

**SEPTEMBER 17, 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  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Absent:** Deputy Supervisor Underhill

**Others**

**Present:** Town Clerk Morasco  
Joanne Beck, Daily News Reporter

The Supervisor called the meeting to order at 7:05 P.M.

**August 20, 2014 Regular Town Board Meeting:** Motion Councilman Lang, second Councilman Zambito to approve the minutes as written.

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

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

**RESOLUTION NO. 158:**

Councilman Lang offered the following:

**TRAINING WORKSHOP**

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

Planning Board- Genesee County Meeting regarding Updates to the Comprehensive Plan (was) September 10, 2014. There was no cost for this training.

Teresa Morasco and Sandy Baubie -NYSTCA Regional Training September 22, 2014. There cost for this training is \$35.00 each.

Hiedi Librock and Marcy Crandall - NYS Retirement Reporting Seminar October 1, 2014. There was no cost for this training and a Town vehicle will be used.

Sarah Sauka and Melissa Mason - Fall 2014 Court Clerk Education Program October 24, 2014. There was no cost for this training and a Town vehicle will be used.

Matthew Mahaney-2014 GFLRPC Fall Local Government Workshop November 14, 2014. The cost for this training is \$75.00.

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 159:**

Supervisor Post offered the following:

**VILLAGER CONSTRUCTION INCORPORATED  
APPROVAL OF CHANGE ORDER NO. 2  
WEST MAIN SEWER IMPROVEMENTS  
CONTRACT NO. 2**

**WHEREAS,** Villager Construction, Incorporated is under contract with the Town of Batavia for the West Main Street Road Sewer Improvements; and

**WHEREAS,** the Town has requested additional revisions to the original design of portions of the pump stations; and

**WHEREAS,** Villager Construction, Incorporated has submitted a change order request for the requested revisions in the amount of twenty-four thousand six dollars and fifteen cents (\$24,006.15), 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 for Contract No.2 and authorizes the Supervisor to execute Change Order No.2, a copy of which shall be annexed hereto and made part of the Town Board Minutes, in the amount of twenty-four thousand six dollars and fifteen cents (\$24,006.15). The approved change order is subject to approval by USDA-Rural Development.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Michalak, Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 160:**

Councilwoman Michalak offered the following:

**AUTHORIZING PARTICIPATION IN  
YEAR 2015 JOINT YOUTH PROGRAM**

**WHEREAS,** the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

**WHEREAS**, the Town of Batavia's contribution to this joint youth project is \$9,237.00.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2015; and be it further

**RESOLVED**, that the year 2015 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2015:

<u>Programs</u>	<u>Town of Batavia Share</u>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 997.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00
Alexander (R003)	\$ 906.00
Total	\$9,237.00

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 161:**

Councilman Zambito offered the following:

**APPOINTMENT TO ASSESSMENT BOARD OF REVIEW**

**WHEREAS**, Robert Shell's term on the Assessment Board of Review expires September 30, 2014.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby re-appoints Robert Shell, 5235 East Main Street Road, Batavia, New York, to the Town of Batavia Assessment Board of Review, commencing October 1, 2014 and expiring September 30, 2019; and be it further

**RESOLVED**, said member appointed is subject to completing the required training within each calendar year; and be it further

**RESOLVED**, if the training is incomplete, the Town Board will consider the position vacant and

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

re-advertise to fill the vacancy.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 162:**

Councilman Lang offered the following:

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

*Position 5*

RUS BULLETIN 1780-27

APPROVED  
OMB. No. 0572-0121

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE Town Council

OF THE Town of Batavia

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water- Pratt

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Batavia

*(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$516,000

pursuant to the provisions of Subject to NYS Financial Law : and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 163:**

Supervisor Post offered the following:

**PITNEY BOWES POSTAGE METER  
RENTAL AGREEMENT**

**WHEREAS**, on April 21, 2010 the Town entered into a Postage Meter Rental agreement for 51 months at a cost of \$106.00 per month; and

**WHEREAS**, the agreement is said to expire in September 2014 and

**WHEREAS**, the Town received a new quote from Pitney Bowes to replace the obsolete postage meter and re-enter into a new postage meter rental agreement, at a cost of \$94.90 per month.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the replacement of the obsolete postage meter (from DM200 to DM225) and enter into a Postage Meter Rental Agreement with Pitney Bowes in the amount of ninety-four dollars and ninety cents (\$94.90) per month, effective September 2014 for 60 months; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to execute the Postage Meter Rental Agreement, a copy of which is annexed hereto and made part of the Town Board Minutes.

**Second by:** Councilman Zambito  
**Ayes:** Post, Zambito, Lang, Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 164:**

Councilwoman Michalak offered the following:

**LEAD AGENCY STATUS  
BIG TREE GLEN RENTAL APARTMENT UNITS**

**WHEREAS**, the Town of Batavia Planning Board wishes to assume Lead Agency status for the proposed Development of 96 housing units a 9.9 acre parcel on West Main Street Road and construction of 40 rental apartment units on a 11.9 acre parcel on West Main Street Road; and

**WHEREAS**, the Batavia Town Board does not object to the Town of Batavia Planning Board assuming this role.

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the attached

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

SEQR Lead Agency Coordination Request Form designating the Town of Batavia Planning Board as Lead Agency for the proposed housing and apartment units, located in the Town of Batavia.

**Second by:** Councilman Lang  
**Ayes:** Michalak, Lang, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 165:**

Councilman Zambito offered the following:

**SURPLUS EQUIPMENT**

**WHEREAS**, the Town of Batavia has determined that the following item(s) are no longer needed for Town use and that the following item(s) should be sold at auction and deleted from inventory:

1. 1979 2 ton trailer serial number TA07124M5DX
2. 1979 2 ton trailer serial number TA07124M4DX
3. 1989 Case Skid Steer VIN 17955G642647
4. Homelite gas powered cut off saw Model MP-88
5. Homelite gas powered cut off saw Model MP-38
6. Wacker gas powered plate tamper
7. Nine metal filing cabinets

**NOW THEREFORE BE IT,**

**RESOLVED**, the Batavia Town Board hereby authorizes the Highway Superintendent to surplus the items listed above and sell them at auction.

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 166:**

Councilman Lang offered the following:

**PURCHASE PICKUP TRUCK SNOW PLOW**

**WHEREAS**, the 2014 Town Budget reflects appropriations to purchase new pickup truck snow plows for the Highway and Water/Sewer Departments; and

**WHEREAS**, the Town solicited bids for the snow plow. Three bids were received and opened at 10:00 AM on September 10, 2014. The low bidder was Bison Turf Equipment at a cost of four thousand, three hundred, forty-eight dollars each (\$4,348.00) (bid summary attached).

**NOW, THEREFORE, BE IT**

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of two (2) new 2014 pickup truck snow plows from Bison Turf Equipment at a cost of four thousand, three hundred, forty-eight dollars each (\$4,348.00); and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from

DA5130.200	\$4,348.00
SS1-8120.200	\$3,261.00
SS2-8120.200	\$ 543.50
SW8340.200	\$ 543.50

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 167:**

Supervisor Post offered the following:

**INTERNSHIP**  
**TOWN JUSTICE COURT**

**WHEREAS**, the Batavia Town Justice Court received a request from Matthew Crosby, a student at Genesee Community College, to complete a 150 hour unpaid internship in Batavia Town Court; and

**WHEREAS**, Town Justice's Michael Cleveland and Thomas Williams have no objections in offering this internship to Mr. Crosby (memo attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes Matthew Crosby to complete a 150 hour unpaid internship in Batavia Town Court; and be it

**FURTHER RESOLVED**, prior to engaging in the internship Mr. Crosby is subject to a background check and drug and alcohol testing; and be it

**FURTHER RESOLVED**, during the internship Mr. Crosby will be subject to comply with Town Policy.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Michalak, Zambito  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 168:**

Councilwoman Michalak offered the following:



**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

**DRUG AND ALCOHOL POLICY**  
**ALL TOWN EMPLOYEES**

**WHEREAS**, in 1995 the Town of Batavia adopted a Commercial Driver License (CDL) Alcohol and Drug Testing Policy; and

**WHEREAS**, it is prudent for insurance and liability purposes to also have an additional drug and alcohol policy to include all personnel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the Town of Batavia Drug and Alcohol Policy, a copy of which is annexed to and made a part of the minutes; and be it

**FURTHER RESOLVED**, the Secretary to the Supervisor is hereby directed to distribute the policy to each Town Employee; and be it

**FURTHER RESOLVED**, each employee is required to complete an acknowledgement of receipt and understanding of the Drug and Alcohol Policy and agrees to abide by its terms, with the executed documents being returned to the Secretary to the Supervisor to add to the personnel files.

**Second by:** Councilman Zambito

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

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

**TOWN OF BATAVIA**  
**DRUG & ALCOHOL POLICY**

The **TOWN OF BATAVIA** (hereafter referred to as "**TOWN**") values its employees' safety, security and performance. The **TOWN** is concerned about employees being under the influence of alcohol and/or controlled substances at work and the use of such substances in the work environment. The **TOWN** is also concerned about the possession, distribution, purchase or sale of alcohol and/or controlled substances on Town premises or while conducting business on behalf of the Town.

The **TOWN** recognizes the problem of drug and alcohol abuse in society, while also realizing that drug and alcohol dependency can be treated and controlled. The **TOWN** is committed to providing a safe work environment, one that is free of drug and alcohol abuse, for all of its employees. We expect our employees to recognize this commitment and understand that remaining "drug-free" is a condition of continued employment. The purpose of this policy is to provide a work environment that prevents drug and alcohol abuse and to offer assistance to employees who voluntarily come forward seeking help with a substance abuse problem prior to the occurrence of a violation of this policy.

**GENERAL PROVISIONS:**

**Employee Assistance** -The **TOWN** offers assistance to all employees for the treatment of drug and alcohol abuse through an Employee Assistance Program (EAP) authorized by the **TOWN** for this purpose. Employees are encouraged to voluntarily acknowledge a problem and to undertake a treatment program before any incident occurs under this policy which could lead to disciplinary action. If no other **TOWN** policies are violated, employees who successfully complete the program will not place their jobs in jeopardy. Employees who violate any provisions of this policy before requesting help through an employee

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

assistance program will be subject to disciplinary action, up to and including discharge.

**Definitions**

“Drugs” or “controlled substances” as used in this policy, refers to alcoholic beverages and any substance or narcotic taken or possessed not under the supervision of a licensed health care professional including, but not limited to, marijuana, cocaine, crack, PCP, heroin, hallucinogens, amphetamines, depressants and barbiturates. It also includes prescription and over-the-counter medications, which are being used illegally, or other than as prescribed, and inhalants, such as glue and nitrous oxide.

**Use, Sale and Possession**

In keeping with the **TOWN's** objective of a work place that is free of drug-and-alcohol abuse, employees will be subject to disciplinary action, up to and including discharge, for violations of the following rules:

Using, being under the influence of, selling, offering to sell, manufacturing, distributing or possessing drugs or controlled substances while on the job or on Town owned or leased property (including vehicles). Any illegal substances found on Town property, including Town-owned or leased vehicles will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Working while under the influence of alcohol or with a detectable level of prohibited drugs in one’s system.

In addition, an arrest or conviction for off-the-job drug activity (excluding alcohol) may be considered a violation of this policy (see page six Drug Free Workplace Act of 1988). In deciding what action to take for arrests or convictions, the **TOWN** may consider factors such as the nature of the charges and the effect the employee’s actions may have upon other employees, the public, or the **TOWN's** reputation and image.

**Use of Prescription Medicine**

Employees who are undergoing prescribed medical treatment using prescription or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment and ability to perform their duties and to report such use to their supervisor or the Human Resources department prior to beginning work. This information will be handled on a confidential basis. A determination will be made if the employee’s assignment is temporarily affected; the employee’s job, however, will be not jeopardized. Failure of an employee to report medical treatment as required may subject the employee to disciplinary action, up to and including discharge. Employees who fail a drug or alcohol test given under this policy, without having previously notified the Company of their use of medicines that could adversely affect their ability to safely perform their job, may be subject to disciplinary action up to and including discharge.

**Substance Testing**

Employees and applicants for employment will be required to submit to substance testing to determine the presence of drugs or alcohol within their systems. The **TOWN** shall have the right to determine the appropriate method of testing, which may include, but is not limited to, urine, breath, hair follicle tests, or any other recognized means of substance testing.

Testing for drugs, controlled substances and alcohol will be required under the following circumstances:

All Town Employees will be subject to random testing for drugs, controlled substances and alcohol.

New hires and pre-employment drug testing as part of the employment process. A test will be required for all final applicants, and applicants who test positive will not be employed. This includes all employment and re-employment, whether for temporary, part-time, or regular full-time positions. It is the policy of the **TOWN** not to hire any individual who tests positive for controlled substances as a result of a pre-employment test. Pre-placement testing may also be required in the event of return from layoff, or return from a personal or medical leave of absence of 90 days or greater.

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

**Accidents**

After the following type of accidents, the **TOWN** requires the employee to be tested within 24 hours.

**Reportable injuries**

Testing is required after a reportable injury. A reportable injury is one that involves medical treatment (other than first aid), a loss of consciousness, restriction of work or motion, requires transfer to another job, or results in lost time.

**Vehicle Accidents**

This section of the policy applies to drivers of any Town-owned or leased car, truck or powered piece of equipment. It also applies to anyone receiving a car allowance for a leased or rented vehicle, which is used for Town business.

**Property Damage**

Testing is required after accidents that cause damage to Town property (\$2,000 or greater), leased property, and employee .

Employees may be required to be evaluated by the Medical Director and/or submit to an alcohol and/or drug test if the Town has reasonable suspicion or the person is demonstrating unusual behavior. The decision to request a test will be made on factors including, but not limited to, an employee's speech, appearance, motor skills, smell, unusual behavior, performance of job duties, or an admission. A drug-related arrest or conviction (excluding alcohol) will be considered reasonable suspicion under this section, as will the possession or drug paraphernalia on Town-owned or lease premises.

Employees will be subject to drug testing as may be required by federal, state or local laws. If any provision of this policy is in conflict with any federal, state or local law or regulations, the provisions of the applicable law or regulation will control.

**Disciplinary Action**

A violation by any employee of any part of this policy will result in disciplinary action, up to and including discharge, even for a first offense.

As used in this policy, a "*refusal to test*" means:

- Failing to provide adequate breath for alcohol testing, without a valid medical explanation, after receiving notice of the requirement for breath testing.
- Failing to provide adequate urine or hair for controlled substances testing, without a valid medical explanation, after receiving notice of the requirement for testing.
- Engaging in conduct that obstructs the testing process, including dilution of urine samples and/or the use of so-called "masking" agents.
- Failure to complete the chain of custody including signatures and contact information.

The Town shall consider any refusal by an applicant to submit to the pre-placement controlled substances test under this policy to be grounds for refusing to hire the applicant.

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

Employee's Acknowledgement of Receipt and Understanding of Drug & Alcohol Policy

I, \_\_\_\_\_, hereby acknowledge the receipt of a copy of the **TOWN OF BATAVIA DRUG & ALCOHOL POLICY** regarding Substance Abuse. I have read and familiarized myself with the policy's contents and I understand my responsibility for adhering to this policy. I agree to abide by **TOWN** rules and procedures as outlined in the policy.

Received on \_\_\_\_\_

Employee Signature \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_

Completed Receipt Must Be Filed in Employee's Personnel File

**DRUG FREE WORKPLACE ACT OF 1988**

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

The **TOWN OF BATAVIA** is an employer subject to the Drug Free Workplace Act of 1988 because it is involved in federal contracts from time to time.

The unlawful manufacture, distribution, dispensation or possession or use of a controlled substance in the workplace or while conducting Town business off premises is prohibited. This has been a long-standing policy and indicates that violations of this type may result in disciplinary actions including discharge.

Under the Drug Free Workplace Act, employees must, as a condition of employment, abide by the terms of this policy. Employees must report to the **TOWN** any conviction under a criminal drug statute for a violation occurring in the workplace or off premises while conducting Company business with five days of the conviction. The **TOWN** is required to notify any contracting federal agencies within ten days of such notice.

I have received this policy and agree to abide by its' terms.

Employee's Name (print) \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_

Completed Receipt Must Be Filed in Employee's Personnel File

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**RESOURCES AVAILABLE TO YOU**

**ROYAL EMPLOYER SERVICES** - **1-888-244-0680**  
430 East Main Street  
Batavia, New York 14020

The Employee Assistance Program is offered to you and your family members free of charge. This service is fully paid for by the Town. They offer a variety of counseling services.

**MEDICAL CLINIC – WORK FIT MEDICAL, LLC** **585-343-0334**

**IF YOU HAVE MEDICAL BENEFITS WITH THE TOWN OF BATAVIA:**

**Univera** **1-800-499-1275**

Your Medical Plan offers a wide range of comprehensive benefits, check your Summary of Benefit Sheet.  
[www.univerahealthcare.com](http://www.univerahealthcare.com)

**GENESEE, ORLEANS COUNCIL ON ALCOHOLISM & SUBSTANCE ABUSE** **585-343-1124**

This community resource provides counseling services based on a sliding fee schedule.

**Any services that you seek are strictly confidential.**  
**If you need any assistance, you can see your Human Resources Representative.**

**RESOLUTION NO. 169:**

Councilman Zambito offered the following:

**AUTHORIZATION TO PURCHASE  
GLENN SHEPARD  
TRAINING HANDBOOK TOOLKIT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of Glenn Shepard's Manager's Handbook Toolkit at a cost of two hundred, ninety-nine dollars (\$299.00); and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item A9089.402.

**Second by:** Councilman Lang  
**Ayes:** Zambito, Lang, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 170:**

Councilman Lang offered the following:

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**RESOLUTION TO AUTHORIZE PURCHASE OF  
PANASONIC TOUGHBOOK**

**RESOLVED**, the Batavia Town Board hereby authorizes one (1) Panasonic Toughbook Notebook Computer for the Water/Wastewater Department at a cost of \$1,690.00 purchased from Newegg; and be it further

**RESOLVED**, the expenditures will be appropriated from line items:

SW8340.200	\$ 1,267.50
SS18120.200	\$ 211.25
SS28120.200	\$ 211.25

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 171:**

Supervisor Post offered the following:

**UNIFIED COURT SYSTEM  
ACCEPTANCE OF CREDIT CARDS**

**WHEREAS**, over the past several years the Office of Court Administration -New York State Unified Court System has provided the Town Court with a credit card terminal to accept credit cards for payments of fines, surcharges, bail or other charges in Town Court; and

**WHEREAS**, there are no fees incurred by the consumer with the current credit card payment program; and

**WHEREAS**, the Office of Court Administration is implementing a new system in which a service fee, estimated to be 2.99% of the amount charged, will be assessed to anyone who uses a credit card for payment; and

**WHEREAS**, a new credit card terminal will be issued to the court to process the payments and fees .

**NOW, THEREFORE,**

**BE IT RESOLVED** the Batavia Town Board hereby acknowledges the Town Court will receive a new credit card terminal from the Office of Court Administration, which assesses a service fee of approximately 2.99% of the amount charged , and be it

**FURTHER RESOLVED**, the Supervisor is authorized to execute the W-9 form as requested by the Office of Court Administration.

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**Second by:** Councilman Zambito  
**Ayes:** Post, Zambito, Lang, Michalak  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 172:**

Councilwoman Michalak offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2014**

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

**General Fund:**

From	Amount	To
A1620.200 Building Equip	1000.00	A1220.200 Supervisor Equip
A1355.200 Assessor Equip	967.00	A1355.400 Assessor Contr
A1989.400 Misc Exp	1100.00	A1320.400 Auditor
A1620.200 Building Equip	968.00	A7510.200 Historic Prog Equip
A1989.400 Misc Exp	2700.00	A9089.800 In lieu of
A8030.400 R&D	4386.00	A8120.200 Sewer Imp Thruway Equip
A8030.400 R&D	1141.00	A3310.400 Traffic Control

**Highway**

DA5110.103 Gen Rep Per Svc	10,000.00	DA5142.103 Snow Rem Pers Svc OT
DA5110.400 Gen Rep Contr	199,000.00	DA5142.400 Snow Rem Contr
DA5148.100 Svc Other Pers Svc	1361.00	DA5148.400 Svc Other Contr

**Sanitary Sewer I**

SS1-2680 Insurance Recoveries	501.96	SS1-8120.400 San Swr Contr
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**Sanitary Sewer 2**

SS2-2680 Insurance Recoveries	501.96	SS2-8120.400 San Swr Contr
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**Water**

SW2680 Insurance Recoveries	3011.77	SW8340.400 Trs Dist Contr
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**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 173:**

Councilman Zambito offered the following:

**RESOLUTION TO APPROVE SANITARY SEWER EASEMENTS  
FOR THE WEST MAIN STREET ROAD SANITARY SEWER DISTRICT**

**WHEREAS**, the Town of Batavia has awarded the contract for the construction of sanitary sewer



**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

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 certain Sanitary Sewer Easements granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia are hereby approved and accepted with regard to the parcels of lands set forth in the Easements, 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 Batavia Congregation of Jehovah's Witnesses, Inc. regarding Tax Map No. 7.-1-93, dated January 13, 2014; designated as "Sanitary Easement No. 15".
2. From Ruth E. Heintz, regarding Tax Map No. 7.-1-94, dated January 17, 2014; designated as "Sanitary Easement No. 14".
3. From National Fuel Gas Distribution Corporation regarding Tax Map No. 7.-1-35, dated February 11, 2014; designated as "Sanitary Easement No. 16".

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 174:**

Councilman Lang offered the following:

**SERGI CONSTRUCTION INCORPORATED**  
**APPROVAL OF CHANGE ORDER NO. 3**  
**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**, An additional water service was added to the project; and

**WHEREAS**, Sergi Construction, Incorporated has submitted a change order request for the requested revisions in the amount of one thousand, four hundred dollars (\$1,400.00) and increasing the Lump Sum contract to the amount of nine hundred, sixty-six thousand, seven hundred, thirty three dollars and ninety-three cents (\$966,733.93), as shown on the attached Change Order No.3; and

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

**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.3 and authorizes the Supervisor to execute the attached Change Order No.3 in the amount of one thousand, four hundred dollars (\$1,400.00) and changing the contract to a Lump Sum contract in the amount of nine hundred, sixty-six thousand, seven hundred, thirty three dollars and ninety-three cents (\$966,733.93). The approved change order is subject to approval by USDA-Rural Development.

**Second by:** Councilwoman Michalak  
**Ayes:** Lang, Michalak, Zambito, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 175:**

Supervisor Post offered the following:

**AUTHORIZATION TO ENTER INTO AGREEMENT FOR THE IMPLEMENTATION OF  
CONSOLIDATED FUNDING AWARD RECEIVED FROM THE NEW YORK STATE ENERGY  
RESEARCH AND DEVELOPMENT AUTHORITY**

**WHEREAS**, the Town of Batavia (“Town”) has received a 2013 Consolidated Funding Award (CFA) for a New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Community Grant in the amount of \$175,000.00 for Green Genesee/Smart Genesee Road Map project, (CFA #31078/Contract #39518); and

**WHEREAS**, the balance of the project cost not covered by the grant will be shared with the project’s partners; Towns of Batavia, Oakfield and Alabama, Village of Oakfield, Genesee County, NY Green, and Genesee County Economic Development Center who have committed up to \$169,835.00 in combination of cash and in-kind services, and

**WHEREAS**, Conservation Connects was identified as the lead consultant for the project in the grant application and as such is approved by NYSERDA.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Batavia Town Board hereby authorizes the Supervisor to execute the agreement between New York State Energy Research and Development Authority and the Town of Batavia evidencing the Grant and all forms and documents related thereto.

**Second by:** Councilman Lang  
**Ayes:** Post, Lang, Michalak, Zambito  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 176:**

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

Councilwoman Michalak offered the following:

**EMAIL FILTERING SERVICES  
HURRICANE TECHNOLOGIES, INCORPORATED**

**WHEREAS**, the current Sonic Wall SPAM filtering appliance is no longer effective; and

**WHEREAS**, Hurricane Technologies, Incorporated provided a proposal for SPAM Email Filtering at a cost of fifty-two dollars and eighty cents (\$52.80) per month (proposal attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board authorizes the SPAM email filtering from Hurricane Technologies, Incorporated at a monthly cost of fifty-two dollars and eighty cents (\$52.80), and be it

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

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 177:**

Councilman Zambito offered the following:

**TOWNLIN WATER PROJECT  
SEQR RESOLUTION - NEGATIVE DECLARATION**

**WHEREAS**,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Batavia announced its intent to serve as Lead Agency on August 13, 2014, to conduct an environmental review of public water supply improvements within the service area of the Townline Water Project. The project will ensure a safe and reliable potable water supply and fire protection for residents in portions of the Towns of Batavia, Oakfield, Elba and Stafford.
- 2) The Batavia Town Board has determined that the proposed action is a Type I action as defined under SEQR, as the action requires approval of plans by the NYS Department of Health and as portions of the project are located in an Genesee County Agricultural District.
- 3) The Batavia Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On August 18, 2014, the Batavia Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

Form. None of the Involved Agencies objected to the Batavia Town Board acting as Lead Agency.

**NOW THEREFORE BE IT RESOLVED,**

The Town Board of the Town of Batavia declares that it will serve as Lead Agency for the water system improvements proposed under the Townline Water Project; and,

The Town Board declares that, based on the full Environmental Assessment Form which has been prepared, the project will not result in any large or important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and no environmental impact statement need be prepared.

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

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

**Ayes:** Lang, Zambito, Michalak, Post  
**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 178:**

Supervisor Post offered the following:

**ENVIRONMENTAL SERVICES AGREEMENT**  
**TOWNLINER ROAD PROJECT**  
**BETWEEN THE TOWN OF BATAVIA AND LABELLA ASSOCIATES**

**WHEREAS**, the Town of Batavia retained Stuart I. Brown Associates, now known as Labella Associates to complete the required environmental documents for the proposed Townline Road Water Project; and

**WHEREAS**, the level of the project, which now includes the additional areas in adjacent towns, the expedited schedule and the overall magnitude of the project, has affected the time commitment for the preparation of the Environmental Assessment; and

**WHEREAS**, Labella Associates submitted a proposal memorandum to complete the additional work at a cost not to exceed three thousand dollars and no cents (\$3,000.00).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the additional fees to complete the Townline Road Water District Environmental Review at a costs not to exceed three thousand dollars (\$3,000.00).

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**Second by:** Councilman Zambito  
**Ayes:** Post, Zambito, Michalak, Lang  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 179:**

Councilwoman Michalak offered the following:

**ENVIRONMENTAL SERVICES AGREEMENT  
TOWNLINER ROAD PROJECT  
BETWEEN THE TOWN OF BATAVIA AND CONSERVATION CONNECTS**

**WHEREAS**, the Town of Batavia is required to complete the required environmental documents and permits for the proposed Townline Road Water Project; and

**WHEREAS**, additional threatened and endangered species field work is required which is outside of the scope of work of Labella Associates and Clark Patterson Lee; and

**WHEREAS**, Conservation Connects has submitted a proposal at the request of the Town to complete the work at a cost not to exceed One Thousand Eight Hundred Dollars and no cents (\$1,800.00).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Conservation Connects at a cost not to exceed One Thousand Eight Hundred Dollars and no cents (\$1,800.00); and be it

**FURTHER RESOLVED**, the Supervisor is hereby authorized to execute the attached proposal agreement between the Town of Batavia and Conservation Connects.

**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO. 180:**

Councilman Zambito offered the following:

**RESOLUTION INCREASING BUDGETARY LINE ITEMS  
HIGHWAY**

**RESOLVED**, the Batavia Town Board hereby authorizes increasing expenditure line item DA5112.200 in the amount for \$32,041.00. Source of funding is from the State Aid CHIPS-DA3501.

**Second by:** Councilman Lang

**SEPTEMBER 17, 2014  
REGULAR TOWN BOARD MEETING**

**Ayes:** Zambito, Lang, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**Abstract No. 9-2014:** Motion Councilman Lang, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$56,277.25
Highway	81,583.31
Sewer No. 1	3,750.55
Sewer No. 2	2,414.88
Water	27,394.96
Creek	201,400.37
West Main	98,489.46
Pratt	1,800.00
Townline	46,574.85
<b>Total</b>	<b>\$519,685.63</b>

Check numbers 19278 thru 19350, ACH: \$12,290.62, Online: \$4,773.56

**Ayes:** Lang, Zambito, Michalak, Post  
**MOTION CARRIED by unanimous vote (4-0)**

**DEPARTMENT REPORTS:**

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

**Highway** -Rented equipment to replace culvert on Batavia Townline Road, which was completed in less than three days. Gearing up for the winter season.

**Water/Sewer-** Maintaining pump stations and been attending to water break.

**Building/Zoning** - Permit applications continue to come in.

**Supervisor's Report:**

**Status Report** on expenditures and revenues is available for the Board's review.

**GAM-** is tomorrow evening at 7:00 P.M. hosted by the Town of Bethany at the Bethany Town Hall.

**COMMUNICATIONS:**

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

**August Town Clerk monthly report collected a** total of \$38,226.79, remitted \$33,417.72 to the Supervisor for the Local Share.

**Liquor License-** Received notification from Sunny Vineyards, Inc. of 8204 Park Road that they have applied for their liquor license renewal.

**SEPTEMBER 17, 2014**  
**REGULAR TOWN BOARD MEETING**

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:45 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk