

**JANUARY 3, 2018
SPECIAL TOWN BOARD MEETING**

Town Hall

Immediately Following Organizational Meeting

Roll Call

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

Others

Present: Town Clerk Morasco
Town Planning Board Chair Jasinski

The Supervisor called the meeting to order at 7:21 P.M.

RESOLUTION NO. 24:

Councilwoman Michalak offered the following:

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

RESOLVED, the Batavia Town Board wishes to retain Hurricane Technologies, Incorporated for professional Information and Technology Services; and be it

FURTHER RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Prepaid Retainer Technical Support Services Agreement between the Hurricane Technologies, Incorporated 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: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 25:

Councilman Zambito 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 three hundred twenty 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 three hundred twenty dollars (\$450.00) annually, and be it further

RESOLVED, this contract runs from January 1, 2018 to December 31, 2018.

Second by: Councilwoman Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 26:

Councilwoman White offered the following:

DRUG AND ALCOHOL TESTING SERVICES

WHEREAS, at the November 15, 1995 Town Board Meeting the Town Board adopted a Commercial Driver License Alcohol and Drug Testing Policy and on September 17, 2017 adopted an additional Drug and Alcohol Policy to include all Town employees; and

WHEREAS, the Town needs to contract for these testing services; and

WHEREAS, WorkFit Medical, LLC has provided a quoted for such services (quoted attached).

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby retains WorkFit Medical, LLC to provide Drug and Alcohol Testing and participation in the Random Drug Management Program (service cost attached); and be it

FURTHER RESOLVED, this service runs from January 1, 2018 to December 31, 2018.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 27:

Deputy Supervisor Underhill offered the following:

AUDIT SERVICES AGREEMENT –

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BETWEEN THE TOWN OF BATAVIA AND FREED MAXICK & BATTAGLIA, PC

RESOLVED, by the Town Board of the Town of Batavia, New York, that the proposed Auditing Services Agreements, between Freed Maxick and the Town of Batavia, one agreement for Audit of governmental activities for year ending December 31, 2017 and one agreement for New York State Annual Update Document, copies of which are annexed hereto and made part of the Town Board Minutes, are hereby approved and the Town Supervisor is authorized and directed to sign these Agreements on behalf of the Town of Batavia.

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

RESOLUTION NO. 28:

Supervisor Post offered the following:

**APPROVAL OF CHANGE ORDER 2018-01
OPERATION & MAINTENANCE- TOWN OF BATAVIA
LANDFILL SUPERFUND SITE**

WHEREAS, Arcadis is under contract with the Town of Batavia and the City of Batavia to provide Engineering Services at the Town of Batavia Landfill Superfund Site; and

WHEREAS, by agreement the Town of Batavia and City of Batavia are requested to fund the Operation and Maintenance activities at the Site; and

WHEREAS, Arcadis has submitted a letter detailing the scope of work and cost estimate for providing Operation and Maintenance Engineering Services at the Site for 2018; and

WHEREAS, the cost for the service is estimated at sixteen thousand, nine hundred sixty-two dollars (\$16,962.00), seventy-five percent (75%) to be incurred by the City of Batavia and twenty-five percent (25%) to the Town.

NOW, THEREFORE, BE IT

RESOLVED the Town of Batavia hereby authorizes the Supervisor to execute the Change Order Approval Form, a copy of which is annexed hereto and made part of the Town Board Minutes, for the aforementioned Engineering Services to be performed by Arcadis, at an estimated cost of sixteen thousand, nine hundred sixty-two dollars (\$16,962.00).

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

RESOLUTION NO. 29:

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Councilwoman Michalak offered the following:

**GRANTING OF A CABLE TELEVISION FRANCHISE HELD BY TIME WARNER CABLE
NORTHEAST LLC IN THE TOWN OF BATAVIA, COUNTY OF GENESEE, NEW YORK**

WHEREAS, an application has been duly made to the Board of the **Town of Batavia, County of Genesee**, New York, by **Time Warner Cable Northeast LLC ("Time Warner Cable")**, d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, A public hearing was held in the Town of Batavia, New York on January 3, 2018 at 7:00 P.M. and notice of the hearing was published in the Daily News on December 23, 2017.

NOW, THEREFORE, BE IT RESOLVED

the Board of the Town of Batavia finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Batavia hereby grants the cable television franchise of Time Warner in the Town of Batavia for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Batavia hereby confirms acceptance of this Franchise Renewal Agreement.

Second by: Councilman Zambito

Ayes: Michalak, Zambito, White, Underhill, Post

APPROVED by unanimous vote (5-0)

RESOLUTION NO. 30:

Councilman Zambito offered the following:

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BACKFLOW SERVICES AGREEMENT
BETWEEN
PDM ENGINEERS AND THE TOWN OF BATAVIA

WHEREAS, the contract with PDM Engineers for Backflow Services expired; 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 Michalak

Ayes: Zambito, Michalak, White, Underhill, Post

APPROVED by unanimous vote (5-0)

AGREEMENT BETWEEN
PDM ENGINEERS
AND
TOWN OF BATAVIA

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.

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PDM Engineers shall maintain adequate insurance as determined by the Town. The term of this agreement shall be in force until December 31, 2018 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

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman White to adjourn the Special Town Board Meeting at 7:27 P.M.

Ayes: Underhill, White, Michalak, Zambito, Post

MOTION CARRIED by unanimous vote (5-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk