

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**Town Hall**

**7:00 P.M.**

Patti Michalak 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  
Planning Chairman Jasinski  
Roger Muehlig, Daily News Reporter

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

**APPOINTMENTS:**

**Supervisor made the following appointments:**

**Deputy Supervisor-**Daniel Underhill

**Bookkeeper-**Marcy Crandall

**Historian-**Berneda Scoins

**COMMITTEE APPOINTMENTS:**

**Supervisor made the following appointments to the various committees:**

**Audit:** Deputy Supervisor Underhill, Councilman Lang, Councilwoman Michalak, Councilman Gerace

**Highway:** Deputy Supervisor Underhill, Supervisor Post, Deputy Highway Superintendent Lichtenthal

**Water/Sewer:** Councilman Lang, Town Engineer Steve Mountain, Supervisor Post

**Buildings & Grounds:** Councilman Gerace, Highway Superintendent Lichtenthal, Supervisor Post,  
Town Engineer Steve Mountain

**Parks & Recreation:** Councilman Gerace, Councilwoman Michalak, Town Engineer Steve Mountain

**Video:** Councilwoman Michalak

**Fire:** Deputy Supervisor Underhill, Supervisor Post

**Court:** Councilman Lang, Supervisor Post

**Housing Initiatives:** Councilwoman Michalak

**Transfer Station:** Councilman Lang, Deputy Highway Superintendent Lichtenthal

**IT/Records Management:** Deputy Supervisor Underhill, Town Clerk Morasco, Supervisor Post

The Town Clerk read the information on the New York State Association of Towns Annual Meeting which will be held February 20 through February 23, 2011 in New York City.

**RESOLUTION NO. 1:**

Councilman Lang offered the following:

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**GENERAL ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the following appointments be and are hereby made for the one year term beginning January 1, 2011 and ending December 31, 2011:

OFFICE/DESIGNATION	APPOINTEE
Landfill Coordinator.....	Thomas Lichtenthal
Registrar of Vital Statistics.....	Teressa M. Morasco
Water/Sewer Billing Clerk.....	Sandra Baubie

and be it further

**RESOLVED**, that the following rates, hours, schedules, and conditions be and hereby are established for the one year term beginning January 1, 2011 and ending December 31, 2011;

- a. Mileage reimbursement rate for the use of a private vehicle in the conduct of official Town business shall be \$.510 per mile.
- b. Personal Development expenses for Town officers and employees is hereby authorized to \$1,000.00 per year; each such personal development expense shall require Town Board approval, amounts in excess must be approved by the Town Board. All meals per day shall not exceed \$40.00.
- c. One Employee is hereby authorized to \$1,900.00 to participate in Leadership Genesee, requiring Town Board approval.
- d. The schedule of Regular/Official meeting of the Batavia Town Board shall be the third (3<sup>rd</sup>) Wednesday of each month, beginning at 7:00 o'clock p.m. and such regular meetings shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York.
- e. The Town Highway Superintendent is hereby authorized to make purchases under the Genesee County Contract.
- f. Office hours at the Town Hall are hereby set at 8:30 a.m. until 4:30 p.m., Monday, Tuesday, Thursday, and Friday, Wednesday, 8:30 a.m. until 7:00 p.m., excepting recognized holidays.
- g. The Daily News (Batavia) is hereby designated as the Town's official newspaper.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 2:**

Deputy Supervisor Underhill offered the following:

**ADOPTION OF SALARIES FOR 2011**

**RESOLVED**, the Batavia Town Board hereby adopts the following salaries for 2011

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**ELECTED**

Supervisor	\$30,000.00
Deputy Supervisor	\$15,000.00
Councilman (3)	\$10,000.00
Town Clerk/Tax Collector	\$46,393.00
Highway Superintendent	\$15,000.00
Town Justice (2)	\$21,542.00

**APPOINTED**

Assessor	\$30.00 per hour
Assessor Trainee	\$19.23 per hour
Building Inspector	\$19.44 per hour
Clerk-Typist Part Time	\$9.00 to \$13.20 per hour
Court Clerk Full Time	\$15.75 per hour
Court Clerk Part Time	\$12.88 per hour
Court Security Officer	\$18.00 per hour
Deputy Town Clerk/Tax Collector	\$17.55 per hour
Engineering Technician	\$16.48 to \$29.35 per hour
Heavy Equipment Operator	\$20.75 per hour
Highway Employees (MEO)	\$20.75 per hour
Highway Employees Part Time	\$11.03 per hour
Historian	\$1,000.00
Inventory Clerk/Indexing Clerk	\$9.00 to \$14.00 per hour
Planning Board Chairman	\$5,408.00
Planning Board Secretary	\$130.00 per meeting
Planning Board Members (7)	\$78.00 per meeting
Registrar of Vital Statistics	\$697.00
Seasonal MEO	\$18.00 per hour
Secretary to the Supervisor	\$21.65 per hour
Sr. Water/sewer Maintenance Employee	\$20.75 per hour
Sanitary Landfill Coordinator	\$4,000.00
Superfund Landfill Coordinator	\$4,000.00
Supervisor's Bookkeeper	\$17.00 per hour
Town Engineer	\$61.25 per hour
Town Engineer-Assistant	\$48.93 per hour
Transfer Station Attendant	\$13.67 per hour
Water/Sewer Billing Clerk	\$17.55 per hour
Water/Sewer Foreman	\$9,168.00
Water/Sewer Laborer Part Time	\$17.00 per hour
Water/Sewer Maintenance Employee	\$20.75 per hour
Zoning Board of Appeals Member (4)	\$50.00 per meeting

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

Zoning Board Chairman	\$1,320.00
Zoning Board Secretary	\$75.00 per meeting

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

**RESOLUTION NO. 3:**

Supervisor Post offered the following:

**RESOLUTION ESTABLISHING WORKDAY FOR  
ELECTED AND APPOINTED OFFICIALS**

**RESOLVED**, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

**ELECTED OFFICIALS**

Supervisor  
Deputy Supervisor  
Councilperson  
Town Justice

Five day work week, six (6) hour day.

Town Clerk/Tax Collector

Five day work week, eight (8) hour day.

**APPOINTED OFFICIALS**

Members of Board of Zoning Appeals  
Members of Planning Board  
Town Engineer  
Clerk-Typist  
Financial Clerk-Typist  
Court Officer

Five day work week, six (6) hour day.

Assistant Town Engineer  
Engineer Technician  
Deputy Town Clerk  
Water/Sewer Billing Clerk  
Secretary to Supervisor

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

Building Inspector  
Assessor  
Assessor Trainee  
Justice Clerk  
MEO  
HEO  
Laborer

Five day work week, eight (8) hour day.

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

**RESOLUTION NO. 4:**

Councilwoman Michalak offered the following:

**ESTABLISHING RULES OF PROCEDURE  
OF THE BATAVIA TOWN BOARD FOR 2011**

**RESOLVED**, that the Batavia Town Board hereby establishes and adopts the following Rules of Procedure for the year 2011:

- 1.) **RULES OF ORDER:** The conduct of meetings of the Batavia Town Board shall be governed by the provisions of Robert's Rules of Order, with the following exceptions (1.) all votes of the Batavia Town Board shall be oral, and the names of all Town Board members present and their votes shall be recorded and entered into the official minutes by the Town Clerk, (2.) in other instances where Roberts Rules contradicts Town Law, Town Law will prevail.
- 2.) **TIMELY DISTRIBUTION:** Those items requiring the attention of the Town Board, as well as those items necessary to the conduct of regular meetings (i.e., agendas, minutes of previous meetings, prepared resolutions, contracts) should be available to Town Board members not later than the close of business on the Friday prior to the meeting at which action is scheduled. The Board will not act on such items (received later than described), and action on items received untimely by Board Members will be deferred to the next regularly scheduled Town Board meeting. To accommodate unforeseen circumstances, however, this rule may be suspended by an affirmative majority vote of the Town Board.
- 3.) **PUBLIC PARTICIPATION:** The responsible and orderly participation of the public (i.e., the audience actually present) at official meetings of the Batavia Town Board shall be encouraged and shall be permitted according to the Rules for Public Participation as may be adopted by resolution of the Town Board.
- 4.) **PUT THE QUESTIONS:** A Town Board Member, by motion may request, "that a question be now put to vote". A motion to "put the question" is not debatable or subject to amendments. The main

**JANUARY 5, 2011**  
**ORGANIZATIONAL MEETING**

question shall be on the passage of the matter under consideration, but when amendments are pending the question shall first be taken upon amendments in there order. A motion to “put the question” shall be seconded and passed by a roll call of an affirmative majority vote of the Town Board.

- 5.) **OFFICIAL MINUTES:** The Town Clerk in accordance with Town Law Section 30 (1) “shall keep a complete and accurate record of the proceedings of each meeting”, but it is not necessary to keep a record of the proceedings verbatim. The Town Clerk’s function in taking the minutes is purely ministerial and he/she has no discretion to include in the minutes only those discussions, which he/she thinks are important. Therefore all discussion and proceedings, unless they fall under a specific statutory requirement, will be recorded referencing the main points only.
- 6.) **AUDIT:** An Audit Committee consisting of all four (4) Town Board Members shall be appointed by the Town Supervisor. Individual vouchers of the Abstract shall indicate the recommendation of the Town Supervisor for Audit Committee approval

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

**RESOLUTION NO. 5:**

Councilman Gerace offered the following:

**POLICY CONCERNING PUBLIC PARTICIPATION AT TOWN BOARD MEETINGS**

**WHEREAS,** the Batavia Town Board is interested in and is receptive to the genuine concerns and sincere expressions of all Town residents.

**RESOLVED,** the Supervisor will provide for an orderly and productive forum for public (audience) participation at all meetings of the Town Board, where such participation will be afforded to all residents equally.

**RESOLVED,** each speaker will be limited to five (5) minutes to speak , if necessary, at the time of Public Participation, however they or anyone else may also speak for five (5) minutes at the time a resolution is being discussed.

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

**RESOLUTION NO. 6:**

Councilman Lang offered the following:

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**DESIGNATION OF OFFICIAL DEPOSITORY**

**RESOLVED**, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for all operational accounts:

Five Star Bank – Batavia, New York

**RESOLVED**, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for Investment purposes:

1. M&T Bank, Oakfield, New York
2. Five Star Bank, Batavia, New York
3. Key Bank, Batavia, New York
4. Bank of Castile, Batavia, New York
5. First Niagara Bank, Batavia, New York

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 7:**

Deputy Supervisor Underhill offered the following:

**APPROVAL OF OFFICIAL BLANKET UNDERTAKING**

**WHEREAS**, Public Officer Law §11(2) provides that in lieu of any individual undertaking as required by law, the Town Board may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees of the Town, and

**WHEREAS**, such blanket undertaking must be approved as to form, manner of execution and sufficiency of surety, by the Town Board and filed in the same manner as individual undertakings, and

**WHEREAS**, the section further provides that any such blanket undertaking entered into after January 1, 1978 must indemnify against losses caused by the failure of the officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized and directed to procure a blanket undertaking for all Town officers and employees, for the amount of one hundred thousand dollars (\$100,000.00) the cost of which the blanket undertaking shall become a Town charge; and be it further;

**RESOLVED**, that upon execution of the blanket undertaking, said undertaking shall immediately be filed in the Office of the Town Clerk of the Town of Batavia, New York.

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 8:**

Supervisor Post offered the following:

**AUTHORIZATION OF PETTY CASH**

**RESOLVED**, pursuant to Section 64-1a of the Town Law the Batavia Town Board hereby authorizes a petty cash fund for the Town Clerk/Tax Collector not to exceed two hundred (\$200.00) dollars.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 9:**

Councilwoman Michalak offered the following:

**AUTHORIZATION FOR THE SUPERVISOR  
TO PAY CERTAIN CLAIMS PRIOR TO AUDIT**

**RESOLVED**, pursuant to Section 118 of the Town Law the Batavia Town Board hereby authorizes the Supervisor to pay claims for public utilities, postage, freight and express charges, before they are audited.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 10:**

Councilman Gerace offered the following:

**AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

**WHEREAS**, the Town Board and Town Highway Superintendent should enter into an agreement relative to the expenditure of highway moneys for repair and improvement of Town Highways (Highway Law 284);

**WHEREAS**, the agreement must be prepared in duplicate, signed by a majority of the Town Board Members and the Highway Superintendent and filed with the Town Clerk and the Genesee County Highway Department.

**JANUARY 5, 2011**  
**ORGANIZATIONAL MEETING**

**RESOLVED**, the Batavia Town Board hereby adopts the Town Highway Superintendent Agreement relative to the expenditure of Highway moneys for repair and improvement of Town Highways, as presented by the Town of Batavia Highway Superintendent.

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

**RESOLUTION NO. 11:**

Councilman Lang offered the following:

**APPLICATIONS FOR APPOINTMENTS IN THE TOWN OF BATAVIA**

**RESOLVED**, in order to encourage the participation of all Town residents in the governmental and political process of the Town the following criteria will be used:

1. Appointments will be made based on qualifications.
2. Positions will be advertised in the Towns Official newspaper, The Daily News.
3. The attached application form will be the official form to be used for submission by the applicants to the Town Board for consideration.

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

**RESOLUTION NO. 12:**

Deputy Supervisor Underhill offered the following:

**AUTHORIZING APPOINTMENT OF ATTORNEY FOR THE TOWN**

**RESOLVED**, that the Batavia Town Board hereby appoints Kevin Earl as attorney for the Town, for the one (1) year term beginning January 1, 2011 and ending December 31, 2011 one hundred, fifty dollars (\$150.00) per hour (letter attached).

**FURTHER RESOLVED** that all legal services must first receive approval from the Town Board, however, to avoid any delay in legal proceedings of the Town, the Supervisor is hereby authorized to approve during the interim of monthly meetings, legal fees not to exceed two thousand dollars (\$2,000.00). The law firm of Harris Beach LLC, counsel for the Town of Batavia Landfill Superfund site and Hodgson Russ Attorneys LLP, Counsel for Labor Negotiations are excluded from this resolution.

**FURTHER RESOLVED**, that all Town Board members have a legal right to confer with the Town Attorney at any time.

**Second by:** Councilman Lang

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

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

**RESOLUTION NO. 13:**

Supervisor Post offered the following:

**Amendment:** Motion Deputy Supervisor Underhill, second Councilman Gerace to amend the resolution by delete engineering in the first resolved.

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

**AUTHORIZING CONSULTING SERVICES**

**RESOLVED**, all consulting services must first receive approval from the Town Board, however to avoid the delay of development or any other project requiring consulting services in the Town, the Supervisor is hereby authorized to approve, during the interim of monthly meetings, costs not to exceed two thousand dollars (\$2,000.00); and be it further

**RESOLVED**, all monthly invoices are required by the Town, and payment of any invoices received later than the first Wednesday before the regularly scheduled Town Board Meeting may be delayed to the following month. Consulting costs for each task performed must be itemized on separate invoices. Invoices must be sent to the Supervisor.

**Roll Call on the amended resolution**

**Second by:** Deputy Supervisor Underhill

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

**RESOLUTION NO. 14:**

Councilwoman Michalak offered the following:

**AUTHORIZING APPOINTMENT OF TOWN PROSECUTOR**

**RESOLVED**, the Batavia Town Board hereby reappoints Theron E. Howard as Prosecutor for the Town of Batavia at the cost of \$650.00 per week for a one (1) year term beginning January 1, 2011 and ending December 31, 2011 (letter attached). This will be an all-inclusive fee with no additional charges or deletions of any nature.

**Second by:** Councilman Gerace

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

**RESOLUTION NO. 15:**

Councilman Gerace offered the following:

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**VIDEO TAPING**

**WHEREAS**, as the Batavia Town Board wishes that the Town Board meeting proceedings of the Town of Batavia be attainable and accessible to as many citizens as possible.

**RESOLVED**, the Batavia Town Board hereby authorizes the video taping of the Town Board Meetings to be later produced on Cable TV and that the tape recordings will be retained for a period of one (1) year.

**RESOLVED**, the Batavia Town Board authorizes the payment of forty-five dollars (\$45.00) per hour for taping the meetings.

**FURTHER RESOLVED**, the Public Hearings will be televised at the Town Boards discretion and will be decided at the time the Public Hearing is called.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 16:**

Councilman Lang offered the following:

**PAYROLL SCHEDULE FOR 2011**

**RESOLVED**, the Batavia Town Board hereby adopts the payroll schedule for 2011 to be bi-weekly for all employees with the exception of the Town Planning Board Members, the Zoning Board of Appeals Members, and the Historian, which will be monthly.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 17:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION ESTABLISHING HOLIDAY SCHEDULE**

**RESOLVED**, the Batavia Town Board hereby establishes the following Holiday Schedule for 2011:

December 31, 2010 New Year's Day

February 21, 2011 President's Day

April 22, 2011 Good Friday

May 30, 2011 Memorial Day

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

July 4, 2011 Independence Day  
September 5, 2011 Labor Day  
October 10, 2011 Columbus Day  
November 11, 2011 Veteran's Day  
November 24, 2011 and November 25, 2011 Thanksgiving  
December 23, 2011 Half Day - Closing at 12:00 P.M.  
December 26, 2011 Christmas Day  
December 30, 2011 Half Day - Closing at 12:00 P.M.

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

**RESOLUTION NO. 18:**

Supervisor Post offered the following:

**APPOINTMENT TO PLANNING BOARD**

**WHEREAS**, Toni Platek, 3384 Pratt Road, Batavia, New York, term on the Town of Batavia Planning Board expired on December 31, 2010.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Donald Partridge, 4957 Ellicott Street Road, Batavia, New York to the Town of Batavia Planning Board commencing immediately and expiring December 31, 2017; 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 re-advertise to fill the vacancy.

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

**RESOLUTION NO. 19:**

Councilwoman Michalak offered the following:

**APPOINTMENT TO ZONING BOARD OF APPEALS**

**WHEREAS**, Michael Pullinzi, 9197 Alexander Road, Batavia, New York, term on the Town of Batavia Zoning Board of Appeals expired on December 31, 2010.

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby reappoints Michael Pullinzi to the Town of Batavia Zoning Board of Appeals commencing immediately and expiring December 31, 2015; 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 re-advertise to fill the vacancy.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 20:**

Councilman Gerace offered the following:

**APPOINTMENT TO PLANNING BOARD -ALTERNATE MEMBER  
TO FILL AN UNEXPIRED TERM**

**WHEREAS**, Donald Partridge, 4957 Ellicott Street Road, Batavia, New York, was appointed to the Town of Batavia Planning as an alternate member in January 2010, his term expiring December 31, 2011; and

**WHEREAS**, Donald was appointed as a regular member on January 5, 2011, creating a vacancy; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Planning or Zoning Boards.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Jeremy Liles, 3932 South Main Street Road, Batavia, New York, to the Town of Batavia Planning Board as an alternate member to fill an unexpired term, commencing immediately and expiring December 31, 2011.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 21:**

Councilman Lang offered the following:

**APPOINTMENT TO ZONING BOARD OF APPEALS-ALTERNATE MEMBER**

**WHEREAS**, Jeannette Gallant, 5077 Clinton Street Road, Batavia, New York, alternate Zoning

**JANUARY 5, 2011**  
**ORGANIZATIONAL MEETING**

Board of Appeals member passed away in December and her term on the Town of Batavia Zoning Board of Appeals expired on December 31, 2010; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Planning or Zoning Boards.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Brittany Witkop, 9280 Alexander Road, Batavia, New York, to the Town of Batavia Zoning Board of Appeals as an alternate member, commencing immediately and expiring December 31, 2012, 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 re-advertise to fill the vacancy.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 22:**

Deputy Supervisor Underhill offered the following:

**APPOINTMENT TO BOARD OF ETHICS- 2011**

**WHEREAS**, pursuant to the Code of the Town of Batavia, Chapter 11, a Board of Ethics was established in the Town of Batavia; and

**WHEREAS**, pursuant to the provisions, the Board of Ethics shall consist of three (3) members, a majority of such members shall be persons other than officers or employees of the Town of Batavia, with at least one member who is an elected or appointed officer or employee.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints the following to serve as members of the Board of Ethics for 2011:

Linda Eick, 8880 Batavia-Stafford Townline Road

Wayne Townsend, 8229 State Street Road

Michael Cleveland, 2960 West Main Street Road, Town Assessor/Town Justice

**Second by:** Councilman Lang

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

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

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**RESOLUTION NO. 23:**

Supervisor Post offered the following:

**RESOLUTION TO ESTABLISH POSITION  
PART-TIME CODE ENFORCEMENT OFFICER**

**RESOLVED**, the Batavia Town Board hereby establishes the position of Part-time Code Enforcement Officer (MSD222 duties statement attached).

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 24:**

Councilwoman Michalak offered the following:

**RESOLUTION APPOINTING PART-TIME CODE ENFORCEMENT OFFICER**

**WHEREAS**, the Town of Batavia desires to appoint Clinton Worthington to the position of part-time Code Enforcement Officer; and

**WHEREAS**, Clinton Worthington satisfies the requirements and qualifications of the position of Code Enforcement Officer; and

**WHEREAS**, it is anticipated that the appointment of Clinton Worthington to the position of Code Enforcement Officer will most effectively ensure the provision of necessary services to the Town and its residents.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Clinton Worthington as part-time Code Enforcement Officer, at a salary of thirty-one dollars and fifty-seven cents (\$31.57) per hour, not to exceed 16 hours per week.

**Second by:** Councilman Gerace

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

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

**RESOLUTION NO. 25:**

Councilman Gerace offered the following:

**RETAINING PART-TIME CLERK-TYPIST**

**WHEREAS**, a Part-time Clerk-Typist is needed to assist in the Town Clerk and Town Offices on an as needed basis; and

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**WHEREAS**, Mary Tiede, retired Town of Batavia Employee, satisfies the requirements and qualifications of the position of part-time Clerk-Typist.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the re-hiring of Mary Tiede, to assist in the Town Clerk and Town Offices at an hourly rate of eleven dollars (\$11.00) per hour, not to exceed 19 ½ hours per week.

**Second by:** Deputy Supervisor Underhill

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

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

The Supervisor commented that it will be great to have Mary back.

**RESOLUTION NO. 26:**

Councilman Lang offered the following:

**APPOINTMENT TO ASSESSMENT BOARD OF REVIEW**

**WHEREAS**, Douglas Strang's term on the Assessment Board of Review expired September 30, 2010;

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby re-appoints Douglas Strang, 9192 Wilkinson Road, Batavia, New York, to the Assessment Board of Review for a term to commence immediately and expiring September 30, 2015; 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 re-advertise to fill the vacancy.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 27:**

Deputy Supervisor Underhill offered the following:

**APPOINTMENT TO ASSESSMENT BOARD OF REVIEW TO  
FILL AN UNEXPIRED TERM**

**WHEREAS**, Rhonda Saulsbury, 8795 Rollin Circle, Batavia, New York, was appointed to the Town of Batavia Assessment Board of Review in 2008, her term expiring September 30, 2013; and

**JANUARY 5, 2011  
ORGANIZATIONAL MEETING**

**WHEREAS**, Rhonda was appointed as Assessor Trainee in May 2010, creating a vacancy; and

**WHEREAS**, the Town received applications from interested individuals to serve on the Town Boards.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Erik Lang, 9296 Wortendyke Road, Batavia, New York, to the Town of Batavia Assessment Board of Review to fill an unexpired term, commencing immediately and expiring September 30, 2013; 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 re-advertise to fill the vacancy.

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

**RESOLUTION NO. 28:**

Supervisor Post offered the following:

**APPOINTMENT TO HIGHWAY SUPERINTENDENT POSITION  
TO FILL VACANCY**

**WHEREAS**, Rodney Cook, 3770 Pike Road, Batavia, New York, was elected as Highway Superintendent for the Town of Batavia in November 2009, his term expiring December 31, 2013; and

**WHEREAS**, Rodney retired in October 2010 from this position, creating a vacancy; and

**WHEREAS**, Thomas Lichtenthal is currently the Deputy Highway Superintendent.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Thomas Lichtenthal, 8169 Bank Street Road, Batavia, New York, to serve as Highway Superintendent until December 31, 2011, at an annual salary of fifteen thousand dollars (\$15,000), thereafter, the position will be on the November 2011 election ballot to serve the remainder of Mr. Cook's term.

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

**ADJOURNMENT:**

Motion Councilman Gerace, second Councilman Lang to adjourn the Organizational Meeting at

**JANUARY 5, 2011**  
**ORGANIZATIONAL MEETING**

7:45 P.M.

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

Respectfully submitted,

Teresa M. Morasco  
Town Clerk