

**JUNE 16, 2010
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Vicki Gooch Batavian News Reporter 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
Vicki Gooch, Batavian News Reporter

The Supervisor called the meeting to order at 7:07 P.M.

May 19, 2010 Regular 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. 90:

Councilman Lang offered the following:

**TOWN OF BATAVIA
CREATION OF THE CREEK ROAD WATER DISTRICT**

SEQR RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Batavia Creek Road Water District. The creation of the proposed water district will allow for the extension of public water service along portions of Creek Road, East Road, Lehigh Road and Dorman Road. The water system improvements will eventually involve the installation of approximately 22,000 l.f. of watermain.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed

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project prepared by Stuart I. Brown Associates, Inc., dated June 16, 2010. The Town Board further declares that, based on the environmental assessment 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: Lang, Underhill, Michalak, Gerace, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 91:

Supervisor Post offered the following:

TOWN OF BATAVIA
CREATION OF THE PRATT ROAD WATER DISTRICT

SEQR RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Batavia Pratt Road Water District. The creation of the proposed water district will allow for the extension of public water service along a portion of Pratt Road in the Town of Batavia. The water system improvements will eventually involve the installation of approximately 18,250 l.f. of distribution main and transmission main. The transmission main will be routed along Pratt Road into the Town of Pembroke or along Powers Road, in order to connect to the existing water system. No residents in the Town of Pembroke would be served by the project.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated June 16, 2010. The Town Board further declares that, based on the environmental assessment 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: Councilman Lang
Ayes: Post, Lang, Underhill, Michalak, Post
APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 92:

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA
CREATION OF THE BATAVIA NORTH (EAST OF RTE. 98) WATER DISTRICT**

SEQR RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Batavia North (East of Rte. 98) Water District. The creation of the proposed water district will allow for the extension of public water service along portions of Oak Orchard Road (NYS Rte. 98), Batavia-Elba Townline Road, State Street Road, Bank Street Road, and Batavia-Stafford Townline Road. (Note: no residents in the Towns of Elba or Stafford will be served with public water as a result of the project). The water system improvements will eventually involve the installation of approximately 36,300 l.f. of watermain.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated June 16, 2010. The Town Board further declares that, based on the environmental assessment 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: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 93:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
CREATION OF THE BATAVIA NORTH (WEST OF RTE. 98) WATER DISTRICT**

SEQR RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and

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Regulations (NYSCRR) of a project to establish the Batavia North (West of Rte. 98) Water District. The creation of the proposed water district will allow for the extension of public water service along portions of Batavia-Elba Townline Road, Downey Road, and Lewiston Road (NYS Rte. 63). [Note: no residents in the Town of Elba will be served with public water as a result of the project]. The water system improvements will eventually involve the installation of approximately 29,900 l.f. of watermain.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated June 16, 2010. The Town Board further declares that, based on the environmental assessment 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: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 94:

Councilman Gerace offered the following:

TOWN OF BATAVIA
CREATION OF THE WORTENDYKE ROAD WATER DISTRICT

SEQR RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announces its intent to serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Batavia Wortendyke Road Water District. The creation of the proposed water district will allow for the extension of public water service along a portion of Wortendyke Road in the Town of Batavia. The water system improvements will eventually involve the installation of approximately 2,000 l.f. of distribution main along Wortendyke Road north of Pearl Street Road (NYS Route 33).

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above-listed action. The Town Board hereby accepts the environmental assessment of the proposed

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project prepared by Stuart I. Brown Associates, Inc., dated June 16, 2010. The Town Board further declares that, based on the environmental assessment 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: Councilwoman Michalak
Ayes: Gerace, Michalak, Lang, Underhill, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 95:

Councilman Lang offered the following:

**ESTABLISHING WORKDAY
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor:

Elected & Appointed Officials					
Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Employer Record of Time Worked	Days/Month (based on record of Activities)
Supervisor	Gregory H. Post	6	1/01/2010 – 12/31/2013	Y	20
Town Clerk	Teressa M. Morasco	8	1/01/2010 – 12/31/2013	Y	20
Highway Superintendent	Rodney W. Cook	8	01/01/2010 – 12/31/2013	Y	20
Town Justice	Thomas Williams	6	01/01-2009-12/31/2012	Y	20
Town Board Member	Daniel Underhill	6	01/01/2009 – 12/31/2013	Y	20
Town Board Member	John Gerace	6	01/01/2008 – 12/31/2011	Y	20
Town Board Member	Patti Michalak	6	01/01/2009 – 12/31/2013	Y	20
Zoning Board of Appeals Member	Gary Diegelman	6	01/01/2008 – 12/31/2012	Y	20
Historian	Gale	6	01/01/2010 –	Y	20

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	Conn-Wright		12/31/2010		
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and be it further

RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town's website and the sign board located in the Town Hall; and be it further

RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller's.

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

RESOLUTION NO. 96:

Deputy Supervisor Underhill offered the following:

**AMENDING 2010 BUDGETARY LINE ITEMS
LGRMIF GRANT AWARD**

WHEREAS, the Town of Batavia received notification on October 19, 2009 from the State Education Department that the Town has been awarded the Local Government Records Management Improvement Fund (LGRMIF) Grant in the amount of thirty thousand, eight hundred, three dollars (\$30,803.00) for imaging and microfilming of Town Board Minutes and Assessment Records (letter attached); and

WHEREAS, a notification was received from the State Education Department amending the grant award to twenty-eight thousand, thirty-five dollars (\$28, 035.00) to address the significant budget deficit in New York State ; and

WHEREAS, line items need to be amended in the 2010 budget to account for these funds.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby amends the following line items:

A3060 Revenues	\$28,035.00
A1410.101 Clerk Part-time-Records Management	\$ 5,352.00
A1410.201 Equipment-Records Management	\$19,385.00
A1410.401 Contractual-Records Management	\$ 2,889.00
A9030.800 Social Security	\$ 409.00

Second by: Councilman Lang
Ayes: Underhill, Lang, Michalak, Gerace, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 97:

Supervisor Post offered the following:

ESTABLISH LINE ITEM

RESOLVED, the Batavia Town Board hereby establishes following line item to account for expenditures:

A1010.200 – Equipment - Town Board Members

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 98:

Councilwoman Michalak offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2010

RESOLVED, the Batavia Town Board hereby authorizes the following Budget Transfers:

General Fund:

<u>From</u>	<u>Amount</u>	<u>To</u>
A1990.400 Contingency	\$ 2,300.00	A1010.200 Town Board Equip.
A1989.400 Miscellaneous	\$13,700.00	A1940.400 Land Acquisition

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 99:

Councilman Gerace offered the following:

**AMENDING TO RESOLUTION 1 OF 2010
GENERAL ORGANIZATIONAL RESOLUTION**

RESOLVED, to amend resolution number 1 of 2010 by adding the following:

OFFICE/DESIGNATION	APPOINTEE
RMO/RAO.....	Teresa M. Morasco

Second by: Councilman Lang

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

RESOLUTION NO. 100:

Councilman Lang offered the following:

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES
ENVIRONMENTAL PROTECTION FUND GRANT APPLICATION**

WHEREAS, the Town of Batavia is planning to submit an application for a grant under the Environmental Protection Fund (EPF) for funding to acquire and develop one or more sites for recreation; and

WHEREAS, Stuart I. Brown Associates submitted a proposal to prepare the EPF grant at a cost of three thousand, five hundred dollars (\$3,500.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to prepare the 2010 Environmental Protection Fund Grant Application at a cost of three thousand, five hundred dollars (\$3,500.00) and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

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

RESOLUTION NO. 101:

Deputy Supervisor Underhill offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT
RECORDS AND DOCKETS WAS CONDUCTED**

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the Auditors report along with a copy of this resolution to Dennis W. Donnelly, Director of Internal Audit, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

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Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

Discussion: Supervisor Post reported that the Auditors had positive remarks on the Court recordkeeping and was very pleased. Mr. Post congratulated the court and court clerks for a job well done.

SUSPEND THE RULES-Motion Councilman Gerace, second Deputy Supervisor Underhill to suspend the rules to introduce an additional resolution.

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 102:

Supervisor Post offered the following:

ESTABLISH LINE ITEMS
FOR CAPITAL PROJECTS

RESOLVED, the Batavia Town Board hereby establishes the following line items:

HS – NORTH-EAST OF ROUTE 98 WATER DISTRICT

HS 1380.400 Fiscal Agent - Contractual
HS 1420.400 Legal Expense - Contractual
HS 1440.100 Engineering – Personal Services
HS 1440.110 Engineering – Personal Svc – Water
HS 1440.120 Engineering – Personal Svc – Sewer
HS 1440.130 Engineering – Personal Svc – Drainage
HS 1440.140 Engineering – Personal Svc – Roadway
HS 1440.200 Engineering - Equipment
HS 1440.400 Engineering – Contractual - Supplies and Materials
HS 1440.410 Engineering – Contractual – Consultant A
HS 1440.411 Engineering – Contractual – Consultant B
HS 1440.412 Engineering – Contractual – Consultant C
HS 1440.430 Engineering – Rental Equipment
HS 1440.440 Engineering - Miscellaneous
HS 1989.400 Advertising - Contractual
HS 5110.400 Maintenance of Roads – Contractual - Construction
HS 8340.400 Transmission/Distribution – Contractual – Construction
HS 8340.410 Transmission/Distribution – Contractual – Other
HS 8340.420 Transmission/Distribution – Contractual – Archeological
HS 9730.600 BAN – Principle
HS 9730.700 BAN – Interest
HS 9901.900 Transfers To Other Funds
HS 2401 Interest & Earnings

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HS 2770 Miscellaneous Revenues
HS 3591 State Aid Highway
HS 4589 Federal Aid Highway
HS 4991 Water Capital Grants
HS 5031 Interfund Transfers
HS 5710 Serial Bonds
HS 5730 BAN Proceeds
HS 5731 BAN Redeemed From Appropriations

HT – NORTH-WEST OF ROUTE 98 WATER DISTRICT

HT 1380.400 Fiscal Agent - Contractual
HT 1420.400 Legal Expense - Contractual
HT 1440.100 Engineering – Personal Services
HT 1440.110 Engineering – Personal Svc – Water
HT 1440.120 Engineering – Personal Svc – Sewer
HT 1440.130 Engineering – Personal Svc – Drainage
HT 1440.140 Engineering – Personal Svc – Roadway
HT 1440.200 Engineering - Equipment
HT 1440.400 Engineering – Contractual - Supplies and Materials
HT 1440.410 Engineering – Contractual – Consultant A
HT 1440.411 Engineering – Contractual – Consultant B
HT 1440.412 Engineering – Contractual – Consultant C
HT 1440.430 Engineering – Rental Equipment
HT 1440.440 Engineering - Miscellaneous
HT 1989.400 Advertising - Contractual
HT 5110.400 Maintenance of Roads – Contractual - Construction
HT 8340.400 Transmission/Distribution – Contractual – Construction
HT 8340.410 Transmission/Distribution – Contractual – Other
HT 8340.420 Transmission/Distribution – Contractual – Archeological
HT 9730.600 BAN – Principle
HT 9730.700 BAN – Interest
HT 9901.900 Transfers To Other Funds
HT 2401 Interest & Earnings
HT 2770 Miscellaneous Revenues
HT 3591 State Aid Highway
HT 4589 Federal Aid Highway
HT 4991 Water Capital Grants
HT 5031 Interfund Transfers
HT 5710 Serial Bonds
HT 5730 BAN Proceeds
HT 5731 BAN Redeemed From Appropriations

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Gerace, Lang, Underhill

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APPROVED by unanimous vote (5-0)

Abstract No. 6-2010: Motion Councilman Gerace, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$ 43,240.44
Highway	83,569.49
Sewer No. 1	1,170.43
Sewer No. 2	1,362.34
Water	8,783.44
Pearl	13,947.12
Wilkinson	16,790.31
Alexander/Pike	28,018.66
Rose	58,752.38
Wortendyke	900.00
Pratt	1,000.00
Batavia North East 98	1,200.00
Batavia North West 98	<u>1,200.00</u>
TOTAL	\$259,934.61

Check numbers 14939 thru 15012, online \$456.15

Ayes: Gerace, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor's Report:

CSX- The Supervisor met with the President of CSX Board regarding the waterline on Wortendyke Road.

Sanitary Sewer Improvements- Are moving along and are on schedule.

MED-TECH is nearly completed and ready to close out for their certificate of occupancy.

Water District Funding- Seeking funding for five water districts.

Recreation Fields- The Recreation Fields on Bank Street Road are being well received.

Attendance for soccer has been 300 to 500 participants.

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%.

Employee Handbook Committee- Appointed Hiedi Librock, Patti Michalak and Teresa Morasco to the Employee Handbook Committee

GAM- The GAM meeting will be at BW Restaurant in Pavilion tomorrow evening at 7:00 P.M.

JUNK YARD LICENSE- Motion Councilman Gerace, second Councilman Lang to approve the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate Junk Yard Licenses contingent on the recommendation of the Building Inspector.

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

ASSESSOR CERTIFICATION SCHOOL- Motion Deputy Supervisor Underhill, second Councilwoman Michalak authorizing the Assessor Trainee to attend the Assessor Certification School, June 14 through June 18 and July 12 through July 16, 2010 at Genesee County Building #2 at a cost of \$875.00.

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

ASSESSOR EDUCATION CREDITS- Motion Councilman Lang, second Councilman Gerace, authorizing the Assessor to attend Cornell University in July to obtain his continued education credits for certification as Assessor.

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

COMMUNICATIONS:

The Town Clerk reported on the following:

May Town Clerk monthly report collected a total of \$7,700.98 remitted \$7,111.40 to the Supervisor for the Local Share.

Liquor License Renewals –Received notification from Terry Hills Restaurant & Banquet Facility and TLC West, LLC d/b/a/ Applebees’s Neighborhood Grill & Bar that they have applied for their renewal of their liquor licenses.

Black Creek Watershed Coalition meeting will be on Tuesday June 29, 2010

Kiwanis Park Donation- Received a donation from Kelly Natalizia for the use of Kiwanis Park. A thank you letter was sent out on behalf of the Town.

NYSALGO- Attended the New York State Association of Local Government Officers conference in Rochester. The records management classes focused on e-discovery and cloud computing.

The Town is currently working on converting records to electronic form with funds received from a Local Government Improvement Fund Grant in 2008 – 2009 and again in 2009 -2010. It has expanded on the Enterprise Content Management System and over the last six months has been working on a Standard Operating Policy with the assistance of the NYS Archives District Director for this system. The draft is expected to be completed by August 1.

COMMITTEE REPORTS:

Parks- Councilman Gerace reported that the park committee will be meeting sometime next week and the draft Conceptual Park Plan will be ready then.

Public Informational Meeting & Special Town Board Meeting will be held June 30 beginning at 7:00 P.M. at the Town Hall on the draft Conceptual Park Plan. The Special Meeting for the approval of the plan and for filing a new grant application to the New York State Parks, Recreation and Historic Preservation will immediately follow the informational meeting.

ADJOURNMENT:

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Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:43P.M.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk