

**JULY 17, 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.

June 19, 2013 Regular Town Board Meeting: Motion Councilman Lang, second Councilwoman Michalak to approve the minutes as written.

Ayes: Lang, Michalak, Zambito, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 121:

Councilman Lang offered the following:

**WEBSITE HOSTING AND MONITORING SERVICES
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.

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

RESOLUTION NO. 122:

Deputy Supervisor Underhill 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 Grant-Alpina:

Revenue Line Item:		Expenditure Line Item:	
A4910	\$234,000.00	A6789.400	\$234,000.00

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

RESOLUTION NO. 123:

Supervisor Post offered the following:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE
2013 JUSTICE COURT ASSISTANCE PROGRAM**

RESOLVED, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2013 Justice Court Assistance Program for equipment and/or office supplies for the court.

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

RESOLUTION NO. 124:

Councilwoman Michalak offered the following:

TRAINING WORKSHOP

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

Sarah Sauka and Melissa Mason- Court Clerks Fall Training Program October 25, 2013. There is no fee for this workshop. A Town vehicle will be used.

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Town Employees-The Comprehensive Plan July 31, 2013, contingent upon appropriate requests are completed and submitted. There is no fee for this workshop.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 125:

Councilman Zambito offered the following:

AMENDMENT TO RESOLUTION 2 OF 2013
ADOPTION OF SALARIES FOR 2013

RESOLVED, the Batavia Town Board hereby amends resolution number 2 of 2013, entitled “Adoption of Salaries for 2013”,

Heavy Equipment Operator (HEO)	Increase from \$21.75/hour to \$24.75/hour
Highway Employees (MEO)	Increase from \$21.75/hour to \$24.75/hour
Sr. Water/sewer Maintenance Employee	Increase from \$21.75/hour to \$24.75/hour
Water/Sewer Maintenance Employee	Increase from \$21.75/hour to \$24.75/hour
On-Call Rate (HEO, MEO, Sr W/S Maintenance Employee and W/S Maintenance Employee	\$1.35 additional per hour

and be it further

RESOLVED, the increase is effective as of July 1, 2013.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 126:

Councilman Lang offered the following:

JUNKYARD LICENSES

RESOLVED, the Batavia Town Board hereby approves the Junkyard Licenses for Joseph Barsuk Incorporated, Bushville Auto Parts and Herbert Diegelman Estate contingent upon the recommendation of the Building Inspector.

Second by: Deputy Supervisor Underhill

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

RESOLUTION NO. 127:

Deputy Supervisor Underhill offered the following:

**CONCURRING WITH DEPARTMENT OF TRANSPORTATION CONDITIONS
FOR THE
PHASED DEVELOPMENT OF THE GENESEE VALLEY AGRI-BUSINESS PARK**

WHEREAS, it is the New York State Department of Transportation's general policy that traffic impacts resulting from a new development shall be mitigated, based on full build out on opening day, so that the level of service is maintained on all New York State highways as they would have operated absent the new development, and

WHEREAS, The Genesee County Economic Development Center proposed phased development of their property totaling 203.81 acres, located on south side of NYS Route 5 at 5142 East Main Street Road (NYS Route 5) in the Town of Batavia, the initial phase included a single access roadway onto Route 5, and

WHEREAS, The Genesee County Economic Development Center proposed the third phase of the project to include an access roadway to Route 63 from the south side of the Agri-Business Park. The proposed access roadway is to be located on Route 63 approximately 700 ft. west of Shepard Road. The proposed roadway is shown on a subdivision map which has been filed in the Genesee County Clerk, and

WHEREAS a Traffic Impact Assessment for the proposed Phase III access roadway to the Genesee Valley Agri-Business Park was completed in October, 2012 by SRF Associates, and

WHEREAS the New York State Department of Transportation reviewed the Traffic Impact Assessment and will allow the initial construction of the access road which will not require any highway mitigation on Route 63 if the Town of Batavia agrees to:

- a. monitor the traffic volumes on the proposed access road
- b. not to issue any building permits until the New York State Department of Transportation receives and approves a traffic impact study for any proposed development along the new access roadway that defines the mitigation necessary to maintain the level of service on the New York State highway system,
- c. not issue any additional Certificates of Occupancy for any proposed development along the new access roadway until all highway mitigation is completed to the satisfaction of the New York State Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of Batavia authorizes and agrees to:
 - a. monitor the traffic volumes on the proposed access road

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- b. not to issue any building permits until the New York State Department of Transportation receives and approves a traffic impact study for any proposed development along the new access roadway that defines the mitigation necessary to maintain the level of service on the New York State highway system,
 - c. Not issue any additional Certificates of Occupancy for any proposed development along the new access roadway until all highway mitigation is completed to the satisfaction of the New York State Department of Transportation, and
- 2. That this resolution shall take effect immediately, and
 - 3. That the Clerk of the Town Board of Batavia is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 128:

Supervisor Post offered the following:

APPROVAL OF ENGINEERING AMENDMENT NO.1
WEST MAIN STREET ROAD SEWER DISTRICT

WHEREAS, Clark Patterson Lee is under contract with the Town of Batavia for the West Main Street Road Sewer District, and

WHEREAS, the project required additional geotechnical investigations and the project bid on March 8, 2013 resulted in a project that was over budget, and

WHEREAS, the Town requested additional design and bidding services, and

WHEREAS, Clark Patterson Lee has submitted an Engineering Agreement Amendment requesting an increase in the amount for Design Services in the amount of \$34,300 and in the amount of \$5,700 for bidding services(scope and agreement attached), and

WHEREAS, the Town Engineer has reviewed the request and recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Engineering Agreement Amendment, which is contingent upon approval by USDA – Rural Development.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

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RESOLUTION NO. 129:

Councilwoman Michalak offered the following:

**RESOLUTION TO APPLY FOR PHASE II CLEANER, GREENER COMMUNITIES
CATEGORY 2 GRANT
GREEN GENESEE ROAD MAP PROJECT**

WHEREAS, the New York State Energy Research and Development Authority has authorized the making of grants to implement Phase II of the Cleaner, Greener Communities (CGC) Program under the New York State Consolidated Funding Application (CFA) process; and

WHEREAS, Category 2 of the CGC Program provides funds for communities to revise comprehensive plans, including updating zoning ordinances and addressing sustainability and resiliency; and

WHEREAS, it is the intent of the Town of Batavia to request grant assistance from CGC Program funds;

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia will perform the functions and obligations of the grant recipient as set out in a grant agreement should this project be chosen for funding; and, be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized to execute and file a Consolidated Funding Application on behalf of the Town and Partners, requesting Category 2 CGC Program Funds to design and implement the Green Genesee Road Map and integrate sustainability and resiliency into comprehensive plans; and, be it

FURTHER RESOLVED, the CGC Category 2 Grant shall include a county-wide green infrastructure plan, updates to existing comprehensive plans, updates to zoning ordinances informed by environmental sustainability principals and community values and sustainable growth strategies in preparation for development pressure that will result from proposed economic development projects; and, be it

FURTHER RESOLVED, the maximum grant funding request is in the amount of \$400,000.00 with a minimum local share of \$133,000. The Town of Batavia will commit to providing a percentage of the local match of up to \$37,000 comprised of cash and/or in-kind services; and, be it

FURTHER RESOLVED, the Supervisor and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

Second by: Councilman Zambito

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

RESOLUTION NO. 130:

Councilman Zambito offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF
AUTOMATED EXTERNAL DEFIBRILLATORS**

WHEREAS, for emergency medical needs the Town has First Aid Kits located in the Town Hall and Highway Facility ; and

WHEREAS, Town Officials have requested purchasing Automated External Defibrillators (AED) to add to the First Aid kits; and

WHEREAS, the Town received two quotes, the lowest responsible quote from Zee Medical Supply, at a cost of one thousand, eight hundred, ninety-five dollars (\$1,895.00) each (quote summary attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two Zoll Automated External Defibrillators from Zee Medical Supply at a cost of one thousand, eight hundred, ninety-five dollars (\$1,895.00) each; and be it further

RESOLVED, the expenditure will be appropriated from line item A1620.402.

Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

Abstract No. 7-2013: Motion Councilman Lang, second by Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$79,930.27
Highway	53,363.40
Sewer No. 1	1,971.32
Sewer No. 2	4,928.25
Water	163,498.10
West Main Sewer	40,034.57
N/E Route 98 Water	1,271.00
Total	\$344,996.91

Check numbers 18071-18142, Online: \$ 5,315.48

Ayes: Lang, Zambito, Underhill, Michalak, Post

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MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

The Town Supervisor reported on the following departments:

Highway- Paving Wortendyke Road and working on upgrades to Town properties

Water/Wastewater- Working on service line breaks due to corrosion and doing the quarterly meter readings

Building- Continuing to be busy with many development projects

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 .15% and .40%.

COMMUNICATIONS:

The Town Clerk reported on the following:

June Town Clerk monthly report collected a total of \$5,042.47, remitted \$4,678.13 to the Supervisor for the Local Share.

Training- Genesee County Planning Department is hosting a training, entitled, "The Comprehensive Plan" on Wednesday, July 31, 2013 at the Village of Bergen Offices. Personnel have been notified.

ADJOURNMENT:

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

Ayes: Zambito, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk