

June 15, 2011
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Deputy Supervisor Underhill 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 7:00 P.M.

The Supervisor requested a “Moment of Silence” for the recent passing of the Town of Batavia’s former Zoning Enforcement Officer, Billy Joe Wendt. Mr. Wendt served the Town from 1976 to 1993.

May 18, 2011 Public Hearing-CDBG Alpina: Motion Councilman Lang, second Councilman Gerace to approve the minutes as written.

Ayes: Lang, Gerace, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

May 18, 2011 Regular Town Board Meeting: Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

Ayes: Lang, Michalak, Gerace, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 104:

Councilman Lang 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 auditor’s

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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.

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

RESOLUTION NO. 105:

Deputy Supervisor Underhill offered the following:

**AWARD OF CONTRACT FOR
TEMPERATURE AND HUMITDITY CONTROL SYSTEM
FOR COMPUTER SERVER ROOM
ARCTIC REFRIGERATION COMPANY OF BATAVIA INCORPORATED**

WHEREAS, the Town Engineer solicited quotes for furnishing and installing a temperature and humidity control system to be placed in the service room; and

WHEREAS, two proposals were received and one no bid; and

WHEREAS, Arctic Refrigeration Company of Batavia, Incorporated submitted the lowest responsible proposal which meets the specifications as reviewed by the Town Engineer.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contract (request for proposal specifications as binding contract) at a cost not to exceed Four Thousand Ninety-Four dollars and Zero cents (\$4,094.00); and be it further

RESOLVED, the expenditure will be appropriated from line item A1620.200 Equipment.

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

RESOLUTION NO. 106:

Supervisor Post offered the following:

**DEDICATION OF WATER AND SEWER IMPROVEMENTS FOR
UPSTATE MEDICAL AND TECHNOLOGY PARK
FROM
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**

WHEREAS, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP.(GCEDC/GGLDC) has substantially completed water

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and sewer improvements necessary for the Upstate Medical and Technology Park; and

WHEREAS, GCEDC/GGLDC has constructed the water and sewer improvements as shown on drawings labeled Upstate New York Medical and Technology Park dated October 23, 2007 and subsequent revisions, under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

WHEREAS, GCEDC/GGLDC has requested the Town of Batavia to accept dedication of said water and sewer improvements as described in the attached letter; and

WHEREAS, the attached letter identifies some punch list items remain which the GCEDC/GGLDC agree to work with the Town until their completion and/or resolution;

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia accepts dedication of said water and sewer improvements from GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP.

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 107:

Councilwoman Michalak offered the following:

**DEDICATION OF WATER AND SEWER IMPROVEMENTS FOR
GENESEE VALLEY AGRI-BUSINESS PARK
FROM
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**

WHEREAS, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP. (GCEDC/GGLDC) has substantially completed water and sewer improvements necessary for the Genesee County Ag Park; and

WHEREAS, GCEDC/GGLDC has constructed the water and sewer improvements as shown on drawings labeled Genesee Valley Agri-Business Park dated August 17, 2009 and subsequent revisions, under the supervision of the Town of Batavia, and in accordance with the rules, regulations and laws regarding such construction; and

WHEREAS, GCEDC/GGLDC has requested the Town of Batavia to accept dedication of said water and sewer improvements as described in the attached letter; and

WHEREAS, the attached letter identifies some punch list items remain which the GCEDC/GGLDC agree to work with the Town until their completion and/or resolution;

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NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia accepts dedication of said water and sewer improvements from GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER / GENESEE GATEWAY LOCAL DEVELOPMENT CORP.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Gerace, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 108:

Councilman Gerace offered the following:

APPOINTMENT – TOWN ASSESSOR

WHEREAS, Michael Cleveland has been the Assessor for the Town of Batavia since July 1, 1991, with the current term expiring September 20, 2013; and

WHEREAS, Mr. Cleveland resigned the duties of Assessor as of Wednesday, June 15, 2011, and

WHEREAS, Rhonda Saulsbury, Town of Batavia Assessor Trainee has successfully completed the basic course of training requirements and training time for appointment to assessor (NYSORP letter and certificate attached);

WHEREAS, as Assessor Trainee, Ms. Saulsbury has done an exemplary job.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby appoints Rhonda Saulsbury, 8795 Rollin Circle, Batavia, New York 14020, as Assessor for the Town of Batavia to serve the unexpired term. The term will begin immediately and expire September 30, 2013.

Second by: Councilman Lang

Ayes: Gerace, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Discussion- Supervisor Post expressed his gratitude to Mr. Cleveland and his congratulations to Ms. Saulsbury's on her accomplishment.

RESOLUTION NO. 109:

Councilman Lang offered the following:

RESOLUTION APPOINTING ASSESSOR TRAINEE

WHEREAS, the Town of Batavia desires to appoint Daniel Lang, as Assessor Trainee; and

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WHEREAS, Daniel Lang satisfies the requirements and qualifications of the position of Assessor Trainee; and

WHEREAS, it is anticipated that the appointment of Mr. Lang to the position of Assessor Trainee will most effectively ensure the provision of necessary services to the Town and its residents.

NOW THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby appoints Daniel Lang as Assessor Trainee, effective immediately.

Second by: Councilman Gerace

Ayes: Lang, Gerace, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Discussion- Supervisor Post expressed that Mr. Lang will be doing this with no additional pay. Working between the Building Department and Assessment office compliments each other.

RESOLUTION NO. 110:

Deputy Supervisor Underhill offered the following:

DISPOSE OF EQUIPMENT

WHEREAS, the Town Clerk recommended to the Batavia Town Board to declare the following equipment of no value to the Town, dispose of and remove it from the Town's inventory:

Tag #34- Dell Computer, SN#73B6D21
Tag #43-MC Clone Computer
Acer Laptop, Purchased 1999, SN# 9145B0119590400064K
Power Graphics Computer
Generic Computer SN# 849399
Star System Computer
SonicWall TZ190, SN# 0017C52AD864
APC Backup Pro 1400

WHEREAS, the computer hard drives have been erased, removed and smashed by Hurricane Technology.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby declares the aforementioned equipment of no value to the Town and authorizes the Town Clerk to dispose of such and directs the bookkeeper to remove the items from the Town's inventory.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 111:

Supervisor Post offered the following:

**UPGRADE TOWN FACILITIES ACCESS SYSTEM
CORE LOCKS AND KEYS
INTERIOR DOORS**

RESOLVED, the Batavia Town Board hereby authorizes the upgrade of the Town Facilities Best Lock Access System for interior office doors, with the purchase of the Best Lock Cormax from Stanley Security Solutions at a cost of \$1,614.81 (quotes attached).

Second by: Councilman Gerace

Ayes: Post, Gerace, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 112:

Councilwoman Michalak offered the following:

**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ELECTRONIC WASTE COLLECTION SITE REGISTRATION**

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the New York State Department of Environmental Conservation (NYSDEC) registration form for the Town's electronic waste collection site (form attached); and be it

FURTHER RESOLVED, payment of \$250.00 for the registration fee is hereby authorized to the NYSDEC.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 6-2011: Motion Councilman Gerace, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$45,363.78
Highway	12,825.05
Sewer No. 1	1,781.40
Sewer No. 2	1,782.03
Water	10,780.57
Pearl	318.42
NW Route 98	175.00
NE Route 98	175.00
Pratt	350.00
Creek	350.00
Wilkinson	445.49
Rose	1,594.15
Alexander/Pike	2,641.94
Wortendyke	31,663.72
W Main/Wortendyke Sewer	60.00
Total	110,306.55

Check numbers 15970-15990, 15992-16049, ACH \$4,547.50. Online \$2,426.47

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported:

Highway Department has been working on Galloway and Kelsey Roads cleaning ditches and drainage.

Wastewater- There has been a delay in the Sewer District 1 pump station due to warranty issues. The Wastewater department responded to a broken sewer line west of the Bushville Bridge.

Website- Met with the Town Clerk, Engineer Technician and Rockhopper on the redevelopment of the Town's website.

Building Department- There are many ongoing projects. The hotel project is moving forward.

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 General and Reserve Funds are invested in CD's paying a rate of .20% and .40%.

GAM- Next GAM Meeting will be tomorrow evening at BW's, hosted by the Town of Pavilion at 7:00 P.M.

NYS GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) SEMINAR-Motion was made by Deputy Supervisor Underhill, second by Councilman Gerace authorizing the Secretary to the Supervisor to attend the GFOA Summer Seminar July 14, 2011 at Terry Hills at a cost of \$75.00.

Ayes: Underhill, Gerace, Lang, Michalak, Post

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ASSESSOR SEMINAR-CORNELL UNIVERSITY-Motion was made by Councilwoman Michalak, second by Councilman Lang authorizing the Assessor to attend the RPSV4 Data Extraction Seminar at Cornell University in Ithaca, New York, July18 through 22, 2011 at an approximate cost of \$1,000.00. The Town's vehicle will be used.

Ayes: Michalak, Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

JUNK YARD LICENSES- Motion was made by Deputy Supervisor Underhill, second by Councilman Gerace 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.

Ayes: Underhill, Gerace, Lang, 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 \$5,663.11, remitted \$5,200.10, to the Supervisor for the Local Share.

Liquor License Renewal –Received notification from Ri-Dans, Incorporated that they have applied for their renewal of their liquor licenses.

COMMITTEE REPORTS:

Courts-The Supervisor and Councilman Lang meet with the Courts. The court has been utilizing the additional court clerk hours to tackle the backlog of work.

ADJOURNMENT:

Motion Councilman Gerace, second Councilwoman Patti to adjourn the Regular Town Board Meeting at 7:25 P.M.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk