

**JANUARY 2, 2013
ORGANIZATIONAL MEETING**

Town Hall

7:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

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

Others

Present: Town Clerk Morasco
Roger Muehlig, Daily News Reporter

The Supervisor called the meeting to order at 7:00 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 Zambito

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

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

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

Parks & Recreation: Councilman Zambito, Councilwoman Michalak, Town Engineer Steve Mountain, and Assistant Engineer/Highway Superintendent Tom Lichtenthal

Video: Councilwoman Michalak

Fire: Deputy Supervisor Underhill, Supervisor Post

Court: Councilman Lang, Supervisor Post

Housing Initiatives: Councilwoman Michalak

Transfer Station: Councilman Lang, Highway Superintendent Lichtenthal

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

The Town Clerk read the information on the New York State Association of Towns Annual Meeting which will be held February 17 through February 20, 2013 in New York City.

RESOLUTION NO. 1:

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Councilman Lang offered the following:

GENERAL ORGANIZATIONAL RESOLUTION

RESOLVED, that the following appointments be and are hereby made for the one year term beginning January 1, 2013 and ending December 31, 2013:

OFFICE/DESIGNATION	APPOINTEE
Landfill Coordinator.....	Thomas Lichtenthal
Registrar of Vital Statistics.....	Teressa M. Morasco
RMO/RAO.....	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, 2013 and ending December 31, 2013

- a. Mileage reimbursement rate for the use of a private vehicle in the conduct of official Town business shall be \$.555 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 \$1,950.00 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 (3rd) 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: Deputy Supervisor Underhill
Ayes: Lang, Underhill, Michalak, Zambito, Post
APPROVED by unanimous vote (5-0)

RESOLUTION NO. 2:

Deputy Supervisor Underhill offered the following:

ADOPTION OF SALARIES FOR 2013

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RESOLVED, the Batavia Town Board hereby adopts the following salaries for 2013

ELECTED

Supervisor	\$30,000.00
Deputy Supervisor	\$15,000.00
Councilman (3)	\$10,000.00
Town Clerk/Tax Collector	\$57,078.00
Highway Superintendent	\$16,058.00
Town Justice	\$23,562.00
Town Justice	\$23,390.00

APPOINTED

Assessor	\$20.58 per hour
Assessor Shared Services	\$14,000.00
Assessment Clerk- Part-time	\$10.00 - \$15.38 per hour
Building Inspector	\$21.96 - \$24.49 per hour
Clerk-Typist Part Time	\$12.00 - \$16.00 per hour
Code Enforcement – Part Time	\$31.57 per hour
Court Clerk Full Time	\$15.56 - \$16.89 per hour
Court Security Officer	\$18.00 per hour
Deputy Town Clerk/Tax Collector	\$18.89 per hour
Engineering Intern	\$10.00 - \$15.00 per hour
Engineering Technician	\$18.14 - \$31.53 per hour
Heavy Equipment Operator (HEO)	\$21.75 per hour
Highway Employees (MEO)	\$21.75 per hour
Highway Employee (MEO) On Call/As Needed	\$10.00 - \$15.00 per hour
Historian	\$4,000.00
Laborer	\$11.36 - \$15.00 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	\$734.00
Secretary to the Supervisor	\$27.80 per hour
Sr. Water/sewer Maintenance Employee	\$21.75 per hour
Sanitary Landfill Coordinator	\$4,120.00
Superfund Landfill Coordinator	\$4,120.00
Supervisor's Bookkeeper	\$21.90 per hour
Town Engineer	\$65.39 per hour
Town Engineer-Assistant	\$48.56 per hour
Transfer Station Attendant	\$12.00 - \$14.50 per hour
Water/Sewer Billing Clerk	\$18.89 per hour
Water/Sewer Foreman	\$9,730.00
Water/Sewer Laborer Part Time	\$18.00 per hour
Water/Sewer Maintenance Employee	\$21.75 per hour
Zoning Board of Appeals Member (4)	\$50.00 per meeting
Zoning Board Chairman	\$1,320.00
Zoning Board Secretary	\$75.00 per meeting

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

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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
Highway Superintendent

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

APPOINTED OFFICIALS

Clerk-Typist
Court Officer
Historian
Members of Board of Zoning Appeals
Members of Planning Board
Town Engineer
Transfer Station Attendant

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

Assessor
Assessment Clerk
Assistant Town Engineer
Building Inspector
Code Enforcement Officer
Deputy Town Clerk/Deputy Tax Collector
Engineering Intern
Engineer Technician
HEO
Justice Clerk
Laborer
MEO
Secretary to Supervisor
Water/Sewer Billing Clerk

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Water/Waste Water Maintenance

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

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, Lang

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 4:

Councilwoman Michalak offered the following:

ESTABLISHING RULES OF PROCEDURE
OF THE BATAVIA TOWN BOARD FOR 2013

RESOLVED, that the Batavia Town Board hereby establishes and adopts the following Rules of Procedure for the year 2013:

- 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 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.

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

RESOLUTION NO. 5:

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

RESOLUTION NO. 6:

Councilman Lang offered the following:

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

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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: Deputy Supervisor Underhill

Ayes: Lang, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 7:

Deputy Supervisor Underhill offered the following:

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

WHEREAS, we, the Town Board of the Town of Batavia hereby require the Supervisor, Deputy Supervisor, Town Clerk/Tax Collector, Deputy Town Clerk/Deputy Tax Collector, Town Justice, Town Justice Clerks, Secretary to the Supervisor, Bookkeeper, and Highway Superintendent to execute said Official Undertaking as required by said law;

NOW, THEREFORE

BE IT RESOLVED that the Batavia Town Board hereby approves the document entitled “Town of Batavia Official Undertaking of Municipal Officers”, annexed hereto, as to its form and manner of execution, and be it

FURTHER RESOLVED, The Town does and shall maintain insurance coverage, in the sum of \$1,000,000.00 for the Town Clerk/Tax Collector, Deputy Town Clerk/Deputy Tax Collector, Highway Superintendent, and Secretary to the Supervisor and in the sum of \$125,000 for the Bookkeeper, Court Clerks and Town Justices to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under; and be it

FURTHER RESOLVED, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Second by: Councilman Lang

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

TOWN OF BATAVIA
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Gregory H. Post, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Supervisor of the Town of Batavia, and

WHEREAS, Daniel Underhill, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Deputy Supervisor of the Town of Batavia, and

WHEREAS, Teressa M. Morasco, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Town Clerk of the Town of Batavia and

WHEREAS, Teressa M. Morasco, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Town Tax Collector of the Town of Batavia, and

WHEREAS, Sandra M. Baubie, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk/Deputy Tax Collector of the Town of Batavia, and

WHEREAS, Michael L. Cleveland, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Batavia, and

WHEREAS, Thomas Williams, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Batavia, and

WHEREAS, Sarah Sauka, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Town Justice Clerk of the Town of Batavia, and

WHEREAS, Melissa Mason, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Town Justice Clerk of the Town of Batavia, and

WHEREAS, Hiedi Librock, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Secretary to the Supervisor of the Town of Batavia, and

WHEREAS, Marcy Crandall, of the Town of Batavia, County of Genesee, New York, has been appointed to the Office of Town Bookkeeper of the Town of Batavia, and

WHEREAS, Thomas Lichtenthal, of the Town of Batavia, County of Genesee, New York, has been elected to the Office of Superintendent of Highways of the Town of Batavia,

NOW, THEREFORE, I(we) as respective officer(s) above, do hereby undertake with the Town of Batavia that I(we) will faithfully perform and discharge the duties of my/our office, and will promptly

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account for and pay over all moneys or property received as a Town Officer, in accordance with the law or in default thereof, that the parties executing such undertaking will pay all damages, costs and expenses resulting from such default; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Deputy Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Deputy Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Deputy Town Clerk/Deputy Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Deputy Town Clerk/Deputy Tax Collector; and

This undertaking of the Town Justices further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

This undertaking of the Town Justice Clerks is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Justice Clerk; and

This undertaking of the Highway Superintendent is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Highway Superintendent; and

This undertaking of the Secretary to the Supervisor is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Secretary to the Supervisor; and

This undertaking of the Bookkeeper is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Bookkeeper.

Dated: January 2, 2013
Town of Batavia

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Gregory H. Post
Town Supervisor

Daniel Underhill
Deputy Supervisor

Teressa M. Morasco
Town Clerk/Tax Collector

Sandra M. Baubie
Deputy Town Clerk/ Deputy Tax Collector

Michael L. Cleveland
Town Justice

Thomas Williams
Town Justice

Sarah Sauka
Town Justice Clerk

Melissa Mason
Town Justice Clerk

Hiedi Librock
Secretary to the Supervisor

Marcy Crandall
Bookkeeper

Thomas Lichtenthal
Highway Superintendent

STATE OF NEW YORK:

:SS:

COUNTY OF GENESEE

On the _____ day of _____, 20 ____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by this signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC – STATE OF NEW YORK

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

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authorizes a petty cash fund for the Town Clerk/Tax Collector not to exceed two hundred (\$200.00) dollars.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

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; and be it

FURTHER RESOLVED, the Batavia Town Board also authorizes ACH payments to the United States Department of Agriculture Rural Development before they are audited for the following:

Alexander/Pike Road
Rose Road
Pearl street Road
Wilkinson Road
Shepard/Putnam Roads
Hartshorn/Hopkins/Pearl
Lover's Lane
Thruway Sewer
Ellicott/Townline Road
South Main Street
Wortendyke Road
Saile Drive Sewer

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 10:

Councilman Zambito 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

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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.

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

APPLICATION FOR APPOINTMENTS

TOWN OF BATAVIA
3833 West Main Street Road
Batavia, New York 14020
Phone: (585) 343-1729
Fax: (585) 343-8461

NAME: _____

ADDRESS: _____

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PHONE: _____ **EMAIL:** _____

POSITION FOR WHICH YOU ARE APPLYING: _____

EDUCATION: _____

EXPERIENCE (Attach resume if needed) _____

OTHER QUALIFICATIONS OR INTERESTS PERTINENT TO THIS POSITION

(A brief letter can be attached if needed)

REFERENCES

1. _____ **PHONE:** _____

2. _____ **PHONE:** _____

3. _____ **PHONE:** _____

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, 2013 and ending December 31, 2013 one hundred, fifty-five dollars (\$155.00) 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.

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

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 13:

Supervisor Post offered the following:

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.

Second by: Deputy Supervisor Underhill

Ayes: Post, Underhill, Michalak, Zambito, 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 appoints Kevin Earl as Prosecutor for the Town of Batavia at the cost of \$650.00 per week for a one (1) year term beginning January 1, 2013 and ending December 31, 2013 (letter attached). This will be an all-inclusive fee with no additional charges or deletions of any nature.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 15:

Councilman Zambito offered the following:

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

RESOLUTION NO. 16:

Councilman Lang offered the following:

PAYROLL SCHEDULE FOR 2013

RESOLVED, the Batavia Town Board hereby adopts the payroll schedule for 2013 to be bi-weekly for all employees with the exception of the Town Planning Board Members, and the Zoning Board of Appeals Members, which will be monthly.

Second by: Deputy Supervisor Underhill
Ayes: Lang, Underhill, Michalak, Zambito, 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 2013:

January 1, 2013 New Year's Day
February 18, 2013 President's Day
March 29, 2013 Good Friday
May 27, 2013 Memorial Day
July 4, 2013 Independence Day

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September 2, 2013 Labor Day
October 14, 2013 Columbus Day
November 11, 2013 Veteran's Day
November 28, and November 29, 2013 Thanksgiving
December 24, 2013 Half Day - Closing at 12:00 P.M.
December 25, 2013 Christmas Day
December 31, 2013 Half Day - Closing at 12:00 P.M.

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

RESOLUTION NO. 18:

Supervisor Post offered the following:

APPOINTMENT TO PLANNING BOARD

WHEREAS, Paul McCullough, 8655 Read Road, East Pembroke, New York, term on the Town of Batavia Planning Board expired on December 31, 2012.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Paul McCullough to the Town of Batavia Planning Board commencing immediately and expiring December 31, 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 re-advertise to fill the vacancy.

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

RESOLUTION NO. 19:

Councilwoman Michalak offered the following:

APPOINTMENT TO ZONING BOARD OF APPEALS

WHEREAS, Gary Diegelman, 7908 Lewiston Road, Batavia, New York, term on the Town of Batavia Zoning Board of Appeals expired on December 31, 2012.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Gary Diegelman to the Town of

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Batavia Zoning Board of Appeals 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 Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 20:

Councilman Zambito offered the following:

APPOINTMENT TO BOARD OF ETHICS- 2013

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 2013:

Linda Eick, 8880 Batavia-Stafford Townline Road
Wayne Townsend, 8229 State Street Road
Joseph Neth, 8211 North Pembroke Road

Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 21:

Councilman Lang offered the following:

**RESOLUTION TO AMEND
PROCUREMENT POLICY**

WHEREAS, the Town of Batavia established it's Procurement Policy in February 1992, with amendments through March 2011; and

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WHEREAS, the Batavia Town Board has reviewed the Procurement Policy; and

WHEREAS, the procurement policy needs to be amended, adding, "In accordance to Office of Management and Budget (OMB) guidance in 2CFR part 180, Debarment and Suspension, the Town must verify vendors for purchases of more than \$25,000 of goods or services during the year with the "Excluded Parties List System (EPLS) government website, verifying the vendor has not been suspended or debarred and retain documentation as evidence of the Town's verification; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Batavia hereby amends its Procurement Policy, adding: "In accordance to OMB guidance in 2CFR part 180, Debarment and Suspension, the Town must verify vendors for purchases of more than \$25,000 of goods or services during the year with the EPLS government website, verifying the vendor has not been suspended or debarred and retaining documentation as evidence of the Town's verification; and be it

FURTHER RESOLVED, the added amendment will be Guideline 8, Guideline 7 will now be Guideline 9 and Guideline 8 will now be Guideline 7.”.

Second by: Councilwoman Michalak

Ayes: Lang, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

TOWN OF BATAVIA

PROCUREMENT POLICY

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, 103.

GUIDELINE 2. All purchases of

- a) supplies or equipment which will exceed \$10,000 in the fiscal year or
- b) public works contract over \$20,000 shall be formally bid pursuant to GML, 103.

GUIDELINE 3. All estimated purchases of:

Less than \$10,000 but greater than \$3,000 require a written request for proposal (RFP) and written/fax quotes from 3 vendors.

Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from 2 vendors

Less than \$1,000 but greater than \$250.00 are left to discretion of the Purchaser.

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All estimated public works contract of:

Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from 3 contractors.

Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from 2 contractors.

Less than \$3,000 but greater than \$500.00 are left to discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this "Guideline" shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Good purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auction;
- h) Goods purchased for less than \$250.00
- i) Public Works contracts for less than \$500.00

GUIDELINE 7 to 9 This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

GUIDELINE 8 to 7The Town requires that consideration in the solicitation of bids or quotes for

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services, supplies or contracts be given to:

- small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and
- qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at www.nylovesmwbe.ny.gov or at http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp ;

These provisions shall apply to the procurement of goods and services related to the implementation of the Federally funded programs and activities.

Add:

GUIDELINE 8: The Town is required, in accordance to OMB guidance in 2CFR part 180, Debarment and Suspension, to verify vendors with whom the Town purchases more than \$25,000 of goods or services during the year with the Excluded Parties List System (EPLS) government website.

RESOLUTION NO. 22:

Deputy Supervisor Underhill offered the following:

**INVESTMENT POLICY
AMENDMENT**

WHEREAS, the Town of Batavia has had an investment policy in effect since February 1988, amending it throughout the years; and

WHEREAS, the Batavia Town Board has reviewed the Investment Policy; and

WHEREAS, section 20-7, "Designation of Depositories" needs to be amended to

Depository Name	Maximum Amount	Officer
Manufactures and Traders Trust Company, Oakfield Branch	\$4,500,000	Supervisor
Five Star Bank, Batavia, New York	\$4,500,000	Supervisor

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Bank of Castile, Batavia, New York	\$4,500,000	Supervisor
Key Bank of Batavia	\$4,500,000	Supervisor
First Niagara Bank, Batavia, New York	\$4,500,000	Supervisor

and;

WHEREAS, Section 20-6-A, "Internal Controls", needs to be amended to read, " It is the policy of the Town of Batavia for all moneys collected by any officer or employee of the government to be deposited within three days of collection, or within the time period specified in law, whichever is shorter. All said moneys collected for the month must be transferred to the Chief Fiscal Officer by the 5th of the following month".

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby amends Section 20-7 and Section 20-6-A of the Investment Policy as indicated above, with the complete amended investment policy annexed to and made a part of the minutes.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

INVESTMENT POLICY

§ 20-1 Scope.

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 20-2 Objectives.

The primary objectives of the local government's investment activities are, in priority order:

A.

To conform to all applicable federal, state and other legal requirements (legal);

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B.

To adequately safeguard principal (safety);

C.

To provide sufficient liquidity to meet all operating requirements (liquidity); and

D.

To obtain a reasonable rate of return (yield).

§ 20-3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Supervisor, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability, based on a database of records incorporating description and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

§ 20-4 Prudence.

A.

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Batavia to govern effectively.

B.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

C.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

§ 20-5 Diversification.

It is the policy of the Town of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

§ 20-6 Internal controls.

A.

It is the policy of the Town of Batavia for all moneys collected by any officer or employee of the government to be

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deposited within three days of collection, or within the time period specified in law, whichever is shorter. All said moneys collected for the month must be transferred to the Chief Fiscal Officer by the 5th of the following month.

B.

The Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

§ 20-7 Designation of depositories.

[Amended 8-16-1995; 4-21-1999]

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

Depository Name	Maximum Amount	Officer	§ 20-8 <u>Collateralizing of deposits.</u> In accordance with the provisions of
Manufactures and Traders Trust Company, Oakfield Branch	\$4,500,000	Supervisor	
Five Star Bank, Batavia, New York	\$4,500,000	Supervisor	
Bank of Castile, Batavia, New York	\$4,500,000	Supervisor	
Key Bank of Batavia	\$4,500,000	Supervisor	
First Niagara Bank, Batavia, New York	\$4,500,000	Supervisor	

General Municipal Law § 10, all deposits of the Town of Batavia, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A.

By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

B.

By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C.

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By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 20-9 Safekeeping and collateralization.

A.

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

B.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Batavia or its custodial bank.

C.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 20-10 Permitted investments.

A.

As authorized by General Municipal Law § 11, the Town of Batavia authorizes the Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

(1)

Special time deposit accounts.

(2)

Certificates of deposit.

(3)

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Obligations of the United States of America.

(4)

Obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America.

(5)

Obligations of the State of New York.

(6)

Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Batavia.

(7)

Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.

(8)

Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.

(9)

Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B.

All investment obligations shall be payable or redeemable at the option of the Town of Batavia within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Batavia within two years of the date of purchase.

§ 20-11 Authorized financial institutions and dealers.

The Town of Batavia shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Batavia. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 20-12 Purchase of investments.

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A.

The Supervisor is authorized to contract for the purchase of investments:

(1)

Directly, including through a repurchase agreement, from an authorized trading partner.

(2)

By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the governing board.

(3)

By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Batavia by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 20-13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A.

All repurchase agreements must be entered into subject to a master repurchase agreement.

B.

Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

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C.

Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D.

No substitution of securities will be allowed.

E.

The custodian shall be a party other than the trading partner.

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

Ayes: Underhill, Zambito, Lang, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION NO. 23:

Supervisor Post offered the following:

APPOINTMENT TO ZONING BOARD OF APPEALS-ALTERNATE MEMBER

WHEREAS, Donna Morrill, 8640 Seven Springs Road, Batavia, New York, term on the Zoning Board of Appeals as an alternate member expired December 31, 2012; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Donna Morrill, 8640 Seven Springs Road, Batavia, New York, to the Town of Batavia Zoning Board of Appeals as an alternate member, commencing immediately and expiring December 31, 2014, 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 Zambito

Ayes: Post, Zambito, Lang, Underhill, Michalak

APPROVED by unanimous vote (5-0)

ADJOURNMENT:

Motion Councilman Zambito, second Councilman Lang to adjourn the Organizational Meeting at 7:38 P.M.

Ayes: Zambito, Lang, Underhill, Michalak, Post

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MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk