

**JANUARY 3, 2007  
ORGANIZATIONAL MEETING**

**Town Hall**

**7:00 P.M.**

Rodney Cook, Highway Superintendent led the pledge to the flag.

**Roll Call**

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

**Absent:** Councilman Gerace

**Others**

**Present:** Town Clerk Morasco  
Highway Superintendent Cook

**APPOINTMENTS:**

**Supervisor made the following appointments:**

Deputy Supervisor Daniel Underhill  
Bookkeeper, Arthur Munger  
Historian, Gale Conn-Wright

**COMMITTEE APPOINTMENTS:**

**Supervisor made the following appointments to the various committees:**

**Audit:** Deputy Supervisor Underhill, Councilman Zambito, Councilwoman Michalak,  
Councilman Gerace  
**Highway:** Deputy Supervisor Underhill, Supervisor Post, Highway Superintendent Cook  
**Water/Sewer:** Councilman Zambito, Town Engineer Steve Mountain, Supervisor Post  
**Buildings & Grounds:** Councilman Gerace, Highway Superintendent Cook, Supervisor  
Post, Town Engineer Steve Mountain  
**Video:** Councilwoman Michalak  
**Fire:** Deputy Supervisor Underhill, Supervisor Post

**RESOLUTION NO. 1:**

Councilwoman Michalak offered the following:

**GENERAL ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the following appointments be and are hereby made for the one year term beginning January 1, 2007 and ending December 31, 2007:

| OFFICE/DESIGNATION                    | APPOINTEE          |
|---------------------------------------|--------------------|
| Landfill Coordinator.....             | Rodney Cook        |
| Registrar of Vital Statistics.....    | Teressa M. Morasco |
| Water/Sewer Billing Clerk.....        | Sandra Baubie      |
| Freed, Maxick, & Battaglia, P.C. .... | Laura Landers      |

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and be it further

**RESOLVED**, that the following rates, hours, schedules, and conditions be and hereby are established for the one year term beginning January 1, 2007 and ending December 31, 2007;

- a. Mileage reimbursement rate for the use of a private vehicle in the conduct of official Town business shall be \$.445 per mile.
- b. Personal Development expenses for Town officers and employees is hereby authorized to \$1,000.00 per year; each such personal development expense shall require Town Board approval, amounts in excess must be approved by the Town Board. All meals per day shall not exceed \$35.00.
- c. The schedule of Regular/Official meeting of the Batavia Town Board shall be the third (3<sup>rd</sup>) Wednesday of each month, beginning at 7:00 o'clock p.m. and such regular meetings shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York.
- d. The Town Highway Superintendent is hereby authorized to make purchases under the Genesee County Contract.
- e. Office hours at the Town Hall are hereby set at 9:00 a.m. until 4:30 p.m., Monday through Friday, excepting recognized holidays.
- f. The Daily News (Batavia) is hereby designated as the Town's official newspaper.

**Second by:** Councilman Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 2:**

Deputy Supervisor Underhill offered the following:

**ADOPTION OF SALARIES FOR 2007**

**RESOLVED**, the Batavia Town Board hereby adopts the following salaries for 2007

**ELECTED**

|                          |           |
|--------------------------|-----------|
| Supervisor               | 25,000.00 |
| Deputy Supervisor        | 12,500.00 |
| Councilman (3)           | 6,823.00  |
| Town Clerk/Tax Collector | 40,090.00 |
| Highway Superintendent   | 58,861.00 |
| Town Justice (2)         | 20,300.00 |

**APPOINTED**

|                                 |                |
|---------------------------------|----------------|
| Assessor                        | 56,000.00      |
| Secretary to the Supervisor     | 14.50 per hour |
| Engineer                        | 44.40 per hour |
| Supervisor's Bookkeeper         | 12.27 per hour |
| Court Clerks (2)                | 15,000.00      |
| Deputy Town Clerk/Tax Collector | 9,336.00       |
| Water/Sewer Clerk               | 16,342.00      |
| Registrar of Vital Statistics   | 626.00         |
| Historian                       | 1,000.00       |
| Water/Sewer Foreman             | 7,989.00       |

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|                                     |                        |
|-------------------------------------|------------------------|
| Sanitary Landfill Coordinator       | 2,348.00               |
| Superfund Landfill Coordinator      | 2,348.00               |
| Building Inspector                  | 59,686.00              |
| Building Inspector-Deputy           | 17.00 per hour         |
| Planning Board Chairman             | 5,200.00               |
| Planning Board Secretary            | 113.00 per meeting     |
| Planning Board Members (7)          | 75.00 per meeting      |
| Zoning Board of Appeals Members (4) | 50.00 per meeting      |
| Zoning Board Chairman               | 1,200.00               |
| Zoning Board Secretary              | 75.00 per meeting      |
| Water/Sewer Maintenance Employee    | 16.59 per hour         |
| Highway Employees (MEO)             | 17.60 per hour         |
| Highway Mechanic                    | 17.80 per hour         |
| Full Time Heavy Equipment Operator  | 17.80 per hour         |
| Full Time Laborer                   | 11.63 per hour         |
| Additional Part Time MEO            | 10.00 to 14.00per hour |
| Part Time Clerk-Typist              | 9.00 per hour          |
| Highway Employees Part Time         | 10.10per hour          |
| Transfer Station Attendant          | 10.10 per hour         |
| Highway Clerk/Typist                | 12.27 per hour         |

**Second by:** Councilman Zambito

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 3:**

Councilman Zambito offered the following:

**RESOLUTION ESTABLISHING WORKDAY FOR  
ELECTED AND APPOINTED OFFICIALS**

**RESOLVED**, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State And Local Employees' Retirement System:

**ELECTED OFFICIALS**

Supervisor  
Councilperson  
Town Justice

Five day work week, six (6) hour day.

Town Clerk/Tax Collector  
Superintendent of Highways

Five day work week, seven and one-half (7.5) hour day.

**APPOINTED OFFICIALS**

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Members of Board of Zoning Appeals  
Members of Planning Board  
Town Engineer  
Secretary to Supervisor  
Clerk-Typist  
Financial Clerk-Typist  
Clerk-Stenographer  
Court Officer  
Building Inspector, Part-time

Five day work week, six (6) hour day.

Deputy Town Clerk  
Water/Sewer Billing Clerk  
Building Inspector  
Assessor

Five day work week, seven and one-half (7.5) hour day.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 4:**

Supervisor Post offered the following:

**ESTABLISHING RULES OF PROCEDURE**  
**OF THE BATAVIA TOWN BOARD FOR 2007**

**RESOLVED**, that the Batavia Town Board hereby establishes and adopts the following Rules of Procedure for the year 2007:

- 1.) **RULES OF ORDER:** The conduct of meetings of the Batavia Town Board shall be governed by the provisions of Robert's Rules of Order, with the following exceptions (1.) all votes of the Batavia Town Board shall be oral, and the names of all Town Board members present and their votes shall be recorded and entered into the official minutes by the Town Clerk, (2.) in other instances where Roberts Rules contradicts Town Law, Town Law will prevail.
- 2.) **TIMELY DISTRIBUTION:** Those items requiring the attention of the Town Board, as well as those items necessary to the conduct of regular meetings (i.e., agendas, minutes of previous meetings, prepared resolutions, contracts) should be available to Town Board members not later than the close of business on the Friday prior to the meeting at which action is scheduled. The Board will not act on such items (received later than described), and action on items received untimely by Board Members will be deferred to the next regularly scheduled Town Board meeting. To accommodate unforeseen circumstances, however, this rule may be suspended by a affirmative majority vote of the Town Board.

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3.) **PUBLIC PARTICIPATION:** The responsible and orderly participation of the public (i.e., the audience actually present) at official meetings of the Batavia Town Board shall be encouraged and shall be permitted according to the Rules for Public Participation as may be adopted by resolution of the Town Board.

4.) **PUT THE QUESTIONS:** A Town Board Member by motion may request “that a question be now put to vote”. A motion to “put the question” is not debatable or subject to amendments. The main question shall be on the passage of the matter under consideration, but when amendments are pending the question shall first be taken upon amendments in their order. A motion to “put the question” shall be seconded and passed by a roll call of a affirmative majority vote of the Town Board.

5.) **OFFICIAL MINUTES:** The Town Clerk in accordance with Town Law Section 30 (1) “shall keep a complete and accurate record of the proceedings of each meeting”, but it is not necessary to keep a record of the proceedings verbatim. The Town Clerk’s function in taking the minutes is purely ministerial and he/she has no discretion to include in the minutes only those discussions which he/she thinks are important. Therefore all discussion and proceedings, unless they fall under a specific statutory requirement, will be recorded referencing the main points only.

6.) **AUDIT:** An Audit Committee consisting of at least two (2) Town Board Members shall be appointed by the Town Supervisor. Individual vouchers of the Abstract shall indicate the recommendation of the Town Supervisor for Audit Committee approval.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 5:**

Councilwoman Michalak offered the following:

**POLICY CONCERNING PUBLIC PARTICIPATION AT TOWN BOARD MEETINGS**

**WHEREAS,** the Batavia Town Board is interested in and is receptive to the genuine concerns and sincere expressions of all Town residents.

**RESOLVED,** the Supervisor will provide for an orderly and productive forum for public (audience) participation at all meetings of the Town Board, where such participation will be afforded to all residents equally.

**RESOLVED,** each speaker will be limited to five (5) minutes to speak , if necessary, at the time of Public Participation, however they or anyone else may also speak for five (5) minutes at the time a resolution is being discussed.

**Second by:** Councilman Zambito  
**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 6:**

Deputy Supervisor Underhill offered the following:

**DESIGNATION OF OFFICIAL DEPOSITORY**

**RESOLVED**, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for all operational accounts:

Five Star Bank – Batavia, New York (West End Branch)

**RESOLVED**, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for Investment purposes:

1. M&T Bank, Oakfield, New York
2. Five Star Bank (West End Branch), Batavia, New York
3. Key Bank, Batavia, New York
4. Bank of Castile, Batavia, New York
5. First Niagara Bank, Batavia, New York

**Second by:** Councilman Zambito

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 7:**

Councilman Zambito offered the following:

**APPROVAL OF OFFICIAL BLANKET UNDERTAKING**

**WHEREAS**, Public Officer Law §11(2) provides that in lieu of any individual undertaking as required by law, the Town Board may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees of the Town, and

**WHEREAS**, such blanket undertaking must be approved as to form, manner of execution and sufficiency of surety, by the Town Board and filed in the same manner as individual undertakings, and

**WHEREAS**, the section further provides that any such blanket undertaking entered into after January 1, 1978 must indemnify against losses caused by the failure of the officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized and directed to procure a blanket undertaking for all Town officers and employees, for the amount of one hundred thousand dollars (\$100,000.00) the cost of which the blanket undertaking shall become a Town charge; and be it further;

**RESOLVED**, that upon execution of the blanket undertaking, said undertaking shall immediately be filed in the Office of the Town Clerk of the Town of Batavia, New York.

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**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 8:**

Supervisor Post offered the following:

**AUTHORIZATION OF PETTY CASH**

Pursuant to Section 64-1a of the Town Law the Batavia Town Board hereby authorizes a petty cash fund for the Town Clerk/Tax Collector not to exceed two hundred (\$200.00) dollars.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 9:**

Councilwoman Michalak offered the following:

**AUTHORIZATION FOR THE SUPERVISOR  
TO PAY CERTAIN CLAIMS PRIOR TO AUDIT**

Pursuant to Section 118 of the Town Law the Batavia Town Board hereby authorizes the Supervisor to pay claims for public utilities, postage, freight and express charges, before they are audited.

**Second by:** Councilman Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 10:**

Deputy Supervisor Underhill offered the following:

**AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

**WHEREAS**, the Town Board and Town Highway Superintendent should enter into an agreement relative to the expenditure of highway moneys for repair and improvement of Town Highways (Highway Law 284);

**WHEREAS**, the agreement must be prepared in duplicate, signed by a majority of the Town Board Members and the Highway Superintendent and filed with the Town Clerk and the Genesee County Highway Department.

**RESOLVED**, the Batavia Town Board hereby adopts the Town Highway Superintendent Agreement relative to the expenditure of Highway moneys for repair and improvement of Town Highways, as presented by the Town of Batavia Highway Superintendent.

**Second by:** Councilman Zambito

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**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 11:**

Councilman Zambito offered the following:

**APPLICATIONS FOR APPOINTMENTS IN THE TOWN OF BATAVIA**

**RESOLVED**, in order to encourage the participation of all Town residents in the governmental and political process of the Town the following criteria will be used:

1. Appointments will be made based on qualifications.
2. No one (1) person will be allowed to hold more than one (1) position in the Town except when dual responsibilities will better serve and/or be advantageous to the Town, as determined by the Town Board.
3. Positions will be advertised in the Towns Official newspaper, The Daily News.
4. The attached application form will be the official form to be used for submission by the applicants to the Town Board for consideration.

**Second by:** Councilwoman Michalak

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 12:**

Supervisor Post offered the following:

**AUTHORIZING APPOINTMENT OF ATTORNEY FOR THE TOWN**

**RESOLVED**, that the Batavia Town Board hereby appoints Kevin Earl as attorney for the Town, for the one (1) year term beginning January 1, 2007 and ending December 31, 2007 one hundred, thirty-five dollars (\$135.00) per hour (letter attached).

**FURTHER RESOLVED** that all legal services must first receive approval from the Town Board, however, to avoid any delay in legal proceedings of the Town, the Supervisor is hereby authorized to approve during the interim of monthly meetings, legal fees not to exceed two thousand dollars (\$2,000.00). The law firm of Harris Beach LLC, counsel for the Town of Batavia Landfill Superfund site and Hodgson Russ Attorneys LLP, counsel for Labor Negotiations are excluded from this resolution.

**FURTHER RESOLVED**, that all Town Board members have a legal right to confer with the Town Attorney at any time.

**Second by:** Councilman Zambito

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 13:**

Councilwoman Michalak offered the following:



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**AUTHORIZING CONSULTING SERVICES**

**RESOLVED**, all consulting services must first receive approval from the Town Board, however to avoid the delay of development or any other project requiring consulting services in the Town, the Supervisor is hereby authorized to approve, during the interim of monthly meetings, engineering costs not to exceed two thousand dollars (\$2,000.00); and be it further

**RESOLVED**, all monthly invoices are required by the Town, and payment of any invoices received later than the first Wednesday before the regularly scheduled Town Board Meeting will be delayed to the following month. Consulting costs for each task performed must be itemized on separate invoices. Invoices must be sent to the Supervisor.

**Second by:** Councilman Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 14:**

Deputy Supervisor Underhill offered the following:

**VIDEO TAPING**

**WHEREAS**, as the Batavia Town Board wishes that the Town Board meeting proceedings of the Town of Batavia be attainable and accessible to as many citizens as possible.

**RESOLVED**, the Batavia Town Board hereby authorizes the video taping of the Town Board Meetings to be later produced on Cable TV and that the tape recordings will be retained for a period of one (1) year.

**RESOLVED**, the Batavia Town Board authorizes the payment of thirty-five dollars (\$35.00) per hour for taping the meetings.

**FURTHER RESOLVED**, the Public Hearings will be televised at the Town Boards discretion and will be decided at the time the Public Hearing is called.

**Second by:** Councilwoman Michalak  
**APPROVED by unanimous vote (4-0)**

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

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 15:**

Councilman Zambito offered the following:

**PAYROLL SCHEDULE FOR 2007**

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**RESOLVED**, the Batavia Town Board hereby adopts the payroll schedule for 2007 to be bi-weekly for all employees with the exception of the Town Planning Board Members, the Zoning Board of Appeals Members, and the Historian, which will be monthly.

**Second by:** Deputy Supervisor Underhill  
**APPROVED by unanimous vote (4-0)**

**ADJOURNMENT:**

Motion Councilman Zambito, second Deputy Supervisor Underhill to adjourn the Organizational Meeting at 7:17 P.M.

**MOTION CARRIED** by unanimous vote. (4-0)

Respectfully submitted,

Teressa M. Morasco  
Town Clerk