

**APRIL 16, 2014
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
Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:07 P.M.

Moment of Silence - In memory of Town of Bethany Supervisor Louie Gayton who passed away this week. Our thoughts and condolence are with his family.

March 19, 2014 Public Hearing-Establishment of Pratt Road Water District: Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

Ayes: Underhill, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

March 19, 2014 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 82:

Councilman Lang offered the following:

**RESOLUTION OF FINDINGS FOR APPLICATION TO STATE COMPTROLLER
FOR THE PRATT ROAD WATER DISTRICT**

WHEREAS, the Town Board of the Town of Batavia, adopted a Resolution on March 19, 2014, establishing a Water District on portions of the Pratt Road and Powers Road in the Town of Batavia, and

WHEREAS, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia as

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follows:

- (1) That the annexed application was prepared at the direction of the Batavia Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that that Pratt Road Water District, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

Second by: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 83:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

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

Kathy Jasinski, Paul McCullough, Paul Marchese, Lou Paganello, Jeremy Liles, Gordon Offhaus, Jonathan Long, and Don Partridge- "In House Training-Review of Projects by Town Engineer" (was) March 4, 2014 and April 1, 2014. Members to be credited for 1 hour of training for each of the dates.

Melissa Mason and Sarah Sauka-Genesee County Court Clerk's Training (was) April 11, 2014. There was no cost for this training and a Town vehicle was used.

Mickey Morrow, Paul Caffo, Burt Swable, Clint Worthington, Steve Tanner, Rhonda Saulsbury, Bruce Gerould, and Joseph Neth- NYMIR Drive to Survive Safety Seminar April 29, 2014; Paul Barrett, Dan Lang, Matt Mahaney, Steve Mountain, Jason Ambrewster, Doug Smart, Eric Olsen, and Dan Miles April 30, 2014. There is no cost for this training.

Kate Parmenter, Melissa Mason, and Sarah Sauka- Southern Tier Annual Government Conference May 7, 2014. The cost for this is \$45.00 each and a Town vehicle will be used.

Mickey Morrow- WNY AWWA May 14, 2014. The cost for this is \$30.00 and a Town vehicle will be used.

Brittany Witkop- DEC-EAF Mapper Webinar May 15, 2014. There is no cost for this training.

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Marcy Crandall, Hiedi Librock, and Patti Michalak- Association of Towns Annual Finance School May 15 -16, 2014. The cost for this is \$200.00 each and a Town vehicle will be used.

Steven Tanner- Backflow Prevention Certified Tester Training June 16 - 19, 2014. The cost for this training is \$595.00 and a Town vehicle will be used.

Andrew Young-Institute for Continuing Education, Incorporated online training. The cost for this training is \$79.00

Town Employees- Professional Development Training at the Best Center for up to a total of 30 grant hours at a rate of \$44.00 per hour.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, Lang, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 84:

Supervisor Post offered the following:

**RESOLUTION INCREASING 2014 BUDGETARY LINE ITEM
TO ELIMINATE 2013 HIGHWAY FUND DEFICIT**

RESOLVED, the Batavia Town Board hereby authorizes increasing Highway line item A9901.900 in the amount of \$43,000.00 from the un-expended, un-appropriated fund balance to eliminate the Highway deficit fund balance as of December 31, 2013.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, Lang
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 85:

Councilwoman Michalak offered the following:

**RESOLUTION AMENDING RESOLUTION 102 of 2010
ESTABLISH LINE ITEMS FOR CAPITAL PROJECTS**

WHEREAS, on June 16, 2010 the Town Board adopted resolution 102, establishing line items HS -North-East of Route 98 Water District and HT -North-West of Route 98 Water District; and

WHEREAS, as of 2014 the project name changed to Townline Water Project; and

WHEREAS, the HT line expenses and revenues need to be combined with the HS line expenditures and revenues, then eliminate the HT line items.

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NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes changing the HS name from North-East of Route 98 Water District to Townline Water Project; and be it

FURTHER RESOLVED, the Batavia Town Board authorizes combining the HT line expenditures and revenues with the HS line expenditures and revenues.

Second by: Councilman Lang
Ayes: Michalak, Lang, Underhill, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 86:

Councilman Lang offered the following:

**RENEW ANNUAL SONICWALL LICENSE
HURRICANE TECHNOLOGIES, INCORPORATED**

WHEREAS, the current SonicWall License expires May 1, 2014; and

WHEREAS, the cost to renew the SonicWall license for one year is \$425.00 (quote attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes renewing the SonicWall License through Hurricane Technologies, Incorporated at a cost of \$425.00.

Second by: Deputy Supervisor Underhill
Ayes: Lang, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 87:

Deputy Supervisor Underhill offered the following:

**RESOLUTION AMENDING RESOLUTION 59, FEBRUARY 19, 2014
AUTHORIZE PURCHASE OF
DESKTOP AND LAPTOP COMPUTERS
AMEND LINE ITEM**

WHEREAS, on February 19, 2014 the Batavia Town Board authorized the purchase of several computers; and

WHEREAS, the expenditure appropriated to line item A1010.200 is incorrect.

RESOLVED, the Batavia Town Board hereby amends resolution number 59, dated February 19, 2014 as follows:

A1010.200	\$2,856.40
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A1220.200 \$1,258.40

Second by: Councilman Lang
Ayes: Underhill, Lang, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 88:

Supervisor Post offered the following:

**TOWN OF BATAVIA RESOLUTION IN OPPOSITION TO EXPANDING NATIVE
AMERICAN CASINO GAMING IN WESTERN NEW YORK**

WHEREAS, Batavia Downs Gaming and Western Region Off Track Betting Corporation are located in portions of both the City of Batavia and the Town of Batavia in Genesee County, and

WHEREAS, Genesee County is one of 15 counties in Western New York that own a Western Region Off Track Betting Corporation, and

WHEREAS, since its inception, WROTB has generated millions of dollars in operating and surcharge revenues to the taxpayers of those participating municipalities, including Genesee County and the Town of Batavia, and

WHEREAS, the Seneca Nation has initiated a process to locate a full Las Vegas-style gaming casino in the region, and

WHEREAS, the Genesee County Legislature recently passed legislation opposed to the expansion of casino gaming, and this board does support the County's position on this issue, therefore be it

RESOLVED, that the Batavia Town Board does hereby join the Genesee County Legislature in opposing the location of an additional casino located in the region owned and operated by the Seneca Nation, if this would result in a substantial reduction of revenue to Genesee County and the Town of Batavia, by reduced payments from WROTB or otherwise, and be it further

RESOLVED, that copies of this resolution be sent to Senator Ranzenhofer, Assemblyman Hawley, Congressman Collins, US Senator Schumer, US Senator Gillibrand, and US Department of Interior Secretary Jewell.

Second by: Councilwoman Michalak
Ayes: Post, Michalak, Lang, Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 89:

Councilwoman Michalak offered the following:

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**PURCHASE NEW 10 WHEEL PLOW TRUCK AND SURPLUS TRUCK
HIGHWAY DEPARTMENT**

WHEREAS, the highway equipment budget includes appropriations to purchase a new 10 wheel plow truck for highway department purposes; and

WHEREAS, the 10 wheel plow trucks are no longer available for purchase on New York State bid but can be purchased off any Statewide municipal bids; and

WHEREAS, the Highway Superintendent recommends purchasing a 2015 Mack Granite GU713 truck chassis using the Onondaga County contract from Beam Mack Sales and Service, 2674 W. Henrietta Road, Rochester NY 14609 at a price of \$128,710.63; and

WHEREAS, to complete the truck, the Highway Superintendent also recommends purchasing a one way plow, wing, Beau Roc dump body and Smith spreader using the Onieda County contract from Viking Cives, 2917 Judge Road, Oakfield, NY 14125 for \$82,998.00. The total purchase price for this complete truck is \$211,708.63

WHEREAS, the current 1995 Ford 6 wheel dump truck with plow and wing (VIN 1FDYK90L25VA39279) will no longer be needed for highway purposes and will be sold at auction after the new truck is received.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of a new 2015 Mack Granite GU713 truck chassis using the Onondaga County contract from Beam Mack Sales and Service, 2674 W. Henrietta Road, Rochester NY 14609 at a price of \$128,710.63 and a one way plow, wing, Beau Roc dump body and Smith spreader using the Onieda County contract from Viking Cives, 2917 Judge Road, Oakfield, NY 14125 for \$82,998.00. The total purchase price for this complete truck is \$211,708.63; and be it

FURTHER RESOLVED, the Batavia Town Board authorizes the 1995 Ford 6 wheel dump truck be sold at auction, and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item DA5130.200.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Lang, Post

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 90:

Councilman Lang offered the following:

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**PURCHASE NEW LOADER AND SURPLUS LOADER
HIGHWAY DEPARTMENT**

WHEREAS, the 2014 Town Budge reflects appropriations to purchase a new loader for the Highway Department contingent upon the current 2013 Hyundai loader can be sold at auction for \$105,000 or more; and

WHEREAS, the Highway Superintendent recommends selling the current 2013 Hyundai Loader (VIN HLM01HD0000603) at auction for a price of \$105,000.00 or more; and

WHEREAS, if the 2013 Hyundai loader sells for \$105,000 or more at auction, the Highway Superintendent recommends purchasing a 2014 Catepillar 930K Loader on NY State Bid from Milton Catepillar, 4610 E. Saile Drive, Batavia, NY 14020 at a price of \$133,575.00.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the sale of the 2013 Hyundai loader (VIN HLM01HD0000603) at auction at a selling price not less than \$105,000; and be it

FURTHER RESOLVED, authorizes the purchase of a new a 2014 Catepillar 930K Loader on NY State Bid from Milton Catepillar, 4610 E. Saile Drive, Batavia, NY 14020 at a price of \$133,575.00, contingent upon the current 2013 Hyundai loader sells at auction for \$105,000.00 or more; and be it

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

Second by: Deputy Supervisor Underhill
Ayes: Lang, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

Abstract No. 4-2014: Motion Councilman Lang, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$62,426.26
Highway	35,246.79
Sewer No. 1	6,882.15
Sewer No. 2	15,334.58
Water	57,424.31
Creek	3,050.00
West Main	294,608.04
Pratt	27.60
NE Route 98	2,569.68
Total	\$477,569.41

Check numbers 18865 thru 18870, 18872 thru 18956, ACH-\$3,305.15, Online-\$13,665.66
Ayes: Lang, Michalak, Underhill, Post

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MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported that all departments are extremely busy.

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 monies are invested in a CD and is paying a rate of .22%.

GAM- The GAM meeting is tomorrow evening at 7:00 p.m. at Batavia's Original, hosted by the City of Batavia

Townline Water Project Petition -was filed in the Town Clerk's Office on April 7, 2014
85% Residential owners and 75% of all owners.

COMMUNICATIONS:

The Town Clerk reported on the following:

March Town Clerk monthly report collected a total of \$1,827.44, remitted \$1,123.97 to the Supervisor for the Local Share.

March Tax Collection- Collected a total of \$191,310.85. Remitted \$3,997.88 to the Supervisor for the penalties collected and remitted the remainder to the Genesee County Treasurer. The unpaid tax bills were also returned to the County.

Training- Southern Tier West Regional Planning Conference is May 7, 2014. Town personnel have be notified of this.

ADJOURNMENT:

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

Ayes: Underhill, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk