

**AUGUST 18, 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
Building Inspector Worthington

The Supervisor called the meeting to order at 7:04 P.M.

July 21, 2010 Regular Town Board Meeting and July 28, 2010 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.
Ayes: Underhill, Michalak, Gerace, Lang, Post
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 123:

Councilman Lang offered the following:

RESOLUTION ADOPTING LOCAL LAW #2 OF 2010

WHEREAS, proposed Local Law #2 of 2010 of the Town of Batavia entitled “A Local Law to Enact Part A of the New York State 2010 Retirement Incentive Program”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on July 28, 2010, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on August 18, 2010, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #2 of 2010 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law #2 of 2010 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #2 of 2010 be filed with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 124:

Deputy Supervisor Underhill offered the following:

RESOLUTION AUTHORIZATING THE TRANSFER
OF THE OBSOLETE VOTING MACHINES TO GENESEE COUNTY

WHEREAS, as of September 14, 2010 there will be new voting machines, supplied by Genesee County; and

WHEREAS, the Town possesses four (4) obsolete voting machines, #101279, 115114, 101278, and 115115.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia authorizes the transfer of the obsolete voting machines to Genesee County.

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

RESOLUTION NO. 125:

Supervisor Post offered the following:

PURCHASE OF NETWORK STORAGE DEVICE

WHEREAS, the network storage is growing with the need for the new Pictometry files and such; and

WHEREAS, Hurricane Technology recommends that the Town invest in a Network Storage device that the Town can add storage to in the future as needed; and

WHEREAS, the Town received two quotes for the Thecus n8800SAS Network Storage Appliance and storage devices, lowest quote from Newegg at a cost of \$2,772.52.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of the Thecus n8800SAS Network Storage Appliance and Devices at a cost not to exceed \$2,800.00.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, Gerace, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO.126:

Councilwoman Michalak offered the following:

30 DAY LIQUOR LICENSE WAIVER NOTICE
AVI FOODSYSTEMS, INCORPORATED

WHEREAS, the New York State Liquor Law requires an applicant who is applying for a liquor license to give the local municipality a 30 day advance notice; and

WHEREAS, AVI Foodsystems, Incorporated, Catering Service for Genesee Community College, is requesting a waiver of the thirty (30) day advance notice (request attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the waiver of the thirty (30) day advance notice of their intent to apply for a liquor license; and

BE IT FURTHER RESOLVED, the Town Clerk is hereby authorized and directed to submit a letter to the New York State Liquor Authority indicating that the Town has no objections to the application of AVI Foodsystems, Incorporated and the waiver of such thirty (30) day notification.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 127:

Councilman Gerace offered the following:

APPROVAL OF CHANGE ORDER NO. 1
2008 WATER SYSTEM IMPROVEMENTS-TRANSMISSION MAIN

WHEREAS, Morsch Pipeline, Incorporated is under contract with the Town of Batavia for the 2008 Water System Improvement Transmission Main project, and

WHEREAS, Morsch Pipeline, Inc. has submitted a change order, requesting an over/under quantity adjustment in the amount of -\$12,136.30 (decrease), 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

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Change Order which is contingent upon approval by USDA – Rural Development.

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

RESOLUTION NO. 128:

Councilman Lang offered the following:

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND WENDEL DUCHSCHERER
GIS PROGRAMMING AND TRAINING**

WHEREAS, the Town of Batavia has received approval from USDA Rural Development for additional programming and training; and

WHEREAS, Wendel Duchscherer, submitted a proposal to assist the Town with the implementation of the additional programming and training at a cost of \$23,400.00 (proposal attached); and

WHEREAS, the Town Engineer has negotiated this pricing and services with Wendel Duchscherer and finds their proposal acceptable to meet the Town’s needs.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Wendel Duchscherer to assist the Town in the implementation of the additional programming and training.

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

Abstract No. 8-2010: Motion Councilman Lang, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$ 48,042.36
Highway	7,875.72
Sewer No. 1	7,806.11
Sewer No. 2	39,703.96
Water	9,647.71
Pearl	1,432.65
Wilkinson	2,004.43
Alexander/Pike	11,886.98
Rose	7,172.63
CDBGR	135,159.98
Sewer 1 Improvements	20, 000.00

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Park Road	75.00
TOTAL	\$290,807.53

Check numbers 15105 thru 15174, CDBGR ck 115

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Building Inspector reported on the following:

Nathaniel Development Corporation- Planning Board issued a Positive Declaration for Nathaniel Developments SEQR Application to subdivide 11.74 acres into 13 building lots.

Retirement- Considering taking advantage of the retirement incentive and preparing scenarios for this.

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 .20%.

Informational Meeting will be held Wednesday, August 25, 2010 at 6:30 on the Pike/Wortendyke Water Transmission Main – Water District Formation.

GAM- Next GAM Meeting will be at the LB Grand, in LeRoy on September 16. Genesee County Treasurer will be the guest speaker.

NYSSREA MINERAL RIGHTS VALUATION COURSE-Motion Deputy Supervisor Underhill, second Councilman Lang authorizing the Assessor Trainee to attend the New York State Society of Real Estate Appraisers Course on Mineral Rights Valuation and the Introduction to Microsoft Access in Rye Brook, New York September 12 – 14, 2010.

Ayes: Underhill, Lang, Michalak, Gerace, 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 \$5,296.61 remitted \$4,471.58 to the Supervisor for the Local Share.

Agricultural Plastic Container Recycling collection will be between October 18 and October 29, coordinated by the Genesee County Soil & Water Conservation District, pre registration is required. Contact the GCSWCD at 343-2362.

Conservation Licenses went on sale Monday, August 16. The Town Clerk highly encourage the hunters to purchase the licenses from the municipalities rather than online. By purchasing the licenses from the Town, a percentage goes to the municipality, whereas online the Town receives nothing.

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:18 P.M.

Ayes: Gerace, Underhill, Michalak, Lang, Post

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MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk