

**NOVEMBER 20, 2013  
REGULAR TOWN BOARD 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

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

**October 16, 2013 Regular Town Board Meeting, October 24, 2013 Special Town Board Meeting, October 29, 2013 Special Town Board Meeting, November 6, 2013 Public Hearing-Sewer Rents, November 6, 2013 Public Hearing-Water Rates, November 6, 2013 Public Hearing-2014 Town Budget, and November 13, 2013 Special Town Board Meeting :** Motion Councilman Zambito, second

Councilwoman Michalak to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 177:**

Councilman Lang offered the following:

**TOWN OF BATAVIA SEWER RENTS – 2014**

**WHEREAS**, pursuant to General Municipal Law Section 452 as amended, impositions of sewer rents in Sewer Districts No. 1 and No. 2 in the Town of Batavia are subject to approval by the Batavia Town Board;

**WHEREAS**, these sewer rents are imposed to pay for the cost of wastewater treatment and operation and maintenance of the sewer lines;

**WHEREAS**, in Sewer District No. 1 the sewer rents for 2014 has been set at five dollars and thirty cents (\$5.30) per 1000 gallons;

**WHEREAS**, in Sewer District No. 2 the sewer rents for 2014 has been set at five dollars and thirty cents (\$5.30) per 1000 gallons;

**WHEREAS**, as required by law and in conjunction with the public hearing held November 6, 2013 for the 2014 Town Budget, these rates were entered in and made a part of the record.

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**RESOLVED**, the Batavia Town Board hereby authorizes the imposition of the aforementioned sewer rents in Sewer Districts No. 1 and No. 2 for one (1) year beginning January 1, 2014.

**RESOLVED**, the sewer rents are to be paid quarterly in the months of May, August and November, 2014 and February, 2015.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 178:**

Deputy Supervisor Underhill offered the following:

**TOWN OF BATAVIA WATER RATES – 2014**

**WHEREAS**, pursuant to the Code of the Town, Section 229-15, the Town Board shall by resolution establish and from time to time modify the water rate for all water sold by the Town of Batavia; and

**WHEREAS**, as a courtesy to the consumers, the Town Board held a public hearing on November 6, 2013 for the establishment of the 2014 water rates; and

**WHEREAS**, the water rate for May 2014 to February 2015 is set at \$4.47/1,000.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the imposition of the aforementioned water rates for one (1) year beginning January 1, 2014.

**RESOLVED**, the water rates are to be paid quarterly in the months of May, August and November, 2014 and February, 2015.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 179:**

Supervisor Post offered the following:

**ADOPTION OF 2014 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

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Employees in the formulation of the Preliminary Budget; and

**WHEREAS**, the 2014 Preliminary Budget was adopted on October 24, 2013 and after which a Public Hearing was held on November 6, 2013 for all interested parties to be heard.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2014 Annual Budget of the Town of Batavia.

**Second by:** Deputy Supervisor Underhill  
**Ayes:** Post, Underhill, Michalak, Zambito,  
**Abstain:** Lang  
**APPROVED** (4-ayes, 1-abstain)

The Supervisor thanked the Town Board for the time and participation in this budget process.

**RESOLUTION NO. 180:**

Councilwoman Michalak 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 18, 2013 at the Batavia Town Hall at 6:55 o'clock p.m.

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

**NOTICE FOR PUBLIC HEARING ON  
FIRE PROTECTION CONTRACT FOR 2014**

Public Notice is hereby given, that a Public Hearing will be held Wednesday, December 18, 2013 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 6:55 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

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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 eight hundred twenty-two thousand, seventy-five dollars (\$822,075.00).
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, 2014 and shall expire on December 31, 2014

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

Dated: November 20, 2013

Teresa M. Morasco  
Town Clerk

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**RESOLUTION NO. 181:**

Councilman Zambito offered the following:

**TRAINING WORKSHOP**

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

Gary Diegelman-Creating a More Livable Community (was) on October 23, 2013. There is no cost for this seminar.

Gary Diegelman- GFLRPC Annual Fall Government Workshop (was) on November 15, 2013 at a cost of \$75.00 each.

Hiedi Librock and Marcy Crandall-GFOA-Winter Seminar December 12, 2013 at a cost of \$45.00 each, a Town vehicle will be used.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 182:**

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 2014 (November 27, 2013 through November 27, 2014) has been quoted at fifty-two thousand, five hundred, seventy-nine dollars and eighteen cents (\$52,579.18 attached).

**RESOLVED**, the Batavia Town Board hereby retains New York Municipal Insurance Reciprocal to provide insurance coverage for the Town in the amount of fifty-two thousand, five hundred, seventy-nine dollars and eighteen cents (\$52,579.18).

**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, Zambito, Post

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

**RESOLUTION NO. 183:**

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Deputy Supervisor Underhill offered the following:

**EXCESS EMPLOYER'S LIABILITY INSURANCE**

**RESOLVED**, the Batavia Town Board hereby retains Franz-Manno Service Corporation 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, Zambito, Post

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

**RESOLUTION NO. 184:**

Supervisor Post offered the following:

**PAYMENT TO GENESEE COUNTY TREASURER  
TO REDUCE THE 2014 COUNTY TAX LEVY**

**RESOLVED**, the Batavia Town Board hereby authorizes \$250,000 to be sent to the Genesee County Treasurer to reduce the 2014 County Tax Levy for Town of Batavia property owners.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 185:**

Councilwoman Michalak offered the following:

**PART-TIME LABORER  
FOR HIGHWAY DEPARTMENT**

**WHEREAS**, the Highway Superintendent would like to hire Paul Caffo as a part-time laborer to assist in the Highway Department

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Highway Superintendent to hire Paul Caffo as a part-time permanent laborer to assist in the Highway Department at an hour rate of \$15.00 per hour, not to exceed 19 1/2 hours per week ; and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line items DA5142.101 and DA5110.101.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 186:**

Councilman Zambito offered the following:

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

**WHEREAS**, the Town of Batavia has awarded the contract for the construction of sanitary sewer lines and appurtenances as part of the West Main Street Road Sanitary Sewer District, and

**WHEREAS**, the Contractor needs various easements in order to install these sewer lines, and

**WHEREAS**, the Town of Batavia needs these various easements in order to hereinafter operate and maintain these lines, and

**WHEREAS**, the required owners of real property have or will sign Sanitary Sewer Easements granted to the Town of Batavia.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that certain Sanitary Sewer Easements granted by the owners of real property, as hereinafter set forth, running to the Town of Batavia are hereby approved and accepted with regard to the parcels of lands set forth in the Easements, and the Supervisor is hereby authorized to execute on behalf of the Town of Batavia any documents necessary to record the following Easement:

1. From Deborah Jo Mancuso, regarding Tax Map No. 7.-1-33, dated August 15, 2013; designated as "Sanitary Easement No. 12".

**Second by:** Councilwoman Michalak

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

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

**Abstract No. 11-2013:** Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

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General	\$ 467,459.03
Highway	89,330.45
Sewer No. 1	70,002.90
Sewer No. 2	56,645.22
Water	197,048.87
Creek Rd	1,000.00
NE Route 98	696.50
West Main Sewer	13965.06
CDBG-West main	127,367.11
<b>Total</b>	<b>\$1,023,515.14</b>

Check numbers 18362 - 18446, 18448 -18469 and 1002, ACH- \$2,902.50, Online-\$6,311.23

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

**MOTION CARRIED by unanimous vote (5-0)**

**DEPARTMENT REPORTS:**

**The Supervisor commented on the following departments:**

**Highway-** doing maintenance on equipment and repairing snow fences

**Building/Code Enforcement** are busy processing building applications

**Water/Wastewater-** doing the annual review of new infrastructure and winterization of equipment

**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 .13% and .40%.

**GAM-** The GAM meeting is tomorrow evening at 7:00 p.m. at the Caryville Inn, hosted by the Village of Oakfield.

**Work Session-** The November 27, 2013 work session is cancelled.

**Happy Thanksgiving**

**COMMUNICATIONS:**

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

**October Town Clerk monthly report collected** a total of \$9,867.96, remitted \$7,989.47 to the Supervisor for the Local Share.

**Genesee County Town Clerk's Meeting-** Jocelyn Sikorski, Youth Bureau Director attended our Town Clerk's Meeting yesterday to advise us of the change in the Youth Program process for municipalities.

**Training-** Livingston County Planning Department is having a training session in December in Genesee regarding the new Environmental Assessment Forms.

**Liquor License-** Received notification from Yume Asian Bistro, Inc., 4140 Veterans Memorial

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Drive, a new restaurant located in the Batavia Shopping Center is applying for a liquor license.

**Town Clerk's Office** -will be closing on Wednesday, November 27, 2013 at 4:30 P.M. rather than 7:00 P.M.

**ADJOURNMENT:**

Motion Councilman Zambito, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:25 P.M.

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

**MOTION CARRIED by unanimous vote (5-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk