

**JUNE 19, 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  
Roger Muehlig, Daily News Reporter

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

**May 15, 2013 Regular Town Board Meeting and June 12, 2013 Special Town Board Meeting:**

Motion Councilwoman Michalak, second Councilman Lang to approve the minutes as written.

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

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

**RESOLUTION NO. 107:**

Councilman Lang offered the following:

**RESOLUTION ACKNOWLEDGING THAT THE REQUIRED AUDIT OF THE COURT  
RECORDS AND DOCKETS WAS CONDUCTED**

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be audited and that fact be entered into the minutes of the Board's proceedings; and

**WHEREAS**, an audit was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, P.C.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby acknowledges that the required audit of the Court Records and Dockets was conducted and hereby directs the Supervisor to forward a copy of the auditors report along with a copy of this resolution to Linda Miller, Chief Internal Auditor, New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

**Second by:** Councilman Zambito

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

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

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**RESOLUTION NO. 108:**

Deputy Supervisor Underhill offered the following:

**TRAINING WORKSHOP**

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

Clinton Worthington- GFLRPC Spring Government Workshop, (was) May 16, 2013 at a cost of \$70.00

Kathleen Jasinski and Lou Paganello- Genesee County Smart Growth Plan Revision, (was) May 29, 2013

Jason Armbrewster- Combined TEP/Federal Aid Workshop (was) June 5, 2013. There was no cost for this training. A Town vehicle was used.

Steve Mountain and Hiedi Librock- Genesee Finger Lakes Region Funding Application Process (was) June 18, 2013 at a cost of \$75.00 each.

Hiedi Librock and Marcy Crandall- GFOA Summer Seminar July 18, 2013 at a cost of \$75.00 each.

Rhonda Saulsbury- Cornell University Seminar on Appraising/Apartment Valuation July 15 - July 16, 2013 at a cost of approximately \$558.00. A Town vehicle will be used.

Douglas Smart- GCC, "The Best Center", Building Leadership Excellence Training at a cost of \$1,200.00.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 109:**

Supervisor Post offered the following:

**NOTICE OF CLAIMS  
DESIGNATION OF THE TOWN OFFICIAL  
TO RECEIVE FROM THE SECRETARY OF STATE**

**WHEREAS**, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

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**WHEREAS**, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

**WHEREAS**, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Batavia, County of Genesee designates Teresa M. Morasco, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 3833 West Main Street Road, Batavia, New York 14020 and email at tmorasco@townofbatavia.com; and be it

**FURTHER RESOLVED**, that the Batavia Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 110:**

Councilwoman Michalak offered the following:

**RESOLUTION TO AUTHORIZE PURCHASE OF  
COMPUTER FOR ENGINEERING AND WATER/WASTEWATER DEPARTMENTS**

**WHEREAS**, the Engineering and Water/Wastewater Departments need an additional tablet computer and Microsoft Window 8 Professional Upgrade for working out in the field; and

**WHEREAS**, the lowest quote received for the tablet and Microsoft Window 8 Professional Upgrade was from Lenova at a cost of one thousand, six hundred, sixty-eight dollars (\$1,668.00) (quote attached-includes extended warranty);

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of one tablet computer from Lenova at a cost of one thousand, six hundred, sixty-eight dollars (\$1,668.00); and be it further

**RESOLVED**, the expenditure will be appropriated from line items A1440.200- Engineering Equipment, SS18110.200 Sewer Admin Equipment, SS28110.200 Sewer Admin Equipment and SW8310.200 Water Admin Equipment.

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**Second by:** Deputy Supervisor

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

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

**RESOLUTION NO. 111:**

Councilman Zambito offered the following:

**AMEND E-PAYMENT SYSTEM VENDOR FOR  
ACCEPTANCE OF CREDIT CARDS**

**WHEREAS**, in April 2010 an amended proposal from Business Automation Services, Incorporated, (BAS) Clifton Park, New York was accepted for an E-Payment System to accept credit cards and online payments through the website through Gov-Pay powered by Power-Pay; and

**WHEREAS**, BAS continues to negotiate with other vendors to provide credit card services to the municipalities with reduced convenient fees to the consumer; and

**WHEREAS**, BAS has contracted with Value Payment Systems for credit card services to utilize online payments for certain transactions; and

**WHEREAS**, there are convenience fees for payments made by credit cards that will be paid by the consumer.

**NOW, THEREFORE, BE IT**

**RESOLVED** the Batavia Town Board hereby authorizes Value Payment Systems to provide Credit Card Services, as proposed (agreement attached), and be it

**FURTHER RESOLVED**, the Supervisor and the Town Clerk are hereby authorized to execute the necessary documents.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 112:**

Councilman Lang offered the following:

**RESOLUTION TO ESTABLISH POSITION  
FULL-TIME UTILITY COORDINATOR/DATA ANALYST**

**RESOLVED**, the Batavia Town Board hereby establishes the position of full-time Utility Coordinator/Data Analyst (MSD222 duties statement attached).

**Second by:** Deputy Supervisor Underhill

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

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

**RESOLUTION NO. 113:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION APPOINTING UTILITY COORDINATOR/DATA ANALYST**

**WHEREAS**, the Town of Batavia desires to appoint Steven R. Tanner to the position of Utility Coordinator/Data Analyst in accordance with the terms and conditions set forth in the Offer Letter attached hereto and incorporated by reference herein; and

**WHEREAS**, Steven R. Tanner satisfies the requirements and qualifications of the position of Utility Coordinator/Data Analyst; and

**WHEREAS**, it is anticipated that the appointment of Steven R. Tanner to the position of Utility Coordinator/Data Analyst will most effectively ensure the provision of necessary services to the Town and its residents.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Town Supervisor shall be and hereby is authorized to execute Offer Letter on behalf of the Town thereby extending to Steven R. Tanner a provisional offer of employment in the position of Utility Coordinator/Data Analyst.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 114:**

Supervisor Post offered the following:

**DISPOSE OF EQUIPMENT**

**WHEREAS**, the Town Clerk recommended to the Batavia Town Board to declare the following equipment of no value to the Town, dispose of and remove it from the Town's inventory:

Tag #62-Toshisba Laptop

Tag #69- Panasonic Laptop

Marchese Computer- SN# 105273

Dell Dimention 3000- SN# 7HJ2961

Lexmark Optra ET Printer

Software- Symantec Anti-Virus Versions 3.1, 5.0, and 10.1

**WHEREAS**, the computer hard drives and software have been erased, removed and smashed by Hurricane Technology.

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**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby declares the aforementioned equipment of no value to the Town and authorizes the Town Clerk to dispose of such and directs the bookkeeper to remove the items from the Town's inventory.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 115:**

Councilwoman Michalak offered the following:

**BID AWARD-RUBBER ROLLER  
FOR  
HIGHWAY DEPARTMENT**

**WHEREAS**, the 2013 Town Budget reflects appropriations to purchase a roller for the Highway Department; and

**WHEREAS**, the Town solicited bids for a used rubber tire roller that was less than 5 years old with less than 1000 hours of use. Bids were received at 10:00 AM on June 19, 2013. The lowest responsible bidder was Monroe Tractor, located at 5035 Genesee Street Buffalo, NY 14225 for a used 2010 Rosco Tru-Pac 915 at a price of forty two thousand dollars (\$42,000) (bid summary attached); and

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a rubber roller from Monroe Tractor for a used 2010 Rosco Tru-Pac 915 at a cost of forty two thousand dollars (\$42,000), and be it

**FURTHER RESOLVED**, the expenditure will be appropriated from line item DA 5130.200.

**Second by:** Deputy Supervisor Underhill

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

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

**Discussion-** Prior to the vote the Supervisor noted that after a countywide highway departments meeting this piece of equipment will be an asset for use under the share services agreement.

**RESOLUTION NO. 116:**

Councilman Zambito offered the following:

**RESOLUTION TO AUTHORIZE UPGRADE AND PURCHASE OF  
SOUND EQUIPMENT**

**WHEREAS**, the sound equipment system for the Town Hall meeting room hasn't be upgraded in

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approximately twenty years; and

**WHEREAS**, the current system is not working properly; and

**WHEREAS**, Roxy's Music Store provided a proposal to upgrade the sound system at a cost of one thousand, eight hundred, eighty three dollars and forty-one cents, plus three hundred dollars labor paid directly to Charlie Hettrick, Sound Technician (\$1,883.41 + \$300.00=\$2,183.41) (proposal attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of sound equipment and installation from Roxy's Music Store at a cost of two thousand, one hundred, eighty three dollars and forty-one cents (\$2,183.41); and be it further

**RESOLVED**, the required deposit of nine hundred, forty-one dollars and seventy- one cents(\$941.71), which represents the 50% of equipment cost is hereby authorized; and be it further

**RESOLVED**, the balance of nine hundred, forty-one dollars and seventy cents (\$941.70) for equipment will be paid after completion and invoicing; and be it further

**RESOLVED**, the labor amount of three hundred dollars (\$300.00) will be paid directly to Charlie Hettrick, 11130 West Park Street, Pavilion, New York after completion and invoicing; and be further

**RESOLVED**, the expenditure will be appropriated from line item A1680.200.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 117:**

Councilman Zambito offered the following:

**LOAN RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF  
INDEBTEDNESS FOR THE PURPOSE OF PROVIDING PORTION OF THE COST OF  
ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
WATER (CREEK ROAD) FACILITY TO SERVE AN AREA  
LAWFULLY WITHIN ITS JURISDICTION**

(complete text of the resolution is attached to the minute book)

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 118:**

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Councilman Lang offered the following:

**COURT SECURITY**

**RESOLVED**, the Batavia Town Board hereby appoints Gregory Q. Steele to the position of Court Security Officer to serve on an as needed basis at a rate of eighteen dollars per hour (\$18.00).

**Second by:** Councilwoman Michalak

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

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

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

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

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

**RESOLUTION NO. 119:**

Deputy Supervisor Underhill offered the following:

**RESOLUTION REGARDING  
UNION REPRESENTATION OF THE  
HIGHWAY AND WATER DEPARTMENT EMPLOYEES**

**WHEREAS**, the bargaining unit of the Town of Batavia Highway and Water Department has filed a petition to decertify the Teamsters Local 264 International Brotherhood of Teamsters (the "Teamsters") as its bargaining representative;

**WHEREAS**, by notice to the Public Employment Relations Board, the Teamsters have confirmed that they will cease representation of the unit of Town of Batavia Highway and Water Department employees, effective June 30, 2013;

**WHEREAS**, employees of the Town of Batavia Highway and Water Department have expressed a desire to be represented by the Batavia Town Employees' Association;

**WHEREAS**, the Public Employment Relations Board has determined that the Batavia Town Employees' Association has submitted a valid petition for certification, with a showing of interest from a majority of current employees; and

**WHEREAS**, the Public Employment Relations Board has determined that the Town may voluntarily recognize the Batavia Town Employees' Association as the bargaining representative of Town of Batavia Highway and Water Department employees, effective July 1, 2013;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, the Town accepts the withdrawal of Teamsters Local 264 as the bargaining representative of the unit of Town of Batavia Highway and Water

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Department employees, effective June 30, 2013;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, the Batavia Town Employees' Association is voluntarily recognized as the exclusive bargaining representative of employees in the listed titles in the Town Highway and Water Department, effective July 1, 2013; and

**NOW THEREFORE, BE IT HEREBY RESOLVED**, the Town Board authorizes the Town Supervisor to take any and all actions necessary to accomplish the purposes of this voluntary recognition in accordance with the law.

**Second by:** Councilman Lang

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

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

**RESOLUTION NO. 120:**

Supervisor Post offered the following:

**HEALTH INSURANCE FOR  
HIGHWAY AND WATER/WASTEWATER EMPLOYEES**

**WHEREAS**, effective June 30, 2013 the Teamsters will cease representation and health insurance benefits of the unit of Town of Batavia Highway and Water Department employees; and

**WHEREAS**, the Town of Batavia currently provides Health Insurance to the non-bargaining employees through Univera Healthcare; and

**WHEREAS**, the Town will make available the insurance to the Highway and Water/Wastewater Employees; and

**WHEREAS**, the rates for Health Insurance from Univera Healthcare are: single plan is \$277.90, two person plan is \$583.60, employee & child is \$521.91 and family plan is \$869.87per month; and

**WHEREAS**, as of December 1 of each year the rates are subject to change; and

**WHEREAS**, the Town Board of the Town of Batavia supports continuing to have a Health Reimbursement Arrangement (HRA) for employees medical co-pays; and

**WHEREAS**, the HRA will continue to be through P&A Group, Buffalo, New York.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute any necessary documents with Univera Healthcare and P&A Group to add Highway and Water/Wastewater Employees to the healthcare plan.

**Second by:** Deputy Supervisor Underhill

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

**Abstract No. 6-2013:** Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

General	\$74,338.99
Highway	52,614.18
Sewer No. 1	5,017.47
Sewer No. 2	3,860.85
Water	9,779.67
West Main Sewer	5,904.94
<b>Total</b>	<b>\$151,516.10</b>

Check numbers 17988- 180.46, 18048 - 18070, ACH: \$4,420.00, Online: \$9,265.01

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

**DEPARTMENT REPORTS:**

**Supervisor's Report:**

**Status Report on expenditures and revenues** is available for the Board's review. The investment sheets will be entered into the minute book. The General and Reserve Funds are invested in a CD's paying a rate of .15% and .40%.

**GAM-** The GAM meeting is tomorrow evening. The meeting will be held at Genesee ARC on Woodrow Road at 7:00 P.M.

**Work Session Cancelled-**The work session for July 3 has been cancelled.

**COMMUNICATIONS:**

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

**May Town Clerk monthly report collected a** total of \$4,554.36, remitted \$4,097.22 to the Supervisor for the Local Share.

**Town Clerk's Office** will be closing at 4:30 p.m. rather than at 7:00 p.m. on Wednesday, July 3.

**Training-** The New York State Association of Towns is offering their annual Planning and Zoning School training on various dates and locations in July. Town personnel have advised of this.

**Liquor License Renewals-** Received notices from Ri Dans and Jim's Saloon that they made application to the New York State Liquor Authority to renew their establishment's liquor license.

**COMMITTEE REPORTS:**

**Parks-** Councilwoman Michalak reported that last evening the ribbon cutting for the "Kiwanis All Inclusive Park" was held for the completion of Phase 1. The event was very well attended and very tear jerking. Awesome accomplishment! The committee is going to continue with phase 2.

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**ADJOURNMENT:**

Motion Deputy Supervisor Underhill, second Councilman Lang to adjourn the Regular Town Board Meeting at 7:35 P.M.

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

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

Respectfully submitted,

Teressa M. Morasco  
Town Clerk