

JANUARY 5, 2022
SPECIAL TOWN BOARD MEETING
VIA ZOOM CONFERENCING
Meeting ID: 843 0011 9495
Passcode: 319147

Immediately Following Organizational Meeting

Because of the COVID-19 variant spreads and infections rate rising and pursuant to Governor Hochul signed legislation suspending the Open Meeting Law, the Town of Batavia Town Board meeting will be held electronically via ZOOM video conference/call conference instead of a public meeting open for the public to attend in person. Minutes of the meeting will be posted on the Town of Batavia Website Town Board Page.

Roll Call

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

Others

Present: Town Clerk Morasco
Deputy Town Clerk Sauka
Alecia Kaus, Video News Service
Brian Quinn, Daily News Reporter
Jon Long, Planning Board Member

The Supervisor called the meeting to order at 7:35 P.M.

December 15, 2021 Public Hearing-Local Law 8 of 2021 -Moratorium Extension on Solar Energy Systems, December 15, 2021 Regular Town Board Meeting, and December 29, 2021 Special Town Board Meeting: Motion Councilman Zambito, Second Councilwoman Michalak to approve the minutes as written.

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

RESOLUTION NO. 32:

Councilwoman White offered the following:

**CONTRACT TO PROVIDE ASSISTANCE TO EMPLOYEES WHO
HAVE ALCOHOL, DRUG, FINANCIAL AND OTHER PERSONAL PROBLEMS**

WHEREAS, at the November 15, 1995 Town Board Meeting the Town Board adopted an Alcohol and Drug Testing Policy;

WHEREAS, the Town wishes to provide assistance to employees who have alcohol, drug, financial and other personal problems;

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WHEREAS, Royal Employer Services will provide these services to the Town at a cost of four hundred, fifty dollars (\$450.00) annually (contract attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the contract between the Town of Batavia and Royal Employer Services to provide assistance to employees who have alcohol, drug, financial, and other personal problems a copy of which is annexed here to and made a part of the minutes, at a cost of four hundred, fifty dollars (\$450.00) annually, and be it further

RESOLVED, this contract runs from January 1, 2022 to December 31, 2022.

Second by: Councilwoman Michalak

Ayes: White, Michalak, Zambito, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 33:

Deputy Supervisor Underhill offered the following:

BACKFLOW SERVICES AGREEMENT
BETWEEN
PDM ENGINEERS AND THE TOWN OF BATAVIA

WHEREAS, the contract with PDM Engineers for Backflow Services expired December 31, 2021 and

WHEREAS, the Town Engineer recommends renewing the contract With PDM Engineers.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Backflow Services Agreement between PDM Engineers and the Town of Batavia, a copy of which is annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia.

Second by: Councilwoman White

Ayes: Underhill, White, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

AGREEMENT BETWEEN
PDM ENGINEERS
AND
TOWN OF BATAVIA

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The above parties hereby enter into this agreement, where,

PDM Engineers shall provide:

1. Design of backflow prevention device containment systems for Town of Batavia water service area.
2. Support services for the Town of Batavia's Cross Connection Control Program.
3. Additional assistance to the Town Engineer and Water/Waste Water Department on an as needed basis.

The Town of Batavia shall:

1. Oversee these services, under the direction and authority of the Town Engineer, as being the Professional Engineer (P.E.) in charge.
2. Pay for the services at the compensation rate of \$80.00 per hour. The scope of work may be periodically adjusted as mutually agreed. Work completed is to be billed and paid monthly, together with approved, additional charges and reimbursable expenses, i.e.: reproduction costs, supplies, replacement equipment, certifications, mileage and mailings.

PDM Engineers shall maintain adequate insurance as determined by the Town. The term of this agreement shall be in force until December 31, 2022 unless terminated by either party upon thirty (30) days written notification thereof.

Signed,

Gregory H. Post, Town Supervisor

Dated

Paul D. McCarthy, P.E., PDM
Dated

RESOLUTION NO. 34:

Supervisor Post offered the following:

**PROFESSIONAL IT SERVICES BETWEEN
HURRICANE TECHNOLOGIES, INC. AND THE TOWN OF BATAVIA**

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RESOLVED, the Batavia Town Board wishes to continue to retain Hurricane Technologies, Incorporated for professional Information and Technology Services on a pro- active plan; and be it

FURTHER RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed quote from Hurricane Technologies, Incorporated for monthly pro-active service (based on current users, subject to increase in users) is approved at a cost of \$3,971.98 per month, a copy of which is annexed hereto and made part of the Town Board Minutes, and the Town Supervisor is authorized and directed to execute the quote on behalf of the Town of Batavia.

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

RESOLUTION NO. 35:

Councilwoman Michalak offered the following:

**RESOLUTION TO ESTABLISH POSITION
COUNSEL TO THE SUPERVISOR**

RESOLVED, the Batavia Town Board hereby establishes the position of Counsel to the Supervisor (MSD222 duties statement attached).

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

RESOLUTION NO. 35:

Councilman Zambito offered the following:

RESOLUTION TO HIRE COUNSEL TO THE SUPERVISOR

WHEREAS, the position of Counsel to the Supervisor is essential to the Town legal operations and functions; and

WHEREAS, Kevin Earl, former Attorney for the Town of Batavia satisfies the requirements and qualifications of the position of Counsel to the Supervisor and the Town desires to hire him; and

WHEREAS, it is anticipated that the hiring of the position of Counsel to the Supervisor will most effectively ensure the necessary legal support to the Town Management Team.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the hiring of Kevin Earl to the position

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of Counsel to the Supervisor, a provisional permanent part-time position at a rate of \$51.52 per hour, with a start date on or after January 10, 2022; and be it

FURTHER RESOLVED, as per the Town of Batavia policy, Mr. Earl is subject to a physical, background and driver's license check and drug and alcohol testing; and be it

FURTHER RESOLVED, the expenditure will be appropriated from line item A1420.100; and be it

FURTHER RESOLVED, there is a six-month probationary period for this position, at which time an evaluation of performance will be assessed for an increase in pay or dismissal of duties.

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

ADJOURNMENT:

Motion: Deputy Supervisor Underhill, second Councilman Zambito to adjourn the Special Town Board Meeting at 7:42 P.M.

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

Respectfully submitted,

Teressa M. Morasco
Town Clerk