervisor of the Town of Batavia, is hereby authorized and directed to file an application for funds from the New York State Environmental Facilities Corporation (EFC) under the Green Innovation Grant Program (GIGP) to purchase and install equipment on the Town's existing water meters to enable the Town to read water meters electronically.

Second by: Councilwoman Michalak

Ayes: Gerace, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 89:

Councilman Lang offered the following:

**RESOLUTION TO PROVIDE THE LOCAL SHARE
OF THE COST OF THE TOWN OF BATAVIA
ELECTRONIC WATER METER READING PROJECT**

WHEREAS, the Town has proposed the purchase and installation of equipment on its existing water meters to be able to read meters electronically to reduce the consumption of water, reduce energy consumption and carry out Town services more efficiently;

WHEREAS, the cost of purchasing and installing the equipment is estimated at \$360,000, including construction and administrative costs; and

WHEREAS, the Town Board has authorized the Supervisor to file an Application for the Green Innovation Grant Program (GIGP) for purchasing and installing the equipment;

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board commits that it will provide the local share of up to \$36,000 in funds plus any overruns that may be incurred to purchase and install the proposed equipment.

THESE FUNDS ARE TO BE PROVIDED FROM WATER SYSTEM OPERATING FUNDS CONSISTENT WITH APPLICABLE LAWS OF THE STATE OF NEW YORK, IF THE TOWN'S REQUEST FOR GREEN INNOVATION GRANT PROGRAM FUNDING IS APPROVED.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 90:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO CLASSIFY THE PROPOSED PURCHASE AND INSTALLATION OF
EQUIPMENT ON EXISTING WATER METERS AS A TYPE II ACTION PURSUANT TO THE**

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NY STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).

WHEREAS, the Town of Batavia has identified a need to purchase and install equipment on its existing water meters to be able to read the meters electronically; and

WHEREAS, the action of purchasing and installing the equipment meets the criteria, “maintenance or repair involving no substantial changes in an existing structure or facility,” included in the list of Type II actions in §617.5 of the SEQRA regulations;

NOW THEREFORE BE IT RESOLVED, that the Batavia Town Board hereby classifies the proposed improvements as a Type II Action pursuant to the NY State Environmental Quality Review Act (SEQRA).

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

Abstract No. 5-2009: Motion Councilman Gerace, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$ 51,376.49
Highway	11,216.22
Sewer No. 1	27,748.29
Sewer No. 2	39,858.94
Water	120,635.44
Pearl	66.67
Ellicott	225.00
Alexander/Pike	5,370.86
Hartshorn	66.67
Lovers	423.00
Rose	<u>5,014.88</u>
TOTAL	\$262,002.46

Check numbers 13730 thru 13732, 13734 thru 13821 and 13823

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor Post reported for the Water Department that the contractor is preparing to start the Alexander/Pike and Rose Roads Waterline Project. There will be meetings as deemed necessary.

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Building Inspector reported on the following:

Athlete Fields- Ted Hawley's SEQR review for the Athlete Fields on Bank Street Road is complete and was declared that it would have no environmental impact. A Special Use Permit was approved.

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 General and Reserve Funds are invested in a CD's paying a rate of .81% for the 6 month CD and .25% for the thirty day CD.

GAM meeting is tomorrow evening at the Beaver Brothers Restaurant at Darien Lake Amusement Park at 7:00 P.M.

CYBER SECURITY CONFERENCE- Motion Deputy Supervisor Underhill, second Councilman Lang authorizing Councilman Gerace to attend the Cyber Security Conference at the Empire State Plaza, Albany, New York on June 3 and 4th, 2009.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

April Town Clerk monthly report collected a total of \$5,066.38 remitted \$4,604.29 to the Supervisor for the Local Share.

Public Assistance Workshop-NYS Emergency Management in conjunction with the GC emergency management is conducting a Public Assistance Workshop at the GC emergency management facility on Tuesday, June 23, 2009 from 8:30 to 2:30.

Wortendyke Road Speed Limit-The NYSDOT acknowledged receipt of the request to reduce the speed limit on Wortendyke Road and investigating the traffic conditions. Upon completion of their study they will notify the Town.

Diegelman Thank You-Received a "Thank You" card from Joyce Diegelman for honoring her for her years of service.

COMMITTEE REPORTS:

Farmland Protection- Deputy Supervisor Underhill reported that there will be a Farmland Protection Plan meeting June 4 at 7:00 P.M. at the Town Hall.

NEW BUSINESS:

United Way Day of Caring- The Supervisor and the Town Clerk reported that three Town employees, Hiedi, Steve and Teresa participated in the 2nd Annual United Way Day of Caring. It is a day you work for non-profit organizations on extra jobs they need done.

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ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:29P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk