

**JANUARY 15, 2014  
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  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Town Clerk Morasco

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

**December 19, 2013 Public Hearing-Town of Batavia Fire Contract:** Motion Councilman Zambito, second Councilman Lang to approve the minutes as written.

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

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

**December 19, 2013 Regular Town Board Meeting:** Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

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

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

**January 8, 2014 Organizational Meeting:** Motion Councilman Zambito, second Councilwoman Michalak to approve the minutes as written.

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

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

**January 8, 2014 Special Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Lang to approve the minutes as written.

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

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

**RESOLUTION NO. 32:**

Councilman Lang offered the following:

**CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN  
THE TOWN OF BATAVIA AND THE VILLAGE OF ALEXANDER**

**WHEREAS**, the Town of Batavia and the Village of Alexander wish to enter into a Code Enforcement Officer Agreement; and

**WHEREAS**, the agreement addresses the need for the Village of Alexander to have its Codes enforced by the Town of Batavia Code Officials.

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

**NOW, THEREFORE, BE IT**

**RESOLVED**, pursuant to Article 5-G of the General Municipal Law, the Batavia Town Board wishes to enter into an agreement between the Town of Batavia and the Village of Alexander for Code Enforcement services (agreement attached); and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

**Second by:** Deputy Supervisor Underhill

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

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

**CODE ENFORCEMENT**

**AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **Village of Alexander**, a municipal corporation with offices at 3323 Buffalo Street, Alexander, New York 14005 (“Alexander”), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

**WHEREAS**, pursuant to article 5-G of the General Municipal Law, Alexander and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and

**WHEREAS**, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

**WHEREAS**, Alexander has identified a need to have its Codes enforced by Batavia, and

**WHEREAS**, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Village of Alexander.

**NOW THEREFORE, BE IT, RESOLVED**, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

**First:** That Alexander shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers.

**Second:** In consideration for compensation for the services set forth herein, Alexander shall pay Batavia \$4,300.00 per year of this agreement. The sum shall be paid during the 2014 budget year to provide services for the year of 2014.

**Third:** The services that will be provided will be to administer the adopted NYS Building

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

Codes, Village of Alexander Zoning Code.

**Fourth:** Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm.

**Fifth:** The Code Officer shall for all purposes be deemed an employee of Batavia. The Code Officer shall not in any way be construed as an employee of Alexander. Batavia shall pay the Code Officers salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefit.

**Sixth:** This agreement does not include attorney services and Alexander shall provide and pay for all attorney services and expenses in its jurisdiction.

**Seventh:** This agreement shall become effective on April 1<sup>st</sup> 2014 and expire on March 31<sup>st</sup> 2015 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

**Eighth:** There are no other agreements or understandings, either oral or written, between the parties affecting this agreement. No changes, additions or deletions of any portions of this agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

**IN WITNESS WHEREOF**, the Towns have caused this Agreement to be signed by the Supervisors and the Town Seal attached on the date first set forth above.

**TOWN OF PAVILION**

**TOWN OF BATAVIA**

\_\_\_\_\_  
**Richard Scharlau, Mayor**

\_\_\_\_\_  
**Gregory H. Post, Supervisor**

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) SS.**

On the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Scharlau**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) SS.**

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared **Gregory H. Post**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 33:**

Deputy Supervisor Underhill offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2013**

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

**General Fund:**

| From                         |         | To                            |
|------------------------------|---------|-------------------------------|
| A1110.200 Justice Equip      | 713.00  | A1110.103 Justice Pers Svc    |
| A1110.200 Justice Equip      | 243.00  | A1110.104 Justice Pers Svc    |
| A1110.200 Justice Equip      | 289.00  | A1110.402 Justice Contractual |
| A1110.201 Justice Equip      | 795.00  | A1110.402 Justice Contractual |
| A1110.201 Justice Equip      | 450.00  | A1110.401 Justice Contractual |
| A1110.107 Justice Pers Svc   | 315.00  | A1110.401 Justice Contractual |
| A1110.105 Justice Pers Svc   | 227.00  | A1110.402 Justice Contractual |
| A1010.401 Town Board Contr   | 79.00   | A1220.120 Supv Pers svc       |
| A1010.401 Town Board Contr   | 824.00  | A1220.400 Supervisor Contr    |
| A1010.404 Town Board Contr   | 1485.00 | A1320.400 Auditor             |
| A1010.403 Town Board Contr   | 1438.00 | A1320.400 Auditor             |
| A1010.402 Town Board Contr   | 432.00  | A1320.400 Auditor             |
| A1231.120 Supv Pers Svc      | 3212.00 | A1231.100 Supervisor Pers Svc |
| A1231.120 Supv Pers Svc      | 711.00  | A1330.101 Tax Coll Pers Svc   |
| A1420.406 Attorney           | 5000.00 | A1420.403 Attorney            |
| A1420.405 Attorney           | 2500.00 | A1420.403 Attorney            |
| A1420.404 Attorney           | 625.00  | A1420.403 Attorney            |
| A1440.120 Engineer Pers Svc  | 2.00    | A1440.105 Engineer Pers Svc   |
| A1989.400 Misc Exp           | 26.00   | A1940.400 Land Acquisition    |
| A1680.402 Central Processing | 5567.00 | A1910.400 Unallocated Ins     |
| A1620.403 Bldg Janitorial    | 678.00  | A1620.402 Bldg Other Exp      |
| A1680.402 Central Data Web   | 4104.00 | A1680.200 Central Data Equip  |
| A3620.120 BLDG/SFTY OT       | 631.00  | A3620.100 BLDG/SFTY PT        |
| A5132.400 Garage Utilities   | 221.00  | A3310.400 Traffic Control     |
| A5132.400 Garage Utilities   | 27.00   | A5132.401 Garage Telephone    |
| A5132.400 Garage Utilities   | 110.00  | A5132.402 Garage Other Exp    |
| A6510.400 Veteran Svc        | 1.00    | A8020.100 Pl Board Pers Svc   |
| A6510.400 Veteran Svc        | 1430.00 | A8020.101 Pl Board Pers Svc   |
| A6510.400 Veteran Svc        | 1815.00 | A8020.102 Pl Board Pers Svc   |

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

|                          |         |                               |
|--------------------------|---------|-------------------------------|
| A6510.400 Veteran Svc    | 43.00   | A8020.400 Pl Board Contr      |
| A8030.400 Research & Dev | 857.00  | A8120.400 Sewer Thruway Contr |
| A8030.400 Research & Dev | 771.00  | A8120.100 Sewer Thruway Pers  |
| A9010.800 RETIREMENT     | 1079.00 | A9030.800 SOCIAL SECURITY     |
|                          |         |                               |

**Sewer 1**

|                            |         |                                |
|----------------------------|---------|--------------------------------|
| SS1-8110.401 Backflow Prev | 1286.00 | SS1-8120.200 San Swr Equip     |
| SS1-8110.401 Backflow Prev | 400.00  | SS1-8120.104 San swr Pers Svc  |
| SS1-8110.401 Backflow Prev | 185.00  | SS1-8110.100 Swr admin Prs Svc |
| SS1-9010.800 State Ret     | 191.00  | SS1-9060.801 Med Reimb         |

**Sewer 2**

|                                 |         |                                |
|---------------------------------|---------|--------------------------------|
| SS2-8120.409 San Swr Addt'l Rep | 150.00  | SS2-8120.401 San Swr Legal Svc |
| SS2-8120.409 San Swr Addt'l Rep | 882.00  | SS2-8120.200 San Swr Equip     |
| SS2-8120.409 San Swr Addt'l Rep | 2055.00 | SS2- 8120.102 San Swr Pers Svc |
| SS2-8120.409 San Swr Addt'l Rep | 1867.00 | SS2- 8120.103 San Swr Pers Svc |
| SS2-8120.409 San Swr Addt'l Rep | 267.00  | SS2- 8120.104 San Swr Pers Svc |

**Water**

|                               |          |                               |
|-------------------------------|----------|-------------------------------|
| SW8340.404 Trans/Dist Rep Res | 21597.00 | SW8310.402 Wtr Admin Agmt ST  |
| SW8340.405 Trans/Dist Large   | 3149.00  | SW8340.103 Trans/Dist Morrow  |
| SW8340.405 Trans/Dist Large   | 1826.00  | SW8340.104 Trans/Dist Barrett |
|                               |          |                               |

**Highway**

|                              |          |                           |
|------------------------------|----------|---------------------------|
| DA9010.800 State Ret         | 8535.00  | DA5142.103 Snow rem Pers  |
| DA9010.800 State Ret         | 2105.100 | DA 5142.100 Snow rem Pers |
| DA9010.800 State Ret         | 647.00   | DA5110.100 Gen Rep Pers   |
| DA9010.800 State Ret         | 7000.00  | DA5142.400 Snow Rem Contr |
| DA9010.800 State Ret         | 1.00     | DA5112.200 Capital Imp    |
| DA9010.800 State Ret         | 55.00    | DA9089.803 Med Reimb      |
| DA5148.100 Svc for Other Gvt | 1412.00  | DA5110.400 Gen Rep Contr  |

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 34:**

Supervisor Post offered the following:

**TRAINING WORKSHOP**

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

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

Donald Partridge- Genesee County Planning SEQR Training (was) December 19, 2013. There is no cost for this training.

Rhonda Saulsbury- NYSAR, February 10 to 14, 2014, at an approximate cost of \$500.00; a Town vehicle will be used.

Greg Post, Murray Morrow, Paul Barrett, and Steve Tanner- WNY Water Works Conference, February 12, 2014 at a cost of \$25.00 each.

Matthew Mahaney- Department of State Basic Training Program, February 25 to February 27, March 18 to March 20, April 22 to April 24, May 20 to May 22, June 24 to June 26, and July 29 to July 31, 2014; a Town vehicle will be used.

Joseph Neth, Tom Lichtenthal, and Jason Armbrewster- Tensar Engineering Training, February 26, 2014. The Highway Superintendent Vehicle will be used.

Matthew Mahaney and Daniel Lang- Northern Adirondack Code Enforcement Officials Conference, March 2 to March 6, 2014 at an approximate cost of \$1,064.00; a Town vehicle will be used.

Steven Mountain - NYSAWWA Water Conference, May 13 - 15, 2014, at a cost of \$305.00.

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

**RESOLUTION NO. 35:**

Councilwoman Michalak offered the following:

**PURCHASE OF OFFICE WORKSTATIONS**

**WHEREAS**, office workstations are needed in the Building Inspection and Engineering departments; and

**WHEREAS**, funds were appropriated in the 2014 Town Budget; and

**WHEREAS**, LB's Furniture Solutions, LLC presented Workstation designs and quotes from GSA Contract 3GS28FOOO1U at a cost of \$4,934.46 (quote attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of two (2) Office Workstations and three (3) Office Chairs at a cost of \$4,934.46; and be it further

**RESOLVED**, the expenditure will be appropriated from the following line items:

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

|           |                              |            |
|-----------|------------------------------|------------|
| A1440.200 | Engineering Equipment        | \$4,342.26 |
| A3620.200 | Building Inspector Equipment | \$ 592.20  |

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 36:**

Councilman Zambito offered the following:

**PURCHASE NEW FORD PICKUP TRUCK AND SURPLUS TRUCK  
FOR  
HIGHWAY DEPARTMENT**

**WHEREAS,** the 2014 Town Budget reflects appropriations to purchase a new pickup truck for the Highway Department; and

**WHEREAS,** the Highway Superintendent recommends purchasing a 2014 Ford F250 4x4 extended cab pickup truck on State Bid #PC65855 from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,719.58; and

**WHEREAS,** the current 2012 Ford F250 Pickup Truck (VIN 1FT7X2B6CEB68685) 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 2014 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,719.28 and sell the 2012 Ford F250 Pickup Truck (VIN 1FT7X2B6CEB68685) at auction, and be it

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

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 37:**

Councilman Lang offered the following:

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

**PURCHASE NEW FORD PICKUP TRUCK AND SURPLUS TRUCK  
FOR  
WATER AND SEWER DEPARTMENT**

**WHEREAS**, the 2014 Town Budge reflects appropriations to purchase a new pickup truck for the Water and Sewer Department.

**WHEREAS**, the Town Engineer recommends purchasing a 2014 Ford F250 4x4 extended cab pickup truck on State Bid #PC65855 from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,536.28; and

**WHEREAS**, the current 2012 Ford F250 Pickup Truck (VIN 1FT7X2B67CEB68684) will no longer be needed for water and sewer 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 2014 Ford F250 4x4 extended cab pickup truck on State Bid from VanBortel Ford, Inc. 71 Marsh Road, E. Rochester, NY at a price of \$25,536.28 and sell the 2012 Ford F250 Pickup Truck (VIN 1FT7X2B67CEB68684) at auction, and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item SS1-8120.200, SS2-8120.200 and SW8340.200.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 38:**

Deputy Supervisor Underhill offered the following:

**PURCHASE NEW JEEP CHEROKEE AND SURPLUS VEHICLE  
FOR  
BUILDING DEPARTMENT**

**WHEREAS**, the 2014 Town Budge reflects appropriations to purchase a new vehicle for the Building and Code Enforcement Department; and

**WHEREAS**, the Code Enforcement Supervisor recommends purchasing a 2014 Jeep Cherokee all wheel drive vehicle off the Chautauqua County Department of Public Facilities Bid from Lake County Dodge, Inc. 1001 Washington Street, Jamestown NY 14701 at a price of \$23,668.00; and

**WHEREAS**, the current 2013 Jeep Patriot (VIN 1C4NJRFBX7DD177692) will no longer be needed for Building and Code Enforcement purposes and will be sold at auction after the new vehicle is



**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

received.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new 2014 Jeep Cherokee all wheel drive vehicle off the Chautauqua County Department of Public Facilities Bid from Lake County Dodge, Inc. 1001 Washington Street, Jamestown NY 14701 at a price of \$23,668.00 and sell the current 2013 Jeep Patriot (VIN 1C4NJRFBX7DD177692) at auction, and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item A3620.200.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 39:**

Supervisor Post offered the following:

**PURCHASE USED JOHN DEERE DOZER FOR  
HIGHWAY DEPARTMENT**

**WHEREAS**, the 2014 Town Budget reflects appropriations to purchase a used dozer for the Highway Department; and

**WHEREAS**, the Town of Bergen would like to sell their 1999 John Deere 450G dozer; and

**WHEREAS**, the Town of Batavia Highway Superintendent recommends purchasing the Town of Bergen's John Deere dozer for \$30,000 which is the fair market value of the machine.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a used 1999 John Deere dozer from the Town of Bergen at a price of \$30,000, contingent about the approval of the Bergen Town Board; and be it

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

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 40:**

Councilwoman Michalak offered the following:

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

**MAINTENANCE AGREEMENT  
STUDIO 351C DIGITAL COLOR COPIER/ PRINTER/SCANNER**

**RESOLVED**, the Batavia Town Board hereby authorizes the renewal of the annual maintenance agreement for the Toshiba Studio 351C Digital Color Copier, Printer, and Scanner at a cost of \$138.60/year for black copies, based on 14,000 images per year and \$88.00/year, for color copies, based on 1,000 images per year, with overages being billed at \$.0099 and color copies being billed at \$.088 per copy ( agreement attached); and be it

**FURTHER RESOLVED**, agreement is based on the anticipated lower volume of use in the Highway Facility; and be it

**FURTHER RESOLVED**, said agreement is effect February 1, 2014 and will expire January 31, 2017.

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

**RESOLUTION NO. 41:**

Councilman Zambito offered the following:

**MAINTENANCE AGREEMENT  
STUDIO 4520C DIGITAL COLOR COPIER/ PRINTER/SCANNER**

**RESOLVED**, the Batavia Town Board hereby authorizes the renewal of the annual maintenance agreement for the Toshiba Studio 4520C Digital Color Copier, Printer, and Scanner at a cost of \$720.90/year for black copies, based on 81,000 images per year and \$720.90/year, for color copies, based on 11,880 images per year, with overages being billed at \$.0089 and color copies being billed at \$.059 per copy ( agreement attached); and be it

**FURTHER RESOLVED**, said agreement is effect March 17, 2014 and will expire March 16, 2015 .

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

**RESOLUTION NO. 42:**

Councilman Lang offered the following:

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

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

**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:** Councilwoman Michalak

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

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

**RESOLUTION NO. 43:**

Deputy Supervisor Underhill 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:** Underhill, Lang, Michalak, Zambito, Post

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

**RESOLUTION NO. 44:**

Supervisor Post offered the following:

**RESOLUTION TO AUTHORIZE**  
**THE FURNISHING AND INSTALLATION OF**  
**AUTOMATIC TRANSFER SWITCH**  
**AT THE WEST MAIN STREET PUMP STATION**

**WHEREAS**, the West Main Sewer Pump Station's Automatic Transfer Switch is inoperable and needs to be replaced; and

**WHEREAS**, the Town Engineering Department sent out an RFP and received two quotes and one unresponsive quote for the furnishing and installing of an automatic transfer switch at the West Main Street Pump Station and the lowest responsible quote which met the requirements was from Able Electric, LLC., at a cost of Five Thousand Two Hundred Fifty dollars and no cents (\$5,250.00) (quotes attached).

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby awards the furnishing and installing of an automatic transfer switch at the West Main Street Pump Station to Able Electric, LLC., at a cost of Five Thousand Two Hundred Fifty dollars and no cents (\$5,250.00), and be it further

**RESOLVED**, the expenditure will be appropriated from line item SS2-8110.200.200.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 45:**

Councilwoman Michalak offered the following:

**RESOLUTION TO CLOSE THE  
TOWN OF BATAVIA  
TRANSFER STATION**

**WHEREAS**, every year the Batavia Town Board reviews the cost effectiveness of the Town's transfer station; and

**WHEREAS**, over the past several years, the transfer station has seen a steady decline in the amount of residents using the transfer station, while the costs to operate and maintain the transfer station have steadily increased; and

**WHEREAS**, the Town Board has determined that it is no longer in the best interest of the Town to operate the transfer station.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the closure of the Town of Batavia Transfer Station effective March 1, 2014; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Town Supervisor to notify the Town Residents, who have purchased transfer station permits within the past year; and be it

**FURTHER RESOLVED**, the Highway Superintendent is hereby directed to notify the current contractor .

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 46:**

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

Councilman Zambito offered the following:

**TOWN OF BATAVIA  
SEQR - LEAD AGENCY RESOLUTION  
PARK ROAD IMPROVEMENT PROJECT**

“**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Park Road Improvement Project. In accord with the likelihood that the Town Board will serve as Lead Agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the rehabilitation of Park Road from NYS Route 63 to NYS Route 98 including new pavement, curbing, sidewalks, crosswalks, lighting, and drainage.

**FURTHER RESOLVED**, the Town Board has determined that, the proposed action is a Unlisted action as defined under SEQR; and, be it

**FURTHER RESOLVED**, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by the Town of Batavia Engineering Department, and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the Full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it anticipates that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 47:**

Councilman Lang offered the following:

**RESOLUTION TO APPOINT ALTERNATE TOWN PROSECUTOR**

**WHEREAS**, the Town Board has appointed Kevin D. Earl, Esq. to continue to act as the Town Prosecutor to handle certain traffic related offenses pursuant to the authority delegated to him by the Genesee County District Attorney, Lawrence Friedman, and

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

**WHEREAS**, occasionally, the Town Prosecutor has a conflict of interest that would ethically prevent him from prosecuting charges against certain Defendants, and

**WHEREAS**, the Town Prosecutor has requested that an alternate be appointed by the Town Board to handle cases in which he has a conflict, and

**WHEREAS**, the Town Prosecutor has recommended Attorney Robert R. Zickl, who currently is serving as the Town Prosecutor in several other Town Courts in Genesee County, and is well qualified to provide these services, and

**WHEREAS**, Attorney Zickl has agreed to serve in the capacity as the Alternate Prosecutor for cases in which the Town Prosecutor has conflicts, to be compensated at the rate of \$160.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that Robert R. Zickl, Esq. is hereby appointed as the Alternate Town Prosecutor to prosecute traffic related offenses when the Town Prosecutor has conflicts of interest, and

**BE IT FURTHER RESOLVED** that Robert R. Zickl, Esq. will be compensated at the rate of \$160.00 per hour, for his legal services, and

**BE IT FURTHER RESOLVED** that the Town Supervisor is hereby authorized and directed to submit a letter to the Genesee County District Attorney requesting authority for Robert R. Zickl, Esq. to act as the Alternate Town Prosecutor.

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

**SUSPEND THE RULES:** Motion by Councilman Lang, second by Councilman Zambito to suspend the rules to introduce additional resolutions.

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

**RESOLUTION NO. 48:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION FOR**

**1. AUTHORIZATION FOR REPRESENTATIVE TO SIGN DOCUMENTS**

**2. AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH**

**FOR**

**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

**TOWN OF BATAVIA  
SEWER CAPACITY UPGRADE ALTERNATIVE ANALYSIS  
PLANNING GRANT #27625**

**WHEREAS**, the Town has proposed to complete a Sewer Planning Study (Sewer Capacity Upgrade Alternative Analysis); and

**WHEREAS**, the cost of completing the Sewer Planning Study is estimated at \$ 37,500.00; and

**WHEREAS**, the Town of Batavia has received an Engineering Planning Grant (EPG) Award commitment in the amount of \$ 30,000 to pay for a portion of the cost of completing the Sewer Capacity Upgrade Alternative Analysis;

**NOW THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the Engineering Planning Grant Agreement ; and

**FURTHER BE IT RESOLVED**, that the Town authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Sewer Capacity Upgrade Alternative Analysis Project. Under the Engineering Planning Grant Program, this local share match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town Supervisor shall not exceed \$7,500.00 (either cash and/or in-kind services) based upon a total estimated maximum project cost of \$37,500.00 including any potential increases. The Town Supervisor may increase this local match through the use of in-kind services without further approval from the Town Board;

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 49:**

Supervisor Post offered the following:

**RESOLUTION FOR THE  
SEQR DETERMINATION (Type II)  
FOR  
TOWN OF BATAVIA  
SEWER CAPACITY UPGRADE ALTERNATIVE ANALYSIS  
PLANNING GRANT #27625**

**WHEREAS**, the Town has proposed to complete a Sewer Planning Study (Sewer Capacity Upgrade Alternative Analysis); and

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

**WHEREAS**, 6 NYCRR Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision(c) of that section are not subject to environmental review under the Environmental Conservation Law;

**NOW THEREFORE BE IT RESOLVED**, that the Town hereby determines that the proposed Sewer Planning Study (Sewer Capacity Upgrade Alternative Analysis) project / Planning Grant #27625 is a Type II action in accordance with 6 NYCRR Section 617.5 (c)(18) which constitutes the "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action" and is therefore not subject to review under 6 NYCRR Part 617.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 50:**

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE**

**1970 WATER MAIN EASEMENT EXPANDED FOR INCLUSION OF SANITARY SEWER EASEMENT**

**FOR THE WEST MAIN STREET ROAD SANITARY SEWER DISTRICT**

**WHEREAS**, the Town of Batavia has awarded the contract for the construction of sanitary sewer lines and appurtenances as part of the West Main Street Road Sanitary Sewer District, and

**WHEREAS**, the Contractor needs various easements in order to install these sewer lines, and

**WHEREAS**, the Town of Batavia needs these various easements in order to hereinafter operate and maintain these lines, and

**WHEREAS**, the required owners of real property have or will sign Sanitary Sewer Easements granted to the Town of Batavia.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a certain Sanitary Sewer Easement granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia is hereby approved and accepted with regard to the parcel of lands set forth in the Easement, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the following Easements:

1. From National Fuel Gas Distribution Corporation, regarding Tax Map No. 7.-1-35;



**JANUARY 15, 2014  
REGULAR TOWN BOARD MEETING**

designated as “Sanitary Easement No. 16”.

**Second by:** Councilman Zambito

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

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

**Abstract No. 13-2013 & 1-2014:** Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

|                 |                     |
|-----------------|---------------------|
| General         | \$45,699.42         |
| Highway         | 36,296.73           |
| Sewer No. 1     | 3,099.94            |
| Sewer No. 2     | 6,168.92            |
| Water           | 9,367.18            |
| West Main Sewer | 605.25              |
| Pratt           | 77.50               |
| CDBG            | 626,466.99          |
| Park Road       | 119.00              |
| NE Route 98     | 186.00              |
| <b>Total</b>    | <b>\$728,086.93</b> |

|                       |                       |
|-----------------------|-----------------------|
| General               | \$196,345.83          |
| Highway               | 22,353.34             |
| Sewer No. 1           | 374.21                |
| Sewer No. 2           | 599.09                |
| Water                 | 1,757.17              |
| West Main Sewer       | 24.12                 |
| Batavia Fire District | 822,075.00            |
| <b>Total</b>          | <b>\$1,043,528.76</b> |

13-2013 Check numbers 18543-18577, 18590-18591,18635, CDBG: 1004-1006

1-2014 Check numbers 18592 -18634

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

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

**DEPARTMENT REPORTS:**

**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 the Stafford Town Hall hosted by the Town of Stafford.

**JANUARY 15, 2014**  
**REGULAR TOWN BOARD MEETING**

**COMMUNICATIONS:**

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

**December Town Clerk monthly report collected a** total of \$4,376.44, remitted \$3,880.43 to the Supervisor for the Local Share.

**Town Clerk's Office** has been very busy with collecting taxes, end of the year reports, 2014 Organizational procedures, archiving, and daily duties.

**ADJOURNMENT:**

Motion Councilwoman Michalak, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:40 P.M.

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

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

Respectfully submitted,

Teresa M. Morasco  
Town Clerk