

**SEPTEMBER 15, 2010  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Patti Michalak, Councilwoman 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 7:00 P.M.

**August 18, 2010 Public Hearing-Local Law #2 of 2010-Retirement Incentive-** 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)**

**August 18, 2010 Regular Town Board Meeting:** Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (5-0)**

**September 7, 2010 Special Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

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

**Abstain:** Lang

**MOTION CARRIED (4-ayes, 1-abstain)**

**RESOLUTION NO. 130:**

Councilman Lang offered the following:

**RESOLUTION ADOPTING LOCAL LAW #3 OF 2010**

**WHEREAS**, proposed Local Law #3 of 2010 of the Town of Batavia entitled “A Local Law to Enact Part A of the New York State 2010 Retirement Incentive Program and to Repeal Local Law # 2 of 2010”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on September 7, 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 September 15, 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

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**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #3 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 #3 of 2010 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #3 of 2010 be filed with the New York State Secretary of State in accordance with Law.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 131:**

Deputy Supervisor Underhill offered the following:

**CONSULTANT AGREEMENT MODIFICATION**  
**PARK ROAD RECONSTRUCTION PROJECT**

**WHEREAS**, the Town of Batavia authorized the Supervisor to negotiate the cost for the contract agreement for the Park Road Reconstruction Project on April 21, 2010 in Resolution No. 80; and

**WHEREAS**, the consultant selection team selected the firm of Dewberry-Goodkind, Inc. to assist the Town Engineering Department with the design of the Park Road Reconstruction Project; and

**WHEREAS**, the Town entered into an Agreement with Dewberry-Goodkind, Inc.(hereinafter referred to as the “original Dewberry Agreement” ) to assist the Town with the design of the Park Road Project; and

**WHEREAS**, Dewberry-Goodkind, Inc. decided to close its offices in Monroe County; and

**WHEREAS**, the consultant firm of Clark Patterson Lee, located at 186 North Water Street, Rochester, NY 14604-1122 has hired the Dewberry personnel and will continue to use the subcontractors that were working on the Park Road Reconstruction Project to continue providing services to complete the project efficiently and cost effectively for the Town; and

**WHEREAS**, Clark Patterson Lee will assume Dewberry’s rights and obligations of the original Dewberry Agreement in a proposed Agreement Amendment No. 1; and

**WHEREAS**, the assistant Town Engineer is recommending to the Town Board to allow Clark Patterson Lee to assume the rights and obligations of the original Dewberry Agreement.

**NOW, THEREFORE, BE IT**

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**RESOLVED**, by the Town Board of Batavia, New York, that an “Agreement Amendment No. 1”, by and between the Town of Batavia and Clark Patterson Lee, with the consent of Dewberry-Goodkind, Inc., which is annexed hereto and made a part of the Town Board Minutes, is hereby approved and the Town Supervisor is hereby authorized and directed to execute this Agreement on behalf of the Town of Batavia.

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

**RESOLUTION NO. 132:**

Supervisor Post offered the following:

**PURCHASE OF OFFICE WORKSTATIONS**

**WHEREAS**, office workstations are needed in the Assessor’s office, the extra Office in the Town Hall and the conference room; and

**WHEREAS**, funds were appropriated in the 2010 Town Budget under building contractual; and

**WHEREAS**, Office by Design, Incorporated presented Workstation designs and quotes from New York State Contract numbers PC#63385 (attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of Office Workstations at a cost not to exceed \$7,000.00; and be it further

**RESOLVED**, the expenditure will be appropriated from the line items A1620.404 and A1355.200; and be it further

**RESOLVED**, the shortfall for line A1355.400 will be covered by a transfer from line A1620.404.

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

**Abstract No. 9-2010:** Motion Deputy Supervisor Underhill, second Councilman Gerace to authorize the Supervisor to pay the following vouchers:

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General	\$ 38,970.81
Highway	47,997.14
Sewer No. 1	1,739.26
Sewer No. 2	393,497.46
Water	50,319.42
Pearl	148.00
Wilkinson	274.00
Putnam/Alexander	434.00
Alexander/Pike	7,740.00
Rose	5,310.00
Creek	2,250.00
Pratt	2,250.00
Sewer 1 Improvements	2,800.00
Park Road	2,950.00
NE Route 98	2,250.00
NW Route 98	2,250.00
CDBGR	116,981.67
<b>Total</b>	<b>678,161.76</b>

Check numbers 15175 thru 15256, and 116, ACH \$409,071.88

**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 .18%.

**GAM-** Next GAM Meeting will be at the LB Grand, in LeRoy on September 16, 2010.

**Special Town Board Meeting** September 22, 2010 at 5:00 P.M. to call public hearing for the Proposed Wortendyke and Pike Roads Water District.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**August Town Clerk monthly report** collected a total of \$11,806.41 remitted \$7,454.16 to the Supervisor for the Local Share.

**Assemblyman R. Stephen Hawley Drive Speed Limit-** Received notice for the NYSDOT that they have received our request to lower the speed limit on Assemblyman R. Stephen Hawley Drive. Once their study is complete they will notify the Town of their determination.

**Wortendyke/Pike Roads Water District Petition-** Petition to request establishment of

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Wortendyke and Pike Roads Water District was filed on Monday, September 13, 2010.

**Kiwanis Park Donation**- Received a donation from Nancy Francis for the use of Kiwanis Park. A thank you letter was sent out to her on behalf of the Town.

**Black Creek and Oatka Creek Symposium**- There will be a Symposium on the Black Creek and Oatka Creek Watersheds, October 28, 2010 at Woodside Lodge, Black Creek Park from 4:00 P.M. to 8:00 P.M.

**National Prescription Drug “Take-Back” Initiative**- The Wyoming County Sheriff’s will be participating in the National Prescription Drug “Take-Back” Initiative on Saturday, September 25, 2010 from 9:00 a.m. to 1:00 p.m. at the Wyoming County Sheriff’s Office. Anyone can drop off unused obsolete prescription medication to get them out of their homes so they don’t end up on the street.

**Environmental Facilities Corporation (EFC)**- Is hosting an information session on September 21, 2010 at 11:00 a.m. at eh Monroe Community college Brighton Campus to outline the Clean and Drinking Water State Revolving Funds and the upcoming Green Innovation Grant Program.

**Planning/Zoning Workshops**- September 29, 2010 there will be a Land Use Training presented by Orleans County Planning and Niagara County Economic Development at Medina Cliffords Wise Middle School, October 13 & 14 there will be a Floodplain and Stormwater Workshop at the Genesee County Fire Training Center, and TVGA Consultants are hosting a Municipal Dollars and Sense Workshop October 22, 2010.

**COMMITTEE REPORTS:**

**Parks**- Councilman Gerace reported that there is a grant workshop October 13, 2010 at Genesee County Park that he will be attending along with other Town officials.

**Budget**-Supervisor Post reported the Town Board will continue to work on the 2011 Tentative Budget at the weekly work sessions. They are about halfway through the budget.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:15 P.M.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk