

**DECEMBER 19, 2018  
REGULAR TOWN BOARD MEETING**

**Town Hall**

**7:00 P.M.**

Dan Underhill, Deputy Supervisor led the pledge to the flag.

**Roll Call**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman White  
Councilwoman Michalak  
Councilman Zambito

**Others**

**Present:** Deputy Town Clerk Baubie  
Paul Barret , Town of Batavia Fire Department  
Scott Garlock, Town of Batavia Fire Department  
Bill Lawrence, East Pembroke Fire District  
Tom Dickes, East Pembroke Fire District  
Bill Joyce, East Pembroke Fire District  
Bob Yungfleisch, East Pembroke Fire District

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

Bill Lawrence from the East Pembroke Fire Department presented a plaque to the Town Board to recognize the efforts from the Town of Batavia staff with helping in the construction of their new firehall.

**Public Hearing Fire Protection Contract-** The Supervisor called the Public Hearing to Order for the Town of Batavia Fire Protection Contract at 7:00 P.M. - Minutes for public hearing entered separately.

**November 14, 2018 Regular Town Board Meeting:** Motion Deputy Supervisor Underhill, second Councilman Zambito to approve the minutes as written.

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

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

**RESOLUTION NO. 233:**

Councilwoman White offered the following:

**AUTHORIZING AGREEMENT FOR  
FIRE PROTECTION SERVICES FOR FISCAL YEAR 2019**

**WHEREAS**, there has been duly established in the Town of Batavia a Fire Protection District known as the “Town of Batavia Fire Protection District” as such territory is more fully described in the Resolution establishing such District as was duly adopted by the Town Board of the Town of Batavia, Genesee County, New York, on March 24, 1948;

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**WHEREAS**, it is proposed that a Contract be entered into with the Town of Batavia Fire Department, Inc. for the furnishing of fire protection in said District by said Town of Batavia Fire Department, Inc.; and

**WHEREAS**, due notice has been given of a Public Hearing held at the Town Hall of the Town of Batavia, New York on the 19<sup>th</sup> day of December, 2018, at 7:00 P.M. to consider such Contract, the notice thereof duly specifying the time and place of the Public Hearing as aforesaid and describing the time and place of the Public Hearing as aforesaid and describing in general terms and proposed Contract; and

**WHEREAS**, said Public Hearing was duly conducted as advertised and all persons interested therein and presenting themselves were heard; now, therefore, be it

**RESOLVED**, it is in the public interest for this Board to contract with the Town of Batavia Fire Department, Inc., and be it further

**RESOLVED**, upon receiving certified copies of resolutions duly adopted by said Town of Batavia Fire Department, Inc., membership and Directors approving the terms and conditions of said Contract that this Town Board shall contract with said Town of Batavia Fire Department, Inc. for the furnishing of fire protection to such District according to the terms of said Contract, a copy of which is annexed to this Resolution and is make a part thereof, and be it further

**RESOLVED**, such contract shall be executed on behalf of the Town of Batavia, New York by its Supervisor and Town Clerk.

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

**TOWN OF BATAVIA FIRE DEPARTMENT AGREEMENT**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **TOWN OF BATAVIA, NEW YORK**, (hereinafter designated as "Town") and the **TOWN OF BATAVIA FIRE DEPARTMENT, INC.** of Batavia, New York, (hereinafter designated as "Fire Department").

**WITNESSETH:**

**WHEREAS**, there has been duly established in the said Town of Batavia a fire protection district known as the "Town of Batavia Fire Protection District" as such' territory is more fully described in the Resolution establishing such District and duly adopted by the Town Board of the said Town of Batavia, Genesee County, New York on 24th day of March, 1948; and

**WHEREAS**, following a public hearing duly called, the said Town has duly authorized a Contract

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with the Fire Department for fire protection in said District upon the terms and conditions herein set forth; and

**WHEREAS**, this Agreement has also been duly authorized by the Directors and membership of the Fire Department, and the Fire Department has provided to the Town certified copies of Resolutions of approval of this Agreement by the Town of Batavia Fire Department Board of Directors and by its membership.

**NOW, THEREFORE**, the Town does engage the Fire Department to furnish fire protection to said District and the Fire Department agrees to furnish such protection in the manner following, to wit:

1. The equipment and personnel of the Fire Department shall at all times during the term of this Agreement be subject to call for attendance upon any fire occurring in such District, and when notified by any means of a fire within the District, said Fire Department shall respond and attend upon the fire without delay with one or more companies and with suitable fire-fighting equipment and apparatus of the Fire Department. Upon arriving at the scene of the fire, the firefighters of the Fire Department attending shall proceed diligently and in every way reasonably suggested under the circumstances to the extinguishments of the fire and the saving of life and property in connection therewith.

2. The Fire Department covenants and agrees at all times to maintain in force on and in respect to vehicles and equipment owned by it or subject to its control or use, while responding to, attending at or leaving from fires, alarms or calls both inside and outside said District, including, but not limited to, responses in connection with Mutual Aid Plan referred to in Paragraph 5 of this Agreement, an underlying public liability insurance policy for injury to persons and property, including wrongful death, with limits of \$500,000.00 for each person, \$1,000,000.00 for each accident and \$250,000.00 property damage for each accident and an excess public liability policy in the amount of \$3,000,000.00 insuring the Fire Department and the Town against any loss by reasons of personal injury including wrongful death, or property damage caused or contributed to by the negligent operation of said vehicles and/or equipment in connection with a fire, alarm or call in or from said District or in connection with a mutual aid response. In addition, the Fire Department agrees at all times to maintain in force public liability insurance to protect itself and the Town from all other losses occurring in its operations other than those arising out of the use and operation of said vehicles and/or equipment to persons for injury, including wrongful death, and to property in amounts for underlying and excess liability similar to that maintained for vehicles and/or equipment. All liability insurance policies must be obtained through insurance companies licensed to do business within the State of New York, must name the Town of Batavia as insured and must be maintained for the life of this Agreement.

The Fire Department shall deliver a copy of the policy of said insurance to the Town prior to the execution of this Agreement, covenants to pay the premiums thereon in timely fashion and to have said insurance policies provide for thirty (30) days written notice to the Town prior to cancellation. If the Fire Department shall fail to pay said premiums due hereunder in a timely fashion, the Town shall have the right to pay the same and to deduct the cost thereof from the amounts due the Fire Department under paragraph 7 of this Agreement.

In addition, the Fire Department hereby covenants and agrees to indemnify and hold the Town harmless from any and all losses and damages which the Town may sustain, suffer or be required to pay

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by reason of any claims made against said Town for injury to persons or property, including wrongful death, arising out of the performance of this agreement by the Fire Department to the extent that said losses and damages are not fully covered and paid by the insurance referred to herein.

3. Should any loss or damage whatsoever be sustained to the fire apparatus or other equipment, said loss or damage, including the cost of materials and any other special or incidental expenses incurred in the operation of the fire apparatus or equipment of the Fire Department in answering, attending upon or returning from a call for assistance in said Town of Batavia Fire Protection District, irrespective of the cause thereof, shall be a charge upon the Fire Department and not against the Town or against the Town of Batavia Fire Protection District. This fact is taken into consideration by both parties in arriving at the consideration to be paid to the Fire Department pursuant to this Agreement.

4. To the extent that the same is not otherwise provided for by the Genesee County Mutual Aid Plan, by the county of Genesee or by some other source, the Town of Batavia shall pay at its own expense or provide necessary insurance coverage at its expense for any and all claims authorized by law for medical expenses, loss of wages, compensation or other claims arising by reason of the injury or death of a fireman, or member of the Fire Department Emergency Relief Squad, a Fire Police Squad or a Fire Patrol sustained while answering or attending upon or returning from any such call in said District.

5. The Fire Department is hereby authorized by the Town to participate in the Genesee County Mutual Aid Plan and to answer calls for aid and assistance according to said Mutual Aid Plan and System. Nothing contained in this Agreement shall be deemed to prevent the Fire Department from securing reimbursement from any entities other than the Town and the Town of Batavia Fire Protection District for either any loss or damage to its fire apparatus, equipment or materials used for the locality that issues a call for aid or for payments to injured or deceased firemen as provided by any law of the State of New York.

6. In the event that the fire-fighting equipment owned by the Fire Department is in such condition that said Fire Department is unable to fulfill its obligations under this contract to answer or attend any fire occurring in said Town of Batavia Fire Protection District for a period of twenty-one (21) days or longer, the Fire Department covenants to reimburse the Town on a pro rata basis the sums provided to be paid to the Fire Department pursuant to this Agreement retroactive to the first day of said twenty-one (21) day period for the entire period of time during which it is unable to fulfill its obligations under this Agreement.

7. A. The Town covenants and agrees to pay to the Fire Department in consideration for services to be performed pursuant to this Agreement the sum of One million, forty-four thousand, seven hundred, eighty-seven dollars (\$\$1,044,787.00).

B. The sums as stated in section A of this paragraph to be due and payable on the 1<sup>st</sup> day of February, 2019, upon presentation to the Town of a duly verified voucher therefore.

8. The Town covenants to provide snowplowing services for the parking and driveway area to the Fire Hall owned by the Fire Department, as well as routine maintenance of said parking lot and driveway area, both only to the extent that the Superintendent of Highways of the Town determines that said services can be provided. The Fire Department agrees to provide all materials and supplies for said maintenance

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services; acknowledges that said routine maintenance services shall be provided only during normal business hours of the Town of Batavia Highway Department and as other Town Highway Department functions permit. The Fire Department further acknowledges that said snowplowing services shall be provided only after the Town's Superintendent of Highways is satisfied that the highways of the Town of Batavia are reasonably free and clear of ice and snow and that men and machinery under his supervision and control are free to provide said services. The Fire Department hereby covenants to indemnify and to hold the Town harmless for any injury, loss or damage which the Fire Department or any other person, firm or corporation may suffer, sustain or be required to pay by reason of the Town not providing or failing to provide adequate snowplowing and/or maintenance services under the provisions of this Paragraph.

9. **On or before April 1, 2019**, the Fire Department will provide an independent, certified audit of the financial affairs of the Fire Department.

10. A. The Fire Department shall provide written notice to the Town of capital purchases as early as possible, but in no event not less than 30 days prior thereto; provided, however, that this provision shall not be construed as requiring or constituting any municipal approval or involvement in the corporate affairs of the Fire Department by the Town.

B. The Fire Department shall continue to exercise sound financial practices and planning, including maintenance of capital reserve accounts where feasible.

11. All moneys to be paid under any provision of this Agreement, as well as other payments which may be made from time to time according to applicable provisions of law which regulate the terms and provisions of this Agreement, shall be a charge upon the said Fire Protection District to be assessed and levied upon the taxable real property in said District and collected with the Town Taxes.

12. This Agreement shall become operative and effective from 12:01 a.m. January 1, 2019, and shall continue for a term of one (1) year which will expire at midnight on December 31, 2019.

13. It is understood and agreed that this contract is subject to the provisions of Section 184 of the Town Law of the State of New York.

**IN WITNESS WHEREOF**, the parties have duly executed and delivered this Agreement in duplicate the day and year first above written.

TOWN BOARD OF THE TOWN OF BATAVIA

BY \_\_\_\_\_  
GREGORY H. POST

(SEAL)

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ATTEST:

\_\_\_\_\_  
TERESSA M. MORASCO, TOWN CLERK

TOWN OF BATAVIA FIRE DEPARTMENT, INC.

BY \_\_\_\_\_  
SCOTT GARLOCK, PRESIDENT

(SEAL)

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, 2018, before me came GREGORY H. POST, to me known, who, being by me duly sworn, did depose and say that he resides at 8472 Seven Springs Road in the Town of Batavia, New York; and he is the Supervisor of the **TOWN OF BATAVIA, NEW YORK** the municipal corporation described in and who executed the foregoing Agreement; that he knows the seal of said Town; that it was affixed by order of the Town Board of said Town; and that he signed his name thereto by like order.

\_\_\_\_\_  
**NOTARY PUBLIC**

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, 2018, before me came Scott Garlock, to me known, who, being by me duly sworn, did depose and say that, he resides at 33 Dellinger Avenue, Batavia, New York; and he is the President of the **TOWN OF BATAVIA FIRE DEPARTMENT, INC.** the corporation described in and which executed the foregoing Agreement; that he knows the seal of said Corporation; that it was affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto by like order.

\_\_\_\_\_  
**NOTARY PUBLIC**

**RESOLUTION NO. 234:**

Deputy Supervisor Underhill offered the following:

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**FIFTH AMENDED CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN  
THE TOWN OF BATAVIA AND THE TOWN OF PAVILION**

**WHEREAS**, the Town of Batavia and the Town of Pavilion entered into a Code Enforcement Officer Agreement in 2013; and

**WHEREAS**, both Towns desire to continue this relationship, allowing Batavia to provide Code Enforcement Services, and

**WHEREAS**, the agreement addresses the need for the Town of Pavilion to have its Codes enforced by the Town of Batavia Code Officials.

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board of the Town of Batavia, New York, that a proposed "Fifth Amended Town of Batavia and the Town of Pavilion Code Enforcement Services Agreement", a copy of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

**Second by:** Councilwoman Michalak

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

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

**FIFTH AMENDED  
TOWN OF BATAVIA AND PAVILION  
CODE ENFORCEMENT  
AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **Town of Pavilion**, a municipal corporation with offices at 1 Woodrow Drive, Pavilion, NY 14525 ("Pavilion"), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 ("Batavia"),

**WHEREAS**, pursuant to article 5-G of the General Municipal Law, Pavilion and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and

**WHEREAS**, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

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**WHEREAS**, Pavilion has identified a need to have its Codes enforced by Batavia, and

**WHEREAS**, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Town of Pavilion.

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

**First:** That Pavilion shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers.

**Second:** In consideration for compensation for the services set forth herein, Pavilion shall pay Batavia fifteen thousand, four hundred, fifty dollars\$15,450.00 per year of this agreement. The sum shall be paid during the 2019 budget year to provide services for the year of 2019.

**Third:** The services that will be provided will be to administer the adopted NYS Building Codes, Town of Pavilion Zoning Code and Town of Pavilion Land Separation Law.

**Fourth:** Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm.

**Fifth:** The Code Officer shall for all purposes be deemed an employee of Batavia. The Code Officer shall not in any way be construed as an employee of Pavilion. Batavia shall pay the Code Officers salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefit.

**Sixth:** This agreement does not include attorney services and Pavilion shall provide and pay for all attorney services and expenses in its jurisdiction.

**Seventh:** This agreement shall become effective on January 1<sup>st</sup> 2019 and expire on December 31<sup>st</sup> 2019 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

**Eighth:** 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 Towns have caused this Agreement to be signed by the Supervisors and the Town Seal attached on the date first set forth above.

**TOWN OF PAVILION**

**TOWN OF BATAVIA**

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\_\_\_\_\_  
**Dean Davis, Supervisor**

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

**STATE OF NEW YORK)  
COUNTY OF GENESEE) SS.**

On the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared **Dean Davis**, 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 \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for 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 person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 235:**

Supervisor Post offered the following:

**SECOND AMENDED CODE ENFORCEMENT OFFICER AGREEMENT BETWEEN  
THE TOWN OF BATAVIA AND THE TOWN OF ALEXANDER**

**WHEREAS**, the Town of Batavia and the Town of Alexander entered into a Code Enforcement Officer Agreement in December 2016; and

**WHEREAS**, the agreement addresses the need for the Town of Alexander to have its Codes enforced by the Town of Batavia Code Officials and both Towns desire to continue this relationship.

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board of the Town of Batavia, New York, that a proposed "Town of Batavia and the Town of Alexander Second Amended Code Enforcement Services Agreement", a copy

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of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved; and be it

**FURTHER RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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

**SECOND AMENDED  
CODE ENFORCEMENT  
AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **Town of Alexander**, a municipal corporation with offices at 3350 Church Street, Alexander, New York 14005 (“Alexander”), and the **Town of Batavia**, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

**WHEREAS**, pursuant to article 5-G of the General Municipal Law, Alexander and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and

**WHEREAS**, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and

**WHEREAS**, Alexander has identified a need to have its Codes enforced by Batavia, and

**WHEREAS**, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Town of Alexander.

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

**First:** That Alexander shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers.

**Second:** In consideration for compensation for the services set forth herein, Alexander shall pay Batavia -\$10,815.00 per year of this agreement. The sum shall be paid during the 2019 budget year to provide services for the year of 2019.

**Third:** The services that will be provided will be to administer the adopted NYS Building

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Codes, Town of Alexander Zoning Code.

**Fourth:** Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm.

**Fifth:** The Code Officer shall for all purposes be deemed an employee of Batavia. The Code Officer shall not in any way be construed as an employee of Alexander. Batavia shall pay the Code Officers salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefit.

**Sixth:** This agreement does not include attorney services and Alexander shall provide and pay for all attorney services and expenses in its jurisdiction.

**Seventh:** This agreement shall become effective on January 1<sup>st</sup> 2019 and expire on December 31<sup>st</sup> 2019 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

**Eighth:** 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 Towns have caused this Agreement to be signed by the Supervisors and the Town Seal attached on the date first set forth above.

**TOWN OF ALEXANDER**

**TOWN OF BATAVIA**

\_\_\_\_\_  
**Joseph Higley, Supervisor**

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

**STATE OF NEW YORK)**  
**COUNTY OF GENESEE) SS.**

On the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared **Joseph Higley**, 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)**

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COUNTY OF GENESEE) SS.

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for 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 person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 236:**

Councilwoman Michalak offered the following:

**RESOLUTION TO APPROVE A THIRD AMENDED  
FINANCIAL CLERICAL SERVICES AGREEMENT  
WITH THE TOWN OF STAFFORD**

**WHEREAS**, the Town of Batavia, (hereinafter “Batavia”) and the Town of Stafford, (hereinafter “Stafford”) entered into a contract entitled “Towns of Batavia and Stafford First Amended Financial Clerical Services Agreement”, dated May 9, 2016 (original agreement 2014); and

**WHEREAS**, Stafford wishes to continue this service with Batavia; and

**WHEREAS**, the Town of Batavia has determined that it has the ability to continue to provide the services by using the Batavia Town Financial Clerk and Secretary to the Supervisor, without reducing the level of service provided to the Town of Batavia.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the proposed “Town of Batavia and Town of Stafford Fourth Amended Financial Clerical Services Agreement”, a copy of which is annexed hereto and made part of the Town Board Minutes, at a cost of \$20,000 per year to the Town of Stafford, 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 White

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

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

**FOURTH AMENDED  
TOWN OF BATAVIA AND TOWN OF STAFFORD  
FINANCIAL CLERICAL SERVICES AGREEMENT**

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**THIS AGREEMENT**, made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **TOWN OF STAFFORD**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 8903 Route 237, Stafford, New York 14143, (hereinafter referred to as “Stafford”), 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, Stafford and Batavia are authorized to enter into an inter-municipal 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**, Stafford 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 Towns of Batavia and Stafford.

**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 Stafford.
2. The services that will be provided will be to complete financial work as needed.
3. In consideration for compensation for the services set forth herein, Stafford shall pay Batavia twenty thousand dollars (\$20,000) per year of this agreement. The sum shall be paid during the 2019 budget year to provide services for the year of 2019.
4. 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 Stafford. 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.
5. Each Town shall indemnify the other against any negligent act and shall name the other as an additional insured on any and all liability insurance policies. Each Town shall be responsible for the acts of the Financial Clerk when working in its Town and the other shall not be so responsible.
6. This Agreement shall become effective January 1, 2019 and shall expire on December 31<sup>st</sup>, 2019, with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality.

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7. 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.

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

TOWN OF STAFFORD

TOWN OF BATAVIA

\_\_\_\_\_  
Robert S. Clement, Supervisor

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

State of New York }  
County of Genesee }ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared Robert S. Clement, 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 \_\_\_\_\_, 20\_\_, 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

**RESOLUTION NO. 237:**

Councilman Zambito offered the following:

**DOCUMENTUM APPLICATION X-TENDER  
MAINTENANCE AGREEMENT**

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**BETWEEN BIEL'S AND THE TOWN OF BATAVIA**

**WHEREAS**, the Town purchased Documentum Software (Application X-tender & Quick Scan Pro) in January 2009 from Biel's for records management; and

**WHEREAS**, in January 2010 additional modules and applications were purchased from Biel's through the Local Government Records Management Grant funds received by the Town; and

**WHEREAS**, the annual maintenance cost for this software is three thousand, three hundred, eighty dollars (\$3,380.00) (agreement attached), the current agreement expires January 13, 2019.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to execute the annual Maintenance Agreement for the Documentum Software between the Town of Batavia and Biel's at a cost of three thousand, three hundred, eighty dollars (\$3,380.00) for one (1) year starting January 14, 2019, a copy of which is annexed hereto and made part of the Town Board Minutes.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 238:**

Councilwoman White offered the following:

**AUTHORIZATION TO DEVELOP AND SUBMIT A GRANT APPLICATION TO THE NYS  
DEPARTMENT OF STATE LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION  
EMPOWERMENT (CREG) GRANT PROGRAM IMPLEMENTATION FOR THE  
CONSOLIDATION OF THE TOWN OF BATAVIA WATER DISTRICTS**

**WHEREAS**, the Town of Batavia has examined the cost savings, operating and administrative efficiencies, and the ability to better plan and finance future capital repairs and improvements in the various existing water districts and water improvement areas in the Town; and

**WHEREAS**, it has been determined that the consolidation of the Town's existing water districts and improvement areas into a consolidated water district will result in immediate cost savings in the administration and management of the Town's water districts and will allow for the development of an asset management and capital improvement plan that will manage future capital needs in a cost-efficient manner; and

**WHEREAS**, in order to accomplish these goals, the Town of Batavia does intend to seek support in the amount not to exceed \$50,000 from the NYS Department of State's Citizens Re-Organization Empowerment Implementation Grant Program (Implementation) to consolidate the Town's existing water districts and water improvement areas into a single Town-wide Water District to be known as the "Town of Batavia Consolidated Water District" ; and

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**WHEREAS**, the Town of Batavia hereby recognizes that grant funding requirements stipulate that matching funds must equal at least 10% of the total project implementation cost, and to receive full funding, the findings from the re-organization plan must be presented to the public for comment and such re-organization plan must be adopted by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Batavia Supervisor, Greg Post, is hereby designated as the Town's Applicant Contact Person and is authorized to apply on behalf of the Town of Batavia to the NYS DOS Citizens' Reorganization Empowerment Grant(CREG) Program; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute all financial and/or administrative processes related to the implementation of the program.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 239:**

Deputy Supervisor Underhill offered the following:

**PROPOSAL OF SERVICES–  
BETWEEN THE TOWN OF BATAVIA AND  
MUNICIPAL SOLUTIONS, INCORPORATED  
NYS LOCAL GOVERNMENT  
CITIZENS REORGANIZATION EMPOWERMENT GRANT (CREG)  
CONSOLIDATION OF THE WATER DISTRICTS**

**WHEREAS**, the Town is working on the Consolidation of all the Town Water Districts; and

**WHEREAS**, Municipal Solutions Incorporated has prepared a proposal (attached) as requested by the Town Engineer to prepare a New York State Local Government Citizens Reorganization Empowerment Grant (CREG) Application for the Water District Consolidation Grant and will provide the following:

- I. CREG Application
- II. General Financial Services
- III. Conflicts of Interest and Other Required Disclosures
- IV. Miscellaneous

for a total not to exceed fee of \$7,000.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Municipal Solutions, Incorporated at a cost not to exceed seven thousand dollars (\$7,000.00); and be it further

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**RESOLVED**, the Supervisor is hereby authorized to execute the proposal between the Town of Batavia and Municipal Solutions, Incorporated, a copy of which is hereby annexed hereto and made a part of the minutes.

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

**RESOLUTION NO. 240:**

Supervisor Post offered the following:

**PROPOSAL OF SERVICES–  
BETWEEN THE TOWN OF BATAVIA AND HODGSON RUSS LLP  
FOR THE**

**CONSOLIDATION OF THE WATER DISTRICTS**

**WHEREAS**, the Town is working on the Consolidation of all the Town Water Districts; and

**WHEREAS**, Hodgson Russ has prepared a proposal (attached) as requested by the Town for Bond Counsel Services for the Town of Batavia's Water District Consolidation in the amount of not to exceed thirty thousand dollars (\$30,000).

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that Hodgson Russ LLP Bond Counsel Services proposal for the Town of Batavia's Water District Consolidation, a copy of which shall be annexed to the Town Board Minutes, is hereby accepted and approved at a cost not to exceed thirty thousand dollars (\$30,000); and be it further

**RESOLVED**, Town Supervisor is hereby authorized and directed to accept and execute this proposal on behalf of the Town of Batavia.

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

**RESOLUTION NO. 241:**

Councilwoman Michalak offered the following:

**APPROVING SPONSORSHIP OF SHARED SERVICES  
NEW YORK STATE ARCHIVES LGRMIF GRANT APPLICATION**

**WHEREAS**, the Town wishes to submit an grant application to the New York Archives Local Government Records Management Improvement Fund (LGRMIF) for monies to continue its efforts to increase efficiencies in local government and delivery of services; and

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**WHEREAS**, other communities in the surrounding areas have expressed interest in partnering with the Town of Batavia for a shared services LGRMIF grant application for funding under the Document Conversion and Access category; and

**WHEREAS**, the Town has the necessary resources to assist partnering communities by sponsoring the shared services LGRMIF application and to act as lead applicant and fiscal agent for the project, if grant funding is awarded; and

**WHEREAS**, pursuant to LGRMIF guidelines, it is necessary that the lead agency have an appointed Records Management Officer (RMO) and has adopted the MU-1 Records Retention and Disposition Schedule.

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby fully supports the Shared Services NYS Archives LGRMIF Grant Application for funding under the Document Conversion and Access category; and be it further

**RESOLVED**, the Supervisor is hereby authorized and directed to execute all LGRMIF documents required; and be it further

**RESOLVED**, the appointed RMO is Teresa M. Morasco, who was appointed on January 3, 2018; and be it further

**RESOLVED**, the Town adopted the MU-1 Records and Retention and Disposition Schedule on February 22, 1989 and adopted an amended Records Management Procedure Manual September 18, 2013.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 242:**

Councilman Zambito offered the following:

**PROPOSAL OF SERVICES AGREEMENT –  
BETWEEN THE TOWN OF BATAVIA AND LABELLA  
SHARED SERVICES LGRMIF GRANT APPLICATION**

**WHEREAS**, the Town wishes to retain LaBella Associations to prepare a Shared Services Grant Application for funding for the Town of Batavia, Town of Alexander and Town of Byron under the Records Management Program administered by State Archives, “Local Government Records Management Improvement Fund (LGRMIF); and

**WHEREAS**, LaBella Associates provided a proposal of services at a cost of \$3,500.00 to

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prepare a Shared Services LGRMIF grant application for funding under the Document Conversion and Access category (proposal attached).

**NOW, THEREFORE, BE IT RESOLVED**, the Batavia Town Board hereby authorizes the Supervisor to retain Labella Associates for the preparation of a Shared Services LGRMIF Application at a cost not to exceed three thousand, five hundred dollars (\$3,500.00) and hereby authorizes the Supervisor execute the proposal of services and all necessary documents relating to the grant application; and be it further

**RESOLVED**, the Town of Alexander and the Town of Byron will reimburse the Town of Batavia \$525.00 each, for LaBella Associates Services.

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

**RESOLUTION NO. 243:**

Councilwoman White offered the following:

**RESOLUTION AUTHORIZING INCREASE IN TAX REMINDER LETTER FEE**

**WHEREAS**, the tax reminder letter fee has been one dollar (\$1.00) for well over thirty years; and

**WHEREAS**, it's necessary to increase the fee to two dollars (\$2.00).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the tax reminder letter fee be set at two dollars (\$2.00), effective as of the 2019 Tax Collection Warrant.

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

**RESOLUTION NO. 244 :**

Deputy Supervisor Underhill offered the following:

**GENESEE COUNTY VISITORS GUIDE ADVERTISEMENT**

**RESOLVED**, the Batavia Town Board hereby authorizes a full-page advertisement in the 2019 Genesee County Visitors Guide at a cost not to exceed \$1,800.00; and be it further

**RESOLVED**, Chad Zambito, Councilman will serve as the Community Page Coordinator.

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

**RESOLUTION NO. 245:**

Supervisor Post offered the following:

**RESOLUTION OF THE TOWN OF BATAVIA TOWN BOARD REAFFIRMING SUPPORT OF  
THE SECOND AMENDMENT  
“RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS”**

**WHEREAS**, the Batavia Town Board has gone on record unanimously opposing New York States infringement on an individual’s Second Amendment, “Right of the People to Keep and Bear Arms”; and

**WHEREAS**, with Resolution 73 of 2013 unanimously opposing the controversial “SAFE Act”; and

**WHEREAS**, the Batavia Town Board will continue to oppose any infringement on the Second Amendment as, but not limited to, long-gun/hunting/sporting gun registry or Firearm Owner Identification Card (FOID card) and/or requiring gun owners to purchase insurance for each gun legally owned.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Batavia Town Board goes on record reaffirming our support of the Second Amendment, which states “A well-regulated militia, being necessary to the security of a free state, the fight of the people to keep and Bear Arms, shall not be infringed”, and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward certified copies of this resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Michael Ranzenhofer, Assembly Minority Leader Brian M. Kolb, Assemblyman Stephen Hawley and the Genesee County Legislature Chair Robert Bausch.

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

**RESOLUTION NO. 246:**

Councilwoman Michalak offered the following:

**RABIES CLINIC- HIGHWAY FACILITY**

**WHEREAS**, the Genesee County Health Department would like to hold a rabies clinic at the

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Town of Batavia Highway Facility on Thursday, February 7, 2019 from 4:00 P.M. to 7:00 P.M.; and

**WHEREAS**, the Highway Superintendent has no objections to this.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the Genesee County Health Department to hold a rabies clinic at the Town of Batavia Highway Facility on Thursday, February 7, 2019 from 4:00 P.M. to 7:00 P.M.; and be it

**FURTHER RESOLVED**, that Genesee County Health Department must provide the Town of Batavia a Certificate of Liability Insurance naming the Town as additional insured.

**Second by:** Councilwoman White

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

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

**RESOLUTION NO. 247:**

Councilman Zambito offered the following:

**RESOLUTION GRANTING AN EASEMENT  
NIAGARA MOHAWK POWER CORPORATION**

**WHEREAS**, Niagara Mohawk Power Corporation has expressed interest in placing electrical transmission facilities, consisting of two (2) poles and associated overhead wires, along property owned by the Town known as Tax Parcel ID No. 8.-1-17.2, and more particularly described in a deed recorded in the Genesee County Clerk's Office at Liber 570 of Deeds at Page 205; and

**WHEREAS**, the new electrical transmission facilities will facilitate redevelopment of adjoining parcels which will be in the interests of the Town of Batavia and its residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the Utility Easement along property owned by the Town known as Tax Parcel ID No. 8.-1-17.2 is hereby granted to Niagara Mohawk Power Corporation for consideration of \$1.00 to the Town of Batavia, a copy of which is hereby made a part of this Resolution by reference and shall be made part of the Town Board Minutes; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to sign the easement and any related documents required to formalize same on behalf of the Town of Batavia.

**Second by:** Councilwoman Michalak

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

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

**RESOLUTION NO. 248:**

Councilwoman White offered the following:

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**AUTHORIZING APPOINTMENT OF TOWN PROSECUTOR**

**WHEREAS**, Theron Howard, Prosecutor for the Town term expires on December 31, 2018 and is not seeking re-appointment; and

**WHEREAS**, several qualified attorneys expressed an interest in being the Prosecutor for the Town and were interviewed by the Town Board; and

**WHEREAS**, after much consideration, the Town Board wishes to appoint Jake Whiting as the Prosecutor for the Town of Batavia.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby appoints Jake Whiting as Prosecutor for the Town of Batavia at the cost of \$600.00 per week for a one (1) year term beginning January 1, 2019 and ending December 31, 2019. This will be an all-inclusive fee with no additional charges or deletions of any nature.

**Second by:** Councilman Zambito

**Ayes:** White, Zambito, Michalak

**Nays:** Underhill, Post

**APPROVED by a vote** (3-ayes, 2-nays)

**RESOLUTION NO.249:**

Deputy Supervisor Underhill offered the following:

**PURCHASE SNOW BLOWER FOR  
HIGHWAY DEPARTMENT**

**WHEREAS**, the current snow blower attachment used to clear snow from the sidewalks along the roadways in the Town is in poor condition and needs to be replaced; and

**WHEREAS**, the Highway Superintendent would like to purchase a new Bobcat 6 ft Wide Snow Blower Model SB200 off NY State Bid Contract PC67141 from Alexander Equipment at a cost of \$4,491.60.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the purchase of a new Bobcat 6 ft Wide Snow Blower Model SC200 off NYS Bid Contract PC67141 from Alexander Equipment at a cost of \$4,491.60, and be it

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

**Second by:** Councilwoman White

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

**RESOLUTION NO. 250:**

Supervisor Post offered the following:

**PURCHASE POWER LANDSCAPE RAKE FOR  
HIGHWAY DEPARTMENT**

**WHEREAS,** the Highway Department has been borrowing a power landscape rake attachment to complete yard and roadside restorations on Highway and Water- Sewer Department projects for several years; and

**WHEREAS,** Highway Superintendent would like to purchase a new Bobcat 6ft Wide Power Landscape Rake, Model 6B off NY State Bid Contract PC67141 from Alexander Equipment at a cost of \$5,998.68 (quote attached).

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the purchase of a new Bobcat 6 ft Wide Power Landscape Rake, Model 6B at a cost of \$5,998.68, and be it

**FURTHER RESOLVED,** \$2,999.34 will expended from to budget line item DA 5130.200 and \$2,999.34 will be appropriated from line items SW8340.200 (60%), SS1-8120.200 (20%) and SS2-8120.200 (20%).

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 251:**

Councilwoman Michalak offered the following:

**RESOLUTION AUTHORIZING APPLICATION AND  
SERVICE AGREEMENT FOR STREET LIGHTING  
NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID**

**WHEREAS,** Niagara Mohawk Power Corporation d/b/a National Grid recently completed an audit inventory of the Town of Batavia street lighting facilities and submitted a report to the Town; and

**WHEREAS,** the Town Highway Superintendent has reviewed the inventory report and it is accurate and recommends that the Town Board accept and sign the agreement (attached).

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Batavia Town Board hereby authorizes the application for service Form “SL2 and Service Agreement Schedule SL2” between Niagara Mohawk Power Corporation d/b/a National

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Grid and the Town of Batavia, a copy of which annexed hereto and made a part of the minutes; and be it further

**RESOLVED**, the Supervisor is hereby authorized and directed to execute said application and service agreement, along with the General Release Form.

**Second by:** Councilman Zambito

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

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

**RESOLUTION NO. 252:**

Councilman Zambito offered the following:

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM  
GENERAL RESTRICTED FUND BALANCE TO  
GENERAL UNASSIGNED FUND BALANCE  
CABLEVISION**

**WHEREAS**, funds for Cable Franchise Fees in the General Restricted Fund Balance; and

**WHEREAS**, Cable Franchise Fees are General Fund Revenues and are not restricted (legal opinion attached).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby authorizes the transfer of the Cablevision General Restricted Fund Balance to the General Unassigned Fund Balance.

**Second by:** Councilwoman White

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

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

**RESOLUTION NO. 253:**

Councilwoman White offered the following:

**AUTHORIZING BUDGET TRANSFERS FOR 2018**

**RESOLVED**, the Batavia Town Board hereby authorizes the following Budget Transfers:

**General Fund:**

From	Amount	To
A1420.400 Attorney - Contractual	7,322.00	A1381.400 Financial Advisor - Contractual
A1420.400 Attorney - Contractual	120.00	A1420.402 Attorney – Legal ads
A1440.400 Engineering - Contractual	500.00	A1440.120 Engineering – Pers Svc
A1680.402 Central Data Processing - Web	115.00	A1680.401 Central Printing
A1989.400 Miscellaneous Expenses	1,098.00	A1940.400 Land acquisition
A1989.400 Miscellaneous Expenses	1,469.00	A1950.400 Taxes on Property
A6326.400 Economic Opportunities	18,383.00	A3620.402 Bldg & Safety Engineering

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A3620.400 Bldg & Safety - Contractual	384.00	A3620.200 Bldg & Safety Equipment
A5132.402 Garage – Other operating Exp	1,024.00	A5132.403 Garage Insurance
A8020.102 Planning Board Pers Svc	75.00	A8020.402 Planning Board Engineering
A8020.102 Planning Board Pers Svc	904.00	A8020.404 Planning Board Codification
A8164.406 Landfill Post Maint	226.00	A8164.102 Landfill PT Pers svc
A8165.406 Landfill Post Maint	4,861.00	A8165.407 Landfill Leachate Trns
A9010.800 Retirement	14,927.00	A9089.800 In Lieu of Health Ins
A9060.800 Health Ins	18,434.00	A9089.800 In Lieu of Health Ins
A9055.801 Employment Physicals	4,435.00	A9089.800 In Lieu of Health Ins
A9055.801 Employment Physicals	115.00	A9060.801 health Ins Admin Fee
A9089.802 Staff Development	1,402.00	A9089.800 In Lieu of Health Ins
A6326.400 Economic Opportunities	2,196.00	A9089.800 In Lieu of Health Ins
A1680.402 Central Data Processing - Web	3,494.00	A1910.400 Unallocated Ins
A1355.400 Assessor – Contractual	1.00	A1355.401 Assessor – County Chargeback

**Highway Fund:**

From	Amount	To
DA5110.103 Gen Repairs Pers Svc	5,310.00	DA5110.101 Gen repairs PT Pers Svc
DA9950.900 Equipment Reserve	38,020.00	DA5130.200 Machinery Equipment
DA5110.400 General Repair - Contractual	3,381.00	DA5130.400 Machinery Contractual
DA5110.400 General Repair – Contractual	1,511.00	DA5140.400 Brush & Weeds Contractual
DA5110.400 General Repair - Contractual	3,000.00	DA5130.200 Machinery Equipment
DA9010.800 retirement	3,228.00	DA9060.800 Health Ins
DA5110.400 General Repair - Contractual	851.00	DA9060.800 Health Ins
DA5110.400 General Repair - Contractual	327.00	DA9050.800 Unemployment
DA5110.400 General Repair - Contractual	1,959.00	DA9060.800 Health Ins

**Sewer District #1 Fund:**

From	Amount	To
SS1-9060.800 Health Ins	346.00	SS1-9010.800 Retirement
SS1-9730.703 Sewer Cap Interest	4,633	SS1-9730.603 Sewer Cap Principal
SS1-8120.404 Pump Replacement	7,749.00	SS1-1910.400 Unallocated Ins

**Sewer District #2 Fund:**

From	Amount	To
SS2-9730.601 Saile Drive Principal	479.00	SS2-9730.701 Saile Drive Interest
SS2-9730.703 Sewer Cap Int	4,633.00	SS2-9730.603 Sewer Cap Principal
SS2-8120.404 Sewer Replacement	4,446.00	SS2-8120.400 Sanitary sewers Contractual
SS2-8120.404 Sewer Replacement	112.00	SS2-8120.401 Sanitary Sewers Legal
SS2-9060.800 Health INs	346.00	SS2-9010.800 Retirement
SS2-9060.800 Health Ins	11.00	SS2-9089.802 Uniforms

**Water District Fund:**

From	Amount	To
SW8310.403 Water Admin Consulting	2,120.00	SW8310.401 Backflow

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SW8340.106 Pers Svc Maint	12,109.00	SW8340.120 Pers Svc OT
SW8340.102 Pers Svc PT	20,303.00	SW8340.400 Trs & Dist Contractual
SW8340.102 Pers Svc PT	416.00	SW8340.401 Trs & Dist Legal
SW9060.800 Health Ins	2,511.00	SW9010.800 Retirement
SW8340.102 Pers Svc PT	11,972.00	SW9010.800 Retirement
SW9730.612 Town Line Principal	25,809.00	SW9730.712 Townline Int
SW8340.102 Pers Svc	7,368.00	SW8340.400 Trs & Dist Contractul
SW9060.800 Health Ins	31.00	SW 9089.802 Uniforms

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

**SUSPEND THE RULES**-Motion Deputy Supervisor Underhill, second Councilwoman Michalak to suspend the rules to introduce an additional resolution.  
**Ayes:** Underhill, Michalak, Zambito, White, Post  
**MOTION CARRIED by unanimous vote (5-0)**

**RESOLUTION NO. 254**  
 Deputy Supervisor Underhill offered the following:

**2018 TOWN BUDGET  
RESOLUTION INCREASING BUDGETARY LINE ITEMS**

**RESOLVED**, the Batavia Town Board hereby increases the following line items:

<b>Expenditure Line Item:</b>		<b>Revenue Line Item:</b>	
SW8350.400	\$137,370.00	SW2392	\$137,370.00
SS1-8130.400	\$ 75,780.00	SS1-2120	\$ 75,780.00

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

**Abstract No. 12-2018:** Motion Deputy Supervisor Underhill, second Councilman Zambito to authorize the Supervisor to pay the following vouchers:

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General	\$168,677.93
Highway	25,221.44
Sewer No. 1	17,848.45
Sewer No. 2	42,162.61
Water	33,385.60
Bat-Beth Twln	4,119.31
Fixed Based Metering	273.00
Ellicott Trail	3,031.34
Twln Joint Water	444.00
Saile Dr Sewer	4,254.49
Southwest	9,260.00
Highway Equip	840.71
<b>Total</b>	<b>\$309,518.88</b>

Check numbers 21679, 21681-21761 SM- 115 ACH- \$48,137.50 Online- \$8,381.73

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

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

**DEPARTMENT REPORTS:**

**Supervisor's Report:**

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

**GAM** -There will be a GAM meeting tomorrow evening at Genesee County Building 2, hosted by the Town of Bergen

**Work Session**- The December 26, 2018 Work Session has been cancelled

**Organizational and Special Meeting**- The 2019 Organizational Meeting will be January 2, 2019 at 7:00 P.M. followed by a Special Town Board Meeting.

**COMMUNICATIONS:**

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

**November Town Clerk** monthly report collected a total of \$13,285.00, remitted \$11,728.63 to the Supervisor for the Local Share.

**Town Clerk Office**- On December 26 the Town Clerk's office will be closing at 4:30 p.m. rather than 7:00 p.m.

**GLOW Region Solid Waste Management**- Received the 2019 GLOW Advisory & GLOW Committee meeting schedule.

**Training**- The NYS Division of Local Government Services will be hosting Winter Webinar Series in December and January. Town officials have been notified of these webinars.

**ADJOURNMENT:**

Motion Deputy Supervisor Underhill , second Councilwoman White to adjourn the Regular Town Board Meeting at 7:30 P.M.

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

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

Respectfully submitted,

Sandra M. Baubie  
Deputy Town Clerk