

**SEPTEMBER 18, 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  
Councilman Lang  
Councilwoman Michalak  
Councilman Zambito

**Absent:** Deputy Supervisor Underhill

**Others**

**Present:** Town Clerk Morasco  
Roger Muehlig, Daily News Reporter

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

**August 21, 2013 Regular Town Board Meeting:** Motion Councilman Lang, second Councilman Zambito to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (4-0)**

**August 28, 2013 Special Town Board Meeting:** Motion Councilwoman Michalak, second Councilman Lang to approve the minutes as written.

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

**MOTION CARRIED by unanimous vote (4-0)**

**RESOLUTION NO. 144:**

Councilman Lang offered the following:

**RESOLUTION ADOPTING LOCAL LAW #1 OF 2013**

**WHEREAS**, proposed Local Law #1 of 2013 of the Town of Batavia entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c for Fiscal Year 2014”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on August 21, 2013, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on September 18, 2013, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law #1 of 2013 is in the best interest of the Town of Batavia, New York,

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**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Batavia, New York that said proposed Local Law #1 of 2013 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #1 of 2013 be filed with the New York State Secretary of State in accordance with Law.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 145:**

Supervisor Post offered the following:

**PURCHASE NEW VEHICLE AND SURPLUS VEHICLE**

**WHEREAS**, the 2013 Town Budget reflects appropriations to purchase a new vehicle for Engineering, Water/Wastewater, and Highway; and

**WHEREAS**, the Highway Superintendent recommends purchasing a 2013 Ford F-150 XL Crew Cab using the Chautauqua County bid from VanBortel Ford, 71 Marsh Road, East Rochester, NY 14445 at a cost of \$26,457.35; and

**WHEREAS**, the 2005 Ford F250 Pickup Truck (VIN 1FTNF211545EC71700) will no longer be needed for highway purposes and will be sold at auction.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new 2013 Ford F-150 XL Crew Cab using the Chautauqua County bid from VanBortel Ford, 71 Marsh Road, East Rochester, NY 14445 at a cost of \$26,457.35 and authorizes the 2005 Ford F250 Pickup Truck (VIN 1FTNF211545EC71700) to be sold at auction; and be it

**FURTHER RESOLVED**, the funds will be appropriated from the following equipment line items:

DA5130.200	\$8,819.11
A1440.200	\$8,819.13
SW8340.200	\$6,614.34
SS18120.200	\$1,322.86
SS28120.200	\$ 881.91

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

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**RESOLUTION NO. 146:**

Councilwoman Michalak offered the following:

**TRAINING WORKSHOP**

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

Steve Tanner, Rhonda Saulsbury, Sandy Baubie, Melissa Mason, Sarah Sauka, Bruce Gerould, Mickey Morrow, Steve Mountain, Paul Barrett, Burt Swable, and Katelyn Parmenter-Automated External Defibrillator (was) August 22, 2013. There is no fee for this training.

**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote** (4-0)

**RESOLUTION NO.147:**

Councilman Zambito offered the following:

**AUTHORIZING PARTICIPATION IN  
YEAR 2014 JOINT YOUTH PROGRAM**

**WHEREAS**, the Town of Batavia has previously participated in a Joint Youth Project along with the following communities: the City of Batavia (Program R006); the Town and Village of Oakfield and Town of Alabama (Program R005); the Towns of Pembroke and Darien and the Village of Corfu (Program R004); the Town and Village of Alexander (Program R003); the Town and Village of Bergen and the Town of Byron (Program R002); and the Town and Village of Elba (Program R001), and

**WHEREAS**, the Town of Batavia's contribution to this joint youth project is \$9,237.00 and such Town contributions qualify for New York State Aid reimbursement of approximately \$1,000.00;

**RESOLVED**, that the Batavia Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Project in the year 2014; and be it further

**RESOLVED**, that the year 2014 Joint Youth Project as herein described is approved, as are Town's contributions as specified for this program in the year 2014:

<b><u>Programs</u></b>	<b><u>Town of Batavia Share</u></b>
City of Batavia (R006)	\$ 3,442.00
Pembroke, et al. (R004)	\$ 2,080.00
Oakfield/Alabama (R005)	\$ 997.00
Elba (R001)	\$ 906.00
Byron/Bergen (R002)	\$ 906.00

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Alexander (R003)	\$ 906.00
Total	\$9,237.00

**Second by:** Councilwoman Michalak  
**Ayes:** Zambito, Michalak, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 148:**

Councilman Lang offered the following:

**HEALTH INSURANCE FOR NEW TOWN EMPLOYEES**

**WHEREAS**, the Town of Batavia currently provides Health Insurance to Town employees through Univera Healthcare; 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 continues to be through P&A Group, Buffalo, New York; and

**WHEREAS**, current employees contribute five percent (5%) of the monthly cost of health insurance; and

**WHEREAS**, new employees must contribute twenty-five (25%) of the monthly cost of health insurance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby requires new hire employees to contribute twenty-five (25%) of the monthly cost of health insurance and current employees will maintain contributing five percent of the monthly cost of health insurance.

**Second by:** Councilman Zambito  
**Ayes:** Lang, Zambito, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 149:**

Supervisor Post offered the following:

**RESOLUTION TO AMEND AND UPDATE THE  
RECORDS MANAGEMENT MANUAL**

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**WHEREAS**, in previous year's, the Town received Local Government Records Management Improvement Fund grants; and

**WHEREAS**, the Town is committed to continue with the records management and procedures; and

**WHEREAS**, in August 2000, as required by the New York State Archives Administration, the Town adopted a Records Management Procedure Manual to be used by the Department Heads; and

**WHEREAS**, the manual has been reviewed, amended and updated.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the amended and updated Records Management Procedures Manual, which is annexed to and made a part of the minutes.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 150:**

Councilwoman Michalak offered the following:

**RESOLUTION TO AMEND AND UPDATE THE  
STANDARD OPERATING PROCEDURES MANUAL FOR THE  
ENTERPRISE CONTENT MANAGEMENT SYSTEM**

**WHEREAS**, in previous year's, the Town received Local Government Records Management Improvement Fund grants; and

**WHEREAS**, the Town is committed to continue with the records management and procedures; and

**WHEREAS**, in October of 2010 a "Standard Operating Procedures Manual" for the Enterprise Content Management System (ECMS) was adopted by the Batavia Town Board; and

**WHEREAS**, the manual has been reviewed, amended and updated to reflect the current record series and such.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby adopts the amended and updated Standard Operation Procedures Manual for the Enterprise Content Management System, which is annexed to and made a part of the minutes.

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**Second by:** Councilman Zambito  
**Ayes:** Michalak, Zambito, Lang, Post  
**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 151:**

Councilman Zambito offered the following:

**AUTHORIZATION TO EXECUTE  
AGREEMENT BETWEEN GENESEE COUNTY SOIL AND WATER CONSERVATION  
DISTRICT AND TOWN OF BATAVIA  
FOR SURVEY, DIGITAL TERRAIN MAPPING, PLOTTING AND DESIGN OF  
CONSERVATION PRACTICES**

**WHEREAS**, the Town and Genesee County Soil and Water Conservation District (GCSW) desire to share equipment and personnel for the purposes of conducting surveys, digital terrain mapping, plotting and design of conservation practices, including but not limited to drainage and erosion control; and

**WHEREAS**, GCSW has secured funding for a GPS Base Station and the Town has previously purchased GPS surveying equipment; and

**WHEREAS**, the sharing of equipment will alleviate the need for both to purchase the same identical equipment and the need for both to receive the same training;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the attached agreement between the Genesee County Soil and Water Conservation District and the Town of Batavia, subject to the approval by the Town Attorney; and be it

**FURTHER RESOLVED**, said agreement shall expire on September 30, 2014.

**Second by:** Councilman Lang  
**Ayes:** Zambito, Lang, Michalak, Post  
**APPROVED by unanimous vote (4-0)**

**Discussion:** Supervisor Post expressed that as a result from these joint agreements, it has benefited all parties involved a great deal.

**RESOLUTION NO. 152:**

Councilman Lang offered the following:

**RESOLUTION TO APPROVE A FINANCIAL CLERICAL SERVICES AGREEMENT  
WITH THE VILLAGE OF LEROY**

**WHEREAS**, the Town of Batavia and the Village of LeRoy intend to enter into an inter-municipal cooperative agreement to have the Town of Batavia provide financial clerical services to the Village of

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LeRoy, and

**WHEREAS**, the Town of Batavia has determined that it has the ability to provide the services by using the Batavia Town Financial Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that a proposed "Town of Batavia and Village of LeRoy Financial Clerical Services Agreement", a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

**Second by:** Councilwoman Michalak

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

**APPROVED by unanimous vote (4-0)**

**TOWN OF BATAVIA AND VILLAGE OF LEROY**  
**FINANCIAL CLERICAL SERVICES AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **VILLAGE OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3 West Main Street, LeRoy, New York 14482, (hereinafter referred to as "LeRoy"), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as "Batavia").

**WHEREAS**, pursuant to article 5-G of the General Municipal Law, LeRoy and Batavia are authorized to enter into an intermunicipal cooperative agreement for the provision of Financial Clerical services, and

**WHEREAS**, Batavia currently is employing a Financial Clerk fully qualified to provide the financial services as required by law, and

**WHEREAS**, LeRoy has identified a need to have Financial Clerical work to be provided by Batavia, and

**WHEREAS**, Batavia intends to continue to maintain the position of Financial Clerk and to provide Financial Clerical duties in both the Town of Batavia and Village of LeRoy.

**NOW THEREFORE**, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

1. Batavia agrees to provide Financial Clerical services to LeRoy. 2. That LeRoy shall appoint the Financial Clerk of the Town of Batavia as its Financial Clerk.

3. The services that will be provided will be to complete financial work as needed.

4. In consideration for compensation for the services set forth herein, LeRoy shall pay Batavia a per hour rate. The hourly rate shall include the Financial Clerk's wages, health insurance, retirement fund contribution and any other fringe benefits, and shall not exceed such hourly costs. The sum shall be paid

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on a monthly basis.

5. Services provided will on call and available during business hours of Monday through Friday work week from 8 am to 3pm.

6. The Financial Clerk shall for all purposes be deemed an employee of Batavia. The Financial Clerk shall not in any way be construed as an employee of LeRoy. Batavia shall pay the Financial Clerk's salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits.

7. This agreement shall become effective immediately and shall expire upon an option for either municipality to terminate this agreement. Said termination shall be upon written notice to the other municipality.

8. There are no other agreements or understandings, either oral or written, between the parties affecting this agreement. No changes, additions, or deletions of any portions of this agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

Village of LeRoy

Town of Batavia

\_\_\_\_\_  
Greg Rogers, Mayor

\_\_\_\_\_  
Gregory H. Post, Supervisor

STATE OF NEW YORK)  
COUNTY OF GENESEE) SS.

On the day of \_\_\_\_\_, 2013 before me the undersigned, a Notary Public in and of said State, personally appeared Greg Rogers, Mayor, personally known to me or proved to 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 executed the same in his capacity, and that by his 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)  
COUNTY OF GENESEE) SS.

On the day of \_\_\_\_\_, 2013 before me the undersigned, a Notary Public in and of said State, personally appeared Gregory H. Post, personally known to me or proved to 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the

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person upon behalf of which the individual acted, executed the instrument.

**RESOLUTION NO. 153:**

Supervisor Post offered the following:

**RESOLUTION TO AMEND ENGINEERING  
SERVICES BETWEEN THE TOWN OF BATAVIA AND CLARK PATTERSON LEE  
SANITARY SEWER CAPACITY STUDY-AMENDMENT #2**

**WHEREAS**, the Town of Batavia has been working in conjunction with Genesee County Economic Development Center (GCEDC) on a sanitary sewer capacity study for current and future development plans, and

**WHEREAS**, Clark Patterson Lee had been assisting both the Town of Batavia and GCEDC, and

**WHEREAS**, Clark Patterson Lee assisted the Town in additional work in the amount of \$23,453.45; and

**WHEREAS**, Clark Patterson Lee has responded to the Town's request for additional flow metering and analytical services related to the flow metering and Capacity Study and it is anticipated an additional \$6,546.55 (total of \$30,000) will be required to finish the work.

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board of the Town of Batavia, New York, that the Supervisor is hereby authorized to accept on behalf of the Town the attached Proposal for Engineering Services with Clark Patterson Lee for the amount of \$30,000.00; and be it

**FURTHER RESOLVED**, the \$30,000.00 will be expended from budgetary line item A6326.400.

**Second by:** Councilman Zambito

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

**APPROVED by unanimous vote (4-0)**

**RESOLUTION NO. 154:**

Councilwoman Michalak offered the following:

**APPROVAL OF CHANGE ORDER NO. 1  
WEST MAIN SEWER PROJECT-  
RANDSCO PIPELINE**

**WHEREAS**, Randsco Pipeline is under contract with the Town of Batavia for the West Main Street Road Sewer Project, and

**WHEREAS**, the Town Engineer has requested a change to Contract No.1 for the contractor to

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leave in place, their temporary dewatering casing pipe for future use by the Town, and

**WHEREAS**, CLARK PATTERSON LEE, has reviewed Randsco Pipeline’s proposal and recommends approval of the change order request (attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town of Batavia hereby authorizes the Supervisor to execute the attached Change Order No.1 conditional upon USDA- Rural Development’s review and approval.

**Second by:** Councilman Lang

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

**APPROVED by unanimous vote (4-0)**

**Abstract No. 9-2013:** Motion Councilman Zambito, second Councilwoman Michalak to authorize the Supervisor to pay the following vouchers:

General	\$134,956.10
Highway	11,124.14
Sewer No. 1	2,566.53
Sewer No. 2	1,442.00
Water	18,607.08
Creek	3,331.00
West Main Sewer	27,990.67
NE Route 98 Water	77.50
<b>Total</b>	<b>200,095.02</b>

Check numbers 18239 thru 18294, ACH: \$12,528.12, Online: \$5,466.81

**Ayes:** Zambtio, Michalak, Lang, Post

**MOTION CARRIED by unanimous vote (4-0)**

**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 .11% and .40%.

**GAM-** The GAM meeting is tomorrow evening at 7:00 p.m. hosted by the Town of Bethany.

**Budget Work Session-** There will be a budget work session on Friday, September 20 at 8:00 a.m.

**COMMUNICATIONS:**

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

**August Town Clerk monthly report collected a total of \$11,306.20, remitted \$7,039.26 to the**

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Supervisor for the Local Share.

**Training-** Genesee/Finger Lakes Regional Planning Council Fall Local Government Workshop is November 15, 2013. The cost is \$75.00. Also, the Monroe County Planning is hosting two training sessions, "Housing Affordability" on October 7 and "Transportation Fundamentals on October 28 at a cost of \$40.00 each. Personnel have been notified.

**New York State Town Clerk's Regional Training-**Sunday and Monday I have a NYSTC Regional Meeting and Training in Corning, New York.

**Credit/Debit Cards** -Working with a new vendor, Value Payment, to accept credit/debit cards again. It should be up and running in the very near future.

**ADJOURNMENT:**

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

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

**MOTION CARRIED by unanimous vote (4-0)**

Respectfully submitted,

Teressa M. Morasco  
Town Clerk