

**DECEMBER 19, 2007
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Alfred Lang, Councilman led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak
Councilman Gerace

Others

Present: Town Clerk Morasco
Building Inspector Worthington
Town Justice Wiater
Dan Jacques, Town of Batavia Fire Department

The Supervisor called the meeting to order at 7:02 P.M.

The Supervisor presented a plaque to Town Justice David Wiater Batavia and thanked him for his years of service to the community. Justice Wiater read a letter to express his appreciation to the Town and his family for having the opportunity to serve as Town Justice. He sees a very prosperous Town and was very happy to be a part of it.

MINUTES:

November 21, 2007 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Deputy Supervisor Underhill, Councilwoman Michalak, Councilman Gerace, Supervisor Post

Abstain: Councilman Lang

MOTION CARRIED (4-ayes, 1-abstain)

RESOLUTION NO. 189:

Councilman Lang offered the following:

**AUTHORIZING AGREEMENT FOR
FIRE PROTECTION SERVICES FOR FISCAL YEAR 2008**

WHEREAS, there has been duly established in the Town of Batavia a Fire Protection District known as the "Town of Batavia Fire Protection District" as such territory is more fully described in the Resolution establishing such District as was duly adopted by the Town Board of the Town of Batavia, Genesee County, New York, on March 24, 1948;

WHEREAS, it is proposed that a Contract be entered into with the Town of Batavia Fire Department, Inc. for the furnishing of fire protection in said District by said Town of Batavia Fire Department, Inc.; and

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WHEREAS, due notice has been given of a Public Hearing held at the Town Hall of the Town of Batavia, New York on the 19th day of December, 2007, at 6:45 P.M. to consider such Contract, the notice thereof duly specifying the time and place of the Public Hearing as aforesaid and describing the time and place of the Public Hearing as aforesaid and describing in general terms and proposed Contract; and

WHEREAS, said Public Hearing was duly conducted as advertised and all persons interested therein and presenting themselves were heard; now, therefore, be it

RESOLVED, it is in the public interest for this Board to contract with the Town of Batavia Fire Department, Inc., and be it further

RESOLVED, upon receiving certified copies of resolutions duly adopted by said Town of Batavia Fire Department, Inc., membership and Directors approving the terms and conditions of said Contract that this Town Board shall contract with said Town of Batavia Fire Department, Inc. for the furnishing of fire protection to such District according to the terms of said Contract, a copy of which is annexed to this Resolution and is make a part thereof, and be it further

RESOLVED, such contract shall be executed on behalf of the Town of Batavia, New York by its Supervisor and Town Clerk.

Second by: Deputy Supervisor Underhill

APPROVED by unanimous vote (5-0)

Discussion: Prior to the vote the Supervisor expressed that this is a result of 11 months of communication with the organization that provides extraordinary fire protection service to the Town. In two weeks, the committee will begin to work with the Fire Department on the next contract.

RESOLUTION NO. 190:

Deputy Supervisor Underhill offered the following:

RESOLUTION ADOPTING LOCAL LAW # 5 OF 2007

WHEREAS, proposed Local Law #5 of 2007 of the Town of Batavia entitled "A Local Law Waiving Certain Fees", which proposed Local Law in its final form was presented to the Town Board at the meeting held on November 21, 2007, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on December 19, 2007, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #5 of 2007 is in the best interest of the Town of Batavia, New York,

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NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law #5 of 2007 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law #5 of 2007 be filed with the New York State Secretary of State in accordance with Law.

Second by: Councilman Gerace
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 191:

Supervisor Post offered the following:

DENTAL FOR NON-BARGAINING EMPLOYEES

RESOLVED, the Batavia Town Board hereby agrees to reimburse the non-bargaining unit employees in the Town, \$300.00 per family member for dental purposes for 2008. The \$300.00 is for each person and is not to be combined with another family members dental expenses.

Second by: Councilman Lang
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 192:

Councilwoman Michalak offered the following:

JANITORIAL SERVICES

RESOLVED, the Batavia Town Board hereby retains New York State Industries for the Disabled, Inc., who represents Genesee County ARC, to perform janitorial services at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, from January 1, 2008 to December 31, 2008 at a monthly cost of one thousand, two hundred, sixty-three dollars and thirty-two cents (\$1,263.32) and be it

FURTHER RESOLVED, that Genesee County ARC must provide the Town of Batavia a Certificate of Insurance naming the Town as additional insured.

FURTHER RESOLVED, the specifications for the cleaning of the Town Hall is attached.

Second by: Councilman Lang
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 193:

Councilman Gerace offered the following:

AUTHORIZING BUDGET TRANSFERS FOR 2007

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RESOLVED, the Batavia Town Board hereby authorizes the following Budget Transfers:

General Fund:

<u>From</u>	<u>Amount</u>	<u>To</u>
A1110.107 Justice – Clerk	\$352.04	A1110.401 Justice Filio Contr.
A1110.107 Justice – Clerk	\$6,851.45	A1110.403 Justice DA.
A1220.000 Supervisor – Equip.	\$1,000.00	A1220.400 Supervisor – Contr.
A1420.400 Attorney – Contr.	\$77.11	A1420.402 Attorney – Legal Ads
A1420.400 Attorney – Contr.	\$6,803.08	A1420.402 Attorney – Union
A1620.200 Town Hall – Equip.	\$3,714.74	A1620.404 Town Hall – Contr.
A1680.200 Central Proc. Equip.	\$77.72	A1680.400 Central Proc. Contr..
A3620.200 Bldg & Saf. Equip.	\$428.65	A3620.401 Bldg & Saf. Legal
A3620.200 Bldg & Saf. Equip.	\$12,566.45	A3620.402 Bldg & Saf. Engineering
A3620.400 Bldg & Saf. Equip.	\$1,289.47	A3620.402 Bldg & Saf. Engineering
A1990.400 Contingency	\$15,600.00	A3620.402 Bldg & Saf. Engineering
A7510.402 Historic Programs	\$5,228.00	A8020.403 Planning Board
Ordiances		
A7510.402 Historic Programs	\$500.23	A8020.404 Planning Bd. Code
Update		
A8120.102 Sewer Impr. PT	\$500.00	A8162.100 Trs. Station Pers Svc
A1990.400 Contingency	\$19,706.96	A9010.800 Retirement
A9060.801 Health Ins. Reimb. Exp.	\$34.70	A9050.800 Unemployment Ins.
A9089.800 In lieu of Ins.	\$1,427.90	A9089.801 Eye Exams
A7110.200 parks Equip.	\$1,506.90	A8162.400 Trs. Station Contr.
A1110.107 PT Justice Clerk	\$1,722.21	A8162.400 Trs. Station Contr.
<u>Highway</u>		
DA5110.400 Gen. Repairs Contr.	\$1,556.27	DA5110.100 Gen. Repairs Pers. Svc.
DA5110.400 Gen. Repairs Contr.	\$7.61	DA5110.101 Gen Repairs PT
<u>Sewer District 1</u>		
SS1-8110.400 Sewer Admin. Contr.	\$39.92	SS1-8110.200 Sewer Admin. Equip.
SS1-8120.102 Sanitary Sewer PT	\$300.00	SS1-8120.103 Sanitary Swr Pers Svc
SS1-8120.102 Sanitary Sewer PT	\$5.00	SS1-8120.105 Sanitary Swr
Longevity		
<u>Sewer District 2</u>		
SS2-8110.400 Sewer Admin. Contr.	\$59.79	SS1-8110.200 Sewer Admin. Equip.
SS2-8120.102 Sanitary Sewer PT	\$300.00	SS1-8120.103 Sanitary Swr Pers Svc
SS1-8120.102 Sanitary Sewer PT	\$7.00	SS1-8120.105 Sanitary Swr
Longevity		
<u>Water</u>		
SW8310.400 Wtr.Admin. Contr.	\$299.12	SW8310.200 Wtr Admin. Equip.
SW8340.401 Trs/Distr. Legal Svc	\$16,000.00	SW8310.401 Wtr. Admin. Backflow
SW8340.102 Trs/Dist PT	\$500.00	SW8340.103 Trs. Distr. Pers. Svc.

Second by: Deputy Supervisor Underhill

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 194:

Councilman Lang offered the following:

**CONTRACT TO PROVIDE ASSISTANCE TO EMPLOYEES WHO
HAVE ALCOHOL, DRUG, FINANCIAL AND OTHER PERSONAL PROBLEMS**

WHEREAS, at the November 15, 1995 Town Board Meeting the Town Board adopted an Alcohol and Drug Testing Policy;

WHEREAS, the Town wishes to provide assistance to employees who have alcohol, drug, financial and other personal problems;

WHEREAS, Royal Employer Services will provide these services to the Town at a cost of two hundred, seventy dollars (\$270.00) annually (contract attached).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contract between the Town of Batavia and Royal Employer Services to provide assistance to employees who have alcohol, drug, financial, and other personal problems.

RESOLVED, this contract runs from January 1, 2008 to December 31, 2008.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 195:

Deputy Supervisor Underhill offered the following:

DRUG AND ALCOHOL TESTING SERVICES

WHEREAS, at the November 15, 1995 Town Board Meeting the Town Board adopted an Alcohol and Drug Testing Policy;

WHEREAS, the Town needs to contract for these testing services;

WHEREAS, WorkFit Medical, LLC, will provide these services, for employees holding safety sensitive positions (costs attached).

RESOLVED, the Batavia Town Board hereby retains WorkFit Medical, LLC for drug and alcohol testing services, for employees holding safety sensitive positions per costs above;

RESOLVED, this service runs from January 1, 2008 to December 31, 2008.

Second by: Councilman Lang

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APPROVED by unanimous vote (5-0)

RESOLUTION NO. 196:

Supervisor Post offered the following:

**APPROVAL OF FINAL CHANGE ORDER
LOVERS LANE ROAD WATERMAIN**

WHEREAS, R.Myers Contractors, Inc. is under contract with the Town of Batavia for the Lovers Lane Road Watermain project; and

WHEREAS, R.Myers Contractors, Inc. has submitted a final change order request in the amount of \$1,400.00 for final quantity adjustments (attached); and

WHEREAS, FRA ENGINEERING, P.C. has recommended approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 197:

Councilwoman Michalak offered the following:

**FINAL ACCEPTANCE OF PROJECT AS COMPLETE
LOVERS LANE ROAD WATERMAIN**

WHEREAS, R.Myers Contractors, Inc. has certified completion of the Lovers Lane Road Watermain project, and;

WHEREAS, FRA ENGINEERING, P.C. has recommended approval and final acceptance of project as complete and ready for final acceptance.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby accepts project as complete and approves final payment.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 198:

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Councilman Gerace offered the following:

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 OF 2008

WHEREAS, the Town Board of the Town of Batavia, New York desires to consider adopting legislation to prohibit parking on the entire length of Park Road, from Route 63 to Route 98, also known as Town of Batavia Local Law #1 of 2008.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that proposed Local Law #1 of 2008 entitled "A Local Law to Prohibit Parking on Park Road", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until January 16, 2008, and that a public hearing be held before this Town Board on the 16th day of January, 2008, at 6:50 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Batavia, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Dated: December 19, 2007

Second by: Councilwoman Michalak

APPROVED by unanimous (5-0)

RESOLUTION NO. 199:

Councilman Lang offered the following:

PAYROLL PROCESSING AGREEMENT

RESOLVED, the Batavia Town Board hereby retains Complete Payroll Processing, Incorporated, (CPP) located at 7488 State Route 39, Perry, New York 14530 for Payroll Services at a cost of \$82.11 per pay period and \$61.21 per monthly pay period (agreement attached), and be it

FURTHER RESOLVED, that CPP must provide the Town of Batavia a Certificate of Insurance naming the Town as additional insured, along with proof of Professional Liability Coverage; and be it

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FURTHER RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the agreement between the Town of Batavia and CPP.

Second by: Deputy Supervisor Underhill
APPROVED by unanimous vote (5-0)

RESOLUTION DIED:

Deputy Supervisor Underhill offered the following:

**RESOLUTION TO EXTEND AND MODIFY
INTER-MUNICIPAL GENERAL AMBULANCE AGREEMENT
WITH THE CITY OF BATAVIA**

WHEREAS, the City of Batavia and Town of Batavia currently have an “Inter-municipal General Ambulance Agreement” (hereinafter referred to as the “Ambulance Agreement”), dated February 24, 2003, wherein the City of Batavia is contractually obligated to provide modern, expeditious and reliable professional emergency advanced life support and emergency ambulance transport capability for those sick or injured persons within the Town of Batavia, and

WHEREAS, the current Ambulance Agreement will terminate on December 31, 2007, and

WHEREAS, once the Ambulance Agreement expires the City of Batavia will no longer have any obligation to provide care to the persons of the Town of Batavia, pursuant to this Ambulance Agreement, and

WHEREAS, the City of Batavia has proposed a new Ambulance Agreement to the Town of Batavia, which the Town needs to evaluate and fully explore all available alternatives to provide ambulance services to the residents of the Town, and

WHEREAS, the Town of Batavia has requested that the City of Batavia extend the Ambulance Agreement for an additional one (1) year period, and

WHEREAS, the City of Batavia will extend the current Ambulance Agreement to December 31, 2008, for the service fee of \$22,479.06, to be received no later than February 1, 2008. The fee to be paid by the Town of Batavia is based upon the Town’s share of prior call volume for the prior year (June 2006 – May 2007) within the Town, divided by the total number of calls for Genesee County outside of the City of Batavia limits, and

WHEREAS, the City of Batavia will grant a one (1) year extension of the Ambulance Agreement upon receipt of an executed Extension and Modification Agreement for the Ambulance Agreement from the Town prior to December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York that a proposed “Extension and Modification of Inter-municipal General Ambulance Agreement”, annexed and made part of these minutes, is hereby approved, and the Town Supervisor is authorized and

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directed to execute this Ambulance Agreement on behalf of the Town.

DIED-LACK OF SECOND

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

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 200:

Supervisor Post offered the following:

**AUTHORIZATION FOR THE TOWN OF BATAVIA
FIRE DEPARTMENT TO WITHDRAW FUNDS**

WHEREAS, the Town of Batavia Fire Department has requested authorization to withdraw up to \$79,627.00 from the Apparatus Purchase Fund for the purchase of a 2008 Rescue Pumper Apparatus (request attached); and

WHEREAS, the contract beginning January 1, 2008 to December 31, 2008 requires prior approval from the Town of Batavia to expend funds from the Apparatus Purchase Fund.

RESOLVED, the Batavia Town Board hereby authorizes the Town of Batavia Fire Department to withdraw up to \$79,627.00 from the Apparatus Purchase Fund, contingent upon the full execution of the 2008 Fire Protection Contract.

Second by: Councilman Gerace

APPROVED by unanimous vote (5-0)

Discussion: Prior to the vote Dan Jacques, Town of Batavia Fire Department stated that the Fire Department is receiving bids for the Pumper Truck and will be awarding the bid by January 15. Delivery is expected in eight to ten months. The Supervisor commended the Town of Batavia Fire Department for their extraordinary service.

Abstract No. 12-2007: Motion Deputy Supervisor Underhill second Councilman Gerace, to authorize the Supervisor to pay the following vouchers:

General	\$ 102,995.38
Highway	10,592.37
Sewer No. 1	3,616.74
Sewer No. 2	3,494.04
Water	19,526.12
Pearl St Rd Water	2,613.50
Wilkinson Rd Water	4,829.20
Putnam/Shepard Water	7,944.00
Ellicott/Townline Water	283,772.17

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Lovers Lane Water	7,441.00
Saile Sewer	<u>29,681.23</u>
TOTAL	\$476,505.75

Check numbers 12006 thru 12090, ACH 12

MOTION CARRIED by unanimous vote (5-0)

DEPARTMENT REPORTS:

Building Inspector requested authorization to purchase Building Inspection Software.

BUILDING/CODE SOFTWARE- Motion Councilman Gerace, second Councilwoman Michalak authorizing the Building Inspector to purchase 2 licenses for Building Inspection/Code Enforcement Software from Business Management Systems, Incorporated (BMSI) at a cost of \$2,800.00 (request/quote attached) and the annual licensing and unlimited support at a cost of \$990.00 after the first year.

MOTION CARRIED by unanimous vote (5-0)

Genesee County Fairgrounds-Councilman Gerace inquired about the “Permitted Use” for the Genesee County Fairgrounds property. The neighbors are concern that there is going to be additional racing. A brief discussion was held. The Building Inspector stated that a sub-contractor has briefly talked with him, but no plans or paper have been submitted to the Town. The Planning Board is the approving Board.

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 CD’s and are paying at rates between 4.45% and 4.83%.

GAM meeting is Thursday December 20 with the Town of LeRoy hosting it at 7:00 P.M..

Swearing In Ceremony-The Town of Batavia swearing in ceremony will be held at the Batavia Town Hall on Thursday, December 27 at 7:00 P.M.

Organizational Meeting-Scheduled for Wednesday, January 2 at 7:00 P.M.

DISABILITY INSURANCE-Motion Councilman Gerace, second Deputy Supervisor Underhill authorizing the Supervisor to a purchase disability insurance policy for all non-union/ non-elected regular full-time and part-time employees.

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

November Town Clerk’s Report-Collected \$9,179.03 in State, County and Local Revenues for the month of November. The Local Share of \$7,766.08 was remitted to the Town Supervisor.

2008 Town/County Taxes Bill will be mailed on December 31st.

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Merry Christmas, Happy Holidays and Happy New Year to All!!

COMMITTEE REPORTS:

Time Warner- Councilwoman Michalak reported that the December meeting with Time Warner was cancelled and will be rescheduled after the 1st of the year.

Sports Facility- Councilman Gerace reported that Councilwoman Michalak, Town Engineer Steve Mountain, and himself, met with Ted Hawley on the possibility of the Town being a partner or the lead agency for a Sports Facility in the Town of Batavia. At some future date, Mr. Hawley would like to address the Town Board.

Park Grant Funds- Councilman Gerace reported that Councilwoman Michalak, Steve Mountain and himself will be meeting with Stu Brown on January 10 to discuss the Park Grant funding.

OLD BUSINESS:

Ambulance-Supervisor Post commented that the Town Board will continue to search for the best possible ambulance service for the community.

Special Meeting- The Supervisor called a Special Meeting for December 27 following the Swearing In Ceremony for any last minute business to tend to.

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:45 P.M.

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk