

**MARCH 16, 2011  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Al 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  
Roger Muehlig, Daily News Reporter  
Brittany Baker, Batavian Reporter

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

**February 16, 2011 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Gerace to approve the minutes as written.

**Ayes:** Underhill, Gerace, Lang, Michalak, Post

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

**RESOLUTION NO. 54:**

Councilman Lang offered the following:

**PURCHASE NEW VEHICLE FOR  
WATER AND SEWER DEPARTMENT**

**WHEREAS,** the 2011 Town Budget reflects appropriations to purchase a new vehicle for the Water and Sewer Department; and

**WHEREAS,** the Town solicited bids for a new 2011 Ford F350 XL Crew Cab Dual rear Wheel Pickup truck. Six bids were received on the truck. The low bidder was Vision Ford, 4545 Ridge Road, Rochester, NY 14626 at a price of \$28,265.00 ( bid summary attached); and

**WHEREAS,** the current 2010 Ford F350 pickup truck with the original truck bed (VIN#1FTWW3DY7AEA26206) will be sold at auction and the money from the sale of this vehicle will be used to purchase the new vehicle; and

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the purchase a new 2011 Ford F350 XL Crew Cab Dual Rear Wheel Pickup Truck from Vision Ford at a cost of \$28,265.00; and be it further

**RESOLVED,** hereby authorizes selling the 2010 Ford F350 pickup truck at auction, and be it

**FURTHER RESOLVED,** the expenditure will be appropriated from line item SW8340.200,

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SS1-8120.200 and SS2-8120.200.

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

**TOWN OF BATAVIA  
2011 FORD F350 XL CREW CAB  
MARCH 1, 2011 AT 3:00 P.M.**

<b>BIDDER</b>	<b>BID AMOUNT</b>
Vision Ford 4545 Ridge Road Rochester, New York 14626	\$28,265.00
Delacy Ford 3061 Transit Road Elma, New York 14059	\$28,283.00
Kelly Motor Corp. 2811 Rte 246 Perry, New York 14530	\$28,350.00
Conroy Motor Corp. 1457 Main Street Java Center, NY 14082	\$28,978.00
West Herr Ford 5025 Camp Road Hamburg, New York 14075	\$28,995.00
Dave Smith Ford 4045 Transit Road Williamsville, NY 14221	31,758.13

**RESOLUTION NO. 55:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION AUTHORIZING TIME WARNER  
BUSINESS CLASS SERVICE AGREEMENT-  
UPGRADE INTERNET SERVICE**

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**WHEREAS**, the Town of Batavia authorized a renewal agreement for high speed internet access and cable television service with Time Warner Cable Business Class for the Town Hall and Highway Facility at the August 19, 2009 Town Board Meeting; and

**WHEREAS**, the current internet access speed is not sufficient for the Town's daily needs with the ever growing use of technology; and

**WHEREAS**, Time Warner Cable proposed an upgrade to 10 Mbps X 1 Mbps from 5 Mbps x 384 Kbps, at a cost of \$129.95 per month and an upgrade installation cost of \$25.00 (agreement attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby accepts Time Warner Cable's proposal for the upgraded three year contract term at a cost of \$129.95 per month and an upgrade installation cost of \$25.00; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to execute the contract.

**Second by:** Councilman Gerace

**Ayes:** Underhill, Gerace, Lang, Michalak, Post

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

**RESOLUTION NO. 56:**

Supervisor Post offered the following:

**CANON DR-5010C SCANNER MAINTENANCE AGREEMENT  
BETWEEN BIEL'S AND THE TOWN OF BATAVIA**

**WHEREAS**, the Town purchased a Canon DR-5010C Scanner in December 2008 for the records management archives grant and annual maintenance agreement; and

**WHEREAS**, maintenance agreement expires March 18, 2011; and

**WHEREAS**, the cost to renew the Annual Maintenance Agreement is seven hundred, fifty dollars (\$750.00) (agreement attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the annual Maintenance Agreement between the Town of Batavia and Biel's at a cost of seven hundred, fifty dollars for one (1) year starting March 19, 2011 to maintain the Canon DR-5010C Scanner.

**Second by:** Councilman Lang

**Ayes:** Post, Lang, Underhill, Michalak, Gerace

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

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**RESOLUTION NO. 57:**

Councilwoman Michalak offered the following:

**MEDICAL EXPENSE REIMBURSEMENT PLAN  
RESTATED ADOPTION AGREEMENT**

**RESOLVED**, in a manner consistent with Section 105 of the Internal Revenue Code the Batavia Town Board hereby adopts the Restated Medical Expense Reimbursement Plan Agreement (agreement attached); and be it

**FURTHER RESOLVED**, the Town Board hereby authorizes the Supervisor to execute the Town of Batavia Medical Expense Reimbursement Plan Restated Adoption Agreement (attached); and be it

**FURTHER RESOLVED**, the Secretary to the Supervisor will continue to be the Plan Administrator.

**Second by:** Councilman Gerace

**Ayes:** Michalak, Gerace, Lang, Underhill, Post

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

**RESOLUTION NO. 58:**

Councilman Gerace offered the following:

**ORDER CALLING FOR A PUBLIC HEARING-  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, the Batavia Town Board wishes to assess the potential of submitting an application for a Community Development Block Grant through the New York State Office of Community Renewal in response to the Fiscal Year 2011 “Notice of Funding Availability”; and

**WHEREAS**, a public hearing is required to allow residents an opportunity to assist the Town in defining community development priorities and identifying possible projects for inclusion in the application for funding under this program.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

**RESOLVED**, that the Public Hearing will be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York at 6:55 o'clock p.m. on the 20<sup>th</sup> of April, 2011; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to have published at least once in “The Daily News” at least seven (7) days before the date scheduled for Public Hearing, the Public Hearing Notice

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which is attached hereto.

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

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**Community Development Block Grant (CDBG) Program**

The Town of Batavia, New York has scheduled a hearing for April 20, 2011. The hearing will start at 6:55 P.M. and take place in the Batavia Town Hall, 3833 W. Main Street, Batavia, NY, 14020. The Town Hall is in compliance with accessibility standards set forth in the American's with Disabilities Act. Hearing disabled persons who wish to attend shall call the Town Clerk at 585-343-1729 not less than 48 hours prior to the hearings to make arrangements for an interpreter, if needed. Written public comments will also be accepted.

The public hearing will be held to discuss community development needs and priorities, to provide residents with information about the Community Development Block Grant (CDBG) Program and to describe the Town's plan to meet these priority needs. The Town is considering applying for CDBG funding to make needed infrastructure improvements that would serve potential areas along West Main Street Road. Residents are invited to attend the hearing, to assist the Town in defining community development priorities and to comment on the projects the Town is considering. The Town will provide information at the hearing to comply with the legislative and program requirements which govern the CDBG Program. The Town expects to submit an application for a CDBG Grant in response to a Notice of Funding Availability issued by the NYS Office of Community Renewal (OCR) for the Open Competitive Round of grants for the Fiscal Year 2011 program.

Date: March 16, 2011

Teresa Morasco  
Town Clerk

**RESOLUTION NO. 59:**

Councilman Lang offered the following:

**AUTHORIZATION TO SUBMIT A GRANT**  
**APPLICATION TO THE OFFICE OF COMMUNITY RENEWAL**

**"RESOLVED**, that the Supervisor of the Town of Batavia, Genesee County, New York, is hereby authorized as the official representative of the Town to execute and submit a Community Development Block Grant (CDBG) application to the administrative agency for the Fiscal Year 2011 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

**Second by:** Deputy Supervisor Underhill

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

**RESOLUTION NO. 60:**

Deputy Supervisor Underhill offered the following:

**PROPOSAL OF SERVICES AGREEMENT –  
BETWEEN THE TOWN OF BATAVIA AND STUART I. BROWN ASSOCIATES  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**WHEREAS**, the Town of Batavia is planning to submit an application to the Governor's Office for a Community Development Block Grant (CDBG) to request funding to make needed infrastructure improvements that would serve potential areas along West Main Street Road; and

**WHEREAS**, Stuart I. Brown Associates submitted a proposal to prepare the CDBG Application at a cost of six thousand, five hundred dollars (\$6,500.00) (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Stuart I. Brown Associates to prepare the 2011 CDBG Application at a cost of six thousand, five hundred dollars (\$6,500.00) and to execute an agreement between the Town of Batavia and Stuart I. Brown Associates; and be it

**FURTHER RESOLVED**, the cost will be expended from budgetary line item number A8030.400- Research & Development.

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

**RESOLUTION NO. 61:**

Supervisor Post offered the following:

**ADOPTION OF AMENDED TRANSFER STATION PERMIT FEE SCHEDULE**

**WHEREAS**, the Town of Batavia Highway Superintendent has presented to the Batavia Town Board an amended Transfer Station Permit Fee Schedule for the disposal of refuses and construction debris, in the Town of Batavia (fee schedule attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby adopts the amended Transfer Station Permit Fee Schedule; and be it

**FURTHER RESOLVED**, the amended fee schedule will be effective as of April 1, 2011.

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

**Discussion-**Councilman Lang reviewed this with the Highway Superintendent. The fee for the bag/punches has not been increased in several years.



**TOWN OF BATAVIA RESIDENTS**


**RECYCLING AND REFUSE DISPOSAL**

**PERMITS FOR TRANSFER STATION:**

The permits can be purchased at the Batavia Town Hall, Monday, Tuesday, Thursday, through Friday from 8:30 A.M. to 4:30 P.M., and Wednesday from 8:30 A.M. to 7:00 P.M.

**HOURS TO USE TRANSFER STATION:**

Wednesdays-           3:00 P.M. to 7:00 P.M.  
 Saturdays-             8:00 A.M. to 3:30 P.M.

<b>RECYCLE</b>	<b>WHAT</b>	<b>HOW</b>	<b>DO NOT INCLUDE</b>
<b>GLASS</b>	Food jars including home canning jars, beverage bottles	Remove caps and lids, rinse clean	Broken glass or light bulbs, window glass, mirror glass, etc.
<b>MAGAZINES/ NEWSPAPER/ CARDBOARD</b>	Clean, dry newspapers, inserts, comics, flyers & catalogs, cardboard	Place in brown paper grocery bags or tie with string ( no wire)	Hard covered books
<b>PLASTICS</b>	Frosted, colored & clear plastics with these symbols on or near the bottom 	Remove caps, drain and rinse	Plastic bags, wrap, caps, medicine bottles & toys
<b>TIN &amp; ALUMINUM CANS</b>	Food or beverage aluminum & tin or metal cans	Remove caps, drain and rinse	Teflon coated cans with paper or plastic parts, aluminum foil/trays

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<b>METAL</b>	Washers, dryers, stoves, pipes, lawn movers, **refrigerators/freezers, etc.	Put in appropriate Recycle Bin	Car or truck gas tanks
<b>Electronic Waste</b>	Computers, Printers, TV's, VCR, DVD CD Players, Microwaves, Cell Phones	Place in Appropriate Recycle Bin	Light Bulbs, Lamps or any Liquids

**\*\*Certification that the freon has been removed must be provided when disposing the refrigerator. (freon service – Contact a Heating & Refrigeration Vendor )**

**COST:**

**Bag** \$2.00-per 30 gallon bag (1 punch)

**Pick-up truck, dump truck or small trailer** – Cost determined by length, width and height of bed of vehicle.

**Construction/Demolition Refuse/Trash-** \$35.00 per cubic yard

**Single Item Costs-** Window \$4.00 (2 punches), Chair 6.00 (3 punches), Mattress or Box Spring \$6.00 (3 punches), Toilet \$6.00 (3 punches), Sink \$6.00 (3 punches), Dresser \$8.00 (4 punches), Door \$8.00 (4 punches), Rug \$12.00 (6 punches), Couch \$14.00 (7 punches), Car Tire \$2.00 (1 punch), Truck Tire \$6.00 (3 punches), Tractor Tire \$14.00 (7 punches),)

Fluorescent Light Bulb up to 4' \$2.00 (1 punch), over 4' \$4.00 (2 punches)

Electronic waste (ie: computers, printers, TV's, VCR's, DVD and CD Players Microwaves and cell phones) will be accepted at no charge.

**WHAT IS DEMOLITION:** Construction/Demolition is wood, insulation, siding, glass that does not recycle, water closets, bathtubs, bricks, blocks, etc.

**WHAT IS REFUSE:** Food waste, non-recyclable plastic, bed mattress, furniture, rugs, clothes

*To calculate the cubic yard: multiply length x width x height ÷27*

***One Punch= \$2.00***

***Two Punches=\$4.00***

***Three Punches=\$6.00***

***Four Punches=\$8.00***

***Five Punches=\$10.00***

***Six Punches=\$12.00***

***Seven Punches=\$14.00***

**RESOLUTION NO. 62:**

Councilwoman Michalak offered the following:



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**PROPOSAL OF SERVICES AGREEMENT- BETWEEN  
THE TOWN OF BATAVIA AND MAVEN TECHNOLOGIES, LLC  
ELECTRONIC EQUIPMENT RECYCLING**

**WHEREAS**, New York State Electronic Equipment Recycling and Reuse Act (Article 27, Title 26 of the Environmental Conservation Law) went into effect May 28, 2010. The Act ensures that New Yorkers will have the opportunity to recycle their electronic waste (TV's, computers, printers, cell phones etc.) in an environmentally responsible manner. This new law requires manufacturers to establish, implement and maintain a convenient system for the collection, handling and recycling or reuse its market share of electronic waste by April 1, 2011; and

**WHEREAS**, the Town of Batavia recycling center is currently a collection center for electronic waste where Town residents are charged a nominal fee to dispose of their electronic waste. The Town currently contracts with Maven Technologies, LLC to dispose of the electronic waste; and

**WHEREAS**, Maven Technologies proposes to continue to dispose of the electronic waste, as a result of this new Act, they will do it at no charge to the Town of Batavia if the Town does not charge its residents for this service (proposal agreement attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the agreement between the Town of Batavia and Maven Technologies, LLC to dispose of Electronic Waste at the Town recycling Center at no cost to the Town and be it,

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement; and be it

**FURTHER RESOLVED**, that the Town will no longer charge it's residents for the disposal of electronic waste; and be it

**FURTHER RESOLVED**, this agreement is contingent upon Maven Technologies, LLC providing the Town of Batavia a Certificate of Insurance that meets the Town requirements.

**Second by:** Councilman Lang

**Ayes:** Michalak, Lang, Underhill, Gerace, Post

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

**RESOLUTION NO. 63:**

Councilman Gerace offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2011**

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

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**General Fund:**

From	Amount	To
A1440.104 Personal Svc – Asst Engineer	4000.00	A8164.101 Personal services
A1440.104 Personal Svc – Asst Engineer	4000.00	A8165.101 Personal Services
A1355.400 Assessor – Contractual	700.00	A1355.200 Assessor – Equipment
A1990.400 Contingency	2,500.00	A1410.401 Contractual records Mgmt.
A1990.400 Contingency	128.00	A1410.402 Records Mgmt Main Agree
A1990.400 Contingency	1,000.00	A7510.400 Contractual - Historian

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

**RESOLUTION NO. 64:**

Councilman Lang offered the following:

**TEMPORARY LABORER  
FOR HIGHWAY DEPARTMENT**

**WHEREAS**, the Highway Superintendent would like to hire Robert Hoy as a temporary laborer to assist the Highway Department in completing construction projects this summer. Mr. Hoy would be hired from May 15, 2011 through September 1, 2011; and

**WHEREAS**, the 2011 Town Budget reflects appropriations to hire one temporary laborer to assist the Highway Department during the summer months.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Robert Hoy as a temporary laborer for 40 hours per week from May 15, 2011 thru Sept. 1, 2011 at an hour rate of \$10.00 per hour for the Highway Department; and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item DA5110.101.

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

**RESOLUTION NO. 65:**

Deputy Supervisor Underhill offered the following:

**ANTI-DISPLACEMENT PLAN**

**WHEREAS** the Town of Batavia has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

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**WHEREAS**, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to the Town of Batavia being granted CDBG funds by the State, the Batavia Town Board hereby adopts the Anti-Displacement Plan for the Town (plan attached).

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Michalak, Gerace, Post

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

**RESOLUTION NO. 66:**

Supervisor Post offered the following:

**RESOLUTION TO AMEND  
PROCUREMENT POLICY**

**WHEREAS**, the Town of Batavia has received funding under the Community Development Block Grant (CDBG) Program, and

**WHEREAS**, under the CDBG program regulations, communities are required to comply with the procurement standards established for federal assistance programs, and

**WHEREAS**, these procurement standards require that, whenever possible, small, minority and women-owned businesses should be solicited as potential sources of supplies, services and construction and other contracts, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Batavia hereby amends its existing original procurement policy adopted February, 12, 1992 to require that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

- small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and
- qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at [www.nylovesmwbe.ny.gov](http://www.nylovesmwbe.ny.gov) or at [http://www.empire.state.ny.us/Small\\_and\\_Growing\\_Businesses/mwbe.asp](http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp) ; and be it

**FURTHER RESOLVED** that these provisions shall apply to the procurement of goods and services related to the implementation of the Federally funded programs and activities; and be it

**FURTHER RESOLVED**, the amendment will be added to the procurement policy as "Guideline 8".

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

**RESOLUTION NO. 67:**

Councilwoman Michalak offered the following:

**RESOLUTION TO ADOPT POLICY REGARDING  
COMPLIANCE WITH TITLE II OF  
THE AMERICANS WITH DISABILITIES ACT AND  
SECTION 504 OF THE REHABILITATION ACT OF 1973**

**WHEREAS**, the Town of Batavia has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town of Batavia hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and be it

**FURTHER RESOLVED** that the Town of Batavia hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and be it

**FURTHER RESOLVED** that the Town Clerk is hereby directed to post the policy statement in the Town Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

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

**RESOLUTION NO. 68:**

Councilman Gerace offered the following:

**EBAY USER AGREEMENT**

**WHEREAS**, the Highway Superintendent will be selling the 2010 Ford Truck at Ebay Auction;  
and

**WHEREAS**, an account and user agreement is required to be established (agreement attached).

**NOW, THEREFORE, BE IT**

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**RESOLVED** that the Batavia Town Board hereby authorizes the Highway Superintendent to establish a Town of Batavia Ebay account and execute the Ebay User Agreement.

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

**RESOLUTION NO. 69:**

Councilman Lang offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF  
DELL NOTEBOOK COMPUTER FOR ASSESSMENT OFFICE**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a Dell Notebook Computer for the assessment office at a cost of \$1,625.93, New York State Contract #PT65340 (quote attached); and be it further

**RESOLVED**, the expenditure will be appropriated from line item A1355.200; and be it further

**RESOLVED**, the current computer in the assessment office will be transferred to the Historians office.

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

**RESOLUTION NO. 70:**

Deputy Supervisor Underhill offered the following:

**HEATING & AIR CONDITIONING  
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT  
TOWN HALL**

**RESOLVED**, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Hall for one year (proposal attached); and

**BE IT FURTHER, RESOLVED** the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

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

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**RESOLUTION NO. 71:**

Supervisor Post offered the following:

**HEATING & AIR CONDITIONING  
PREVENTIVE MAINTENANCE INSPECTIONS CONTRACT  
HIGHWAY FACILITY**

**RESOLVED**, the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposal to perform Heating and Air Conditioning Prevention Maintenance Inspections for Winter and Summer Operations at the Town Highway Facility for one year (proposal attached); and

**BE IT FURTHER, RESOLVED** the Batavia Town Board hereby authorizes the Supervisor to execute the proposal.

**Second by:** Councilman Lang

**Ayes:** Post, Lang, Underhill, Michalak, Gerace

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

**RESOLUTION NO. 72 :**

Councilwoman Michalak offered the following:

**AWARD BID – DOCUMENT DESTRUCTION AND DISPOSAL**

**WHEREAS**, the Town advertised for sealed bids for Document Destruction and Disposal Services, and

**WHEREAS**, the bid opening date was scheduled for Thursday, March 10, 2011 at 3:00 P.M. at the Town Hall (bid summary attached);

**WHEREAS**, the lowest bidder was Shred It, Williamsville, New York.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby awards the bid for Document Destruction and Disposal Services to Shred It, at a cost of forty dollars (\$40.00) per month contingent upon the Town Attorney approval; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute the agreement between the Town of Batavia and Shred It upon the Town Attorney's approval.

**Second by:** Councilman Gerace

**Ayes:** Michalak, Gerace, Lang, Underhill, Post

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

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**TOWN OF BATAVIA  
DOCUMENT DESTRUCTION & DISPOSAL  
MARCH 10, 2011 AT 3:00 P.M.**

<b>BIDDER</b>	<b>COST PER MONTH</b>
Brian Corbett Shred It 440 Lawrence Bell Drive Williamsville, New York 14221	\$40.00

**SUSPEND THE RULES**-Motion Deputy Supervisor Underhill, second Councilman Gerace to suspend the rules to introduce additional resolutions.

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

**RESOLUTION NO. 73 :**

Councilman Gerace offered the following:

**AMEND PURCHASE OF COPIER/PRINTER  
TOSHIBA E-STUDIO 4520C COLOR COPIER/ PRINTER/FAX/SCANNER**

**WHEREAS,** on January 19, 2011 resolution #34 was adopted authorizing the purchase of Toshiba E-Studio 2830C Color Copier, Printer, Fax, Scanner System; and

**WHEREAS,** the Town has completed the thirty-day trial period and has determined this model does not meet the Town's needs; and

**WHEREAS,** Toshiba has proposed an upgrade from model 2830C to 4520C at a cost of difference to the Town of \$2,357.00 (Model 4520c, \$11,995.00 less purchase cost of model 2830C \$9,638.00), New York State Contract Number PC PC59471 (proposal attached); and

**RESOLVED,** the Batavia Town Board hereby authorizes the amended purchase to Toshiba E-Studio 4520C Color Copier, Printer, Fax and Scanner System from Toshiba Business Solution at a cost difference of \$2,357.00, for the Town Hall Office; and be it

**FURTHER RESOLVED,** the Town Board also authorizes the amended purchase of the annual maintenance agreement at a cost of \$71.20 per month, based on 8,000 black images per month, with overages being billed at \$.0089 and \$47.20 per month for color images, with overages being billed at \$.059 per copy; and be it further

**RESOLVED,** the Town Board hereby authorizes the Supervisor to execute the agreements.

**Second by:** Deputy Supervisor Underhill

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

**RESOLUTION NO. 74:**

Councilman Lang offered the following:

**RESOLUTION TO ACCEPT REAL PROPERTY APPRAISAL**

**WHEREAS**, the Town Board on February 2, 2011, passed a “Revised Resolution to Authorize Purchase of a Parcel of Land Located on West Main Street Road”, and

**WHEREAS**, pursuant to this Revised Resolution, the Town Board accepted, and the Town Supervisor executed on behalf of the Town of Batavia, a “Contract for Real Property” for the purchase of 3768 West Main Street Road, for a purchase price of \$73,000.00, and

**WHEREAS**, on February 15, 2011, the Sellers accepted the Town’s offer, and

**WHEREAS**, Paragraph 23(A) of the aforesaid Contract for Real Property made the purchase contingent upon the Town obtaining a satisfactory appraisal within 15 days of receipt of the fully executed Contract, and

**WHEREAS**, the Town Attorney received a fully executed copy of the Contract for Real Property on March 2, 2011, and

**WHEREAS**, Shell Associates provided the Town with a Real Property Appraisal, dated March 9, 2011, estimating the market value for this real property to be \$69,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the aforesaid Shell Associates Real Property Appraisal, with an estimated current market value of \$69,000.00, is hereby determined to be satisfactory to confirm that the purchase price is reasonably related to the fair market value of the property, and the contingency in Paragraph 23(A) of the Contract for Real Property, last dated February 15, 2011, for the purchase of 3768 West Main Street Road, is hereby deemed to be satisfied.

**Second by:** Deputy Supervisor Underhill

**Ayes:** Lang, Underhill, Michalak, Gerace, Post

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

The Supervisor thanked all for their patience with this.

**RESOLUTION NO. 75:**

Deputy Supervisor Underhill offered the following:



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**2011 BUDGETARY LINE ITEMS  
Justice Court Assistance Program (JCAP) GRANT AWARD**

**WHEREAS**, the Town of Batavia Court received notification on March 2, 2011 from the State of New York Unified Court System that the Town has been awarded a Justice Court Assistance Program (JCAP) Grant in the amount of six thousand, three hundred, seventy dollars and sixty-four cents (\$6,370.64) for office equipment and supplies (letter attached); and

**WHEREAS**, line items need to be amended in the 2011 budget to account for these funds.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby amends the following line items:

A3001 Revenues	\$ 6,370.64
A1110.401 Contractual Williams	\$ 200.00
A1110.402 Contractual Cleveland	\$ 200.00
A1110.200 Equipment Williams	\$ 2,985.32
A1110.201 Equipment Cleveland	\$ 2,985.32

**Offered by:** Deputy Supervisor Underhill

**Second by:** Councilman Lang

**Ayes:** Underhill, Lang, Michalak, Gerace, Post

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

The Supervisor applauded all that assisted in preparing the application for the grant.

**RESOLUTION NO. 76:**

Supervisor Post offered the following:

**PURCHASE FROM TOSHIBA  
TOSHIBA E-STUDIO 355 COLOR COPIER/ PRINTER/FAX/SCANNER**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase, of a Toshiba E-Studio Copier, Printer, Fax and Scanner System from Toshiba Business Solution at a cost of \$5,489.00, New York State Contract number PC59471 (proposal attached) for the Town Court Office; and be it

**FURTHER RESOLVED**, the Town Board also authorizes the purchase of the annual maintenance agreement at a cost of \$42.75 per month, based on 4,500 images per month, with overages being billed at \$.0095, and be it

**FURTHER RESOLVED**, the expenditure will be expended from line item A1110.200 Equipment Williams, \$2,985.32 and line item A1110.201 Equipment Cleveland, \$2,985.32, and be it

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**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute the agreements.

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

**Abstract No. 3-2011:** Motion Deputy Supervisor Underhill, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$60,145.29
Highway	27,271.66
Sewer No. 1	2,725.31
Sewer No. 2	2,741.63
Water	71,966.36
Pearl	777.30
Alexander/Pike	2,290.33
Rose	1,143.72
Creek	35.00
Wortendyke	497.70
Pratt	35.00
Park	9,955.50
NE Route 98	17.50
NW Route 98	17.50
<b>Total</b>	<b>\$179,619.80</b>

Check numbers 15717 thru 15774, 15776 thru 15786, 15788 thru 15805

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

**DEPARTMENT REPORTS:**

**Supervisor reported on the following:**

**Highway** – The Highway Superintendent reported to the Board at this evening's Caucus that his budget is in-line with the established budget with the exception of the labor due to overtime this winter.

**Water/Wastewater-** The water/wastewater department employees have been busy changing meter heads. This will allow remote reading from the vehicles.

**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 .18% and .30%.

**GAM-** Next GAM Meeting will be tomorrow evening at Bohn's Restaurant, hosted by the Town of Batavia at 7:00 P.M.

**Genesee Central Corridor Plan** public meeting is March 22, 2011 at 7:00 P.M. at the Town Hall.

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**REGULAR TOWN BOARD MEETING**

**City/Town Consolidated Charter Task Force Committee-** The City/Town met this evening and the proposed candidates for the Task Force from the City are Gail Stevens, Laura Landers, Dan Jones, Chad Bachorski and Joe Gerace as Alternate. The proposed candidates for the Town are Chad Zambito, Marcia Riley, Judy Cotton, Larry Reisdorf and Alan Koch as alternate. The candidates will have to be approved by both the City Council and Town Board.

The Supervisor thanked everyone involved for all the hours put into this selection process.

The Deputy Supervisor stated that it was a tough decision. It is nice to have strong community support in the Town. He thanked all for their interest.

**BJ'S MEMBERSHIP RENEWAL:** Motion Deputy Supervisor Underhill, second Councilwoman Michalak authorizing the renewal of the BJ's membership for the Town at a cost of \$50.00/ year, with the Town Clerk as the primary member and Murray Morrow, Water/Wastewater Supervisor as the first supplemental member to make tax exempt purchases for the Town.

**Ayes:** Underhill, Michalak, Gerace, Lang, Post

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

**NYS TOWN CLERK'S CONFERENCE** – Motion Councilman Lang, second Councilwoman Michalak authorizing the Town Clerk to attend the NYS Town Clerk's Association Conference May 1 through May 4, 2011 in Buffalo at an approximate cost of \$511.00, which includes registration, lodging and meals.

**Ayes:** Lang, Michalak, Gerace, Underhill, Post

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

**NYSAWWA Conference-** Motion Deputy Supervisor Underhill, second Councilman Lang authorizing Steve Mountain, Town Engineer to attend the New York State American Water Works Association conference April 12 through April 14 in Saratoga Springs at an approximate cost of \$871.00, which includes registration, lodging, mileage and tolls.

**Ayes:** Underhill, Lang, Michalak, Gerace, Post

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

**COMMUNICATIONS:**

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

**February Town Clerk monthly report collected** a total of \$2,702.23 remitted \$2,407.85, to the Supervisor for the Local Share.

**February Tax Collection Report,** total collected \$107,160.61, remitted \$106,183.23 to the County and the remainder to the Town Supervisor for penalties collected.

**Municipal Shelter Inspection Report-** Received a follow-up Municipal Shelter Inspection Report from NYS Ag & Market that the Genesee County Animal Shelter has received a satisfactory inspection.

**NYS Floodplain & Stormwater Conference** is April 26 – 28 in Rochester.

**GFLRPC Spring 2011 Local Government Workshop** will be on May 13, 2011 at Burgundy Basin Inn in Pittsford.

Town employees were emailed this information on the conference and workshop.

**ADJOURNMENT:**

**MARCH 16, 2011**  
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Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:46 P.M.

**Ayes:** Gerace, Underhill, Michalak, Lang, Post

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

Respectfully submitted,

Teresa M. Morasco  
Town Clerk