

**JULY 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
Councilwoman Michalak

Absent: Councilman Lang

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:10 P.M.

June 20, 2012 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (3-0)

June 27, 2012 Special Town Board Meeting: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Michalak, Underhill, Post

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 129:

Deputy Supervisor Underhill offered the following:

**ORDER CALLING FOR A PUBLIC HEARING-
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the Batavia Town Board wishes to assess the potential of submitting an application for a Community Development Block Grant through the New York State Office of Community Renewal in response to the “Unified Funding cycle issued by the State of New York.”, and

WHEREAS, a public hearing is required to allow residents an opportunity to assist the Town in defining community development priorities and identifying possible projects for inclusion in the application for funding under this program.

NOW THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

RESOLVED, that the Public Hearing will be held at the Batavia Town Hall, 3833 West Main

JULY 18, 2012
REGULAR TOWN BOARD MEETING

Street Road, Batavia, New York at 6:55 o'clock p.m. on the 15th of August, 2012; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in "The Daily News" at least seven (7) days before the date scheduled for Public Hearing, the Public Hearing Notice which is attached hereto.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, Post
APPROVED by unanimous vote (3-0)

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Community Development Block Grant (CDBG) Program

The Town of Batavia, New York has scheduled a hearing for August 15, 2012. The hearing will start at 6:55 P.M. and take place in the Town Hall, 3833 West Main Street Road, Batavia, New York 14020. The Town Hall is in compliance with accessibility standards set forth in the American's with Disabilities Act. Hearing disabled persons who wish to attend shall call the Town of Batavia Town Clerk's Office at (585)343-1729 not less than 48 hours prior to the hearings to make arrangements for an interpreter, if needed. Written public comments will also be accepted.

The public hearing will be held to discuss community development needs and priorities, to provide residents with information about the Community Development Block Grant (CDBG) Program and to describe the Town's plan to meet these priority needs. Residents are invited to attend the hearing, to assist the Town in defining community development priorities and to assist the Board in identifying possible projects, in addition to those identified by the Town, for inclusion in an application for CDBG funding. The Town will provide information at the hearing to comply with the legislative and program requirements which govern the CDBG Program. At this time, the Town expects to submit a CDBG grant application requesting funding to assist low and moderate income households to connect to the West Main Street sewer system in response to the Unified Funding cycle issued by the State of New York.

Gregory Post, Supervisor
Town of Batavia

Dated: July 18, 2012

RESOLUTION NO. 130:

Supervisor Post offered the following:

WEBSITE HOSTING AND MONITORING SERVICES

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

HURRICANE TECHNOLOGIES, INCORPORATED

WHEREAS, in July 2011 the Town of Batavia retained Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services; and

WHEREAS, the agreement is due to expire; and

WHEREAS, Hurricane Technologies, Incorporated has provided an agreement and quote to renew the Website Hosting and Monitoring Services (agreement attached); and

WHEREAS, the monthly cost for the Website Hosting is \$9.99 and the monthly cost for the GFI Monitoring Service for the Workstations \$109.96.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for Website Hosting and GFI Monitoring Services at a monthly cost of \$119.95, and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute the agreement.

Second by: Councilwoman Michalak

Ayes: Post, Michalak, Underhill

APPROVED by unanimous vote (3-0)

RESOLUTION NO. 131:

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE AN ASSESSMENT SERVICES AGREEMENT
WITH THE TOWN OF ALEXANDER**

WHEREAS, the Town of Batavia and the Town of Alexander intend to enter into an intermunicipal cooperative agreement to have the Town of Batavia provide assessment services to the Town of Alexander, and

WHEREAS, the Town of Batavia has determined that it has the ability to provide the services by using the Batavia Town Assessor, who is and will continue to be fully qualified as required by law to provide assessment services, with any support staffing, as necessary.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed "Towns of Batavia and Alexander Assessment Services Agreement", a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Post

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

APPROVED by unanimous vote (3-0)

TABLE RESOLUTION TO APPOINT COUNCILMAN- Motion was made by Deputy Supervisor Underhill to table resolution #132 entitled, "Resolution to Appoint A Town Councilman to Fill A Vacancy". Motion died due to lack of second.

RESOLUTION NO. 132-DEFEATED:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO APPOINT A TOWN COUNCILMAN TO FILL A VACANCY

WHEREAS, Councilman John Gerace previously submitted a written letter of resignation which was filed with the Town Clerk, thereby creating a vacancy for this position, and

WHEREAS, pursuant to Section 64(5) of the Town Law, the Town Board is authorized, but not required, to fill this vacancy, and

WHEREAS, the Town Board does intend to appoint an individual to fill this vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that pursuant to Section 64(5) of the Town Law, Chad Zambito is hereby appointed as a Town Councilman to fill the vacancy in this office, to serve until midnight on December 31, 2012.

Second by: Supervisor Post

Ayes: Post, Michalak

Nay: Underhill

DEFEATED (2-ayes, 1-nay)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Supervisor Post to suspend the rules to introduce an additional resolution.

Ayes: Underhill, Post, Michalak

MOTION CARRIED by unanimous vote (3-0)

RESOLUTION NO. 133:

Supervisor Post offered the following:

**PROPOSAL OF SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the Town of Batavia is planning to submit an application to the Governor's Office for a Community Development Block Grant (CDBG) under the Housing Unified Funding Cycle to request funding to assist low and moderate income households with connection to the West Main Street Sewer

JULY 18, 2012
REGULAR TOWN BOARD MEETING

District; and

WHEREAS, Stuart I. Brown Associates submitted a proposal to prepare the CDBG Application at a cost of six thousand five hundred dollars (\$6,500) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to prepare the CDBG Application at a cost of six thousand five hundred dollars (\$6,500) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates.

Second by: Councilwoman Michalak
Ayes: Post, Michalak Underhill,
APPROVED by unanimous vote (3-0)

Abstract No. 7-2012: Motion Councilwoman Michalak, second Deputy Supervisor Underhill to authorize the Supervisor to pay the following vouchers:

General	\$ 69,090.67
Highway	16,3694.74
Sewer No. 1	2,000.03
Sewer No. 2	4,355.95
Water	140,099.53
West Main Sewer	3,960.27
Pratt	2,250.00
Total	\$238,151.19

Check numbers 17086 thru 17094, 17096 thru 17161 Online \$ 4,588.96

Ayes: Michalak, Underhill, Post
MOTION CARRIED by unanimous vote (3-0)

DEPARTMENT REPORTS:

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in a CD's paying a rate of 18%.

BUILDING INSPECTOR CONFERENCE -Motion was made by Councilwoman Michalak, seconded by Deputy Supervisor Underhill authorizing the Building Inspector Daniel Lang to attend NYS Code Classes August 28 through August 30 in Henrietta, New York. A Town vehicle will be used.

Ayes: Michalak, Underhill, Post
MOTION CARRIED by unanimous vote (3-0)

JULY 18, 2012
REGULAR TOWN BOARD MEETING

PLANNING & ZONING CONFERENCE- Motion was made by Deputy Supervisor Underhill, seconded by Councilwoman Michalak authorizing Kathy Jasinski and John Della Penna to attend the 2012 Planning and Zoning Summer School at a cost of \$70.00 each plus mileage.

Ayes: Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (3-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$6,980.15, remitted \$6,403.97 to the Supervisor for the Local Share.

Thank you- Received a thank you note from Grand View Cemetery for the Town's budgetary allotment of services.

Association of Towns Planning Conference- The Association of Town's is offering a 2012 Planning and Zoning Summer School training on various dates and locations in July and August. The employees have been advised of this.

COMMITTEE:

Parks- Councilwoman Michalak reported that they visited the Batavia Sports Park this evening. It is amazing how well received it is. There are an average of 600 people there on a nightly basis.

On Wednesday the committee will be meeting with the Architect on the expansion plan for the extended Kiwanis Park.

Supervisor Post informed that the Canoe Launch is completed.

Fire Department- Deputy Supervisor reported that the Town of Batavia Fire Department annual fundraiser is Saturday, July 28 at the Lewiston Road Fire Station grounds. Admission is free.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:25P.M.

Ayes: Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (3-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk