

**NOVEMBER 19, 2014
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
Jay Elmore, Pathstone Director of Homeownership Programs
Michael Gundel, USDA Rural Development Area Specialist

The Supervisor called the meeting to order at 7:06 P.M.

October 15, 2014 Regular Town Board Meeting, November 5, 2014 Public Hearing-2015 Preliminary Budget, November 5, 2014 Public Hearing-2015 Sewer Rates, November 5, 2014 Public Hearing-2015 Water Rates, and November 12, 2014 Special Town Board Meeting: Motion Councilman Lang,

second Councilman Zambito to approve the minutes as written.

Ayes: Lang, Zambito, Underhill, Michalak, Post

MOTION CARRIED by unanimous vote (5-0)

SPEAKERS:

Jay Elmore is the Director of Homeownership Program for Pathstone and presented information on Pathstone's Homeownership Program. It provides individuals and families with education about the home buying process, wealth and asset building, enabling them to move toward successful purchase of safe and affordable housing. There are grant programs as well that require that participants meet certain requirements.

Anyone interested in improving knowledge and skill concerning the home buying process can contact Mr. Elmore at 343-2188. Also, there is a handout at the Batavia Town Hall regarding this program.

Mike Gundel is the Area Specialist for USDA Rural Development and presented information on Rural Development's loan and grant programs for home purchasing and repairs. They are a partner to non-profits and for low income persons.

Anyone interested in learning about the programs they offer can contact Mr. Gundel at 343-9167. Also, there is a handout at the Batavia Town Hall regarding these programs.

Councilman Zambito stated that he went through this program and it is fantastic.

RESOLUTION NO. 206:

Councilman Lang offered the following:

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RESOLUTION ADOPTING LOCAL LAW No. 1 OF 2014

WHEREAS, proposed Local Law No. 1 of 2014 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 2015”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on October 15, 2014, 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 November 19, 2014, 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 No. 1 of 2014 is in the best interest of the Town of Batavia, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 1 of 2014 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 1 of 2014 be filed with the New York State Secretary of State in accordance with Law.

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

RESOLUTION NO. 207:

Deputy Supervisor Underhill offered the following:

TOWN OF BATAVIA SEWER RENTS – 2015

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 2015 has been set at five dollars and forty-six cents (\$5.46) per 1000 gallons;

WHEREAS, in Sewer District No. 2 the sewer rents for 2015 has been set at five dollars and forty-six cents (\$5.46) per 1000 gallons;

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WHEREAS, as required by law and in conjunction with the public hearing held November 5, 2014 for the 2015 Town Budget, these rates were entered in and made a part of the record.

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, 2015.

RESOLVED, the sewer rents are to be paid quarterly in the months of May, August and November, 2015 and February, 2016.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 208:

Supervisor Post offered the following:

TOWN OF BATAVIA WATER RATES – 2015

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 5, 2014 for the establishment of the 2015 water rates; and

WHEREAS, the water rate for May 2015 to February 2016 is set at \$4.60/1,000.

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, 2015.

RESOLVED, the water rates are to be paid quarterly in the months of May, August and November, 2015 and February, 2016.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 209:

Councilwoman Michalak offered the following:

ADOPTION OF 2015 TOWN ANNUAL BUDGET

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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 Employees in the formulation of the Preliminary Budget; and

WHEREAS, the 2015 Preliminary Budget was adopted on October 15, 2014 and after which a Public Hearing was held on November 5, 2014 for all interested parties to be heard.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby adopts the Preliminary Town Budget as the 2015 Annual Budget of the Town of Batavia.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Underhill, Post

Abstain: Lang

APPROVED (4-ayes, 1- abstain)

RESOLUTION NO. 210:

Councilman Zambito 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 17, 2014 at the Batavia Town Hall at 6:55 o'clock p.m.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

**NOTICE FOR PUBLIC HEARING ON
FIRE PROTECTION CONTRACT FOR 2015**

Public Notice is hereby given, that a Public Hearing will be held Wednesday, December 17, 2014 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

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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 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 nineteen thousand, five hundred, six-eight dollars (\$819,568.00).
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, 2015 and shall expire on December 31, 2015

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

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Teresa M. Morasco
Town Clerk
Town of Batavia

RESOLUTION NO. 211:

Councilman Lang offered the following:

TRAINING WORKSHOP

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

Planning Board Members - "In House Training-Felippe Otramari, County Planning Director training session on Form Based Zoning" (was) October 21, 2014. Members to be credited for 1 hour of training.

Gary Diegelman -2014 GFLRPC Fall Local Government Workshop (was) November 14, 2014. The cost for this training is \$75.00 each.

Teresa Morasco - NYSTCA Regional Meeting/Training December 6 - December 8, 2014. The cost for the training is \$35.00 and a Town vehicle will be used.

Hiedi Librock and Marcy Crandall-GFOA-Winter Seminar December 11, 2014. The cost of the training is \$45.00 each and a Town vehicle will be used.

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

RESOLUTION NO. 212:

Deputy Supervisor Underhill 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 2015 (November 27, 2014 through November 27, 2015) has been quoted at fifty-seven thousand, thirty-two dollars and fifty-four cents (\$57,032.54 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-seven thousand, thirty-two dollars and fifty-four cents (\$57,032.54).

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute any

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documents necessary for the award.

Second by: Councilman Lang

Ayes: Underhill, Lang, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 213:

Supervisor Post 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 Deputy Supervisor

Ayes: Post, Michalak, Zambito, Lang, Underhill

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 214:

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE A FIRST AMENDED
JOINT ASSESSMENT SERVICES AGREEMENT WITH THE
TOWN OF LEROY AND PAVILION**

WHEREAS, the Town of LeRoy, (hereinafter "LeRoy"), the Town of Pavilion, (hereinafter "Pavilion") and the Town of Batavia, (hereinafter "Batavia"), entered into a contract entitled "Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement", dated January 23, 2014, and

WHEREAS, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

WHEREAS, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, and

WHEREAS, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

WHEREAS, the Town of Batavia and the other two Towns have already continued the process to implement the expected terms and conditions of the first amended Agreement, and the Towns wish to enter into the Agreement retroactively.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed "First Amended Towns of Batavia, LeRoy and Pavilion Joint Assessment Services

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Agreement”, a copy of which shall be 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; and; be it further

RESOLVED that the effective date of this Agreement shall be retroactively to the date of October 18, 2014, and the Town Board does hereby ratify any and all acts, conduct or activities on behalf of the Town of Batavia already completed, in contemplation of implementing this Agreement, and be it further

RESOLVED that the Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$45,465.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, Lang, Underhill, Post

APPROVED by unanimous vote (5-0)

FIRST AMENDED
TOWNS OF BATAVIA, LEROY AND PAVILION
JOINT ASSESSMENT SERVICES AGREEMENT

T THIS AGREEMENT made the _____ day of _____, 201__, by and between 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”); the **TOWN OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as “LeRoy”); and the **TOWN OF PAVILION**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as “Pavilion”).

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the three Towns are authorized to enter into an intermunicipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in the Towns of Batavia, LeRoy and Pavilion.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

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1. Batavia agrees to provide assessment services to both LeRoy and Pavilion, and shall provide qualified individuals to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Batavia, LeRoy and Pavilion for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.
4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.
5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of either LeRoy or Pavilion. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.
6. Batavia shall indemnify and hold LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the others with timely notice of any claims and shall fully cooperate with each other to defend the same.
7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.

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8. The terms and conditions of this Agreement shall be effective on October 18, 2014, and shall end on October 17, 2015. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2015, Batavia, LeRoy and Pavilion enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. It is agreed that the effective date of this Agreement shall be retroactive to October 18, 2014, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2014, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.

10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$45,465.00 for this Agreement. This sum shall be paid in two installments of \$22,732.50 on or before March 1, 2015, and \$22,732.50 on or before September 1, 2015. Pavilion will pay to LeRoy the total sum of \$6,825.00 for the first year of this Agreement to be paid in two installments of \$3,412.50 on or before March 1, 2015, and \$3,412.50 on or before September 1, 2015.

11. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then LeRoy and Pavilion, at their sole option and discretion, may terminate this Agreement with at least ninety (90) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

12. There are no other agreements or understandings, either oral or written, by and among 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.

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF LEROY

By: Stephen R. Barbeau, Town Supervisor

TOWN OF PAVILION

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By: Theron E. Howard, Town Supervisor

State of New York }
County of Genesee }ss.

On this _____ day of _____, 201__, before me, the undersigned, 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/she executed the same in his/her capacity, and that by his/her 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 this _____ day of _____, 201__, before me, the undersigned, personally appeared Stephen R. Barbeau, 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/she executed the same in his/her capacity, and that by his/her 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 this _____ day of _____, 201__, before me, the undersigned, personally appeared Theron E. Howard, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 215:

Councilman Zambito offered the following:

HEALTH INSURANCE FOR TOWN EMPLOYEES

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

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

WHEREAS, the Supervisor and Secretary to the Supervisor reviewed several Health Insurance Plans and premium rates with EMS Financial Services, LLC, Broker Agency for the Town; and

WHEREAS, Blue Cross Blues Shield Silver Plan is the best plan for the cost and comparison to the current plan; and

WHEREAS, the new rates for Health Insurance from Blue Cross Blue Shield are: employee only plan is \$427.72, employee & spouse plan is \$855.44, employee & child(ren) is \$727.13 and family plan is \$1,219.00 per month; and

WHEREAS, employees hired prior to September 18, 2013 contribute five percent (5%) of the monthly cost of health insurance; and

WHEREAS, employees hired after September 17, 2013 must contribute twenty-five (25%) of the monthly cost of health insurance; 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 Town Employee Health Insurance Coverage with Blue Cross Blue Shield and EMS Financial Services, as the Broker Agency at a cost of \$427.72 for employee only plan, \$855.44 for employee & spouse plan, \$727.13 for employee & child(ren) plan, and \$1,219.00 for family plan per month; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to execute any necessary documents with Blue Cross Blue Shield, EMS Financial Services, and P&A Group; and be it

FURTHER RESOLVED, the Batavia Town Board hereby authorizes continuing the Health Reimbursement Arrangement (HRA) for employees medical co-pays; and

FURTHER RESOLVED, employees hired prior to September 18, 2013 will continue to five percent (5%) and employees hired after September 17, 2013 will continue to contribute twenty-five (25%) of the monthly cost of health insurance.

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Second by: Councilman Lang

Ayes: Zambito, Lang, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 216:

Councilman Lang 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:

Panasonic Laptop Tough Book, Tag #65
Dell Tower, Tag #175
Dell Tower, Tag #55
Dell Tower, Tag #61
Dell Tower, Tag #57
Dell Tower, Tag # 58
Dell Tower, Tag #59
Dell Tower, SN #00144-534-030-611
HP ScanSvr, Tag #143
Samsung CLP 315 Printer
Epson Printer, SN #GS6Y075038
APC Backup XS 1300
Dell Printer, SN #CNOF5035-64180-4A3GMQS
Dell Monitor, SN #CN044931-46633-486-6AJL
Dell Keyboard, SN #CN04473D-44751-016-00MY-A00
HP Keyboard, SN #B93ABOLVBTLCMF
Logitech Keyboard, SN #8674620403
Kensington Keyboard, SN #E0649001339
Dell Keyboard, CN0T347F-71616-97L-OR21-A00
Panasonic Docking Station, SN #CFVEB272A
Hyundai Monitor, SN #L71NEAS957K01658
Dell Mouse

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

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: Supervisor Post

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

RESOLUTION NO. 217:

Deputy Supervisor Underhill offered the following:

**ESTABLISHING STANDARD WORKDAY AND REPORTING
ELECTED AND APPOINTED OFFICIALS
EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to Town Clerk and Secretary to the Supervisor; which corrects and supersedes previous resolution for the listed employees:

Elected & Appointed Officials								
Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on record of Activities)	Tier 1 (Check only if member in Tier 1)
Town Board Member	John Gerace	████	██████	6	01/01/2012 -12/31/2015 Resigned 4/18/2012	N	22.69	
Town Board Member	Chad Zambito	████	██████	6	01/01/2013 - 12/31/2015	N	21.81	
Town Justice	Thomas Williams	████	██████	6	01/01/2014 - 12/31/2017	N	5.83	

and be it further

RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town's website and the sign board located in the Town Hall; and be it further

RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller's.

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

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RESOLUTION NO. 218:

Supervisor Post offered the following:

**RANDSCO PIPELINE APPROVAL OF CHANGE ORDER NO. 4
WEST MAIN SEWER IMPROVEMENTS**

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

WHEREAS, the Town Engineer has requested additional work, has made a design change to the original design and has requested a change order from the contractor the additional work and design change, and

WHEREAS, Randsco Pipeline has submitted a change order request for the requested work in the amount of Thirty-eight thousand seven hundred ninety-five dollars and two cents (\$38,795.02), as shown on the attached Change Order No. 4, and

WHEREAS, the Town Engineer has reviewed the change order request along with the Clerk of the Works records and recommends approval of the change order request.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Batavia hereby approves Change Order No.4 and authorizes the Supervisor to execute the attached Change Order No.4. The approved change order is subject to approval by USDA-Rural Development.

Second by: Councilman Lang

Ayes: Post, Lang, Underhill, Michalak, Zambito

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 219:

Councilwoman Michalak offered the following:

2014 COMPENSATORY TIME CARRY-OVER TO 2015

WHEREAS, Bruce Gerould, Building Inspector is participating in a Bike Marathon in June 2015 and is requesting to use 48 hours compensatory time earned in June of 2015; and

WHEREAS, Town policy states compensatory time earned within a calendar year must be use by the end of that calendar year at the employee's current rate of pay.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes 48 hours of Bruce Gerould's compensatory time earned in 2014 to be carried over to 2015; and be it

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FURTHER RESOLVED, the 48 hours of compensatory time will be paid at his 2014 hourly rate.

Second by: Councilman Lang

Ayes: Michalak, Lang, Underhill, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 220

Councilman Zambito offered the following:

**CONSULTANT AGREEMENT
ELLICOTT TRAIL PROJECT**

WHEREAS, the Town of Batavia has received authorization from the N.Y.S. Department of Transportation in the amount of \$51,750, with a local share of \$17,250, for a total amount of \$69,000 to fund the preliminary design of the Ellicott Trail Project through the City and Town of Batavia (Project number 4760.79); and

WHEREAS, the use of these funds requires that the Town of Batavia utilize the New York State Locally Administered Federal Aid Project Manual to design and administer the project. This manual defines the consultant selection process and general scope of work that must be followed; and

WHEREAS, the Town Engineer requested proposals for engineering design services of the Ellicott Trail Project and was sent to the 15 firms which are on the New York State Local Design Service Agreement list. These firms are all located in the Western New York area; and

WHEREAS, a Consultant Selection Committee (“Committee”) was established consisting of Councilman Zambito, the Town Engineer, and the Assistant Town Engineer/Highway Superintendent; and

WHEREAS, the Committee received proposals from ten firms and evaluated each proposal based upon 1) Approach and understanding of project objectives, 2) Clarity and attention to detail, 3) Logistics and familiarity with project area, 4) Project Team experience with similar bicycle projects, 5) Project Team experience with context sensitive design features, 6) Proposed schedule, 7) Public participation process, 8) Familiarity with Federal and State requirements; and

WHEREAS, based on the proposal scoring system and discussions, the Committee is recommending to the Town Board that the project be designed by Barton & Loguidice, D.P.C. (memo attached); and

WHEREAS, the Town Engineer recommends awarding the preliminary design phase of the project to Barton & Loguidice per the attached Architectural/Engineering Consultant Agreement and Scope of Services for the amount of \$69,000.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the

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Architectural/Engineering Consultant Agreement with Barton & Loguidice, D.P.C.to complete the preliminary design work for the Ellicott Trail Project in the amount of \$69,000.

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

Abstract No. 11-2014: Motion Deputy Supervisor Underhill, second Councilman Lang to authorize the Supervisor to pay the following vouchers:

General	\$ 242,977.92
Highway	65,459.50
Sewer No. 1	77,335.51
Sewer No. 2	58,456.03
Water	38,634.02
Creek	5,000.00
Townline	17,258.20
West Main	131,628.93
Total	\$636,750.11

Check numbers 19428 thru 19499, ACH-\$2,857.50, Online-\$5,290.13

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

DEPARTMENT REPORTS:

The Supervisor reported that the Highway Department, during this inclement weather, has been working around the clock to keep up and helping other communities and volunteer fire departments.

Supervisor's Report:

Status Report on expenditures and revenues is available for the Board's review.

GAM- is tomorrow evening at 7:00 P.M. hosted by the Village of Oakfield at the Village Hall.

Work Session Cancelled- The Work Session for Wednesday, November 26, 2014 is cancelled.

Happy Thanksgiving!!!

COMMUNICATIONS:

The Town Clerk reported on the following:

October Town Clerk monthly report collected a total of \$5,323.74, remitted \$3,833.94 to the Supervisor for the Local Share.

Genesee ARC Innovation Spirit Award-The Town of Batavia received the Innovation Spirit Award from Genesee ARC for the Town's initiative to build an inclusive playground at Kiwanis Park.

Liquor License Renewal- Received notice from Mazur Enterprises, Inc., DBA Johnny's that they

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are renewing their liquor license.

Town Clerk's Office - The Town Clerk's Office will be closing at 4:30 P.M. on Wednesday, November 26, 2014 rather than 7:00 P.M.

Happy Thanksgiving!!

ADJOURNMENT:

Motion Councilman Zambito, second Deputy Supervisor Underhill to adjourn the Regular Town Board Meeting at 7:48 P.M.

Ayes: Zambito, Underhill, Michalak, Lang, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk