

**JANUARY 7, 2015
SPECIAL TOWN BOARD MEETING**

Town Hall

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 7:20 P.M.

RESOLUTION NO. 24:

Councilman Lang offered the following:

**PROFESSIONAL IT SERVICES BETWEEN
HURRICANE TECHNOLOGIES, INC. AND THE TOWN OF BATAVIA**

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for professional Information and Technology Services; and be it

FURTHER RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Prepaid Block Hour Technical Support Services Agreement between the Hurricane Technologies, Incorporated and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

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

RESOLUTION NO. 25:

Deputy Supervisor Underhill offered the following:

WEBSITE DESIGN AND MAINTENANCE

WHEREAS, Rockhopper Technologies has been maintaining the Town of Batavia's website since 2009; and

WHEREAS, the Town wishes to continue having Rockhopper Technologies maintain the website.

NOW, THEREFORE, BE IT

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RESOLVED, the Batavia Town Board hereby authorizes Rockhopper Technologies to maintain the Town's website at a cost of \$49.95 per hour.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 26:

Supervisor Post offered the following:

LEADERSHIP GENESEE

RESOLVED, the Batavia Town Board hereby authorizes Matthew Mahaney to participate in the 2015 Leadership Genesee program at a cost of \$1,950.00.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 27:

Councilwoman Michalak offered the following:

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

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

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

WHEREAS, Royal Employer Services will provide these services to the Town at a cost of three hundred, twenty dollars (\$320.00) annually (contract attached).

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

RESOLVED, this contract runs from January 1, 2015 to December 31, 2015.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Lang, Post

Abstain: Zambito

APPROVED (4-ayes, 1-abstain)

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RESOLUTION NO. 28:

Councilman Zambito offered the following:

DRUG AND ALCOHOL TESTING SERVICES

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

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

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

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

RESOLVED, this service runs from January 1, 2015 to December 31, 2015.

Second by: Deputy Supervisor Underhill

Ayes: Zambito, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 29:

Councilman Lang offered the following:

AUDIT SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND FREED MAXICK & BATTAGLIA, PC

RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Auditing Services Agreement between Freed Maxick & Battaglia, PC and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 30:

Deputy Supervisor Underhill offered the following:

CROSS CONNECTION CONTROL PROGRAM MANAGEMENT AGREEMENT
BETWEEN
BACKFLOW PREVENTION CONSULTANTS AND THE TOWN OF BATAVIA

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RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Backflow Services Agreement between Backflow Prevention Consultants and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

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

RESOLUTION NO. 31:

Supervisor Post 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

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 Attorney Robert R. Zickl, be appointed by the Town Board to continue to act as Alternate Town Prosecutor to handle cases in which he has a conflict.

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.

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

RESOLUTION NO. 32:

Councilwoman Michalak offered the following:

**RESOLUTION FOR THE
SEQR DETERMINATION (Type II)
FOR
TOWN OF BATAVIA**

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WEST SIDE SANITARY SEWER IMPROVEMENTS – PHASE I

WHEREAS, the Town has proposed to complete maintenance and repairs to the Lewiston Road, West Main Street Road and Kings Plaza pump stations (West Side Sewer Improvements – Phase I); and

WHEREAS, the improvements consist of electrical system repairs, pump replacements, roof repairs, concrete repairs and other miscellaneous repairs which are all considered maintenance or repair work to existing structures and facilities; and

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 West Side Sewer Improvements – Phase I is a Type II action in accordance with 6 NYCRR Section 617.5 (c)(1) which constitutes the "maintenance or repair involving no substantial changes in an existing structure or facility which does 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: Deputy Supervisor Underhill
Ayes: Michalak, Underhill, Zambito, Lang, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 33:

Councilman Zambito offered the following:

**PROPOSAL FOR SERVICES AGREEMENT –
BETWEEN THE TOWN OF BATAVIA AND
BUSINESS AUTOMATION SERVICES, INC. (BAS)
FOR
CUSTOM PROGRAMMING SERVICES**

WHEREAS, the Town of Batavia has requested programming services from its water/sewer billing software vendor to provide custom account and meter information reports; and

WHEREAS, BAS has submitted the attached proposal for completing the requested service at a cost of three thousand three hundred sixty dollars (\$3,360.00) (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to retain BAS at a cost of three thousand three hundred sixty dollars (\$3,360.00) to complete the custom programming; and be it further

RESOLVED, the Town Supervisor is authorized and directed to sign this proposal on behalf of the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes.

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Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

ADJOURNMENT:

Motion Councilman Zambito, second Deputy Supervisor Underhill to adjourn the Special Town Board Meeting at 7:25 P.M.

Ayes: Zambito, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,
Teressa M. Morasco
Town Clerk