

**OCTOBER 16, 2013
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 Zambito

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:00 P.M.

September 18, 2013 Public Hearing-Local Law 1 of 2013, September 18, 2013 Regular Town Board Meeting, September 25, 2013 Special Town Board Meeting, and October 2, 2013 Special Town Board Meeting: Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

Ayes: Zambito, Michalak, Lang, Underhill, Post
MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 157 :

Councilman Lang offered the following:

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
LICENSE ISSUING AGENT AGREEMENT**

WHEREAS, the Town Clerk's Office is an agent authorized by New York State Department of Environmental Conservation (NYSDEC) to issue licenses for the privilege of hunting and fishing in New York State; and

WHEREAS, the NYSDEC is in the process of using a new electronic issuing system; and

WHEREAS, each authorized licensing agent is required to enter into a NYSDEC License Issuing Agent Agreement.

NOW, THEREFORE, BE IT

RESOLVED the Batavia Town Board hereby authorizes the Town Clerk to execute the License Issuing Agent Agreement between the NYSDEC and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill, Post

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 158 :

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

RESOLVED, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

Rhonda Saulsbury-Women In Tax Assessment Seminar (was) September 25, 2013. There (was) no cost for this seminar

Steve Tanner -Siewart Equipment Mixing Seminar (was) October 1, 2013 at a cost of \$75.00. A Town vehicle (was) used.

Brittany Witkop and Donald Partridge-Creating a More Livable Community on October 23, 2013. There is no cost for this seminar.

Sarah Sauka and Melissa Mason- Probation Transfer Training on October 24, 2013. There is no cost for this training.

Teressa Morasco- NYSDEC Licensing Agent Training on October 29, 2013. There is no cost for this training.

Kathy Jasinski, Jonathan Long, Gordon Offhaus, Paul McCullough, Lou Paganello, John Della Penna, Michael Pullinzi and Paul Marchese- GFLRPC Annual Fall Government Workshop on November 15, 2013 at a cost of \$75.00 each.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 159:

Supervisor Post offered the following:

**LEVYING UNPAID WATER AND SEWER
CHARGES AGAINST 2014 TAX WARRANT**

WHEREAS, the Deputy Town Clerk has prepared a list of all property owners who owe the Town for water and/or sewer rents as of October 16, 2013; and

WHEREAS, Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$149,863.69 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2014 tax warrant.

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

RESOLUTION NO. 160:

Councilwoman Michalak offered the following:

**CALLING A PUBLIC HEARING
SEWER RENTS – MAY 2014 TO FEBRUARY 2015**

WHEREAS, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board,

WHEREAS, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines,

WHEREAS, the proposed sewer rents for May 2014 to February 2015 are Sewer District No. 1 - \$5.30/1,000 gallons, Sewer District No. 2 - \$5.30/1,000 gallons;

WHEREAS, a public hearing is required before the new sewer rents are imposed;

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the Proposed Sewer Rents-May 2014 to February 2015 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:40 P.M. on Wednesday, November 6, 2013, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

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

**NOTICE OF PUBLIC HEARING
SEWER RENTS – MAY 2014 – FEBRUARY 2015**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 6, 2013 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:40 P.M. for the purpose of imposing Sewer Rents. The proposed sewer rents for May 2014 to February 2015 are, Sewer District No. 1 at \$5.30/1,000 gallons and Sewer District No. 2 at \$5.30/1,000 gallons.

The foregoing by order of the Batavia Town Board.

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Dated: October 16, 2013

Teresa M. Morasco
Batavia Town Clerk

RESOLUTION NO. 161:

Councilman Zambito offered the following:

**CALLING A PUBLIC HEARING
WATER RATE – MAY 2014 TO FEBRUARY 2015**

WHEREAS, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

WHEREAS, the proposed water rate for May 2014 to February 2015 is \$4.47/1,000 gallons; and

WHEREAS, as a courtesy to the consumers, the Town Board wishes to call a public hearing before imposing the new rates.

RESOLVED, the Batavia Town Board hereby authorizes and orders that a Public Hearing on the proposed water rate-May 2014 to February 2015 be conducted at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, beginning at 6:45 P.M. on Wednesday, November 6, 2013, at which time and place all interested persons will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published at least once in the Daily News at least five (5) days before the date scheduled for the public hearing, the public hearing notice which is attached hereto.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

**NOTICE OF PUBLIC HEARING
WATER RATE – MAY 2014 – FEBRUARY 2015**

PUBLIC NOTICE IS HEREBY GIVEN that a public hearing will be held November 6, 2013 at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, at 6:45 P.M. for the purpose of imposing water rates. The proposed water rate for May 2014 to February 2015 is \$4.47/1,000 gallons.

The foregoing by order of the Batavia Town Board.

Dated: October 16, 2013

Teresa M. Morasco
Batavia Town Clerk

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RESOLUTION NO. 162:

Councilman Lang offered the following:

**RESCIND RESOLUTION NO. 95 of 2013-
ESTABLISHING WORKDAY
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby rescinds Resolution No. 95, dated May 15, 2013, entitled, "Establishing Workday-Elected and Appointed Officials Exempt from the Time and Attendance System", as addition information needs to be included in the resolution to be submitted to the New York State and Local Employees' Retirement System.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill, Post

APPROVED by unanimous (5-0)

RESOLUTION NO. 163:

Deputy Supervisor Underhill offered the following:

**ESTABLISHING WORKDAY
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor:

Title	Name	Elected & Appointed Officials					Days/Month (based on record of Activities)
		Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	
Town Justice	Thomas Williams	█	█	6	01/01-2013- 12/31/2016	N	20
Town Board Member	Chad Zambito	█	█	6	01/01/2013- 12/31/2015	N	20
Zoning Board of Appeals Member	Gary Diegelman	█	█	6	01/01/2013- 12/31/2017	N	5.5

and be it further

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RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town's website and the sign board located in the Town Hall; and be it further

RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller's.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Post

Abstain: Zambito

APPROVED (4-ayes, 1-abstain)

RESOLUTION NO. 164:

Supervisor Post offered the following:

**FIRST AMENDMENT TO
CREDIT CARD SERVICE AGREEMENT-VALUE PAYMENT SYSTEMS, LLC**

WHEREAS, the Town of Batavia entered into a Credit Card Service Agreement with Value Payment Systems, LLC; and

WHEREAS, there is a first amendment to the Web and POS Convenience Fees Schedule to the consumer based on the three types of payments accepted by the Town (amendment attached).

NOW, THEREFORE, BE IT

RESOLVED the Batavia Town Board hereby authorizes the Town Supervisor to execute the First Amendment to the Credit Card Service Agreement between Value Payment Systems, LLC and the Town of Batavia.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 165:

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE SANITARY SEWER EASEMENTS
FOR THE WEST MAIN STREET ROAD SANITARY SEWER DISTRICT**

WHEREAS, the Town of Batavia has awarded the contract for the construction of sanitary sewer lines and appurtenances as part of the West Main Street Road Sanitary Sewer District, and

WHEREAS, the Contractor needs various easements in order to install these sewer lines, and

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WHEREAS, the Town of Batavia needs these various easements in order to hereinafter operate and maintain these lines, and

WHEREAS, the required owners of real property have or will sign Sanitary Sewer Easements granted to the Town of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that certain Sanitary Sewer Easements granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia are hereby approved and accepted with regard to the parcels of lands set forth in the Easements, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the following Easements:

1. From Hodgins Family, LLC, regarding Tax Map No. 7.-1-34.2, dated October 2, 2013; designated as "Sanitary Easement No. 0".
2. From Hodgins Family, LLC, regarding Tax Map No. 7.-1-23.1, dated October 2, 2013; designated as "Sanitary Easement No. 1".
3. From Batavia Mobile Home Park, Incorporated, regarding Tax Map No. 11.-1-60, dated September 27, 2013, 2013; designated as "Sanitary Easement No. 33".

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 166:

Councilman Zambito offered the following:

**STREET LIGHT
CORNER OF UPTON ROAD AND NYS ROUTE 33**

WHEREAS, the residents of Upton and Lear Roads have requested that a street light be installed at the corner of Upton Road and Route 33 to improve lighting and safety at the intersection.

RESOLVED, National Grid is hereby authorized and directed to do the following work in the Town of Batavia, CSS Reference No. 1373663105:

Install: One –150 watt high pressure sodium lamp and luminaire on existing Pole #3044 at the intersection of Route 33 and Upton Road at an

Estimated Annual Cost: \$165.00 (includes energy) with an upfront cost of \$810 for transformer and secondary conductor; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A5182.400.

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

RESOLUTION NO. 167:

Councilman Lang offered the following:

PURCHASE TREES

WHEREAS, a wind block is needed on the west side of the Town Hall; and

WHEREAS, the Highway Superintendent obtained quotes to purchase twenty (20), 5 foot Norway Spruce Trees; and

WHEREAS, the lowest quote was from Schichtel's Nursery, Incorporated at a cost of \$58.00 per tree.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of twenty (20), 5 foot Norway Spruce Trees from Schichtel's Nursery, Incorporated, Springville, New York at a cost not to exceed one thousand, one hundred, sixty dollars (\$1,160.00); and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1620.404.

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

RESOLUTION NO. 168:

Deputy Supervisor Underhill offered the following:

**TOWN HALL COURTYARD
LANDSCAPING IMPROVEMENTS**

WHEREAS, the Town Employees need an area outside the Town Hall for breaks and lunches;
and

WHEREAS, the Town Hall Courtyard with improvements would serve this need.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to purchase materials, in accordance with the procurement policy, for the Town Hall Courtyard (landscaping materials, table and chairs and benches) at a cost not to exceed \$2,900.00 ; and be it

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FURTHER RESOLVED, the improvements will be completed by the Town Highway employees ; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1620.404.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, Lang, Michalak, Post

APPROVED by unanimous vote (5-0)

Abstract No. 10-2013: Motion Councilman Zambito, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$63,750.22
Highway	84,712.39
Sewer No. 1	2,655.02
Sewer No. 2	7,762.69
Water	45,269.94
Creek	2,225.00
West Main Sewer	15,287.14
CDBG	270,401.46
Total	\$492,063.86

Check numbers 18295 thru 18361, 834483 & 1001 ACH: \$34,421.40, Online: \$6,046.82

Ayes: Zambito, Lang, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in a CD's paying a rate of .13% and .40%.

GAM- The GAM meeting is tomorrow evening at 7:00 p.m. hosted by the Town of Alexander.

Special Meeting- There will be a Special Town Board meeting on Thursday, October 24, 2013 at 5:00 P.M. to adopt the Preliminary Budget and call for a Public Hearing on the 2014 Preliminary Budget.

COMMUNICATIONS:

The Town Clerk reported on the following:

September Town Clerk monthly report collected a total of \$55,120.34, remitted \$49,222.49 to the Supervisor for the Local Share.

NYSDEC-The NYSDEC is updating the Hunting and Fishing License Issuing Program. A training session for the Town Clerk's is going to be held at the Batavia Town Hall on Tuesday, October 29 from 7:30 a.m. to 3:30 P.M.

Tax Program- Officials from the Genesee County Treasurer's Office attended our Genesee

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County Town Clerk's Association meeting and reported on the update to the County Tax Collection System. There is going to be training on the updated system for the Town Clerk's in December, provided by Genesee County, so we can be ready to use it in January.

COMMITTEE REPORTS:

Parks- Councilwoman Michalak reported that the committee for the "All Inclusive Park Project" met last evening. Discussions are continuing for phase 2 of the project. Donations are continuing to come in and being accepted.

ADJOURNMENT:

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:23 P.M.

Ayes: Zambito, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk