

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Greg Post, 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

The Supervisor called the meeting to order at 7:05 P.M.

December 21, 2011 Public Hearing-Ag & Farmland Protection Plan: 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)

December 21, 2011 Public Hearing-Local Law 2 of 2011-Amend Chapter 89 & Chapter 235

Building Inspector/Code Enforcement Officer: 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)

December 21, 2011 Public Hearing-Town of Batavia Fire Contract: 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)

December 21, 2011 Public Hearing-Local Law 2 of 2011-Amend Chapter 89 & Chapter 235

Building Inspector/Code Enforcement Officer: Motion Councilman Gerace, second Councilman Lang to approve the minutes as written.

Ayes: Gerace, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

December 21, 2011 Regular Town Board Meeting: 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)

January 4, 2012 Organizational Meeting- Motion Councilman Lang, second Councilwoman to approve the minutes as written.

Ayes: Lang, Michalak, Gerace, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

January 4, 2012 Special 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)

RESOLUTION NO. 29:

Councilman Lang offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2011

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

General Fund:

<u>From</u>		<u>Amount</u>	<u>To</u>	
A1220.401	Bookkeeper – Contr	\$848.00	A1220.120	Pers Svc – OT
A1220.200	Supervisor – Equipment	\$9.00	A1220.120	Pers Svc – OT
A1220.402	Sec to Supv – Contr	\$257.00	A1220.400	Supervisor – Contractual
A1355.103	Assessor – PT Asst	\$129.00	A1355.100	Assessor – Pers Svc
A1420.403	Attorney – Union	\$1681.00	A1420.400	Attorney – Town
A1620.400	Bldgs – Utilities	\$43.00	A1620.402	Bldg – other Operating Exp
A1620.400	Bldgs – Utilities	\$1664.00	A1620.403	Bldg & Janitorial
A1989.400	Miscellaneous Exp	\$7924.00	A1940.400	Land Acquisition
A3620.120	Bldg & Safety – OT	\$730.00	A3620.103	FT Bldg Insp
A3620.102	Bldgy Secretary	\$721.00	A3620.400	Bldg & Safety Contractual
A5132.400	Garage – Utilities	\$37.00	A5010.400	Supt of Hwy – Contractual
A5132.400	Garage – Utilities	\$528.00	A5132.402	Garage – Other Operating Exp
A5132.400	Garage – Utilities	\$1400.00	A5182.400	Street Lighting – Contractual
A1410.400	Town Clerk – Contractual	\$200.00	A6410.400	Ind Dev Adgency
A7110.400	Parks – Contractual	\$2272.00	A7110.401	Parks – Galloway Rd
A7620.400	Adult Rec – Contractual	\$154.00	A7510.100	Histroian Pers Svc
A7620.400	Adult Rec – Contractual	\$24.00	A7510.400	Historian – Contractual
A8030.400	Research & Development	\$1588.00	A8162.100	Trs St – Pers Svc
A8030.400	Research & Development	\$185.00	A8162.101	Trs St – Pers Svc
A8030.400	Research & Development	\$1518.00	A8162.400	Trs St – Contractual
A8164.400	Sanitary Landfill – Fuel	\$125.00	A8164.102	Sanitary Landfill – Pers Svc PT
A8165.403	Superfund Landfill – Env Testing	\$1394.00	A8165.406	Superfund Landfill – Post Close Maint
A8165.403	Superfund Landfill – Env Testing	\$883.00	A8165.407	Superfund Landfill – Leachate Treatment
A9030.800	Social security	\$2783.00	A9010.800	Retirement
A9055.800	Disability Ins	\$2000.00	A9010.800	Retirement
A9060.800	Health Ins	\$2428.00	A9010.800	Retirement
A9060.801	Health Ins – Medical Exp	\$3123.00	A9050.800	Unemployment Ins
A9060.800	Health Ins	\$2137.00	A9050.800	Unemployment Ins
A9089.802	Staff Development	\$2214.00	A9050.800	Unemployment Ins
A9089.801	Eye Exam & Lenses	\$778.00	A9050.800	Unemployment Ins
A9089.801	Eye Exam & Lenses	\$470.00	A9040.800	Workers Comp
A9089.800	In Lieu of Health Ins	\$1025.00	A9040.800	Workers Comp
A8750.400	Farmland Protection	\$4500.00	A9040.800	Workers Comp
A8684.400	City/Town Consolidation	\$7910.00	A9040.800	Workers Comp
A1680.200	Central data Equipment	\$6805.00	A9040.800	Workers Comp
A1680.400	Central Data Contractual	\$3313.00	A9040.800	Workers Comp

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

A1680.402	Web & Network	\$4187.00	A9040.800	Workers Comp
A1420.404	Attorney – Assessment Litg	\$10,000.00	A9040.800	Workers Comp
A1420.406	Attorney – Collab Agreement	\$3926.00	A9040.800	Workers Comp
A1110.105	Pers Svc Security Williams	\$107.00	A1110.104	Pers Svc – Full Time
A1110.105	Pers Svc Security Williams	\$85.00	A1110.103	Pers Svc – Full Time
A1110.201	Equipment - Cleveland	\$658.00	A1110.103	Pers Svc – Full Time
A1110.106	Pers Svc Security - Cleveland	\$245.00	A1110.401	Contractual Williams
A1110.106	Pers Svc Security - Cleveland	\$23.00	A1110.402	Contractual Cleveland
A1110.201	Equipment - Cleveland	\$534.00	A1110.402	Contractual Cleveland
A8020.100	Planning Board Pers Svc	\$100.00	A8020.101	Planning Board Pers Svc
A8020.100	Planning Board Pers Svc	\$102.00	A8020.102	Planning Board Pers Svc
A8030.400	Research & Development	\$669.00	A8020.400	Planning Board Supplies
A1220.200	Supervisor Equipment	\$0.68	A1110.402	Contractual Cleveland

Highway

DA5110.101	General repairs PT Pers Svc	\$915.00	DA5110.100	General Repairs Pers Svc
DA5110.103	General Repairs OT	\$8861.00	DA5110.100	General Repairs Pers Svc
DA5130.200	Machinery Equipment	\$2772.00	DA5110.100	General Repairs Pers Svc
DA5130.400	Machinery Contractual	\$8672.00	DA5110.100	General Repairs Pers Svc
DA5130.400	Machinery Contractual	\$6845.00	DA5110.400	General Repairs Contractual
DA9010.800	Retirement	\$14,334.00	DA5110.400	General Repairs Contractual
DA5140.100	Brush & Weeds Pers Svc	\$595.00	DA5140.400	General Repairs Contractual
DA5142.101	Snow Removal Pers Svc	\$3195.00	DA5142.100	Snow Removal Pers Svc
DA5142.101	Snow Removal Pers Svc	\$2176.00	DA5142.103	Snow Removal OT
DA5148.100	Svc for other Govt Pers Svc	\$1456.00	DA5148.400	Svc For Other Govt Contractual
DA9010.800	Retirement	\$4898.00	DA9060.800	Health Ins
DA9030.800	Social security	\$1484.00	DA9060.800	Health Ins
DA9089.801	Eye Exam & lenses	\$749.00	DA9060.800	Health Ins
DA5140.100	Brush & Weeds Pers Svc	\$6979.00	DA5112.200	Capital Improvements
DA5142.101	Snow removal Pers Svc	\$315.00	DA5112.200	Capital Improvements
DA5142.400	Snow Removal Contractual	\$4077.00	DA5112.200	Capital Improvements
DA5148.100	Svc for other Govt Pers Svc	\$2664.00	DA5112.200	Capital Improvements
DA9089.801	Eye Exam & Lenses	\$501.00	DA5112.200	Capital Improvements
DA9089.802	Uniforms	\$479.00	DA5112.200	Capital Improvements

Sewer District 1

SS1-8110.120	Sewer Admin – OT	\$201.00	SS1-8120.103	Sanitary Sewer Pers Svc
SS1-8110.401	Backflow Prevention	\$2248.00	SS1-8120.102	Sanitary Sewer Pers Svc
SS1-8110.400	Sewer Admin - Contractual	\$1303.00	SS1-8120.102	Sanitary Sewer Pers Svc
SS1-9010.800	Retirement	\$216.00	SS1-9030.800	Social Security

Sewer District 2

SS2-8120.102	Sanitary Sewers pers Svc	\$1.00	SS2-8120.101	Sanitary Sewers pers Svc
SS2-8120.102	Sanitary Sewers pers Svc	\$150.00	Ss2-8120.103	Sanitary Sewers pers Svc
SS2-8120.102	Sanitary Sewers pers Svc	\$2626.00	SS2-8120.200	Sanitary Sewers Equipment
SS2-8120.104	Sanitary Sewers pers Svc	\$1008.00	SS2-8120.200	Sanitary Sewers Equipment
SS2-8120.105	Sanitary Sewers pers Svc	\$60.00	SS2-8120.200	Sanitary Sewers Equipment
SS2-8110.120	Sewer Admin OT	\$342.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8110.400	Sewer Admin - Contractual	\$1296.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8110.401	Backflow Prevention	\$3203.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8120.106	Sanitary Sewer Pers Svc	\$566.00	SS2-8130.400	Sewer Treatment Contractual

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

SS2-8120.400	Sanitary Sewer Contractual	\$397.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8120.401	Sanitary Sewer Legal	\$160.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8120.408	Sanitary Sewer Meter Repl	\$9765.00	SS2-8130.400	Sewer Treatment Contractual
SS2-8120.406	Sanitary Sewer Repair Res	\$14,221.00	SS2-8130.400	Sewer Treatment Contractual
SS2-9030.800	Social security	\$396.00	SS2-9010.800	Retirement
SS2-9089.800	Eye Exam & Lenses	\$142.00	SS2-9010.800	Retirement
SS2-9089.802	Uniforms	\$10.00	SS2-9010.800	Retirement
SS2-8120.406	Sanitary Sewer Repair Res	\$418.00	SS2-9010.800	Retirement
SS2-8120.406	Sanitary Sewer Repair Res	\$190.00	SS2-9060.800	Health Ins
SS2-8120.406	Sanitary Sewer Repair Res	\$188.00	SS2-9710.601	Saile Dr

Water

SW8310.120	Pers Svc OT	\$477.00	SW8310.400	Wtr Admin Contractual
SW8340.104	Tras & Dist Pers Svc	\$3.00	SW8340.101	Tras & Dist Pers Svc
SW8340.104	Tras & Dist Pers Svc	\$233.00	SW8340.102	Tras & Dist Pers Svc
SW8340.104	Tras & Dist Pers Svc	\$411.00	SW8340.103	Tras & Dist Pers Svc
SW8340.104	Tras & Dist Pers Svc	\$5374.00	SW8340.200	Trans & Dist Equipment
SW8340.106	Tras & Dist Pers Svc	\$5470.00	SW8340.200	Trans & Dist Equipment
SW8340.105	Tras & Dist Pers Svc	\$375.00	SW8340.200	Trans & Dist Equipment
SW8340.401	Trans & Dist Legal Svc	\$456.00	SW8340.200	Trans & Dist Equipment
SW8340.404	Trans & Dist Replacement Res	\$1781.00	SW8340.200	Trans & Dist Equipment
SW8340.404	Trans & Dist Replacement Res	\$5206.00	SW8340.400	Trans & Dist Contractual
SW8340.405	Trans & Dist Meters	\$12,096.00	SW8340.400	Trans & Dist Contractual
SW9010.800	Retirement	\$69.00	SW9060.800	Health Ins
SW9710.703	South Main	\$86.00	SW9710.708	Alex Pike
SW9710.703	South Main	\$23.00	SW9710.709	Rose

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 30:

Deputy Supervisor Underhill offered the following:

**PURCHASE AND SURPLUS
FORD PICKUP TRUCK FOR
HIGHWAY DEPARTMENT**

WHEREAS, the 2012 Town Budget reflects appropriations to purchase a new pickup truck for the Highway Department; and

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

WHEREAS, the Highway Superintendent recommends purchasing a 2012 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,643.39; and

WHEREAS, the current 2002 Ford F250 Pickup Truck (VIN 1FTNF21L32EC06928) will no longer be needed for highway purposes and will be sold at auction.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2012 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,643.39 and sell the 2002 Ford F250 Pickup Truck (VIN 1FTNF21L32EC06928) at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA 5130.200.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 31:

Supervisor Post offered the following:

**PURCHASE AND SURPLUS
WHEEL LOADER FOR
HIGHWAY DEPARTMENT**

WHEREAS, the 2012 Town Budget reflects appropriations to purchase a new wheel loader for the Highway Department; and

WHEREAS, the Highway Superintendent recommends purchasing a 2012 Hyundai Loader HL 757-9 on State Bid from George and Swede, Sales and Service, 7155 Big Tree Road, Pavilion, NY 14525 at a price of \$108,981.00; and

WHEREAS, the current 2001Hyundai HL 750 wheel loader will no longer be needed for highway purposes and will be sold at auction.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2012 Hyundai Loader HL 757-9 on State Bid from George and Swede, Sales and Service, 7155 Big Tree Road, Pavilion, NY 14525 at a price of \$108,981.00 and sell the 2001 Hyundai wheel loader at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA 5130.200.

Second by: Councilman Gerace

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

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

RESOLUTION NO. 32:

Councilwoman Michalak offered the following:

**PURCHASE AND SURPLUS
FORD PICKUP TRUCK FOR
WATER AND SEWER DEPARTMENT**

WHEREAS, the 2012 Town Budget reflects appropriations to purchase a new pickup truck for the Water and Sewer Department; and

WHEREAS, the Town Engineer recommends purchasing a 2012 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,643.39; and

WHEREAS, the current 2010 Ford F250 Pickup Truck (VIN 1FTSXZB57AEB25557) will no longer be needed for water and sewer purposes and will be sold at auction and the proceeds used to purchase the new truck.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2012 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,643.39 and sell the 2010 Ford F250 Pickup Truck (VIN 1FTSXZB57AEB25557) at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line items SS1-8120.200, SS2-8120.200, and SW8340.200.

Second by: Councilman Gerace

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

RESOLUTION NO. 33:

Councilman Gerace offered the following:

**AUDIT SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND FREED MAXICK & BATTAGLIA, PC**

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Freed Maxick & Battaglia, PC to perform auditing services for the Town and to execute the agreements between the Town of Batavia and Freed Maxick & Battaglia, PC (agreements attached).

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

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

RESOLUTION NO. 34 :

Councilman Lang offered the following:

**AMENDING INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST
EMERGENCY PREPAREDNESS PLAN**

WHEREAS, the Town of Batavia has an Emergency Preparedness Plan in place;

WHEREAS, the Incident Command System Organizational Chart Contact List of personnel names and phone numbers has been amended (attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Incident Command System Organizational Chart Contact List as amended; and be it

FURTHER RESOLVED, the Batavia Town Board hereby directs that the amended Incident Command System Organizational Chart Contact List be sent to all parties named on the Organizational Chart, along with the Emergency Preparedness Plan.

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

**TOWN OF BATAVIA
INCIDENT COMMAND SYSTEM
ORGANIZATIONAL CHART CONTACT LIST**

TOWN BOARD

	<u>HOME#</u>	<u>BUSINESS#</u>	<u>CELL#</u>
Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
Daniel Underhill, Deputy Supervisor	344-3026	343-1729	585-356-5646
Alfred Lang	343-5344		
John Gerace	343-4979	343-1729	585-303-0407
Patti Michalak	343-7874	343-1729	716-601-4663

TOWN ATTORNEY

Kevin Earl		343-6320	
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OPERATIONS SECTION COORDINATOR:

Fire Department-

Randy McIntire, Fire Chief	356-3556	344-3284	585-356-0080
John Fitzsimmons, President	344-1901	344-3284	585-356-1506
Paul Barrett, Deputy Fire Chief	343-2369	344-3284	585-409-1372

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

Donald Newton, Jr., Fire Chief		585-813-4033
Steve Smelski, 1 st Asst Fire Chief		585-356-0984

Law Enforcement

Genesee County Sheriff's Department	343-5000
New York State Police	343-2200

Highway Operations

Thomas Lichtenthal, Highway Superintendent	343-1729 ext 218	585-356-7153
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Public Utilities-Water/Wastewater

Steven Mountain, Town Engineer	343-2251	343-1729 ext. 220	585-755-6408
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Emergency Medical Services

United Memorial Center	343-6030
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PLANNING SECTION COORDINATOR:

Highway

Thomas Lichtenthal, Highway Superintendent	343-1729 ext 218	585-356-7153
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Town Engineer/Water&Wastewater

Steve Mountain	343-2251	343-1729 ext. 220	585-755-6408
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Code Enforcement/Fire Marshall

Daniel Lang	343-1729 ext 208	585-861-0878
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Assessor

Rhonda Saulsbury	343-1729 ext 207	585-297-2472
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Local Emergency Services

Genesee County Emergency Management	344-0078
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Local Planning Board

Kathy Jasinski, Chairman	762-8239	343-1729
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Local Health Department

Genesee County Health Department	344-8506
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LOGISTICS SECTION COORDINATOR:

Local Emergency Services

Genesee County Emergency Management	344-0078
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Highway Operations

Thomas Lichtenthal, Highway Superintendent	343-1729 ext 218	585-356-7153
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HOME#

BUSINESS#

CELL#

Town Clerk

Teressa M. Morasco	343-1729 ext 203	585-356-7867
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FINANCE/ADMINISTRATION SECTION COORDINATOR:

Fiscal Officer

Gregory H. Post, Supervisor	343-2088	343-1729	716-474-3216
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Town Accountant

Laura Landers, Freed, Maxick & Battaglia	344-1967
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Town Justices

Michael Cleveland	762-4200	343-1729 ext 216	585-813-5319
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Thomas Williams	343-2764	343-1729 ext 216	585-300-3612
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Town Clerk

Teressa M. Morasco	343-1729 ext 203	585-356-7867
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RESOLUTION NO. 35:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

Deputy Supervisor Underhill offered the following:

BIDS FOR TRANSFER STATION

RESOLVED, the Town of Batavia will receive sealed bids for refuse removal at the Town of Batavia Transfer Station.

FURTHER RESOLVED, interested bidders may obtain service specifications from the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, or by contacting the Town Clerk's Office. All bids must be received by 10:00A.M. on Wednesday, February 8, 2012 at the Batavia Town Hall. Bids will be opened at that time. All bids must be accompanied by a non-collusion statement in order to be considered. The Town of Batavia reserves the right to reject any and all bids.

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

NOTICE TO BIDDERS

The Town of Batavia will receive sealed bids for refuse removal at the Town of Batavia Transfer Station.

Interested bidders may obtain service specifications from the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, 14020 or by contacting the Town Clerk's Office at 343-1729. All bids must be received by 10:00 A.M. on Wednesday, February 8, 2012 at the Batavia Town Hall. Bids will be opened at that time. All bids must be accompanied by a non-collusion statement in order to be considered.

The Town of Batavia reserves the right to reject any and all bids.

Dated: January 18, 2012

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 36:

Supervisor Post offered the following:

**TOWN OF BATAVIA
WEST MAIN STREET ROAD SEWER DISTRICT**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Batavia has created the West Main Street Road Sewer District pursuant to Town Law in order to replace failing septic systems in the area with public sanitary sewer service; and

WHEREAS, part of the land area within the West Main Street Road Sewer District is also within Genesee County Agricultural District No. 2; and

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing sanitary sewer service on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said sanitary sewer service is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of West Main Street Road and Kelsey Road, included in the West Main Street Road Sewer District, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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

RESOLUTION NO. 37:

Councilwoman Michalak offered the following:

**TOWN OF BATAVIA
PRATT ROAD WATER DISTRICT**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Batavia has created the Pratt Road Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Pratt Road and Powers Road; and

WHEREAS, part of the land area within the Pratt Road Water District is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Pratt Road and Powers Road, included in

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

the Pratt Road Water District, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (5) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (6) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.
- (7) Hydrants and valve boxes must not be placed directly in agricultural fields.

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

RESOLUTION NO. 38:

Councilman Gerace offered the following:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

**TOWN OF BATAVIA
CREEK ROAD WATER DISTRICT**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Batavia has created the Creek Road Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Creek Road, East Road, Lehigh Road and Dorman Road; and

WHEREAS, part of the land area within the Creek Road Water District is also within Genesee County Agricultural District No. 1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 1; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Creek Road, East Road, Lehigh Road and Dorman Road, included in the Creek Road Water District, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (8) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (9) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.
- (10) Hydrants and valve boxes must not be placed directly in agricultural fields.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 39:

Councilman Lang offered the following:

**TOWN OF BATAVIA
BATAVIA NORTH WATER DISTRICT**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Batavia created the Batavia North (East of Route 98) Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Oak Orchard Road (NYS Rte. 98), Batavia-Elba Townline Road, State Street Road, Bank Street Road, and Batavia-Stafford Townline Road. The Town Board of the Town of Batavia also created the Batavia North (West of Route 98) Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Batavia-Elba Townline Road, Downey Road and Lewiston Road (NYS Rte. 63); and

WHEREAS, the Town of Batavia has now determined to treat the Batavia North (East of Route

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

98) Water District and the Batavia North (West of Route 98) Water District as a single water district, hereinafter referred to as the “Batavia North Water District;” and

WHEREAS, part of the land area within the Batavia North Water District is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town Board has filed Notices of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Batavia imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Oak Orchard Road (NYS Rte. 98), Batavia-Elba Townline Road, State Street Road, Bank Street Road, Batavia-Stafford Townline Road, Batavia-Elba Townline Road, Downey Road, and Lewiston Road (NYS Rte. 63) which are included in the Batavia North Water District, and within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (11) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (12) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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

RESOLUTION NO. 40:

Deputy Supervisor Underhill offered the following:

**AUTHORIZATION TO EXECUTE THE
NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT AGREEMENT-
WEST MAIN SANITARY SEWER DISTRICT**

"RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the New York Community Development Block Grant Agreement between the Town of Batavia and the New York Housing Trust Fund Corporation (agreement attached). This agreement is in regards to the \$600,000.00 grant received for West Main Sanitary Sewer District.

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

RESOLUTION NO. 41:

Supervisor Post offered the following:

**APPROVAL OF CHANGE ORDER 2011-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA
LANDFILL SUPERFUND SITE**

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

WHEREAS, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2012 (attached); and

WHEREAS, the cost for the service is estimated at seventeen thousand three hundred sixty-one dollars (\$17,361.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

NOW, THEREFORE, BE IT

RESOLVED the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis, at the Town of Batavia Landfill Superfund Site.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 42:

Councilwoman Michalak offered the following:

**APPROVAL OF CHANGE ORDER 2011-02
OPERATION & MAINTENANCE- TOWN OF BATAVIA
SANITARY LANDFILL SITE**

WHEREAS, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are required to fund the Operation and Maintenance activities at the Sanitary Landfill Site in addition to the Superfund Site; and

WHEREAS, Arcadis has submitted a letter detailing the scope of work and cost estimate for document and compliance review in relation with the Operation and Maintenance at the Site (attached); and

WHEREAS, the cost for the service is estimated at Five thousand dollars (\$5,000); and

NOW, THEREFORE, BE IT

RESOLVED the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order Approval Form for the aforementioned Engineering Services to be performed by Arcadis,

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

at the Town of Batavia Sanitary Landfill Site.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 43:

Councilman Gerace offered the following:

**RESOLUTION TO AMEND ENGINEERING
SERVICES BETWEEN THE TOWN OF BATAVIA AND CLARK PATTERSON LEE
SANITARY SEWER CAPACITY STUDY-AMENDMENT #1**

WHEREAS, the Town of Batavia has been working in conjunction with Genesee County Economic Development Center (GCEDC) on a sanitary sewer capacity study for current and future development plans, and

WHEREAS, Clark Patterson Lee is assisting both the Town of Batavia and GCEDC, and

WHEREAS, Clark Patterson Lee has completed the flow metering portion of the project, and

WHEREAS, Clark Patterson Lee assisted the Town in an additional 15 months of flow metering collection related to the sanitary sewer flow metering and Capacity Study (2009 to 2011) at an additional cost of \$12,699.00; and

WHEREAS, Clark Patterson Lee has responded to the Town's request for additional flow metering and analytical services related to the flow metering and Capacity Study in the amount of \$12,500.00.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Batavia, New York, that the Supervisor is hereby authorized to accept on behalf of the Town the attached Proposal for Engineering Services with Clark Patterson Lee for the amount of \$25,199.00; and be it

FURTHER RESOLVED, \$12,699.00 will be expended from 2011 budgetary line item A6460.410 and \$12,500 will be expended from budgetary line item A6326.400.

Second by: Councilman Lang

Ayes: Gerace, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 44:

Councilman Lang offered the following:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

**HIGHWAY SHARED SERVICES AGREEMENT
AMENDMENT TO RESOLUTION 82 OF 2011**

WHEREAS, in May 2006 the Town of Batavia adopted a Highway Shared Services Agreement to be in compliance with the New York State Highway Law and General Municipal Law, for sharing equipment, materials and services with other Genesee County municipalities and neighboring counties that was being done on an informal basis; and

WHEREAS, in April 2011, resolution #82 the Town renewed the Highway Shared Services agreement; and

WHEREAS, at that time only the municipalities within County of Genesee were included; and

WHEREAS, the Highway Superintendent requested that the Village of Attica, County of Wyoming also be included.

NOW, THEREFORE, BE IT

RESOLVED, resolution #82 of 2011 is hereby amended to include the Village of Attica, County of Wyoming; and be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a copy of the Highway Shared Services Agreement with the Village Clerk and Superintendent of Highway of Attica.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 45:

Deputy Supervisor Underhill offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
TOWN HALL**

RESOLVED, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Hall for one year (proposal attached); and

BE IT FURTHER, RESOLVED the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 46:

Supervisor Post offered the following:

**HEATING & AIR CONDITIONING
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT
HIGHWAY FACILITY**

RESOLVED, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Highway Facility for one year (proposal attached); and

BE IT FURTHER, RESOLVED the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

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

RESOLUTION NO. 47 :

Councilwoman Michalak offered the following:

**AMENDING 2012 BUDGETARY LINE ITEMS
LGRMIF GRANT AWARD**

WHEREAS, the Town of Batavia received official notification on January 9, 2012 from the State Education Department that the Town has been awarded the Local Government Records Management Improvement Fund (LGRMIF) Grant in the amount of eighteen thousand, one hundred, fourteen dollars (\$18,114.00) for document conversion and access of the Planning Board and Zoning Board of Appeals minutes and the Court records (letter attached); and

WHEREAS, line items need to be amended in the 2012 budget to account for these funds.

NOW, THEREFORE, BE IT

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

A3060 Revenues	\$18,114.00
A1410.101 Clerk Part-time-Records Management	\$10,324.00
A1410.401 Contractual-Records Management	\$ 7,000.00
A9030.800 Social Security	\$ 790.00

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

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

RESOLUTION NO. 48:

Councilman Gerace offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
DELL DESKTOP COMPUTER FOR ENGINEERING OFFICE**

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a Dell Desktop Computer for the Town Engineer's office at a cost of \$1,233.49, New York State Contract #PT65340 (quote attached); and be it further

RESOLVED, the expenditure will be appropriated from line item A1440.200.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

Discussion- This along with a new tablet will resolve the overheating issue with the current laptop.

RESOLUTION NO. 49:

Councilman Lang offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
TABLET COMPUTERS FOR ENGINEERING AND BUILDING INSPECTION**

WHEREAS, the Engineering and the Building Inspection Departments need Tablet Computers for working out in the field; and

WHEREAS, the Town received three quotes for a Asus Eee Slate Tablet Computer and the lowest quote was from Newegg at a cost of \$1,349.00 (quote attached);

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of three Asus Eee Slate Tablet Computers, one for the Engineering Department and two for the Building Inspection Department at a cost of \$1,349.00 each; and be it further

RESOLVED, the expenditure will be appropriated from line items A1440.200 and A3620.200.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 50:

Deputy Supervisor Underhill offered the following:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

**PURCHASE OF SERVER EQUIPMENT AND RACK
INFORMATION & TECHNOLOGY EQUIPMENT**

WHEREAS, in 2011 the Town purchased new server/networking equipment; and

WHEREAS, there are multiple servers that are being monitored with multiple keyboards and battery back-up units with the equipment on the floor and on various tables; and

WHEREAS, to secure the server/networking equipment the Town received quotes from Dell for a server rack and related hardware (quotes attached); and

WHEREAS, it is the Town Board's opinion that the server rack and related hardware are necessary to secure and maintain the server equipment.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board here by authorizes the purchase of server rack equipment to be purchased from Dell, New York State Contract numbers PT 64100, PT 65196, and PT 55666 at a cost not to exceed \$3,300.00, and be it further

RESOLVED, the expenditure will be appropriated from line item A1680.200.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Gerace, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 51:

Supervisor Post offered the following:

**PROFESSIONAL SERVICES-BIELS
SOFTWARE SERVER MIGRATION**

WHEREAS, the Documentum Software used for records management needs to be migrated to the 2008 SQL Server; and

WHEREAS, Biel's has provided a quote to assist in the Migration (quote attached).

NOW, THEREFORE, BE IT

RESOLVED, the Town Board here by authorizes Biel's to assist in the migration of the Documentum Software to the 2008 SQL Server at a cost of \$1,000.00; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1680.402.

Second by: Councilman Lang

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

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

RESOLUTION NO. 52:

Councilwoman Michalak offered the following:

**GRANDVIEW CEMETERY
IN-KIND SERVICES**

WHEREAS, Grandview Cemetery has requested assistance from the Town; and

WHEREAS, pursuant to New York State Law of 2010, Chapter 69, a municipality may provide funding, goods and/or services to public cemetery corporations; and

WHEREAS, in the 2012 Town Budget, funds are appropriated to provide goods and/or services to Grandview Cemetery.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby authorizes the Highway Superintendent to coordinate with Grandview Cemetery the services to be provided by the Town of Batavia Highway Department; and be it

FURTHER RESOLVED, the expenditures will be appropriated from line item A8810.400 in an amount not to exceed five thousand dollars (\$5,000), and be it

FURTHER RESOLVED, contingent upon Grandview Cemetery providing a certificate of insurance naming the Town of Batavia as additional insured and executing the Town of Batavia Highway Department Grading Release (attached).

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

**TOWN OF BATAVIA
HIGHWAY DEPARTMENT**

GRADING RELEASE

Location _____

Owner _____

The undersigned owner of private lands located on the _____ side of the roadway

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

located at _____ hereby grants permission and gives consent to the Town of Batavia Highway Department , His agents or Contractors, to enter upon (my) (our) premises in connection with the construction, reconstruction, or improvement of _____
_____.

This permission is granted with the understanding that such work shall be limited to an area within _____ feet of the roadway right-of-way line.

(I) (We) agree that the Town of Batavia shall not be liable for the maintenance of such area after the completion of said work, nor liable for damages in connection therewith. (I) (We) further agree that the Town of Batavia Highway Department may enter (my) (our) premises, through said Department's agents or contractors to perform normal maintenance as required following the completion of said work.

(I) (We) hereby covenant and agree to defend, indemnify and hold harmless the Town of Batavia from and against any and all liability, loss damages, claims or actions (including costs and attorneys fees) for bodily injury and/or property damage to the extent permissible by law, arising out of or in connection with the proposed work.

Signature
Dated: _____

Address: _____
Telephone Number: _____

RESOLUTION NO. 53:

Councilman Gerace offered the following:

PROCLAMATION
"SAFETY WEEK"

WHEREAS, in 1935, a group of safety minded individuals in Western New York joined together to discuss the importance of safety education to both workers and management and, after several meetings, these crusaders organized the Western New York Safety Conference; and

WHEREAS, it was their aim to supply information, techniques and basic administrative assistance to front-line supervision through an annual conference and exhibit in an effort to reduce the number of injuries in plants; and

WHEREAS, the safety group conducted their first conference and exhibit in the spring of 1936 and are continuing to hold conferences and exhibits annually; and

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

WHEREAS, this conference is attended by some 500 delegates each year and is the largest gathering of safety-oriented and interested people in the Eastern United States; and

WHEREAS, the Western New York Safety Conference, Inc., which is celebrating its 76th Anniversary in 2012, is an independent, non-profit organization dedicated to the conservation of human lives and the safety and health of the individual through the prevention of accidents and occupational diseases; and

WHEREAS, the 76th Annual Safety Conference and Trades Exhibit will be held at the Seneca Event Center, Niagara Falls, NY on March 12th, 13th, 14th and 15th, 2012,

NOW, THEREFORE, BE IT

RESOLVED, that the Batavia Town Board hereby proclaims the period of **March 12-15, 2012** as, “**SAFETY WEEK**” in the Town of Batavia and urge all fellow citizens to support the conference's many safety objectives during these special days and throughout the year.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 54:

Councilman Lang offered the following:

**PROFESSIONAL SERVICES AGREEMENT FOR
ON-CALL TRAFFIC ENGINEERING SERVICES
BETWEEN THE TOWN OF BATAVIA AND SRF ASSOCIATES**

WHEREAS, the Town of Batavia has a need for On-Call Traffic Engineering services for on-going development, growth and transportation related need; and

WHEREAS, SRF Associates has provided a letter proposal for such services for a Not-To-Exceed amount of fifteen thousand dollars (\$15,000.00); and

WHEREAS, Specific scope of work assignments will be developed with Town staff, and reviewed and approved by the Town Engineer.

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board authorizes the Supervisor to retain SRF Associates for On-Call Traffic Engineering services for the not-to-exceed amount of fifteen thousand dollars (\$15,000.00).

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Gerace, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 55:

Deputy Supervisor Underhill offered the following:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES
FULL APPLICATION FOR LOAN AND GRANT ASSISTANCE
RURAL DEVELOPMENT
WEST MAIN STREET ROAD SANITARY SEWER**

WHEREAS, the Supervisor wishes to retain Stuart I. Brown Associates to prepare the Town's full application for grant and loan assistance for submission to Rural Development for the Town of Batavia West Main Street Road Sewer Project at a cost not to exceed three thousand dollars (\$3,000); and

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates for the aforementioned service and cost and to execute the agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Councilman Gerace

Ayes: Underhill, Gerace, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

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

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 56:

Supervisor Post offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS
HIGHWAY**

RESOLVED, the Batavia Town Board hereby authorizes increasing the appropriated line item DA5112.200 in the amount for \$5,533.00. Source of funding is from the Unreserved Highway Fund DA599.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 57:

Councilwoman Michalak offered the following:

RESOLUTION INCREASING BUDGETARY LINE ITEMS

RESOLVED, the Batavia Town Board hereby authorizes the following budget line item increases to account for the CDBG Projects:

**JANUARY 18, 2012
REGULAR TOWN BOARD MEETING**

Revenue Line Item:

A4910 \$552,095.00

Expenditure Line Item:

A6789.400 \$552,095.00

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

Abstract No. 13-2011 & 1-2012: Motion Councilman Gerace, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	13-2011	\$35,646.53
Highway		2,851.49
Sewer No. 1		916.65
Sewer No. 2		6,327.19
Water		2,633.26
Ellicott		30.00
Saile Drive		2,797.00
Creek Road		1,118.00
Pratt		875.00
North-East of Route 98		1,505.00
Total		\$54,700.12

Check numbers 16530 thru 16549, 16551 thru 16581, online \$31.06

General	1-2012	\$331,789.62
Highway		17,912.66
Sewer No. 1		524.73
Sewer No. 2		772.29
Water		5,553.17
Batavia Fire District		734,520.00
Total		\$1,091,072.47

Check numbers 16582 thru 16636 & 16639

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Building & Planning:

Land Separations- Planning Board approved two land separations

Alpina Foods- is 90 percent complete of all footings

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

Permits- Working on permits and zoning and building issues

Oatka- project continues. They are placing walls.

Holiday Inn Express- continues to move along at a steady pace

East Main Street Road Property- is in major disrepair and the Building Inspector has met with the owner's son. The house is in need of demolition.

Highway:

Truck- Working on one of the trucks that has engine failure

Staff- The Highway Department is back to a full staff

Maintenance- They are continuing to do maintenance and repairs on equipment and in the storage area.

Water/Sewer:

Water Readings- The water readings this quarter were semi-successful. There were some glitches in water/sewer software.

Maintenance- Taking advantage of the weather and doing some outside maintenance

Engineering:

Traffic Mitigation- Working on traffic mitigation

Water/Sewer Rates- Working on the studies for restructuring the water/sewer rates

Comprehensive Master Plan- Starting dialogue to review and update the CMP

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 .45% and .20%.

GAM- Next GAM Meeting will be at tomorrow evening at the Town of Stafford Town Hall, hosted by the Town of Stafford at 7:00 P.M.

TRAINING CREDIT HOUR-NOVEMBER 10- Motion by Councilman Gerace, second by Councilman Lang authorizing one training credit hour to the Town Planning Board Members who attended the November 10, 2011 Genesee County Planning Board Meeting.

Ayes: Gerace, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

PLANNING AND ZONING BOARD OF APPEALS-FUNDING TO ATTEND SEMINARS-

Motion by Supervisor Post, second by Deputy Supervisor Underhill authorizing the Town of Batavia Planning Board and Zoning Board of Appeals Members to be paid for one meeting for each (up to a two hours) training seminar and two meetings for each (over two hours) training seminar they attend for their respective positions, plus mileage reimbursement. This is an amendment to the February 21, 2007 motion.

Ayes: Post, Underhill, Michalak, Gerace, Lang

MOTION CARRIED by unanimous vote (5-0)

JANUARY 18, 2012
REGULAR TOWN BOARD MEETING

Western NY WW Conference- Motion by Deputy Supervisor Underhill, second by Councilman Gerace authorizing to Steve Mountain, Gregory Post, Mickey Morrow and Paul Barrett to attend the Western NY WW Conference February 1, 2012 at the Clarion Inn, Batavia, New York.

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

December Town Clerk monthly report collected a total of \$2,826.76 remitted \$2,575.05 to the Supervisor for the Local Share.

2012 Tax Bills- Busy collecting taxes

Local Government Records Management Improvement Fund Grant (LGRMIF)–Received the 2011-2012 LGRMIF Grant and that work has begun.

COMMITTEE REPORTS:

Park- Councilman Gerace reported that he attended the Genesee County Park Meeting. They gave an overview of the group programs they offered and the visitors they attracted. The group programs attracted 4,800 visitors from 2007 to 2011.

They also gave an update on the proposal for a boat launch at Kiwanis Park and reported on the Batavia Sports Park.

The dollars coming from the County are down. They are using volunteer help at the County Park.

The Town Board expressed get well wishes to Roger Muehlig, Daily News Reporter on his recent illness.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 8:05 P.M.

Ayes: Underhill, Lang, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk