

**NOVEMBER 17, 2009
REGULAR TOWN BOARD MEETING**

Town Hall

7:00 P.M.

Alfred Lang, Councilman led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak
Councilman Gerace

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:03 P.M.

October 21, 2009, 2009 Regular Town Board Meeting: Motion Councilwoman Michalak, second Councilman Gerace to approve the minutes as written.

Ayes: Michalak, Gerace, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

November 4, 2009 Public Hearing-2010 Town Budget , November 4, 2009 Public Hearing-Sewer Rents, November 4, 2009 Public Hearing-Water Rates, and November 4, 2009 Special Town Board

Meeting: Motion Councilman Lang, second Deputy Supervisor Underhill to approve the minutes as written.

Ayes: Lang, Underhill, Michalak, Gerace, Post

MOTION CARRIED by unanimous vote (5-0)

November 10, 2009 Special Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, Gerace, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 149:

Councilman Lang offered the following:

ADOPTION OF 2010 TOWN ANNUAL BUDGET

WHEREAS, the Town of Batavia Chief Fiscal Officer prepared a Tentative Budget for review by the Batavia Town Board, and

WHEREAS, the Town Board met in Budget sessions among themselves and with Town Employees in the formulation of the Revised Preliminary Budget, after which a Public Hearing was held on November 17, 2009 for all interested parties to be heard.

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RESOLVED, the Batavia Town Board hereby adopts the Revised Preliminary Town Budget as the 2010 Annual Budget of the Town of Batavia.

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

RESOLUTION NO. 150:

Deputy Supervisor Underhill 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, from January 1, 2010 to December 31, 2010 at a monthly cost of one thousand, three hundred, fifty dollars and thirteen cents (\$1,398.75) 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: Councilman Gerace
Ayes: Underhill, Gerace, Lang, Michalak, Post
APPROVED by unanimous vote (5-0)

TOWN OF BATAVIA
SPECIFICATIONS
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.
- 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).

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- 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 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 a one (1) year period; effective dates are January 1, 2010 through December 31, 2010 inclusive.

RESOLUTION NO. 151:

Supervisor Post offered the following:

**ORDER CALLING A PUBLIC HEARING
ON THE FIRE DEPARTMENT CONTRACT**

RESOLVED, that this Town Board hereby schedules a public hearing on the advisability of contracting with the Town of Batavia Fire Department, Inc. for fire protection to be provided to the Town of Batavia Fire Protection District by the Town of Batavia Fire Department, Inc., and that not less than ten (10) days notice of said hearing be published in the Daily News and posted on the signboard of the Town; and be it

FURTHER RESOLVED, that said hearing be scheduled for December 16, 2009 at the Batavia Town Hall at 6:45 o'clock p.m.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Gerace

APPROVED by unanimous vote (5-0)

**NOTICE FOR PUBLIC HEARING ON
FIRE PROTECTION CONTRACT FOR 2010**

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Public Notice is hereby given, that a Public Hearing will be held Wednesday, December 16, 2009, by the Town Board of the Town of Batavia, Genesee County, New York, at the Batavia Town Hall located at 3833 West Main Street Road beginning at 6:45 P.M. of that day and for the purpose of considering contracting with the Town of Batavia Fire Department, Inc. for fire protection services to be furnished by the Town of Batavia Fire Department, Inc to the Fire Department District established in the Town of Batavia and known as the "Town of Batavia Fire Protection District" upon the following general terms, to wit:

1. The Town of Batavia Fire Department, Inc. shall answer and attend upon all calls in said District;
2. The Town of Batavia Fire Department Inc., shall purchase and maintain such property, crime, dishonesty bond and liability insurance as it deems prudent to protect its interests. Such insurance shall include Automobile Liability, General Liability naming the Town of Batavia, its agents and employees as Additional Insureds, Contractual Liability for this Contract and should include Ambulance Attendants Professional Liability, Volunteer Fire Department Errors and Omissions Liability and Liquor Law Liability coverages. Liability limits of at least \$1,000,000.00 each occurrence, claim or incident are recommended but not required. A Certificate of all liability insurances, providing the Town with at least 30 days written notice of cancellation or nonrenewable, shall be furnished to the Town Attorney, Town Hall, 3833 West Main Street Road, Batavia, New York, 14020.

The Town of Batavia Fire Department, Inc. shall also indemnify and hold harmless the Town of Batavia, its agents and employees from all claims, suits, loss, damages, injuries, liability, cost and expenses arising from the services provided for in this contract and from the activities of the Fire District, its officers, employees and volunteers to the extent this provision is insured by the Town of Batavia Fire District.

3. The Town of Batavia Fire Department, Inc. shall maintain public liability and property damage insurance policies for the benefit of said District and the Town of Batavia, and shall hold said District and Town harmless for losses not covered by insurance;
4. The Town of Batavia Fire Department, Inc. shall be responsible for loss or damage sustained in fire apparatus or other equipment while attending fires in said District;
5. The Town of Batavia and the Town of Batavia Fire Protection District shall pay or provide insurance coverage for authorized items;
6. The Town of Batavia Fire Department, Inc. shall participate in the Genesee County Mutual Aid Plan and reserves certain rights pertaining to said participation;
7. The Town of Batavia Fire Department, Inc. shall reimburse the Town of Batavia should its equipment not be usable;
8. For such services the Town of Batavia Fire Department shall receive the yearly sum of seven hundred, ten thousand, one hundred, thirty-four dollars (\$710,134.00).
9. The Town of Batavia shall plow and provide routine maintenance to the driveway and parking area of the Fire Department's Fire Hall;
10. The Town of Batavia Fire Department, Inc. shall provide financial data and records to the Town of Batavia.
11. The contract shall run for one (1) year from January 1, 2010 and shall expire on December 31, 2010

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All persons interested in the matter will be heard at such time and place specified above.

Dated: November 17, 2009

Teressa M. Morasco
Town Clerk
Town of Batavia

RESOLUTION NO.152:

Councilwoman Michalak offered the following:

RESOLUTION TO ESTABLISH TEMPORARY POSITION
PART-TIME CLERK-LGRMIF GRANT AWARD

WHEREAS, the Town of Batavia received a Local Government Records Management Improvement Fund (LGRMIF) Grant; and

WHEREAS, a part-time temporary Imaging Clerk's position needs to be created for support staff to complete the LGRMIF grant project.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby establishes the position of part-time temporary Imaging Clerk.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 153:

Councilman Gerace offered the following:

RESOLUTION TO RETAIN
PART-TIME TEMPORARY IMAGING CLERK-LGRMIF GRANT

WHEREAS, the Town of Batavia received a Local Government Records Management Improvement Fund (LGRMIF) Grant; and

WHEREAS, the Town Clerk wishes to retain Mary Cordes as the temporary Imaging Clerk to complete the LGRMIF grant project; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains Mary Cordes as the temporary Imaging Clerk at a salary of \$14.00 per hour, not to exceed 8 hours per week, appropriated from line item A1410.101.

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

RESOLUTION NO. 154:

Councilman Lang offered the following:

TOWN INSURANCE AWARD

WHEREAS, as of November 27, 2001 the Batavia Town Board retained New York Municipal Insurance Reciprocal to provide the Town with insurance coverage; and

WHEREAS, the insurance premium for 2010 (November 27, 2009 through November 27, 2010) has been quoted at forty-four thousand, one hundred, four dollars and fifty-six cents (\$44,104.56/ attached).

RESOLVED, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of forty-four thousand, one hundred, four dollars and fifty-six cents (\$44,104.56).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any documents necessary for the award.

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

RESOLUTION NO. 155:

Deputy Supervisor Underhill offered the following:

EXCESS EMPLOYER'S LIABILITY INSURANCE

RESOLVED, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town's Excess Employer's Liability Insurance at a cost of one thousand, one hundred, eleven dollars, (\$1,111.00).

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

RESOLUTION NO. 156:

Supervisor Post offered the following:

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GOVERNMENT CRIME POLICY INSURANCE

RESOLVED, the Batavia Town Board hereby retains McManus-Peard-Gesl, Inc. to provide the Town with Government Crime Policy Insurance at a cost of \$3,180.00. This includes Employee Theft Per Loss, Forgery, Inside M&S, Outside the Premises, Computer Fraud, Funds Transfer Fraud and Faithful Performance. Also, Excess over Employee Theft Limit for the Town Clerk/Tax Collector, Deputy Town Clerk/Deputy Tax Collector; two (2) Town Justices, two (2) Court Clerks; (1) Bookkeeper; and the Secretary to the Supervisor (see attached); and be it

FURTHER RESOLVED, the Batavia Town Board hereby directs the Tax Collector to remit to the Genesee County Treasurer its taxes in a timely manner before they exceed \$1,000,000.00 at any given time.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Gerace, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 157:

Councilwoman Michalak offered the following:

**AUTHORIZATION TO EXECUTE THE
NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT RECOVERY AGREEMENT-
SANITARY SEWER DISTRICT #1**

"RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the New York Community Development Block Grant Recovery Agreement between the Town of Batavia and the New York Housing Trust Fund Corporation (agreement attached). This agreement is in regards to the \$962,788.00 grant received for Sanitary Sewer District 1.

Second by: Councilman Gerace

Ayes: Michalak, Gerace, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 158:

Councilman Gerace offered the following:

**E-PAYMENT SYSTEM
ACCEPTANCE OF CREDIT CARDS**

WHEREAS, the Town Clerk has had many requests for credit card acceptance services; and

WHEREAS, Business Automation Services, Incorporated, (BAS) Clifton Park, New York submitted a proposal for an E-Payment System which is capable of accepting credit cards and online payments through the website; and

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WHEREAS, there will be a monthly processing fee of \$30.00 per split merchant account; and

WHEREAS, there are convenience fees associated with this service that will be paid by the consumer that utilize it.

NOW, THEREFORE, BE IT RESOLVED the Batavia Town Board hereby authorizes BAS to provide an E-Payment System, as proposed, and be it

FURTHER RESOLVED, the Supervisor is authorized to execute the necessary documents.

Second by: Deputy Supervisor Underhill

Ayes: Gerace, Underhill, Michalak, Lang, Post

APPROVED by unanimous vote (5-0)

Discussion: Prior to the vote the Supervisor commented that in the future a laptop may be available for customers so they can go online at the Town Hall to make payments. The Town Clerk explained that mastercard and discover card are the only credit/debit cards they are authorized to accept in person unless the payment is for the Town/County Taxes, then Visa will also be accepted.

Abstract No. 11-2009: Motion Councilman Lang, second Councilwolman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$ 333,172.37
Highway	31,685.67
Sewer No. 1	29,812.87
Sewer No. 2	55,631.52
Water	245,328.12
Alexander/Pike	35,841.28
Rose	<u>19,155.05</u>
TOTAL	\$750,626.88

Check numbers 14288 thru 14300, 14302 thru 14377

Ayes: Lang, Michalak, Gerace, 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 .21%.

New York State Sales Tax- The Town received a sales tax check and to date we are down about

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\$50,000 from last year. It does appear that we will be close to matching last year's figure. The Supervisor expressed thanks for supporting our community during these weathering times.

GAM -meeting is Thursday, hosted by the Town of Byron at the Byron Hotel at 7:00.

\$250,000 2010 COUNTY TAX LEVY- Motion Deputy Supervisor Underhill, second Councilman Gerace, authorizing \$250,000 to be sent to the Genesee County Treasurer to reduce the 2010 County Tax Levy for Town of Batavia property owners.

Ayes: Underhill, Gerace, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

BUILDING DEPARTMENT COMPUTER PURCHASE- Motion Councilman Gerace, second Councilwoman Michalak authorizing the Building Inspector to purchase a computer system in an amount not to exceed \$1,100.00. The existing computer will be used by the Clerk assisting in the Building Department.

Ayes: Gerace, Michalak, Lang, Underhill, Post

MOTION CARRIED by unanimous vote (5-0)

COMMUNICATIONS:

The Town Clerk reported on the following:

October Town Clerk monthly report collected a total of \$7,335.33, remitted \$5,099.83 to the Supervisor for the Local Share.

Dog Enumeration- Betsy Torrey, Dog Enumerator completed the Enumeration at the end of October. She counted 1,062 dogs. I would like to thank her for doing such a great job.

National Fuel- Received a letter from National Fuel. They are in the process of planning pipeline replacement projects for 2010 and would like the Town to provide them with any planned public improvement projects so they can plan accordingly. The Town Engineer and Highway Superintendent have been copied on this.

Happy Thanksgiving to all!

COMMITTEE REPORTS:

Park-Galloway Road Property –Councilwoman Michalak reported the Park sign has been erected and that they had a preliminary meeting with Stuart Brown of Stuart Brown Associates. There will be meetings for public input to help assist in drafting the Parks Master Plan in December or January.

ADJOURNMENT:

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

Ayes: Gerace, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk