

**AUGUST 17, 2011  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Al Lang, Councilman 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  
Planning Chair Jasinski  
Roger Muehlig, Daily News Reporter  
Jeff Reddick, WBTA News Reporter

The Supervisor called the meeting to order at 7:02 P.M.

**July 20, 2011 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)**

**July 27, 2011 Special Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

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

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

**RESOLUTION NO. 127:**

Councilman Lang offered the following:

**RESOLUTION TO AUTHORIZE SUBMITTAL OF GRANT APPLICATION TO NYS  
OPRHP FOR BATAVIA TOWN PARK  
LAND ACQUISITION AND DEVELOPMENT**

**WHEREAS:**

1. The Batavia Town Board has approved the Batavia Town Park Conceptual Plan as a guide to the development of the Batavia Town Park.
2. The Town Board intends to implement a portion of the development plan as documented in the Batavia Town Park Conceptual Plan.
3. The acquisition of additional land would provide significant additional opportunities for recreation that are consistent with the preservation of sensitive natural resources.
4. The Town of Batavia has obtained purchase options for the acquisition of land to expand the Batavia Town Park.

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5. Grant funding is needed to enable the Town to acquire additional land for the Batavia Town Park and to develop a portion of the park for recreational uses.

**RESOLVED:**

That Gregory Post, as Supervisor of the Town of Batavia, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$ 400,000, and upon approval of said request to enter into and execute a project agreement with the State such financial assistance to acquire additional land and develop the Batavia Town Park on Galloway Road and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 128:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO AUTHORIZE THE PURCHASE OF  
REAL PROPERTY LOCATED AT 999 PARK ROAD**

**WHEREAS**, the Town of Batavia is interested in purchasing from the City of Batavia a real property parcel consisting of an approximately 19 acre vacant lot, located on the southeast corner of Veteran's Memorial Drive and Park Road, known locally as 999 Park Road, and

**WHEREAS**, the purpose of this purchase would be to use this parcel to construct a building for governmental purposes that would include renting space for a visitor's center for the Genesee County Chamber of Commerce, as well as a Court facility with the potential to be used jointly by the Towns of Batavia, Elba and Oakfield, and

**WHEREAS**, this parcel was purchased by the City of Batavia from the United States of America with certain restrictions thereon related to the use of an adjacent parcel by the Department of Veteran's Affairs, and

**WHEREAS**, the United States of America executed a "Release of Restriction on Use", dated October 28, 2008, requiring certain enhancements consisting of the installation of sidewalks, the installation of directional signage and the revitalization of a pond located on the parcel, and

**WHEREAS**, an appraisal of this property was prepared by Bruckner, Tillett, Rossi, Cahill & Associates, dated March 6, 2008, which provided an estimate of the fair market value of this parcel of \$150,000.00, and

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**WHEREAS**, the Town Board of the Town of Batavia believes it would be in the best interest of its residents to purchase this parcel of real property for the appraised value, subject to the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the annexed “Purchase and Sale Contract for Lots and Vacant Land” with a “Buyer’s Responsibilities Addendum”, are hereby approved as to form and to content, and the Supervisor of the Town is hereby authorized and directed to execute these documents; as well as all other documents necessary to purchase a 19 acre parcel of vacant land, located on the southeast corner of Veteran’s Memorial Drive and Park Road, known locally as 999 Park Road in the City of Batavia, Genesee County and State of New York, Tax Map No. 71.13-3-1.111, for the price of \$150,000.00, subject to the permissive referendum process, and

**BE IT FURTHER RESOLVED** that the purchase of this parcel of land is subject to the “Release of Restriction on Use” of this land executed on behalf of the United States of America through the Department of Veteran’s Affairs on October 28, 2008, and the Town of Batavia does hereby authorize the following expenditures, as required in said Release:

- a. The installation of sidewalks from the intersection of Route 98 and Park Road to the intersection of Veterans Parkway (cost estimated at \$140,000);
- b. The installation of directional signage to be located at the above intersections (cost is to be approximately \$10,000); and
- c. The revitalization of the wetlands, known as “pond”, located on the parcel which will ultimately result in the reopening of the pond area allowing enhanced recreational activities for the long-term care patients and behavioral health residents.

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

**Discussion-** Supervisor Post expressed that he is happy to support this. It has been a long process with involvement from a number of entities.

**RESOLUTION NO. 129:**

Supervisor Post offered the following:

**APPOINTMENT TO PLANNING BOARD**  
**TO FILL AN UNEXPIRED TERM**

**WHEREAS**, a vacancy has occurred on the Town of Batavia Planning Board due to the death of Robert Rumble, his term expiring December 31, 2011.

**RESOLVED**, the Batavia Town Board hereby appoints Jeremy Liles, 3932 South Main Street Road, Batavia, New York, to the Town of Batavia Planning Board, commencing immediately and

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expiring December 31, 2011 and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

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

**RESOLUTION NO.130:**

Councilwoman Michalak offered the following:

**APPOINTMENT TO PLANNING BOARD -ALTERNATE MEMBER**  
**TO FILL AN UNEXPIRED TERM**

**WHEREAS**, Jeremy Liles, 3932 South Main Street Road, Batavia, New York, was appointed to the Town of Batavia Planning as an alternate member in January 2011, his term expiring December 31, 2011; and

**WHEREAS**, Jeremy was appointed as a regular member on August 17, 2011, creating a vacancy; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Planning Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Jonathon Long, 9424 Putnam Road, Batavia, New York, to the Town of Batavia Planning Board as an alternate member to fill an unexpired term, commencing immediately and expiring December 31, 2011, and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

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

**RESOLUTION NO. 131:**

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Councilman Gerace offered the following:

**VOLUNTEERS OF AMERICA-BATAVIA STORE  
PROCLAMATION**

**WHEREAS**, Volunteers of America is a national, non-profit organization that has provided vital outreach and services to people in need since its founding in New York City on March 8, 1896; and

**WHEREAS**, in 1901 Volunteers of America of Western New York was founded in Rochester, supporting more than 5,000 people per year in Western and Central New York communities by providing housing and support services for the homeless, care and educational programs for at-risk children, the Working Wardrobe for Adults seeking employment and crisis assistance for families in need; and

**WHEREAS**, the purchase of items at Volunteers of America Stores helps support a continuum of programs throughout Western New York that empower individuals in need as they work to break the cycles of poverty and reach their full potential.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Batavia Town Board hereby welcomes Volunteers of America Store, located at 587 East Main Street, Batavia, New York in the Genesee County community; and be it further

**RESOLVED**, the Batavia Town Board wishes the Volunteers of America continued success in their efforts to help individuals and families throughout our entire community.

**Second by:** Councilwoman Michalak

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

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

**Discussion-** The Volunteers of America Store will be having their Grand Opening on September 10 at 10:00 a.m. The Town Supervisor will be presenting a proclamation at that time.

**RESOLUTION NO. 132 :**

Councilman Lang offered the following:

**AUTHORIZING PARTICIPATION IN  
YEAR 2012 JOINT YOUTH PROGRAM**

**WHEREAS**, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

**WHEREAS**, the Town of Batavia's contribution to this joint youth project is \$9,146.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$2,000.00;

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**RESOLVED**, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2012; and be it further

**RESOLVED**, that the year 2012 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2012:

| <u>Programs</u>         | <u>Town of Batavia Share</u> |
|-------------------------|------------------------------|
| City of Batavia (R006)  | \$ 3,442.00                  |
| Pembroke, et al. (R004) | \$ 2,080.00                  |
| Oakfield/Alabama (R005) | \$ 906.00                    |
| Elba (R001)             | \$ 906.00                    |
| Byron/Bergen (R002)     | \$ 906.00                    |
| Alexander (R003)        | <u>\$ 906.00</u>             |
| Total                   | \$9,146.00                   |

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

**SUSPEND THE RULES**-Motion Deputy Supervisor Underhill, second Councilman Gerace to suspend the rules to introduce additional resolutions.  
**Ayes:** Underhill, Gerace, Lang, Michalak, Post  
**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 133:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA  
SEQR - LEAD AGENCY RESOLUTION**

**WEST MAIN STREET ROAD SEWER DISTRICT**

**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the extension of sanitary sewer improvements within the West Main Street Road Sewer District. Approximately 11,350 linear feet of gravity sewer line and 3,600 linear feet of forcemain will be installed along an alignment on West Main Street Road and Kelsey Road. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

**FURTHER RESOLVED**, the Town Board has determined that, as a segment of the project is

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located in a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

**RESOLUTION NO. 134 :**

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE PHASE I ARCHEOLOGICAL INVESTIGATIONS FOR  
THREE WATERLINE PROJECTS  
CREEK ROAD WATER DISTRICT  
PRATT ROAD WATER DISTRICT  
BATAVIA NORTH WATER DISTRICT (WEST OF ROUTE 98 ONLY)**

**WHEREAS**, the Town of Batavia is developing plans to install public water improvements within three water districts, including the Creek Road Water District (22,000 linear feet watermain), the Pratt Road Water District (16,200 linear feet watermain), and the Batavia North Water District (25,800 linear feet watermain west of Route 98).

**WHEREAS**, an environmental review is required for the construction of the proposed public water improvements, and

**WHEREAS**, the State Historic Preservation Office has requested a Phase I Archeological Investigation and photographs of each project area, and this investigation is necessary to complete the environmental review of each of the proposed actions,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Batavia authorizes the Supervisor to sign the contract with Powers & Teremy LLC to prepare a Phase I Archeological Investigation of each project area. The Town of Batavia acknowledges that the combined lump sum fee for the studies is \$7,043.98 and acknowledges that the Town is responsible for payment of this fee.

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**Second by:** Councilman Gerace

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

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

**Discussion-** The Supervisor informed that this archeological investigation does not include Batavia North –Route 98 East because the agency did not request an investigation for that area.

**Abstract No. 8-2011:** Motion Councilman Gerace, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

|              |                     |
|--------------|---------------------|
| General      | \$87,009.05         |
| Highway      | 77,720.65           |
| Sewer No. 1  | 29,647.79           |
| Sewer No. 2  | 48,191.58           |
| Water        | 20,683.58           |
| Wortendyke   | 719.90              |
| <b>Total</b> | <b>\$263,972.55</b> |

Check numbers 16138 – 16177, 16179 – 16208, 16212, online \$410.84, ACH- \$12,979.37

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

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

**DEPARTMENT REPORTS:**

**Supervisor reported for the following departments:**

**Highway** has been busy trimming, mowing and paving.

**Water/Wastewater-**

**Sanitary Sewer Meters**-All the sanitary sewer meters that were in place for the past 18 months to evaluate the City's interceptors and sewer lines have been removed.

**Sanitary Sewer Improvement Project**-The paving at the Byron Road Sanitary Sewer Pump Station is finished and the project is nearly completed.

**Planning Board-** Kathy Jasinski, Planning Board Chair reported that at the planning board meeting last evening they scheduled a public hearing for the Genesee County NYSARC on their application for a Special Use Permit to operate a recycling operation at 3785 West Main Street Road (the former Duro Shed location). The Planning Board also scheduled a public input meeting for September 20<sup>th</sup> for the Gardener Estates Final Scoping Document.

**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 a CD's paying a rate of .21% and .40%.

**HISTORIANS WESTERN NEW YORK FALL MEETING-**Motion was made by Councilman Lang,

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seconded by Deputy Supervisor Underhill authorizing the Historian to attend the 2011 Historians of Western New York Fall Meeting on September 24, 2011 at a cost of \$20.00, plus mileage expenses.

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

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

**CHAMBER OF COMMERCE–VISITORS GUIDE-** Motion was made by Councilman Gerace, seconded by Deputy Supervisor Underhill authorizing a full-page advertisement in the 2012 Genesee County Visitors Guide at a cost not to exceed \$1,700.00 and appointing Berneda Scoins as the Community Page Coordinator.

**Ayes:** Gerace, Underhill, Michalak, Lang, 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 \$5,712.00, remitted \$5,258.35 to the Supervisor for the Local Share.

**Liquor License Renewal** –Received notification from Aivatab, Incorporated (Ye Ole Willow Bend Inn) that they have applied for their renewal of their liquor licenses.

**Conservation Licenses** went on sale Monday, August 15 for the 2011 – 2012 Season.

**Glow Region Solid Waste Collection-** The Annual Household Hazardous Waste Collection will be Saturday, September 17 in Mount Morris by appointment only. Residents need to contact the Glow Office at 344-2580, extension 5463.

**Appreciation of Extended Hours-** Received a call today in appreciation of our extended hours on Wednesday's.

The Supervisor expressed that he has had several positive comments, as well, regarding the Town's service and personnel.

**COMMITTEE REPORTS:**

**Parks-**Councilman Gerace informed that the Parks & Recreation committee is moving to phase 2 with the Galloway Road Park to submit a grant application.

The Supervisor congratulated Mr. Gerace on being appointed to the Genesee County Park's committee.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:30 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk