

**AUGUST 20, 2014  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Greg Post, 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 7:00 P.M.

**July 23, 2014 Regular Town Board Meeting and August 13, 2014 Regular Town Board Meeting:**

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

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

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

**RESOLUTION NO. 151:**

Councilman Lang offered the following:

**TRAINING WORKSHOP**

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

Brittany Witkop- ZBA Interpretations & Form Based Codes Training (was) July 30, 2014. There was no cost for this training.

Hiedi Librock, Dan Lang, Doug Smart, Teressa Morasco, and Sarah Sauka-Genesee County Chamber Supervisor/Leadership Seminar September 10, 2014. There cost for this training is \$129.00 each and a Town vehicle will be used.

Rhonda Saulsbury - 2014 NYSAA Seminar October 5 - October 8, 2014. The cost for the training, lodging and meals is \$967.00 and a Town vehicle will be used.

Berneda Scoins - GAHWNY 2014 Fall Meeting September 27, 2014. The cost for this training is \$25.00.

Matthew Mahaney-Backflow Prevention Certified Tester Training October 27 - October 30, 2014. The cost for this training is \$595.00 and a Town vehicle will be used. (Note: The fee was approved for Steve Tanner to attend and was paid. Matt will be attending rather than Steve Tanner)

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

**RESOLUTION NO. 152:**

Deputy Supervisor Underhill offered the following:

**SERGI CONSTRUCTION INCORPORATED**  
**APPROVAL OF CHANGE ORDER NO. 2**  
**CREEK/EAST ROADS WATER IMPROVEMENTS**

**WHEREAS,** Sergi Construction, Incorporated is under contract with the Town of Batavia for the Creek/East Roads Water Improvements; and

**WHEREAS,** the Town Engineer requested a modification of the connection to the City of Batavia water main to provide for better reliability; and

**WHEREAS,** Sergi Construction, Incorporated has submitted a change order request for the requested revisions in the amount of fourteen thousand three hundred thirty-one dollars and ninety-three cents (\$14,331.93) and increasing the Lump Sum contract to the amount of nine hundred sixty-five thousand three hundred thirty three dollars and ninety-three cents (\$965,333.93), as shown on the attached Change Order No.2; and

**WHEREAS,** the Town Engineer has reviewed the change order request and recommends approval of the change order request.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Town of Batavia hereby approves Change Order No.2 and authorizes the Supervisor to execute the attached Change Order No.2 in the amount of fourteen thousand three hundred thirty-one dollars and ninety-three cents (\$14,331.93) and changing the contract to a Lump Sum contract in the amount of nine hundred sixty-five thousand three hundred thirty three dollars and ninety-three cents (\$965,333.93). The approved change order is subject to approval by USDA-Rural Development.

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

**RESOLUTION NO. 153:**

Supervisor Post offered the following:

**RESOLUTION TO APPROVE AND ACCEPT A CORRECTION DEED**  
**FROM GENESEE AGRI-BUSINESS, LLC**

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**WHEREAS**, the Town of Batavia was the Grantee in a Warranty Deed with regard to a parcel of land being used for a pump stations as part of the Genesee Agri-Business Park Project; and

**WHEREAS**, said Warranty Deed was dated May 20, 2013, and was recorded in the Genesee County Clerk's Office on August 14, 2013, in Liber 900 of Deeds at Page 619; and

**WHEREAS**, as part of the Town of Batavia's Rural Business Enterprise Grant (hereinafter "RBEG"), it was required that certain language be added to the Deed making it clear that the property was improved with Federal financial assistance; and

**WHEREAS**, Genesee Agri-Business, LLC has drafted a proposed Correction Deed to add the necessary language.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that in furtherance of the requirements for the RBEG, the proposed Deed from Genesee Agri-Business, LLC to the Town of Batavia, New York, a copy of which shall be made part of the Town Board Minutes, is hereby approved, and the Town Supervisor is hereby authorized and directed to sign all documents necessary to record this Correction Deed.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 154:**

Councilwoman Michalak offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS**

**RESOLVED**, the Batavia Town Board hereby authorizes the following budget line item increases to account insurance recovery funds:

<b>Revenue Line Item:</b>		<b>Expenditure Line Item:</b>	
A2680	\$ 4,986.51	A5132.402	\$ 4,986.51
A2680	\$ 4,443.27	A8120.400	\$ 4,443.27
DA2680	\$ 711.69	DA5130.400	\$ 711.69
SS22680	\$10,810.65	SS28120.400	\$ 7,221.65
		SS28120.405	\$ 3,589.00
SW3680	\$ 872.72	SW8340.400	\$ 872.72

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 155:**

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Councilman Zambito offered the following:

**GENESEE COUNTY GRANT APPLICATION**  
**TO UPDATE COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN**  
**LETTER OF SUPPORT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to send a letter in support of Genesee County's grant application to update the County Agricultural and Farmland Protection Plan.

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

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

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

**RESOLUTION NO. 156:**

Councilman Lang 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, effective from July 1, 2014 to June 30, 2015 at a monthly cost of one thousand, four hundred, seventy-eight dollars and ninety-eight cents (\$1,478.98) and be it

**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute the attached proposal; and be it

**FURTHER RESOLVED**, that Genesee County ARC must provide the Town of Batavia a Certificate of Liability Insurance and a Certificate of Workers Compensation Insurance naming the Town as additional insured, and be it

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

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

**TOWN OF BATAVIA**  
**SPECIFICATIONS**

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**FOR**  
**JANITORIAL SERVICES**

**1. SERVICE LOCATION** - Batavia Town Hall, 3833 West Main Street Road, Batavia, New York, 14020

**2. SERVICES:**

- a. Clean sinks, toilets and mirrors.
- b. Refill toilet paper, towel and soap dispensers. (Town to provide supplies).
- c. Empty wastebaskets; place trash in bags provided by the Town. Vendor to dispose of trash and recyclables.
- d. Clean conference tables, lobby table, windowsills, baseboards, chairs, door trim and doors-so as to be free of dust and dirt.
- e. Vacuum all rugs and spot clean when necessary.
- f. Front lobby and bathroom floors to be kept free of dust and dirt, and proper finishes applied (as necessary).
- g. Sweep entrances.
- h. All windows with blinds are to be dusted bi-weekly and washed when necessary.
- I. Wash interior and exterior windows two (2) times per year; Spring and Fall. Clean all glass entrance doors and interior doors with glass weekly.
- j. Clean light fixtures (as needed).
- k. Painted surfaces to be cleaned and free of fingerprints and black marks. Walls and ceilings to be free of cob webs.

**3. SCHEDULE:**

Services to be provided on a semi-weekly basis two (2) times per week on days and times agreed by vendor and Town, and with provision for holidays to be made on an occurrence basis.

**4. CLEANING MATERIALS:**

Vendor will provide all cleaning materials necessary to provide the required services as specified

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above.

**5. INSURANCE REQUIRED:**

Throughout the full term specified, the vendor is required to maintain, and provide evidence to the Town of a public liability insurance policy with a minimum three-hundred thousand dollar (\$300,000.00) single limit insuring the contractor (vendor) and Town for all operations performed under the agreement.

**6. TERM AND EFFECTIVE DATES:**

The term during which the specified services are to be provided is for a one (1) year period; effective dates are July 1, 2014 through June 30, 2015 inclusive.

**RESOLUTION NO. 157:**

Deputy Supervisor Underhill offered the following:

**HEATING & AIR CONDITIONING  
REPAIRS  
TOWN HALL**

**WHEREAS,** Turnbull Heating & Air Conditioning performed the summer prevention maintenance inspections; and

**WHEREAS,** the Manger Board and Condenser are faulty and the Fijitsu unit needs attention.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby accepts Turnbull Heating & Air Conditioning's proposals to perform the necessary repairs to the Town Hall HVAC and Fijitsu Unit (proposal attached); and

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

**Second by:** Councilman Lang

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

**Abstain:** Councilman Zambito

**APPROVED** (4-Ayes, 1-Abstain)

**Abstract No. 8-2014:** Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$79,252.26
Highway	66,346.42
Sewer No. 1	67,694.25
Sewer No. 2	50,354.88
Water	8,092.46
Creek	286,166.81
West Main	176,932.51
Townline	3,549.00
<b>Total</b>	<b>\$735,388.59</b>

Check numbers 19202 - 19269, 19271 - 19277, Online - \$5,480.08

**Ayes:** Zambito, Michalak, Lang, Underhill, 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 CD's and are paying a rate of .22%.

**COMMUNICATIONS:**

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

**July Town Clerk monthly report collected a total of \$9,804.70, remitted \$9,256.12 to the Supervisor for the Local Share.**

**Training-**There will be the following training classes offered and Town personnel have been advised of these:

Monroe County Planning Fall Land Use Decision Making Training in October

Rural America Regional Forum September 5, 2014

**Liquor License-** Received notification from Alex's Place that they have applied for their liquor license renewal.

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:13 P.M.

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

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

Respectfully submitted,

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Teresa M. Morasco  
Town Clerk