

**JUNE 19, 2019  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Dan Underhill, Deputy Supervisor led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman White  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Town Clerk Morasco  
Brian Quinn, Daily New Reporter

The Supervisor called the meeting to order at 7:04 P.M.

**May 15, 2019 Public Hearing-CDBG Grant Freightliner:** Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

**Ayes:** Underhill, Michalak, Zambito, White, Post

**MOTION CARRIED by unanimous vote (5-0)**

**May 15, 2019 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

**Ayes:** Underhill, Zambito, White, Michalak, Post

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 104:**

Councilwoman White offered the following:

**DISSOLUTION OF YOUTH PROGRAM**

**WHEREAS** Representatives from each involved municipality in the Youth Program met in October 2016 to discuss the requirements set by NYS regarding required physicals and other coverage for medical conditions for the Joint Youth Program; and

**WHEREAS**, They also talked about the cost to run the program and each municipality involved felt that they could not give more than they already contribute.

**NOW, THEREFORE, BE IT**

**RESOLVED** that on November 9, 2016 the Batavia Town Board in agreement with all municipal representatives decided to end the Joint Youth Program in 2017 and going forward.

**Second by:** Deputy Supervisor Underhill

**Ayes:** White, Underhill, Michalak, Zambito, Post

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**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 105:**

Deputy Supervisor Underhill offered the following:

**AMENDMENT 3 TO RESOLUTION 2 OF 2019  
ADOPTION OF SALARIES FOR 2019**

**RESOLVED**, the Batavia Town Board hereby amends resolution number 2 of 2019, entitled “Adoption of Salaries for 2019”, as follows:

Cleaner            from            \$9.00 - \$15.00            to            \$15.00 - \$25.00

**Second by:** Councilwoman Michalak

**Ayes:** Underhill, Michalak, Zambito, White, Post

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 106:**

Supervisor Post offered the following:

**TRAINING WORKSHOP**

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

Sandy Baubie- SkillPath “How to Become a Better Communicator” August 15, 2019 in Buffalo, New York. The cost for the training is \$149.99.

Rhonda Saulsbury – Cornell University Seminar on Appraising, July 14 – July 18, 2019 in Ithaca, New York. The cost for the training, meals and lodging is \$1,530.00.

**Second by:** Councilman Zambito

**Ayes:** Post, Zambito, White, Underhill, Michalak

**APPROVED by unanimous vote (5-0)**

**RESOLUTION NO. 107:**

Councilwoman Michalak offered the following:

**APPOINTMENTS TO  
PROPERTY MAINTENANCE BOARD OF APPEALS**

**WHEREAS**, in February 2019 a Property Maintenance Board of Appeals was established by Local Law 1 of 2019, amending the Building Construction and Fire Prevention Code of the Town of Batavia; and

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**WHEREAS**, the Town advertised for members to serve on the Property Maintenance Board of Appeals and received 5 applications; and

**WHEREAS**, three members and two alternate members need to be appointed.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints the following to serve on the Town of Batavia Property Maintenance Board Appeals:

John Gerace, as a member and chairman to serve a 3-year term effective July 1, 2019 to June 30, 2022,

Steven Tanner, as a member to serve a 2- year term effective July 1, 2019 to June 30, 2021,

Jennifer Zambito, as a member to serve a 1- year term effective July 1, 2019 to June 30, 2020,

Paul McCullough, as an alternate member to serve a 2- year term effective July 1, 2019 to June 30, 2021, and

John Della Penna, as an alternate member to serve a 1- year term effective July 1, 2019 to June 30, 2020.

**Second by:** Councilwoman White

**Ayes:** Michalak, White, Underhill, Post

**Abstain:** Zambito

**APPROVED** (4-ayes, 1-abstain)

**RESOLUTION NO. 108:**

Councilman Zambito offered the following:

**JUNKYARD LICENSES**

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

**Second by:** Deputy Supervisor Underhill

**Ayes:** Zambito, Underhill, Michalak, White, Post

**APPROVED by unanimous vote** (5-0)

**RESOLUTION NO. 109:**

Councilwoman White offered the following:

**GREAT LAKES BUILDING SYSTEMS  
ACCESS CONTROL  
SUPPORT AND SERVICES AGREEMENT**

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**RESOLVED**, by the Town Board of the Town of Batavia, New York, that a proposed “Software Maintenance Upgrade Support and Services Agreement”, by and between the Town of Batavia and Great Lakes Building Systems, a copy of which is annexed and made part of the Town Board Minutes is hereby approved, at a cost of \$2,575.00 and the Town Supervisor is authorized and directed to execute this Agreement on behalf of the Town of Batavia; and be it

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

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

**RESOLUTION NO. 110:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION OF INTEREST TO PROVIDE  
OPERATION AND MAINTENANCE OF WATER FACILITIES  
TOWN OF ALEXANDER WATER DISTRICT NO. 5**

**WHEREAS**, the Town of Alexander is proceeding with Water District No. 5, and

**WHEREAS**, the Town of Alexander is interested and requesting the Town of Batavia to provide Operation and Maintenance services, including billing for this Proposed District; and

**WHEREAS**, the Town provides the same service to other Districts in the Towns of Alexander, Alabama, Oakfield, Elba, and Bethany.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby gives its expression of interest to provide Operation and Maintenance of the new water facilities within the Town of Alexander Water District No. 5.

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

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

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

**RESOLUTION NO. 111:**

Supervisor Post offered the following:

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**30 DAY LIQUOR LICENSE WAIVER NOTICE**  
**ACME HOLDINGS OF NY INCORPORATED**  
**DIBBLE FAMILY CENTER and HD DIBBLES**

**WHEREAS**, the New York State Liquor Law requires an applicant who is applying for a liquor license to give the local municipality a 30 day advance notice; and

**WHEREAS**, Chester A. Menkiena, of Consulting Alcohol Management for Acme Holdings of NY Incorporated is requesting a waiver of the thirty (30) day advance notice for the Dibble Family Center, 4110 West Main Street Road and HD Dibbles, 4112 West Main Street Road liquor license (request attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the waiver of the thirty (30) day advance notice of Acme Holdings of NY Incorporated -Dibble Family Center and HD Dibbles, intent to apply for liquor licenses; and

**BE IT FURTHER RESOLVED**, the Town Clerk is hereby authorized and directed to notify Chester A. Menkiena of Consulting Alcohol Management for Acme Holdings of NY Incorporated and the New York State Liquor Authority indicating that the Town has no objections to the applications of the Dibble Family Center and HD Dibbles and the waiver of such thirty (30) day notification.

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

**Abstract No. 6-2019:** Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

General	115,919.22
Highway	28,302.56
Sewer No. 1	8,627.90
Sewer No. 2	17,484.06
Water	39,591.71
Batavia Bethany Twln	1,613.75
Fixed Based Metering	100.00
Ellicott Trail	116,541.70
Townline Joint Water	899.00
<b>Total</b>	<b>\$329,079.90</b>

Check numbers 22114 thru 22182, SM: 1123-1124, ACH: \$71,224.00  
**Ayes:** Underhill, White, Michalak, Zambito, Post

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**MOTION CARRIED by unanimous vote (5-0)**

**DEPARTMENT REPORTS:**

**The Supervisor reported on the following departments:**

**Highway**-Doing paving of roads and maintenance

**Water/Wastewater**- Busy doing maintenance, repairs and inspections

**Building** – Read the attached Building Inspector report

**Supervisor’s Report:**

**Status Report** on expenditures and revenues is available for the Board’s review. Strong margins of investment.

**GAM** -There will be a GAM meeting tomorrow evening at Genesee County Building 2, hosted by the Town of Byron.

**COMMUNICATIONS:**

**The Town Clerk reported on the following:**

**May Town Clerk** monthly report collected a total of \$5,379.45, remitted \$4,929.97 to the Supervisor for the Local Share.

**LGRMIF Shared Services Grant**- Received notice that the Town was awarded the Local Government Records Management Improvement Fund Grant. With Alexander and Byron.

**Liquor License** - Received notice the Acme Holdings of NY, Inc – Dibble Family Center, 4110 West Main Street Road and HD Dibbles have applied for their liquor licenses.

**Email of Appreciation of Services**- Received an email from Gordon Evans of appreciation of the professional, knowledgeable and collective assistance he received on his recent inquiry. Email attached.

**Training**- There will be a 2019 WNY Urban Plan training workshop on August 7 in Buffalo. Town officials have been notified.

**NEW BUSINESS:**

**Day of Caring** – Councilman Zambito reported that Town of Batavia Employees participated in the United Way Day of Caring and is proud to say that two projects were completed. The Town Employees were commended by the organization for the outstanding work done.

The Town Supervisor thanked everyone that has participated in the Day of Caring.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Regular Town Board Meeting at 7:26 P.M.

**Ayes:** Underhill, Zambito, White, Michalak, Post

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk