

**MARCH 17, 2010
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
Roger Muehlig, Daily News Reporter

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

February 17, 2010 Regular Town Board Meeting: Motion Councilman Gerace, second Councilwoman Michalak to approve the minutes as written.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

March 3, 2010 Special Town Board Meeting: 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)

RESOLUTION NO. 57:

Councilman Lang offered the following:

**CANON DR-5010C SCANNER MAINTENANCE AGREEMENT
BETWEEN BIEL'S AND THE TOWN OF BATAVIA**

WHEREAS, the Town purchased a Canon DR-5010C Scanner in December 2008 for the records management archives grant and annual maintenance agreement; and

WHEREAS, maintenance agreement expires March 18, 2010; and

WHEREAS, the cost to renew the Annual Maintenance Agreement is seven, hundred, fifty dollars (\$750.00) (agreement attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the annual Maintenance Agreement between the Town of Batavia and Biel's at a cost of seven hundred, fifty dollars for one (1) year starting March 19, 2010 to maintain the Canon DR-5010C Scanner.

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Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 58:

Deputy Supervisor Underhill offered the following:

**AUTHORIZATION TO ENTER INTO AGREEMENTS FOR THE IMPLEMENTATION OF A
COMMUNITY DEVELOPMENT BLOCK GRANT RECEIVED FROM THE NEW YORK
STATE HOUSING TRUST FUND CORPORATION**

WHEREAS, the Town of Batavia (“Town”) has received Federal grant assistance in the amount of five hundred sixteen thousand dollars (\$516,000.00) (the “Grant”) from the New York State Housing Trust Fund Corporation (“HTFC”) represented by the New York State Office of Community Renewal (“OCR”) through the Community Development Block Grant (“CDBG”) Program (OCR Grant #83ED670-10) for the purpose of providing financing to assist First Wave Technologies, Inc. (“First Wave”) in establishing operations in the Dr. Bruce A. Holm Upstate MedTech Centre at 5080 Assemblyman R. Stephen Hawley Drive in the Town of Batavia, New York; and

WHEREAS, a portion of the Grant proceeds is to be used to provide a term loan to First Wave to finance machinery, equipment, working capital, and job training to support the expansion of First Wave’s operations (the “Project”), which Project is more particularly described in the application submitted by the Town to OCR on January 29, 2010; and

WHEREAS, a portion of the Grant proceeds is to be used to fund administrative and program delivery costs associated with the implementation of the Grant; and

WHEREAS, the Genesee Gateway Local Development Corporation (the “Corporation”) has the capacity to provide such financing and to administer the Grant in the best interests of the Town, and

WHEREAS, the Corporation is a not-for-profit corporation eligible to receive grants of CDBG funds pursuant to Section 105(a)(15) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. §5305),

NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby authorizes the Supervisor to execute the agreement between HTFC and the Town evidencing the Grant and all forms and documents related thereto, and be it further

RESOLVED, that the Town hereby authorizes the Supervisor to enter into an agreement with the Corporation for implementation and administration of the Grant under terms and conditions contingent upon review- and approval by the Town Attorney.

Second by: Councilman Lang

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

RESOLUTION NO. 59:

Supervisor Post offered the following:

**CALLING FOR PUBLIC HEARING
AGRICULTURAL & FARMLAND PROTECTION PLAN**

WHEREAS, the Town of Batavia Farmland Protection Plan Committee has performed a study and created a Town of Batavia Agricultural Farmland Protection Plan; and

WHEREAS, the draft of the Agricultural & Farmland Protection Plan was completed and filed in the Town Clerk's Office and a public hearing was held on January 20, 2010; and

WHEREAS, after said public hearing at which all interested persons were heard, the Farmland Protection Committee revised the Agricultural Farmland Protection Plan.

WHEREAS, the revised draft of the Agricultural & Farmland Protection Plan was completed and filed in the Town Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes and orders that a second Public Hearing on the Proposed Revised Agricultural & Farmland Protection Plan dated March 2010 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:30 P.M. on Wednesday, April 21, 2010 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 Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

Discussion: The Supervisor stated that the Agricultural & Farmland Protection Plan changes will be posted on the website tomorrow, along with the notice of public hearing. Mr. Post thanked the committee and all the parties involved for all their time they dedicated and effort they put into drafting this plan.

**NOTICE OF PUBLIC HEARING
AGRICULTURAL & FARMLAND PROTECTION PLAN**

PUBLIC NOTICE IS HEREBY GIVEN that the draft revised copy of the Agricultural and Farmland Protection Plan is complete and has been filed in the Office of the Town Clerk of the Town of Batavia, where it is available for public inspection during regular business hours and via the Town of

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Batavia Website at www.townofbatavia.com.

Notice is also given that the Town Board of the Town of Batavia will hold a Public Hearing on the Agricultural Farmland Protection Plan at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York beginning at 6:30 P.M. on Wednesday, April 21, 2010 at which time and place any person will be heard.

By order of the Batavia Town Board.

Dated: March 17, 2010

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO.60:

Councilwoman Michalak offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
2007 WATER SYSTEM IMPROVEMENTS
ELLCOTT STREET AND TOWNLINE ROAD WATER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the 2007 Water System Improvement Project, and

WHEREAS, USDA Rural Development has approved the use of remaining funds to be used for a booster/recirculation Pump Station, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement amendment requesting an increase in the amount for Design, Construction Administration and Inspection Services (attached) in the total amount of \$32,000, 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 Amendment, which is contingent upon approval by USDA – Rural Development.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 61:

Councilman Gerace offered the following:

RESOLUTION TO ESTABLISH POSITION
CLERK OF THE WORKS

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RESOLVED, the Batavia Town Board hereby establishes the position of Clerk of the Works (MSD222 duties statement attached).

Second by: Councilwoman Michalak

Ayes: Gerace, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 62:

Councilman Lang offered the following:

RESOLUTION APPOINTING TEMPORARY CLERK OF THE WORKS
SANITARY SEWER I IMPROVEMENT PROJECT

WHEREAS, the Town of Batavia was awarded a Community Development Block Grant for the Sanitary Sewer I Improvement Project; and

WHEREAS, a Clerk of the Works is needed to oversee the project; and

WHEREAS, the Town desires to appoint Frederick DeJaneiro to the position of Temporary Clerk of the Works in accordance with the terms and conditions set forth in the Offer Letter attached hereto and incorporated by reference herein; and

WHEREAS, Frederick DeJaneiro satisfies the requirements and qualifications of the position of Clerk of the Works; and

WHEREAS, it is anticipated that the appointment of Frederick DeJaneiro to the position of Temporary Clerk of the Works will most effectively ensure the provision of necessary services to the Town and its residents.

NOW THEREFORE, BE IT

RESOLVED, the Town Supervisor shall be and hereby is authorized to execute Offer Letter on behalf of the Town thereby extending to Frederick DeJaneiro, a provisional offer of employment in the position of Temporary Clerk of the Works for the Sanitary Sewer District I Improvement Project.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Discussion-Councilwoman Michalak questioned whether these costs will be covered by grant. The Supervisor informed that it is hopeful that the costs will be covered but not certainty at this point. Supervisor Post contacted Mr. DeJaniero for employment because it is in the best interest of the community to have a qualified individual from the community.

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Abstract No. 3-2010: Motion Councilman Lang, second Councilman Gerace to authorize the Supervisor to pay the following vouchers, which includes a voucher for Sanitary Sewer I Improvements to be paid at a later date:

General	\$ 78,423.25
Highway	15,988.56
Sewer No. 1	1,256.70
Sewer No. 2	3,223.82
Water	43,701.66
Alexander/Pike	40.50
Lovers Lane	1,765.00
Rose Road	109.50
Wortendyke	900.00
HQ-SSI Improvements	<u>4,000.00</u>
TOTAL	\$149,408.99

Check numbers 14658 thru 14691, 14693 thru 14705, and 14707 thru 14742, online \$1,492.63

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following for the Water, Engineering, Highway, Planning, and Building Departments:

Water Flows-Engineering Staff is working with water department for water flows.

Patching-Highway Department is busy patching roads and repairing the lawn roadsides.

Off Track Betting Water Pipeline- The testing has began on Off Track Betting's portion of the water pipeline work.

Water/Sewer Billing Software- The Water Department is in the process of getting the new water/sewer billing software up and running.

Well Contamination- The Town has received a number of calls on the well contaminations that have affected the State, Bank, and Batavia-Elba Townline Roads.

Northstar Development- The variances for the proposed development in the area of Stringham Drive and Violet Lane have been tabled at the request of the developer.

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%.

GAM meeting is tomorrow at 7:00 P.M., hosted by the City of Batavia at Larry's Steakhouse.

UNITED WAY DAY OF CARING: Motion Councilman Gerace, second Councilwoman Michalak authorizing five employees from the Town of Batavia to participate in the United Way Day of Caring,

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Wednesday May 19, 2010.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

ENVIRONMENTAL FINANCE CENTER CONFERENCE- Motion Deputy Supervisor Underhill, second Councilman Gerace authorizing the Secretary to the Supervisor to attend the Environmental Finance Center Conference April 20 through April 22 in the Adirondacks at an approximate cost of \$525.00.

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

HEWLETT-PACKARD SERVER WARRANTY- Motion Councilman Gerace, second Councilman Lang authorizing an additional year warranty for the Hewlett-Packard Server at a cost of \$120.00 for the year through Pervasive Solutions.

Ayes: Gerace, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

SONIC WALL LICENSE RENEWAL - Motion Councilwoman Michalak, second Councilman Lang authorizing a 1 year license renewal for the TZ 190 CGSS Sonic Wall at a cost of \$300.00 as per the e-quote from Hurricane Technologies, Incorporated

Ayes: Michalak, Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

BJ'S MEMBERSHIP RENEWAL: Motion Councilman Lang, Second Councilman Gerace authorizing the renewal of the BJ's membership for the Town at a cost of \$45.00/ year, with the Town Clerk as the primary member and Murray Morrow, Water/Wastewater Supervisor as the First Supplemental Member to make tax exempt purchases for the Town.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

ANNUAL TOWN FINANCE SCHOOL- Motion Deputy Supervisor Underhill, second Councilman Lang authorizing the Secretary to the Supervisor and the Assistant Engineer to attend the Annual Town Finance School May 6-7, 2010 in Rochester at a cost of \$200.00 each plus mileage if a Town Vehicle is not used.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

LOCAL GOVERNMENT CONFERENCE- Motion Councilwoman Michalak, second Deputy Supervisor Underhill authorizing Supervisor Post, Deputy Supervisor Underhill, Councilman Gerace, Councilwoman Michalak, Town Clerk Morasco, Planning Chair Jasinski, Zoning Board of Appeals Member John Della Penna and Planning Board Members Donald Partridge and Toni Platek to attend the Local Government Conference May 16 through May 18 in Albany.

Ayes: Michalak, Underhill, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

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STANLEY SECURITY LOCKS- Motion Councilman Lang, second Councilman Gerace authorizing the purchase of 3 cylindrical levers and 3 cores (door handle, locksets) for the break room, Engineer's and secretary to the Supervisor's office doors at a cost of \$411.78.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

PURCHASE OF TRUCK BED LINER-Motion Deputy Supervisor Underhill, second Councilman Lang authorizing the purchase of truck bed liner for the Water/Sewer Ford F350 Truck at a cost of \$990.00 from Rebel Liners.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

PURCHASE OF TRUCK BED LINER, MATS & MUD FLAPS-Motion Councilman Lang, second Deputy Supervisor Underhill authorizing the purchase of a truck bed liner, truck floor mats and mud flaps for the Water/Sewer Ford F250 Truck at a cost of \$937.00 from Rebel Liners.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

PURCHASE OF TOOLBOX/BACK RACK/NERF BARS –Motion Councilman Lang, second Deputy Supervisor Underhill authorizing the purchase of a toolbox, back rack and nerf bars for the Water/Sewer Ford F250 Truck at a cost of \$947.00 from Rebel Liners.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

February Town Clerk monthly report collected a total of \$2,773.82 remitted \$2,523.95 to the Supervisor for the Local Share.

February Town/County Tax Collection –collected a total of \$142,718.01; remitted \$1,238.05 to the Supervisor for Penalties and \$141,479.96 to the Genesee County Treasurer.

Spring 2010 Land Use Decision Making Training Program-Monroe County Planning and Development are having Land Use Decision Making Training workshops various dates in March and April. This information has been distributed to Town officials.

Glow Region Solid Waste Collection- The Annual Household Hazardous Waste Collection will be Saturday, May 15 in Batavia by appointment only. Residents need to contact the Glow Office at 344-2580, extension 5463.

Spring 2010 Local Government Workshop- The Spring 2010 Local Government Workshop will be held May 14, 2010, at Burgundy Basin Inn, Pittsford, New York. This information has been forwarded to Town Officials.

COMMITTEE REPORTS:

Galloway Road Park- The Supervisor reported that Jason Armbrewster, Town Engineer Technican attended the Town Planning Board meeting and gave an overview of the park concept plan.

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NEW BUSINESS:

Well Contamination Press Release- The Supervisor stated that there will be a press release on the well contamination issues. Thus far, the designated infected areas are Batavia-Elba, State and Bank Street Roads. Mr. Post has met with the Elba Town Supervisor and other officials. It could take one year to remedy the situation.

Every well is prone to contaminates and the Supervisor encourages everyone to have their wells sampled by Genesee County Health Department. This is the third time in ten years the Town has been faced with this issue.

The best solution is the extension of water districts as practically possible. Residents interested are encouraged to contact the Town Clerk for an informal petition to circulate.

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:40 P.M.

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk