

**AUGUST 19, 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

The Supervisor called the meeting to order at 7:15 P.M.

**July 15, 2009 Regular Town Board Meeting:** Motion Councilman Gerace, second Councilwoman Michalak approve the minutes as written.

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

**RESOLUTION NO. 106:**

Councilman Lang offered the following:

**RESOLUTION AUTHORIZING TIME WARNER  
BUSINESS CLASS SERVICE AGREEMENT-  
INTERNET AND CABLE**

**WHEREAS**, the Town of Batavia received a renewal proposal from Time Warner Cable for high speed internet access and cable television service for the Town Hall and Highway Facility.

**RESOLVED**, the Batavia Town Board hereby accepts Time Warner Cable's proposal for the three year contract term at a cost of \$79.95 per month; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to execute the contract.

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

**RESOLUTION NO. 107:**

Deputy Supervisor Underhill offered the following:

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**AUTHORIZING PARTICIPATION IN**  
**YEAR 2010 JOINT YOUTH PROGRAM**

**WHEREAS**, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

**WHEREAS**, the Town of Batavia's contribution to this joint youth project is \$9,146.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$2,249.00;

**RESOLVED**, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2010; and be it further

**RESOLVED**, that the year 2010 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2010:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 906.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	<u>\$ 906.00</u>
Total	\$9,146.00

**Second by:** Councilman Lang

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

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

**Discussion:** Councilman Gerace questioned the other Town's wishing to participate. It was discussed that this relates to school districting.

**RESOLUTION NO. 108:**

Supervisor Post offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS**  
**FOR JUSTICE COURT GRANT**

**WHEREAS**, the Town of Batavia was awarded a grant in the amount of \$642.50 to purchase equipment for the Justice Court; and

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**WHEREAS**, in order to account for these funds the expenditure and revenue line items need to be increased.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby increases the following:

**Expenditure Line Items:**

A1110.201           \$321.25  
A1110.202           \$321.25

**Revenue Line Item:**

A3089           \$642.50

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 109:**

Councilwoman Michalak offered the following:

**RETAINING PART-TIME COURT CLERK**

**WHEREAS**, a part-time court clerk is needed; and

**WHEREAS**, the Town Justices have recommended Melissa Lepsch, 8575 Indian Falls Road, Corfu, for this position.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the hiring of Melissa Lepsch, as the part-time Court Clerk at an hourly rate of twelve dollars and fifty cents, (\$12.50) per hour, not to exceed 20 hours per week.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 110:**

Councilman Gerace offered the following:

**NEPA SERVICES AGREEMENT –  
SEWER DISTRICT NO. 1 IMPROVEMENTS  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES**

**WHEREAS**, the Supervisor wishes to retain Stuart I. Brown Associates to assist the Town in satisfying the requirements of the National Environmental Protection Act (NEPA) for the proposed improvements to the Town of Batavia Sanitary Sewer District No. 1 and to comply with the requirements of the Community Development Block Grant (CDBG) program at a cost of two thousand, five hundred

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dollars (\$2,500.00).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned service and cost and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

**RESOLUTION NO. 111:**

Councilman Lang offered the following:

**APPROVAL OF CHANGE ORDER NO. 1**  
**2008 WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, Villager Construction, Incorporated. is under contract with the Town of Batavia for the 2008 Water System Improvement project, and

**WHEREAS**, Villager Construction, Inc. has submitted a change order, requesting an over/under quantity adjustment in the amount of \$8,275.00 (increase), as shown on the attached Change Order No.1, 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:** Lang, Underhill, Michalak, Gerace, Post  
**APPROVED by unanimous vote** (5-0)

**RESOLUTION NO. 112:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA**  
**SEQR - LEAD AGENCY RESOLUTION**  
**ALEXANDER & PIKE ROADS WATER DISTRICT – TRANSMISSION MAIN**

**“RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the Alexander and Pike Roads Water District-Transmission

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Main project. In accord with the likelihood that the Town Board will serve as lead agency, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the installation of approximately 12,820 linear feet of water transmission main along a portion of Pike Road and Wortendyke Road.

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Therefore, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

**RESOLUTION NO. 113:**

Supervisor Post offered the following:

**TOWN OF BATAVIA**  
**SEQR - LEAD AGENCY RESOLUTION**  
**ROSE ROAD WATER DISTRICT – TRANSMISSION MAIN**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the Rose Road Water District-Transmission Main project. In accord with the likelihood that the Town Board will serve as lead agency, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the installation of approximately 4,900 linear feet of water transmission main along Wortendyke Road between Rose Road and NYS Route 33 (Pearl Street Road).

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is

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located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Therefore, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

**RESOLUTION NO. 114:**

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA**  
**SEQR - LEAD AGENCY RESOLUTION**  
**WORTENDYKE ROAD WATERMAIN EXTENSION**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of the Wortendyke Road Watermain Extension. In accord with the likelihood that the Town Board will serve as lead agency, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the installation of approximately 4, 000 linear feet of watermain along Wortendyke Road between NYS Route 33 (Pearl Street Road) and South Main Street Road.

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment

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Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Therefore, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

**RESOLUTION NO. 115:**

Councilman Gerace offered the following:

**PROFESSIONAL SERVICES AGREEMENT FOR  
GENESEE COUNTY CENTRAL CORRIDOR TRAFFIC PLAN  
BETWEEN THE TOWN OF BATAVIA AND CLARK PATTERSON LEE**

**WHEREAS**, the Town of Batavia has received federal funding in the amount of \$80,000 from the Genesee Transportation Council's Unified Planning Work Program (UPWP #7572) with a local cash requirement of \$5,000 and Local In-kind services of \$15,000 for a Genesee County Central Corridor Traffic Plan( "Plan"); and

**WHEREAS**, a Consultant Selection Committee ("Committee") was established consisting of representatives of the Town of Batavia, City of Batavia, Genesee County, New York State Department of Transportation, and the Genesee Transportation Council; and

**WHEREAS**, the Committee advertised a Request for Proposal to prepare a plan for transportation improvements (new and existing roadway systems) within the central corridor of Genesee County (Town and City of Batavia), including projected future development (incremental phases through full build out) based upon current land use and zoning plans and to provide recommendations for roadway improvements, as well as associated concept-level cost estimates and a funding strategy; and

**WHEREAS**, the Committee received nine proposals in response to the request; and

**WHEREAS**, the Committee evaluated the proposals based upon 1) Qualifications/ Experience of the Firm, 2) Qualifications of the Project Team, and 3) Technical Approach/Scope of Work; and

**WHEREAS**, based upon the proposal scoring system, Clark Patterson Lee ranked the highest; and

**WHEREAS**, the Committee concurred on naming Clark Patterson Lee as the preferred consultant at which time the price proposal was then opened by the Town Clerk and the Town Engineer and confirmed to be within the available funds; and

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**WHEREAS**, the Committee is recommending to the Town Board to award the project to Clark Patterson Lee; and

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board authorizes the Supervisor to retain Clark Patterson Lee for the preparation of the Genesee County Central Corridor Traffic Plan at a cost of Eighty-Four Thousand Nine Hundred and Ninety-four dollars (\$84,994.00) and to execute an agreement between the Town of Batavia and Clark Patterson Lee.

**Second by:** Councilman Lang

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

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

**Abstract No. 8-2009:** Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

General	\$ 50,171.68
Highway	9,067.06
Sewer No. 1	27,282.26
Sewer No. 2	44,290.69
Water	135,701.84
Pearl	100.00
Wilkinson	100.00
Putnam/Shepard	135.00
Ellicott	235.00
Alexander/Pike	199,390.37
Lovers	875.00
Rose	<u>22,083.70</u>
<b>TOTAL</b>	<b>\$489,432.60</b>

Check numbers 14013 thru 14054, 14057 thru 14059, 14061 thru 14084, 14086 thru 14111, 14113,14114

**Ayes:** Underhill, Gerace, Lang, Michalak, 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 .25%.

**JIM'S SALOON WAIVER LETTER** –Motion Deputy Supervisor Underhill, second Councilwoman Michalak, the Batavia Town Board hereby authorizes a waiver to Jim's Saloon for the 30 day advance notice requirement for applying for a New York State Liquor License Renewal. Said license expires

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8/31/09.

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

**NYS CYBER SECURITY & CRITICAL INFRASTRUCTURE (CSCIC)-** Motion Councilman Lang, second Deputy Supervisor Underhill, the Batavia Town Board hereby authorizes NYSCSCIC to do a scan of the Town's network. There is no cost for the scan and it will help identify weaknesses in the network.  
**Ayes:** Lang, Underhill, Michalak, Gerace Post  
**MOTION CARRIED by unanimous vote (5-0)**

**JUNK YARD LICENSE-** Motion Councilman Gerace, second Deputy Supervisor Underhill to approve the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate Junk Yard Licenses based on the recommendation of the Building Inspector.  
Junk yard motions;  
**Ayes:** Gerace, Underhill, Michalak, Lang, 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 \$7,333.74, remitted \$5,911.27 to the Supervisor for the Local Share.

**Liquor License Renewal-** Received notice from Aivatav, Incorporated (Willow Bend Inn), located at 3489 West Main Street Road, that they have made application to NYS to renew their liquor license.

**Genesee ARC Friends & Family 5K** 5<sup>th</sup> annual race will Saturday, September 19, 2009.

**Land Use Training Programs** are going to be held in September at various locations. All the Boards have been giving the information on the training particulars.

**Kiwanis Park Donations-** Received a donation from Kelly Natalizia and Sharon Benty for the use of the Park. Thank you letters have been sent to the individuals.

**Symposium-** There will be a Wolcott J Humphrey III Symposium on Leadership and Community Life at Genesee Community College on Monday September 21, 2009 from 5:00 p.m. to 7:00 p.m.

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:38 P.M.

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

Respectfully submitted,

Teresa M. Morasco  
Town Clerk