

**JANUARY 2, 2019
ORGANIZATIONAL MEETING**

Town Hall

7:00 P.M.

Sharon White, Councilwoman led the pledge to the flag.

Roll Call

Present:

Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak
Councilman Zambito

Others

Present: Town Clerk Morasco
Mallory Diefenbach, Daily News Reporter

Absent: Supervisor Post

The Deputy Supervisor called the meeting to order at 7:02 P.M.

APPOINTMENTS:

Supervisor made the following appointments:

Deputy Supervisor-Daniel Underhill
Secretary to the Supervisor-Hiedi Librock
Historian-Berneda Scoins

COMMITTEE APPOINTMENTS:

Supervisor made the following appointments to the various committees:

Audit: Deputy Supervisor Underhill, Councilwoman White, Councilwoman Michalak, Councilman Zambito

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

Water/Sewer: Deputy Supervisor Underhill, Town Engineer Steve Mountain, Supervisor Post

Buildings & Grounds: Councilwoman White, Highway Superintendent Lichtenthal, Supervisor Post, Town Engineer Steve Mountain

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

Video: Councilwoman Michalak

Fire: Deputy Supervisor Underhill, Supervisor Post

Court: Councilwoman Michalak, Councilman Zambito

Housing Initiatives: Councilwoman Michalak

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

Planning Board: Councilwoman White

Annual Meeting- The Town Clerk read the information on the New York State Association of Towns Annual Meeting which will be held February 17 - 20, 2019 in New York City.

RESOLUTION NO. 1:

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Councilwoman White offered the following:

GENERAL ORGANIZATIONAL RESOLUTION

RESOLVED, that the following appointments be and are hereby made for the one year term beginning January 1, 2019 and ending December 31, 2019:

OFFICE/DESIGNATION	APPOINTEE
Landfill Coordinator.....	Thomas Lichtenthal
Registrar of Vital Statistics.....	Teressa M. Morasco
RMO/RAO.....	Teressa M. Morasco
Water/Sewer Billing Clerk.....	Sandra Baubie
Fair Housing Officer.....	Patti Michalak
Minority & Women Business Owners (MWBO) Officer.....	Steven Mountain

and be it further

RESOLVED, that the following rates, hours, schedules, and conditions be and hereby are established for the one year term beginning January 1, 2019 and ending December 31, 2019;

- a. Mileage reimbursement rate for the use of a private vehicle in the conduct of official Town business shall be \$.58 per mile.
- b. Personal Development expenses for Town officers and employees is hereby authorized to \$1,000.00 per year; each such personal development expense shall require Town Board approval, amounts in excess must be approved by the Town Board. All meals per day shall not exceed \$40.00.
- c. Employee working during any emergency call out is entitled to meal reimburse not to exceed \$8.00 per meal.
- d. One Employee is hereby authorized to participate in Leadership Genesee at a cost of \$2,100.00, requiring Town Board approval.
- e. The schedule of Regular/Official meeting of the Batavia Town Board shall be the third (3rd) Wednesday of each month, beginning at 7:00 o'clock p.m. and such regular meetings shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York.
- f. The schedule of Work Sessions of the Batavia Town Board shall be each Wednesday, beginning at 5:00 o'clock p.m. and shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York. No action shall be taken at such Work Sessions.
- g. The schedule of the Planning Board meetings shall be the first (1st) and third (3rd) Tuesday of each month, beginning at 7:00 o'clock p.m. The meetings shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York.
- h. The schedule of the Zoning Board of Appeals meetings shall be the third (3rd) Monday of each month, beginning at 7:00 o'clock p.m. and shall be held at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York.
- i. The Town Highway Superintendent is hereby authorized to make purchases under the Genesee County Contract.

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- j. Office hours at the Town Hall are hereby set at 8:30 a.m. until 4:30 p.m., Monday, Tuesday, Thursday, and Friday, Wednesday, 8:30 a.m. until 7:00 p.m., excepting recognized holidays.
- k. The Daily News (Batavia) is hereby designated as the Town's official newspaper.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 2:

Deputy Supervisor Underhill offered the following:

ADOPTION OF SALARIES FOR 2019

RESOLVED, the Batavia Town Board hereby adopts the following salaries for 2019

ELECTED

Supervisor	\$40,000.00
Deputy Supervisor	\$15,000.00
Councilman (3)	\$10,000.00
Town Clerk/Tax Collector	\$70,262.00
Highway Superintendent	\$19,133.00
Town Justice (2)	\$26,771.00

APPOINTED

Assessor	\$22.00 - \$28.05 per hour
Assessor Shared Services	\$28,200.00
Assessor Trainee	\$25.00 - \$35.74 per hour
Assessment Aide	\$20.00 - \$26.00 per hour
Assessment Clerk- Part-time	\$15.00 - \$20.00 per hour
Building Inspector	\$25.81 - \$35.74 per hour
Building Inspector Shared Svc	\$25,000.00
Cleaner- Part-time	\$9.00 - \$15.00 per hour
Clerk-Typist	\$14.00 - \$20.00 per hour
Court Justice Clerk	\$14.00 - \$20.43 per hour
Court Attendant	\$19.00 - \$23.00 per hour
Deputy Town Clerk/Tax Collector	\$14.00 - \$25.14 per hour
Engineering Technician	\$23.56 - \$37.72 per hour
Financial Clerk	\$20.00 - \$26.33 per hour
Financial Clerk/Sec to Sup Shared Services	\$18,000.00
Fire Insp./Zoning Ordinance Compliance Officer	\$20.00 - \$25.81 per hour
Foreman - Highway and Water/Sewer Dept.	\$1.57 per hour
Heavy Equipment Operator (HEO)	\$18.00 - \$29.55 per hour
Highway Employees (MEO)	\$18.00 - \$29.55 per hour
Highway Employee (MEO) On Call/As Needed	\$18.00 - \$23.00 per hour
Laborer	\$15.00 - \$23.00 per hour
Planning Board Chairman	\$6,326.00

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Planning Board Secretary	\$75.00 - \$144.82 per meeting
Planning Board Members (7)	\$91.23 per meeting
Registrar of Vital Statistics	\$802.00
Reproduction Service Operator	\$12.00 - \$20.00 per hour
Secretary to the Supervisor	\$28.00 - \$35.86 per hour
Sr. Water/Sewer Maintenance Employee	\$26.00 - \$32.99 per hour
Sanitary Landfill Coordinator	\$4,635.00
Superfund Landfill Coordinator	\$4,635.00
Town Engineer	\$68.00 - \$78.08 per hour
Town Engineer-Assistant	\$45.00 - \$57.98 per hour
Town Historian	\$5,629.00
Water/Sewer Billing Clerk	\$19.00 - \$25.14 per hour
Water/Sewer Foreman	\$11,620.00
Water/Sewer Maintenance Employee	\$22.00 - \$31.56 per hour
Zoning Board of Appeals Member (4)	\$53.04 per meeting
Zoning Board Chairman	\$1,400.00
Zoning Board Secretary	\$65.00 - \$79.57 per meeting

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 3:

Councilwoman Michalak offered the following:

**RESOLUTION ESTABLISHING WORKDAY FOR
ELECTED AND APPOINTED OFFICIALS**

RESOLVED, the Batavia Town Board hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

ELECTED OFFICIALS

Supervisor

Deputy Supervisor

Councilperson

Town Justice

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

Town Clerk/Tax Collector

Highway Superintendent

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

APPOINTED OFFICIALS

Court Attendant

Members of Board of Zoning Appeals

Members of Planning Board

Town Engineer

Town Historian

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

Assessor

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Assessor Trainee
Assessment Aide
Assessment Clerk
Assistant Town Engineer
Building Inspector
Cleaner
Clerk-Typist
Clerk of the Works
Code Enforcement Officer
Court Justice Clerk
Deputy Town Clerk/Deputy Tax Collector
Engineer Technician
Financial Clerk
Fire Inspector/Zoning Ordinance Compliance Officer
Heavy Equipment Operator
Laborer
Landfill Equipment Coordinator
Motor Equipment Operator
Planning Intern
Registrar of Vital Statistics
Reproduction Services Operator
Secretary to Supervisor
Sr. Water/Waste Water Maintenance
Water/Sewer Billing Clerk
Water/Waste Water Maintenance

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

Second by: Councilman Zambito,

Ayes: Michalak, Zambito, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 4:

Councilman Zambito offered the following:

**ESTABLISHING RULES OF PROCEDURE
OF THE BATAVIA TOWN BOARD FOR 2019**

RESOLVED, that the Batavia Town Board hereby establishes and adopts the following Rules of Procedure for the year 2019:

- 1.) **RULES OF ORDER:** The conduct of meetings of the Batavia Town Board shall be governed by the provisions of Robert's Rules of Order, with the following exceptions (1.) all votes of the Batavia Town Board shall be oral, and the names of all Town Board members present and their votes shall be recorded and entered into the official minutes by the Town Clerk, (2.) in other instances where Roberts Rules contradicts Town Law, Town Law will prevail.

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- 2.) **TIMELY DISTRIBUTION:** Those items requiring the attention of the Town Board, as well as those items necessary to the conduct of regular meetings (i.e., agendas, minutes of previous meetings, prepared resolutions, contracts) should be available to Town Board members not later than the close of business on the Friday prior to the meeting at which action is scheduled. The Board will not act on such items (received later than described), and action on items received untimely by Board Members will be deferred to the next regularly scheduled Town Board meeting. To accommodate unforeseen circumstances, however, this rule may be suspended by an affirmative majority vote of the Town Board.
- 3.) **PUBLIC PARTICIPATION:** The responsible and orderly participation of the public (i.e., the audience actually present) at official meetings of the Batavia Town Board shall be encouraged and shall be permitted according to the Rules for Public Participation as may be adopted by resolution of the Town Board.
- 4.) **PUT THE QUESTIONS:** A Town Board Member, by motion may request, “that a question be now put to vote”. A motion to “put the question” is not debatable or subject to amendments. The main question shall be on the passage of the matter under consideration, but when amendments are pending the question shall first be taken upon amendments in there order. A motion to “put the question” shall be seconded and passed by a roll call of an affirmative majority vote of the Town Board.
- 5.) **OFFICIAL MINUTES:** The Town Clerk in accordance with Town Law Section 30 (1) “shall keep a complete and accurate record of the proceedings of each meeting”, but it is not necessary to keep a record of the proceedings verbatim. The Town Clerk’s function in taking the minutes is purely ministerial and he/she has no discretion to include in the minutes only those discussions, which he/she thinks are important. Therefore all discussion and proceedings, unless they fall under a specific statutory requirement, will be recorded referencing the main points only.
- 6.) **AUDIT:** An Audit Committee consisting of all four (4) Town Board Members shall be appointed by the Town Supervisor. Individual vouchers of the Abstract shall indicate the recommendation of the Town Supervisor for Audit Committee approval.

Second by: Councilwoman White

Ayes: Zambito, White, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 5:

Councilwoman White offered the following:

POLICY CONCERNING PUBLIC PARTICIPATION AT TOWN BOARD MEETINGS

WHEREAS, the Batavia Town Board is interested in and is receptive to the genuine concerns and sincere expressions of all Town residents.

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RESOLVED, the Supervisor will provide for an orderly and productive forum for public (audience) participation at all meetings of the Town Board, where such participation will be afforded to all residents equally.

RESOLVED, each speaker will be limited to five (5) minutes to speak, if necessary, at the time of Public Participation, however they or anyone else may also speak for five (5) minutes at the time a resolution is being discussed.

Second by: Councilman Zambito,
Ayes: White, Zambito, Michalak, Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 6:

Deputy Supervisor Underhill offered the following:

DESIGNATION OF OFFICIAL DEPOSITORY

RESOLVED, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for all operational accounts:

Five Star Bank – Batavia, New York

RESOLVED, that the Batavia Town Board hereby designates the following as official depository of the Town of Batavia for Investment purposes:

1. M&T Bank, Oakfield, New York
2. Five Star Bank, Batavia, New York
3. Key Bank, Batavia, New York
4. Bank of Castile, Batavia, New York
5. First Niagara Bank, Batavia, New York
6. JP Morgan Chase Bank NA

Second by: Councilman Zambito
Ayes: Underhill, Zambito, White, Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 7:

Councilwoman Michalak offered the following:

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS

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

WHEREAS, we, the Town Board of the Town of Batavia hereby require the Supervisor, Deputy Supervisor, Town Clerk,/Tax Collector, Deputy Town Clerk/Deputy Tax Collector,

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Town Justice, Town Justice Clerks, Secretary to the Supervisor, Bookkeeper, and Highway Superintendent to execute said Official Undertaking as required by said law;

NOW, THEREFORE

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

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

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

Second by: Councilman Zambito,
Ayes: Michalak, Zambito, White Underhill
APPROVED by unanimous vote (4-0)

TOWN OF BATAVIA
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, I(we) as respective officer(s) above, do hereby undertake with the Town of Batavia that I(we) will faithfully perform and discharge the duties of my/our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law or in default thereof, that the parties executing such undertaking will pay all damages, costs and expenses resulting from such default; and

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

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

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

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

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

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her hands as such Deputy Town Clerk/Deputy Tax Collector; and

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

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

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

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

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

Dated: January 2, 2019
Town of Batavia

Gregory H. Post
Town Supervisor

Daniel G. Underhill
Deputy Supervisor

Teresa M. Morasco
Town Clerk/Tax Collector

Sandra M. Baubie
Deputy Town Clerk/ Deputy Tax Collector

Michael L. Cleveland
Town Justice

Thomas D. Williams
Town Justice

Sarah Sauka
Town Justice Clerk

Melissa A. Mason
Town Justice Clerk

Hiedi E. Librock
Secretary to the Supervisor

Marcy E. Crandall
Bookkeeper

Thomas W. Lichtenthal, Jr.

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Highway Superintendent

STATE OF NEW YORK:

:SS:

COUNTY OF GENESEE

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

NOTARY PUBLIC – STATE OF NEW YORK

RESOLUTION NO. 8:

Councilman Zambito offered the following:

AUTHORIZATION OF PETTY CASH

RESOLVED, pursuant to Section 64-1a of the Town Law the Batavia Town Board hereby authorizes a petty cash fund for the Town Clerk/Tax Collector not to exceed two hundred (\$200.00) dollars and a petty cash fund for the Justice Clerks not to exceed two hundred (\$200.00) dollars.

Second by: Councilwoman White

Ayes: Zambito, White, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 9:

Councilwoman White offered the following:

**AUTHORIZATION FOR THE SUPERVISOR
TO PAY CERTAIN CLAIMS PRIOR TO AUDIT**

RESOLVED, pursuant to Section 118 of the Town Law the Batavia Town Board hereby authorizes the Supervisor to pay claims for public utilities, postage, freight and express charges, before they are audited; and be it

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

Alexander/Pike Road
Creek/East Roads

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Ellicott/Townline Road
Hartshorn/Hopkins/Pearl
Lover's Lane
Pearl Street Road
Pratt Road
Rose Road
Saile Drive Sewer
Sewer Capacity
Shepard/Putnam Roads
Southwest
Townline Road
West Main Sewer
Wilkinson Road
Wortendyke Road

Second by: Councilwoman Michalak,
Ayes: White, Michalak, Zambito, Underhill
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 10:

Deputy Supervisor Underhill offered the following:

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

WHEREAS, the Town Board and Town Highway Superintendent should enter into an agreement relative to the expenditure of highway moneys for repair and improvement of Town Highways (Highway Law 284);

WHEREAS, the agreement must be prepared in duplicate, signed by a majority of the Town Board Members and the Highway Superintendent and filed with the Town Clerk and the Genesee County Highway Department.

RESOLVED, the Batavia Town Board hereby adopts the Town Highway Superintendent Agreement relative to the expenditure of Highway moneys for repair and improvement of Town Highways, as presented by the Town of Batavia Highway Superintendent.

Second by: Councilman Zambito
Ayes: Underhill, Zambito, White, Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 11:

Councilwoman Michalak offered the following:

APPLICATIONS FOR APPOINTMENTS IN THE TOWN OF BATAVIA

RESOLVED, in order to encourage the participation of all Town residents in the

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governmental and political process of the Town the following criteria will be used:

1. Appointments will be made based on qualifications.
2. Positions will be advertised in the Towns Official newspaper, The Daily News.
3. The attached application form will be the official form to be used for submission by the applicants to the Town Board for consideration.

Second by: Councilman Zambito,
Ayes: Michalak, Zambito, White, Underhill
APPROVED by unanimous vote (4-0)

APPLICATION FOR APPOINTMENTS

TOWN OF BATAVIA

3833 West Main Street Road

Batavia, New York 14020

Phone: (585) 343-1729

Fax: (585) 343-8461

NAME:_____

ADDRESS:_____

PHONE:_____ **EMAIL:**_____

POSITION FOR WHICH YOU ARE

APPLYING:_____

EDUCATION:_____

EXPERIENCE (Attach resume if needed)_____

OTHER QUALIFICATIONS OR INTERESTS PERTINENT TO THIS POSITION

(A brief letter can be attached if needed)

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REFERENCES

1. _____ **PHONE:** _____
2. _____ **PHONE:** _____
3. _____ **PHONE:** _____

RESOLUTION NO. 12:

Councilman Zambito offered the following:

PAYROLL SCHEDULE FOR 2019

RESOLVED, the Batavia Town Board hereby adopts the payroll schedule for 2019 to be bi-weekly for all employees, including the Town Planning Board Members, and the Zoning Board of Appeals Members.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 13:

Councilwoman White offered the following:

AUTHORIZING CONSULTING SERVICES

RESOLVED, all consulting services must first receive approval from the Town Board, however to avoid the delay of development or any other project requiring consulting services in the Town, the Supervisor is hereby authorized to approve, during the interim of monthly meetings, costs not to exceed two thousand dollars (\$2,000.00); and be it further

RESOLVED, all monthly invoices are required by the Town, and payment of any invoices received later than the first Wednesday before the regularly scheduled Town Board Meeting may be delayed to the following month. Consulting costs for each task performed must be itemized on separate invoices. Invoices must be sent to the Supervisor.

Second by: Councilman Zambito,

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 14:

Deputy Supervisor Underhill offered the following:

VIDEO TAPING

WHEREAS, as the Batavia Town Board wishes that the Town Board meeting

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proceedings of the Town of Batavia be attainable and accessible to as many citizens as possible.

RESOLVED, the Batavia Town Board hereby authorizes the video taping of the Town Board Meetings to be later produced on Cable TV and that the tape recordings will be retained for a period of one (1) year.

RESOLVED, the Batavia Town Board authorizes the payment of forty-five dollars (\$45.00) per hour for taping the meetings.

FURTHER RESOLVED, the Public Hearings will be televised at the Town Boards discretion and will be decided at the time the Public Hearing is called.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 15:

Councilwoman Michalak offered the following:

RESOLUTION ESTABLISHING HOLIDAY SCHEDULE

RESOLVED, the Batavia Town Board hereby establishes the following Holiday Schedule for 2019:

January 1, 2019 New Year's Day
February 18, 2019 President's Day
April 19, 2019 Good Friday
May 27, 2019 Memorial Day
July 4, 2019 Independence Day
September 2, 2019 Labor Day
October 14, 2019 Columbus Day
November 11, 2019 Veteran's Day
November 28, and November 29, 2019 Thanksgiving
December 24, 2019 Half Day - Closing at 12:00 P.M.
December 25, 2019 Christmas Day
December 31, 2019 Half Day - Closing at 12:00 P.M.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 16:

Councilman Zambito offered the following:

APPOINTMENT TO PLANNING BOARD

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WHEREAS, Jeremy Liles, 3932 South Main Street Road, Batavia, New York, term on the Town of Batavia Planning Board expired on December 31, 2018.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Jeremy Liles to the Town of Batavia Planning Board, effective January 1, 2019 and expiring December 31, 2025; and be it further

RESOLVED, said member appointed is subject to completing the required training within each calendar year; and be it further

RESOLVED, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

Second by: Councilwoman White

Ayes:, Zambito, White, Michalak, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 17:

Councilwoman White offered the following:

APPOINTMENT TO ZONING BOARD OF APPEALS

WHEREAS, Brittany Witkop's, term on the Town of Batavia Zoning Board of Appeals expired on December 31, 2018; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Brittany Witkop to the Town of Batavia Zoning Board Appeals, effective January 1, 2019 and expiring December 31, 2023, and be it further

RESOLVED, said member appointed is subject to completing the required training within each calendar year; and be it further

RESOLVED, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

Second by: Councilwoman Michalak,

Ayes: White, Michalak, Zambito, Underhill

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 18:

Deputy Supervisor Underhill offered the following:

APPOINTMENT TO ZONING BOARD OF APPEALS-ALTERNATE MEMBER

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WHEREAS, Keith Boeheim, 8492 Violet Lane, Batavia, New York, term on the Zoning Board of Appeals as an alternate member expired December 31, 2018; and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby re-appoints Keith Boeheim to the Town of Batavia Zoning Board of Appeals as an alternate member, effective January 1, 2019 and expiring December 31, 2020, and be it further

RESOLVED, said member appointed is subject to completing the required training within each calendar year; and be it further

RESOLVED, if the training is incomplete, the Town Board will consider the position vacant and re-advertise to fill the vacancy.

Second by: Councilwoman Michalak

Ayes: Underhill, Michalak, Zambito, White

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 19:

Councilwoman Michalak offered the following:

AUTHORIZING APPOINTMENT OF ATTORNEY FOR THE TOWN

RESOLVED, that the Batavia Town Board hereby appoints Andrew Meier as Attorney for the Town of Batavia at a rate of two hundred dollars (\$200.00) per hour for the one (1) year term beginning January 1, 2019 and ending December 31, 2019, and be it

FURTHER RESOLVED that all legal services must first receive approval from the Town Board, however, to avoid any delay in legal proceedings of the Town, the Supervisor is hereby authorized to approve during the interim of monthly meetings, legal fees not to exceed two thousand dollars (\$2,000.00). The law firm of Harris Beach LLC, counsel for the Town of Batavia Landfill Superfund site and Hodgson Russ Attorneys LLP, Counsel for Labor Negotiations are excluded from this resolution.

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

Second by: Councilwoman White

Ayes: Michalak, White, Michalak, Zambito

APPROVED by unanimous vote (4-0)

RESOLUTION NO. 20:

Councilman Zambito offered the following:

**INVESTMENT POLICY
REVIEWED**

**JANUARY 2, 2019
ORGANIZATIONAL MEETING**

WHEREAS, the Town of Batavia has had an investment policy in effect since February 1988, with amendments through March 2018; and

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

WHEREAS, there are no amendments at this time to the Investment Policy.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby has reviewed the Investment Policy and there are no amendments to it at this time.

Second by: Councilwoman White,
Ayes: Zambito, White, Michalak, Underhill
APPROVED by unanimous vote (4-0)

INVESTMENT POLICY

§ 20-1 Scope.

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

§ 20-2 Objectives.

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

A.

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

B.

To adequately safeguard principal (safety);

C.

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

D.

To obtain a reasonable rate of return (yield).

§ 20-3 Delegation of authority.

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

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subordinate employees.

§ 20-4 Prudence.

A.

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

B.

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

C.

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

§ 20-5 Diversification.

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

§ 20-6 Internal controls.

(Amended 1-2013)

A.

It is the policy of the Town of Batavia for all moneys collected by any officer or employee of the government to be deposited within three days of collection, or within the time period specified in law, whichever is shorter. All said moneys collected for the month must be transferred to the Chief Fiscal Officer by the 5th of the following month.

B.

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

§ 20-7 Designation of depositories.

[Amended 8-16-1995; 4-21-1999; 1-2013]

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

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§ 20-8	Depository Name	Maximum Amount	Officer
	Manufactures and Traders Trust Company, Oakfield Branch	\$4,500,000	Supervisor
	Five Star Bank, Batavia, New York	\$4,500,000	Supervisor
	Bank of Castile, Batavia, New York	\$4,500,000	Supervisor
	Key Bank of Batavia	\$4,500,000	Supervisor
	First Niagara Bank, Batavia, New York	\$4,500,000	Supervisor
	JP Morgan Chase Bank NA	\$4,500,000	Supervisor

Collateralizing of deposits.

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

A.

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

B.

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

C.

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

§ 20-9 Safekeeping and collateralization.

A.

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

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B.

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

C.

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

§ 20-10 Permitted investments.

A.

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

(1)

Special time deposit accounts.

(2)

Certificates of deposit.

(3)

Obligations of the United States of America.

(4)

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

(5)

Obligations of the State of New York.

(6)

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

(7)

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

(8)

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

(9)

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

B.

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

§ 20-11 Authorized financial institutions and dealers.

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

§ 20-12 Purchase of investments.

A.

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

(1)

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

(2)

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

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(3)

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

B.

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

C.

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

§ 20-13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A.

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

B.

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

C.

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

D.

No substitution of securities will be allowed.

E.

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

RESOLUTION NO. 21:

**JANUARY 2, 2019
ORGANIZATIONAL MEETING**

Councilwoman White offered the following:

**PROCUREMENT POLICY
REVIEWED**

WHEREAS, the Town of Batavia established its Procurement Policy in February 1992, with amendments through June 2018; and

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

WHEREAS, there are no amendments at this time to the Procurement Policy.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby has reviewed the Procurement Policy and there are no amendments to it at this time.

Second by: Councilman Zambito

Ayes: White, Zambito, Michalak, Underhill

APPROVED by unanimous vote (4-0)

**TOWN OF BATAVIA
PROCUREMENT POLICY**

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

GUIDELINE 2. All purchases of

a) supplies or equipment which will exceed \$10,000 in the fiscal year or

b) public works contract over \$20,000 shall be formally bid pursuant to GML, 103.

GUIDELINE 3. All estimated purchases of:

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

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

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

All estimated public works contract of:

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

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

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

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

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

GUIDELINE 4. The lowest responsible proposal or quote shall be awarded the purchase or

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

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

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

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

GUIDELINE 7. The Town requires that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

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

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

GUIDELINE 9. The intention of this policy is to comply fully with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in CFR Part 200 at 200.317 through 200.326 (the “Federal Regulations”), which are incorporated by reference into this policy and made a part hereof. A complete and current copy of the Federal Regulations are on file at the office of the Town Clerk. Where there is inconsistency between this policy and the Federal Regulations, the Federal Regulations shall control.

GUIDELINE 10. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable. These provisions shall apply to the procurement of goods and services related to the implementation of the Federally funded programs and activities.

RESOLUTION NO. 22:

Deputy Supervisor Underhill offered the following:

FAIR HOUSING POLICY

**JANUARY 2, 2019
ORGANIZATIONAL MEETING**

REVIEWED

WHEREAS, the Town of Batavia has had an Fair Housing policy in effect since 2008,
and

WHEREAS, the Batavia Town Board has reviewed the Fair Housing Policy; and

WHEREAS, there are no amendments at this time to the Fair Housing Policy.

NOW, THEREFORE BE IT

RESOLVED, the Batavia Town Board hereby has reviewed the Fair Housing Policy and there are no amendments to it at this time.

Second by: Councilman Zambito

Ayes: Underhill, Zambito, White, Michalak

APPROVED by unanimous vote (4-0)

TOWN OF BATAVIA

FAIR HOUSING POLICY

The following is the policy of the Town of Batavia (hereinafter “Town”) to provide legal protection to prohibit housing choices from being restricted on the basis of race, color, national origin, sex, religion, handicap or other protected class:

1. This Fair Housing Policy represents the Town’s commitment to actions to affirmatively further fair housing in the Town of Batavia by endorsing positive steps to ensure equal access to housing, employment, public facilities/services, contracting and business opportunities, Community Development Block Grant Program (CDBG) benefits/services and displacement protection. The primary purpose of this Policy is the maintenance of a positive fair housing environment in the Town of Batavia.
2. In order to promote equal access to housing opportunities the Town will actively pursue Federal and State funding sources that primarily assist low and moderate income persons to achieve affordable housing opportunities. The Town will carefully monitor the activities of agencies and contractors engaged in these programs to ensure that the funds are primarily benefiting low to moderate income persons and benefiting the target population of the program. The Town will require agencies to report data and performance statistics to the Town as part of any contract the Town enters into with an agency performing housing services as a condition of receiving payment from the Town.
3. The Town shall have a representative at meetings of the Genesee Region Housing Initiatives Committee to advocate for affirmatively furthering fair housing practices in the community and require that the Housing Initiatives Committee take affirmative steps to promote fair and equal access to housing, regardless of the type of grant.
4. The Town will require contractors and/or agencies who the Town contracts with to administer CDBG funded housing programs to:

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- A) Demonstrate they afford equal employment opportunities to all persons.
 - B) Take affirmative steps to ensure that all segments of the community regardless of economic, racial or ethnic status are informed of grant opportunities.
 - C) Demonstrate that their program benefits are not awarded in ways that discriminate.
 - D) Take affirmative steps to promote fair and equal housing.
 - E) In addition to equal access, affirmatively further fair housing and accessibility for persons with disabilities.
5. All CDBG funded projects for which the Town is the recipient whether it is for housing, infrastructure, or economic development, attention to the civil rights, fair housing and equal opportunity component for the CDBG project must be all-inclusive, from the project design phase to final progress report.
6. The Town shall incorporate and promote fair housing opportunities in the Town's Comprehensive Plan.
7. The Town shall notify local banks of fair housing activities and enlist their support and active participation.
8. The Town shall notify local realtors of fair housing activities and enlist their support and active participation.
9. The Town shall appoint a Fair Housing Officer. The Fair Housing Officer will be responsible for the implementation of the Town's Fair Housing Policy. The Fair Housing Officer will also receive complaints from Town residents who believe they are an aggrieved person with regard to unfair housing practices by a local municipality or bank or a realtor. The Fair Housing Officer will assist the aggrieved person with filing a complaint with the proper Federal Office. The Fair Housing Officer shall file a copy of the complaint with the Regional or Field Office of the United States Department of Housing and Urban Development. The Fair Housing Officer is delegated to investigate the allegations of any complaint including requesting a response from the entity charged in the complaint. Following completion of the investigation the Fair Housing Officer will issue a final investigative report to the Town.

ADJOURNMENT:

Motion Councilwoman Michalak, second Councilman Zambito to adjourn the Organizational Meeting at 7:23 P.M to enter into the Special Town Board Meeting.

Ayes: Michalak, Zambito, White, Underhill

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk