

## **BATAVIA CITY COUNCIL CONFERENCE MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, October 30, 2017 at 7:00 PM**

### **REVISED AGENDA**

- I. Call to Order
- II. Invocation – Councilperson Viele
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
  - a. Christmas in the City – Friday, December 1, 2017
- VII. Council President Report
  - a. Announcement of the next regular City Council Business meeting to be held on Monday, November 13, 2017 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
- VIII. Workers Compensation Reserve
- IX. FY 2016/2017 Reserves Contribution
- X. Youth Board Appointment
- XI. FEMA Assistance to Firefighters Grant (AFG)
- XII. Rebuild/replace Cyclone Grit Classifier and Mechanical Screen at WWTP
- XIII. Healthy Schools Project
- XIV. Warning Signs
- XV. 2017-2018 STOP-DWI “Crackdown” Award
- XVI. Executive Session...Litigation, Collective Negotiations, Employment Matters and Real Property
- XVII. Adjournment

**BID's Christmas in the City**

Costs estimated from the police department are \$750 and from BOM are \$1,103.85.

There are no other costs from the other departments.

Fee pd 4/16/17  
Junc



City of Batavia  
Batavia, New York 14020  
(585) 345-6300

Official Use Only:

2017-18  
Event Application #

**Event Application Fee - \$25.00 (non-refundable)**  
(A separate permit must be issued for each item requested)

Event Sponsor Downtown Batavia Business Improvement District Management Assoc.

Type of Event Christmas in the City

Date of Event Friday, December 1<sup>st</sup>, 2017

Time of Event (don't include set up time here - just actual event time) 5-9 PM

Location of Event Downtown Batavia / Main St.

Details of Event (be as specific as possible!) Downtown shops will offer holiday treats &

activities, horse & buggy rides around Jackson block from Center St.

Parking lot. Holiday trolley/bus will bring people to and from H LOM and  
back to Save-A-Lot parking lot. Parade will be from 8-9 PM from Jefferson

Contact Information:

Primary contact:

Secondary contact:

Name Beth Kemp

John Roche

Phone # 344-0900

343-0548

E-mail address b.kemp@downtownbataviany.com adam.miller2@verizon.net

\* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: DowntownBataviaNY.com

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:

Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐

Will you be providing alcohol to your group? Yes ☐ No ☒

Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate **WILL BE** required with Liquor Legal.

Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

Who will be applying to the NYS Liquor Authority for the permit to sell?

**It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.**

**\*\* If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. \*\***

**EVENT INFORMATION (required):**

Set up date: 12/1 Shops, Horse & Buggy, Trolley Set up time: 5:00 PM  
Parade Set up time: 9:00 PM  
 Tear down date: 12/1 Shops, Horse & Buggy, Trolley Tear down time: 9:00 PM  
Parade Tear down time: 8:45 PM

**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

Date: 12/1/17 Start time: Horse & Wagon 5:00 PM End time: 9:00 PM  
Trolley 5:00 PM 9:00 PM  
Parade 8:00 PM 8:45 PM  
 Estimated crowd size: 500-700 # of Vendors/Displays 0

**WILL THE EVENT INCLUDE:**

Parade: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)  
 Run or Walk: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)  
 Music: Yes ☐ No ☒ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)  
 Street Closure(s): Yes ☒ No ☐ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)  
 Other: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes ☐ No ☐ Carnival or Amusement Rides? Yes ☐ No ☒

Name of Company Providing Above \_\_\_\_\_ Company Contact/Representative \_\_\_\_\_ Phone # \_\_\_\_\_

Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Music: Live Group ☐ Recorded/DJ ☐

Name of Company Providing Above \_\_\_\_\_ Company Contact/Representative \_\_\_\_\_ Phone # \_\_\_\_\_

Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

**CITY SERVICES SUPPORT:**

City Code 66-15, D-2 The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

**ELECTRIC:**

Will electric be needed for the event?

Yes ☒ No ☒

What will you be providing electric to?

Christmas Tree Lights & P.A. System for  
Parade Announcements

Will generators be used?

Yes ☐ No ☒

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) \_\_\_\_\_ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

**TENTS/CANOPIES:**

Will Tents/Canopies or other membrane structures be erected at event?

Yes ☐ No ☒

Will a bounce house or other air supported structures be erected at event?

Yes ☐ No ☒

Please list size(s) of Tents/Canopies or other temporary structures erected.

**ANCHORING INTO PAVEMENT IS PROHIBITED!**

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

**STREET CLOSURE(S):****ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE**Will street(s) need to be closed for the event? Yes ☒ No ☐ Reason:Parade

List Street(s) and Cross Street(s) that will be affected:

<u>Main St (temporarily)</u> <small>Street to be closed</small>	<u>Jefferson</u> <small>Cross Streets</small>	<u>&amp;</u>	<u>Court</u>
<u>Street to be closed</u>	<u>Bank</u> <small>Cross Streets</small>	<u>&amp;</u>	<u>Center</u>
<u>Street to be closed</u>	<u>Jackson</u> <small>Cross Streets</small>	<u>&amp;</u>	
<u>Street to be closed</u>	<u>Summit St</u> <small>Cross Streets</small>	<u>&amp;</u>	<u>Liberty St</u>

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? 14-16Will traffic cones be requested from the City? Yes ☒ No ☐ How Many? 6-10

(Drop off locations of requested items must be identified on the site drawing)

**BANNERS / SIGNS OR OTHER DECORATIONS ARE NOT TO BE ATTACHED  
TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY**

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)

Police Dept. to assist with temporary closure of Main Street.**POLICE**Will City Police Officers be requested for the event? Yes ☒ No ☐**FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS  
and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.**

**PLEASE NOTE:**

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

**Hold Harmless Agreement**

Downtown Batavia B.I.D.

Management Assoc., the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the Downtown Batavia B.I.D. (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

4/4/17  
Date:

Downtown Batavia B.I.D. Management Assoc.  
Name of Event Sponsor:

Elizabeth Kemp, Exec. Dir.  
Authorized Signature, Title

Beth Kemp  
Name - Printed or Typed

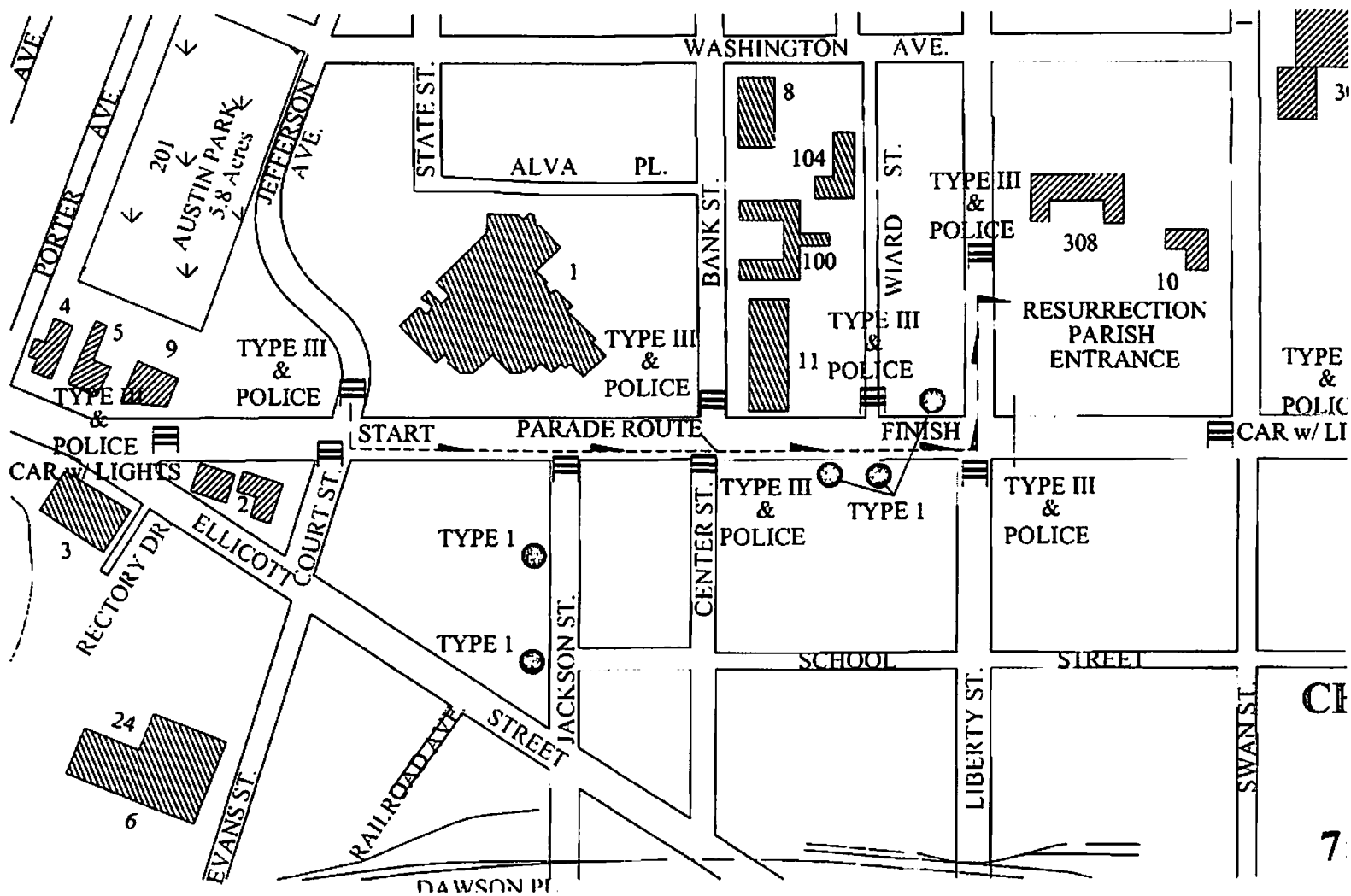
The rules and information contained within this application have been read and will be adhered to.

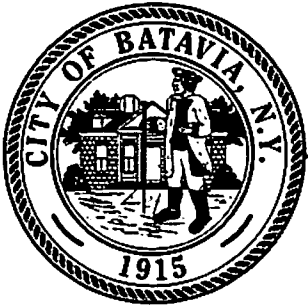
4/4/17  
Date:

Elizabeth Kemp  
Signature of Applicant.

Please forward this application to:

City Clerk's Office  
Attention: Events Applications Department  
One Batavia City Centre  
Batavia, New York 14020





# City of Batavia

TO: Jason Molino, City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: October 20, 2017

RE: Workers Compensation Reserve

As part of this year's financial audit, Freed Maxick reviewed the City's resolutions for the establishment of each of our reserves. In doing so, it was found that our Worker's Compensation Reserve resolution establishing such reserve did not include wording that the reserve was being established in accordance with General Municipal Law 6-j.

The auditors requested that we re-establish the Workers Compensation reserve fund via resolution with City Council to include the wording "in accordance with General Municipal Law 6-j".

I've included in the resolution the requirements for 6-j for clarity as follows:

1. The governing board shall become a self insurer and shall establish a reserve fund;
2. Amounts may be paid into the fund as provided by budget appropriations;
3. Moneys shall be deposited and secured and accounted for separate from all other funds of the City and may be invested in accordance with the City's investment policy and interest earned shall become part of the reserve;
4. An expenditure can be made only for the payment of compensation and benefits, medical, hospital or other expense authorized by article 2 of the workmen's compensation law and for expenses of administering the self-insurance program;
5. Funds that exceed the amounts required to be paid can be applied to the budget appropriation of the next succeeding fiscal year or transferred to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and
6. If the City ceases to be a self-insurer, the moneys remaining in the fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law.

<http://codes.findlaw.com/ny/general-municipal-law/gmu-sect-6-j.html>



#-2017

**A RESOLUTION TO RE-ESTABLISH A WORKERS COMPENSATION  
RESERVE**

**Motion of Councilperson**

**WHEREAS,** the City of Batavia established a Self-Insurance Workers' Compensation Benefit Plan November 24, 2003; and

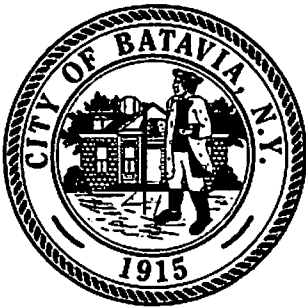
**WHEREAS,** requirements for the establishment of such reserve, since 2003, necessitate the Workers Compensation reserve to be in accordance with New York State General Municipal Law 6-j; and

**WHEREAS,** Section 6-j of the General Municipal Law states:

1. The governing board shall become a self insurer and shall establish a reserve fund;
2. Amounts may be paid into the fund as provided by budget appropriations;
3. Moneys shall be deposited and secured and accounted for separate from all other funds of the City and may be invested in accordance with the City's investment policy and interest earned shall become part of the reserve;
4. An expenditure can be made only for the payment of compensation and benefits, medical, hospital or other expense authorized by article 2 of the workmen's compensation law and for expenses of administering the self-insurance program;
5. Funds that exceed the amounts required to be paid can be applied to the budget appropriation of the next succeeding fiscal year or transferred to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and
6. If the City ceases to be a self-insurer, the moneys remaining in the fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the City of Batavia that the City's Workers Compensation Reserve has been established in accordance with General Municipal Law 6-j.

**Seconded by Councilperson  
and on roll call**



# City of Batavia

## Memorandum

To: Honorable City Council

From: Jason Molino, City Manager

Date: September 19, 2017

Subject: FY 2016/2017 Draft Financial Statements

Below is a recommendation for the allocation of unassigned fund balance to committed and restricted reserve fund balances. In total the amount recommended for allocation is \$541,000. This is based on the increase in unassigned fund balance at year end, the amount of existing balance in each reserve account and the planned or expected expenditures related to each reserve fund based on capital plans. Included in this memo is an explanation of upcoming liabilities regarding capital expenditures to support the allocation amounts.

As mentioned in this memo, it should be noted that while the City has been diligently building reserve funds over the past several years, the City's capital planning outlines multiple capital expenditures over the next 2-5 years, such as a pumper truck replacement, sidewalk replacements and multiple facility improvements. As result, it is expected that the City's reserve fund balances will decrease following these expenditures. This is expected as part of the City's financial planning and demonstrates the City's ability to plan and manage large capital expenditures without negatively impacting the City's financial position or tax rate.

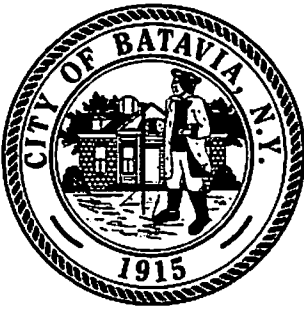
### **General Fund Reserve Funds**

**DPW Equipment Reserve (\$50,000)** – Since the development of the Equipment Replacement Plan (ERP) in 2011, the City has replaced over 20 pieces of public works equipment, valued at over \$3 million. While the City has made significant strides in improving the fleet, some of the fleet remains in poor shape, very old and is fully depreciated. Over the past five years the City has been able to replace a significant amount of equipment by utilizing reserve funds to absorb the majority of the cost and not

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# City of Batavia

negatively impact the tax rate. The ERP outlines replacing one loader and single axle dump truck with plow to be replaced over the next three years. With several additional light and medium duty pieces of equipment, it is expected that the City will replace over \$580,000 of public works equipment by 2021. The average age of this equipment today is 23 years old. Continuing to replenish reserve funds will allow the City to make these needed investments on a regular basis.

**Sidewalk Reserve (\$25,000)** – The City Council has continued to support the improvement of sidewalks throughout the City. Currently there is approximately 59,000 linear feet, or 15% of sidewalk that needs to be replaced within the City limits and is estimated to cost approximately \$2.35 million. Continuing to provide reserve funding for sidewalk replacement is critical for neighborhood revitalization efforts, as well as, maintaining safe pedestrian travel routes. Below is a chart showing the next two years of planned sidewalk projects.

Year	Total Project Cost	Federal Aid	City Match	Project Length
2018	\$961,000	\$720,750	\$240,250	12,300 LF
2019	\$1,158,000	\$868,500	\$289,500	12,000 LF

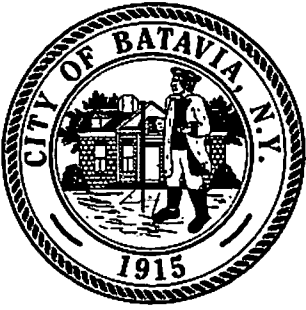
In 2018 the City will be replacing sidewalk along Tracy Ave., Liberty St. and Washington Ave. In 2019 the City will be replacing sidewalk along State St., Washington Ave., Bank St. and Richmond Ave. The majority of the funding is provided from federal grants however both require a local cash match to complete. This final contribution to the sidewalk reserve will ensure enough reserve funding is available to complete both projects.

**Administrative Services Equipment and Software Reserve (\$300,000)** – In March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City's information technology and records management needs. This includes replacing antiquated software utilized by the City, some more than 30 years old and operating on a DOS platform. Currently the City is working with a consultant to complete a needs assessment, develop and issue an RFP and assist the City with selecting the best software for replacing the existing system. It is expected that next year the City will be looking to upgrade all financial software including tax collection, utility billing, payroll, accounts payable, accounts receivable and general ledger in addition to code enforcement, planning and assessment software. Considering these upgrades are similar to capital

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# City of Batavia

purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget. It is expected however, that the software upgrades will be paid for with a combination of reserve funds and general obligation bonds.

## **Committed Fund Balance**

**BAN financing for Capital Projects (\$20,000)** – This year the City received notice that the City's application for preventative maintenance of six City streets was approved. This project consists of milling and resurfacing Clinton St., East Ave., Liberty St., South Liberty St., Swan St., and Vine St. In total, it is expected that this work will have an estimated project budget of \$2.55 million which will be 80% funded through Federal Transportation Funds. The remaining 20% funding will be provided utilizing State highway funding. In addition to this road project the 2018 sidewalk replacement project referenced above will be constructed at the same time costing over \$900,000. Due to the size of these projects, the short time frame for expenditures of funds (2018 construction season) and that grant funds are reimbursed to the City only after expenditures, it is recommended that the City utilize a BAN to meet immediate cash flow needs at the onset of the projects then repay the BAN after the projects are complete and reimbursement has been received. The cost to issue a BAN is not reimbursable through the programs and is approximately \$20,000 to cover the official statement preparation, bond marketing and issuance and bond counsel costs. It is recommended these funds be transferred into committed fund balance as the BAN authorization will be proposed to City Council before the end of 2017 to prepare for a spring bidding of the projects.

**Ellicott Trail (\$146,000)** – In 2015 the City and Town of Batavia received a \$1,366,000 NYS Transportation Enhancement Program (TEP) grant to construct, Ellicott Trail, a 4 mile pedestrian trail with off-road segments, for pedestrians and bicyclists, through the Town and City of Batavia, traversing directly through the downtown. The trail will connect visitors and residents will be able to take advantage of the City's five public parks while being easily connecting to the heart of downtown. The project requires a \$341,500 local match which will be shared by the City and Town equally. It is recommended that \$146,000 be secured in committed fund balance for the project.

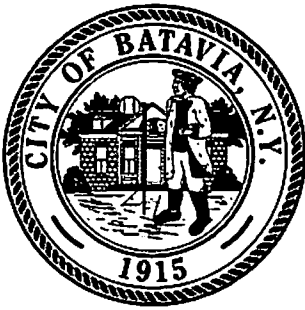
## **Recommendation**

Funding reserves now for future liabilities, equipment, infrastructure and facility improvements has been, and will continue to be, critical in avoiding larger tax burdens in future years. Planning for these

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# City of Batavia

improvements/liabilities is a major priority in the City's work plan. Updating capital improvement plans and identifying revenue streams to fund these plans are essential to maintaining a safe financial position for the City.

The recommended appropriations for reserve and committed fund balance funding is consistent with the City's adopted Capital Plans and Financial Policies, including the City's fund balance policy.

## **Attachments**

Draft resolutions

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##-2017

**A RESOLUTION TRANSFERRING \$300,000 FROM ASSIGNED FUND BALANCE TO  
THE ADMINISTRATIVE SERVICES EQUIPMENT AND SOFTWARE RESERVE  
FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Administrative Services Equipment and Software Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, in March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City's information technology and records management needs to include, but not limited to, replacing antiquated software utilized by the City, some more than 30 years old and operating on a Disk Operating System (DOS) platform; and

**WHEREAS**, the City is currently working with a consultant conducting a needs assessment and developing a request for proposals for a complete overhaul of the City's antiquated Enterprise Resource Planning (ERP) system; and

**WHEREAS**, considering these upgrades are similar to capital purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$300,000 from the assigned General Fund balance to the Administrative Services Equipment and Software Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Administrative Services Equipment and Software Reserve Fund is consistent with the City's Strategic Plan.

**On roll call**

##-2017

**A RESOLUTION TRANSFERRING \$20,000 OF UNASSIGNED FUND BALANCE TO COMMITTEED FUND BALANCE FOR THE PURPOSE OF COMPLETING CAPITAL PROJECTS**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 had unassigned General Fund balance for funding various capital projects; and

**WHEREAS**, the City received notice from the Transportation Improvement Program (TIP) that the City's application for preventative maintenance of six streets was approved. This project consists of milling and resurfacing Clinton St., East Ave., Liberty St., South Liberty St., Swan St., and Vine St. and will have an estimated project budget of \$2.5 million; and

**WHEREAS**, in addition to the TIP road projects the City will be completing a 2018 sidewalk replacement project with an estimated project budget of \$400,000; and

**WHEREAS**, due to the size of these projects, the short time frame for expenditures of funds (2018 construction season) and that grant funds are reimbursed to the City only after expenditures, it is recommended that the City utilize a bond anticipation note (BAN) to meet immediate cash flow needs at the onset of the projects, then repay the BAN after the projects are completed and reimbursement has been received; and

**WHEREAS**, the cost to issue a BAN is not reimbursable through the programs and is approximately \$20,000 to cover the official statement preparation, bond marketing and issuance and bond counsel costs; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$20,000 from the unassigned General Fund balance to Committed fund balance; and

**BE IT FURTHER RESOLVED**, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan.

**On roll call**

##-2017

**A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO  
THE PUBLIC WORKS CAPITAL EQUIPMENT RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, since the development of the Equipment Replacement Plan (ERP) in 2011 the City has replaced 20 pieces public works equipment, valued at over \$3 million; and

**WHEREAS**, the City has made significant strides in improving the fleet over the past several years, however for the fiscal year ending March 31, 2017 the remaining fleet remains in poor shape, very old and is fully depreciated; and

**WHEREAS**, by 2021 the ERP outlines replacing one loader, a single axle dump truck with plow and several additional light and medium pieces of equipment, estimated at over \$580,000. The average age of this equipment today is 25 years old; and

**WHEREAS**, the City Council is desirous of transferring \$50,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for public works equipment to assist with future equipment replacement and improvements; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan.

**On roll call**



##-2017

**A RESOLUTION TRANSFERING \$146,000 OF UNASSIGNED FUND  
BALANCE TO COMMITTEED FUND BALANCE FOR THE PURPOSE OF  
CONSTRUCTING THE ELLICOTT TRAIL**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 had unassigned General Fund balance for funding various capital projects; and

**WHEREAS**, the Town of Batavia, in cooperation with the City of Batavia, applied and received a \$1,024,500 grant from the New York State Department of Transportation Transpiration Enhancements Program (TEP); and

**WHEREAS**, the proposed trail, which has been named the Ellicott Trail, is a 4.6 mile multi-modal pedestrian and bicyclist trail will connect commercial, industrial and residential areas in the City and Town of Batavia; and

**WHEREAS**, the new trail will provide an internal bicycle and pedestrian route through the City and Town, including off-road sections, that will provide more efficient and safer travel options for travelers, and the trail will be the first pedestrian and bicycle trail within Genesee County that connects major activity centers; and

**WHEREAS**, the total project cost is estimated to be \$1,366,000.00, of which the TEP grant will cover \$1,024,500.00 and the project requires a local match of \$341,500.00 to be shared equally between the City and Town; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$146,000 from the unassigned General Fund balance to Committed fund balance; and

**BE IT FURTHER RESOVLED**, that the City Council authorizes the repurpose of Committed fund balance which was originally committed to Williams Park lighting improvements by Resolution #27-2017. The project has been completed and the remaining balance of funds, \$24,839, are no longer needed for the authorized lighting project and are to be repurposed for the construction of Ellicott Trail.

**BE IT FURTHER RESOLVED**, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan.

**Seconded by Councilperson  
and on roll call**

#-2017

**RESOLUTION TRANSFERRING \$25,000 FROM ASSIGNED FUND BALANCE TO THE  
CAPITAL SIDEWALK RECONSTRUCTION RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Sidewalk Reconstruction Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 has approximately 59,206 linear feet of sidewalk, or 15.3% of the City's sidewalk network, that needs to be replaced within the City limits estimated to cost approximately \$2.35 million; and

**WHEREAS**, in 2014 the City received a Transportation Alternatives Program (TAP) grant for \$720,657 to complete approximately 12,000 linear feet of sidewalk improvements along pedestrian routes to City schools in 2018 and the grant requires a local match of \$240,000; and

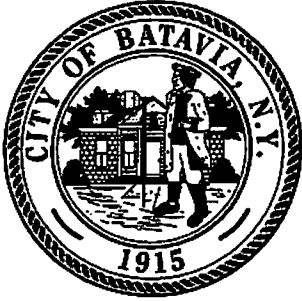
**WHEREAS**, in 2017 the City received another Transportation Alternatives Program (TAP) grant for \$868,500 to complete approximately 12,300 linear feet of sidewalk improvements along pedestrian routes to City schools, medical facilities and are businesses in 2019 and the grant requires a local match of \$240,000; and

**WHEREAS**, the City Council is desirous of transferring \$25,000 of assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund to assist with future replacement and improvements of City sidewalks; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$25,000 from the assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Capital Sidewalk Reconstruction Reserve Fund is consistent with the City's Strategic Plan.

**On roll call**



# City of Batavia

September 21, 2017

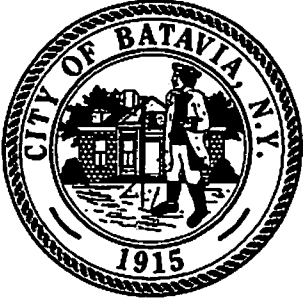
To the Honorable City Council,

The City of Batavia Audit Advisory Committee met on Tuesday, September 12<sup>th</sup> to review the City's 2016/2017 audited financial statements. Along with four of the five members of the Committee, attendees included City Manager Jason Molino and Certified Public Accountant Laura Landers, partner with Freed Maxick. The meeting lasted around three hours in length.

Ms. Landers kicked off the meeting by reviewing the 2016/2017 financial statements with all of us. Mr. Molino followed by presenting a number of highlights from the Fiscal Year Ending March 31, 2017 Management's Discussion and Analysis (MDA), which was not completed at the time of the meeting. Mr. Molino also provided the committee with recommendations for the allocation of the current unassigned fund balance to the restricted reserve fund balance.

The Audit Advisory Committee raised a number of questions and received direct and thorough answers from Ms. Landers and Mr. Molino. Topics of in-depth and lively discussion included (in no specific order);

- 1) An examination of the current reserve fund balances, and the necessity and appropriateness of these balances
- 2) Interest rate projections and the resulting strategies involving "pay now" or "finance"
- 3) The costs of Summit Street and the upcoming projects, which we had and have planned for through reserve funding.
- 4) Tax impact on Batavia residents
- 5) The self-insurance plans, including topics such as the incurred but not reported (IBNR) and how we come to the premiums being paid and reviewing claims that come in.
- 6) Factors impacting sales tax revenues, including the gas tax collection both current and projected. This included discussion on the extension of sales tax agreement with the county.
- 8) Business initiatives and driving the commercial property tax base (Della Penna Project)
- 9) Within the next couple of years we will have to book the total amount due to the Employee Retirement Program (ERP), which will make our statement of net position look worse, but does not potentially mean that we owe it all.
- 10) The new GASB pronouncements coming out that will affect our financial statements going forward.



# City of Batavia

- 11) The single audit that was required to be completed this year and how it will happen again in the future due to our road projects being completed with federal funds.
- 12) The continued commitment to identifying and building reserves when prudent

The Audit Advisory Committee remains very satisfied with the current financial status of the City of Batavia. We applaud the leadership, and members of City Council for their proactive approach and responsible budgeting, particularly when it comes to building reserve balances to address the future needs of our community, and their desire to plan for and implement a 'level debt' strategy going forward. The Audit Advisory Committee asserts that the 2016/2017 financial statements for the City of Batavia appear accurate and tell a very positive story about the direction of the City. In addition, The Audit Advisory Committee also brings unanimous consensus that the City Manager's recommendations for the funding of reserves from unassigned fund balance appear appropriate and reasonable.

Our City is in a much better financial position than it was in the past. We are also in a much stronger financial position than many other similar sized Cities, primarily due to our focus and ability to fund reserves for identified long term projects. As interest rates rise over the next decade, proper planning and management of fund balances will become a more paramount issue to avoid higher borrowing costs, and potential unnecessary tax increases.

We would like to thank City Council for their continued support of paneling an Audit Advisory Committee. Financial transparency and engaging the public remain critical pillars to effective governing and creating community 'buy-in'. We are honored to serve our City in this capacity. We would also like to thank Mr. Molino and his staff for providing us with all appropriate information, both presented and requested, and for the clear and detailed responses to our questions that arose during the meeting.

Sincerely,

*Audit Advisory Committee*

Marc Staley

Nicholas Harris

David Leone

Bob Bialkowski

Eugene Jankowski

**#27-2017**

**A RESOLUTION RECOGNIZING \$309,518 VIDEO LOTTERY TERMINAL STATE  
COMPACT MONEY TO ASSIST IN MAKING FINAL PAYMENT TO GENESEE  
COUNTY FOR UPGRADES MADE TO DWYER STADIUM, WILLIAMS PARK  
LIGHTING IMPROVEMENTS, COMPLETE A STORMWATER CAPITAL PLAN AND  
FUND THE DEPARTMENT OF PUBLIC WORKS RESERVE**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 received state assistance ("VLT" compact money) as an eligible city in which a video lottery gaming facility is located, in the amount of \$440,789; and

**WHEREAS**, Genesee County provided the City of Batavia, on April 24, 1996, capital project funds not to exceed \$337,000 pursuant to the City/County Funding Agreement for improvements to Dwyer Stadium of which the City is to repay the County in full for all portions of said funds; and

**WHEREAS**, the remaining balance owed to Genesee County as of January 1, 2017 is \$131,518; and

**WHEREAS**, in the 2016/2017 City budget \$12,000 was budgeted for upgrades to the Williams Park baseball field lighting system to provide safety measures of illuminating the field. After further review it has been determined that an additional \$28,000 will be required in order to make the necessary upgrades for safe operations; and

**WHEREAS**, the City has received \$50,000 of grant funding from the New York State Community Development Block Grant (CDBG) through the 2016 Consolidated Funding Application to complete a Stormwater Capital Plan and the grant requires \$50,000 of local match for a total project cost of \$100,000; and

**WHEREAS**, it is recommended to fund the Department of Public Works equipment in order to purchase needed equipment in future fiscal years, including fiscal year 2017/2018; and

**WHEREAS**, the City staff have determined that it is financially prudent to make final payment to Genesee County, make the safety upgrades to the Williams Park baseball field lighting in the 2017/2018 fiscal year, accept the CDBG grant funds and utilize VLT compact money to complete the Stormwater Capital Plan, and fund the Department of Public Works equipment reserve.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the following budget amendments:

Effective March 13, 2017, amend the 2016-17 budget by increasing the following revenue accounts:

001.0001.2725.0000

VLT Aid

\$309,518

001.0001.4910.1163	Federal Aid – CDBG grant	\$ 50,000
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Increasing expenditure accounts:

001.1620.0423	City Facilities – Contract Services	\$131,518
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001.7110.0439	Parks – Repair & Maintenance	\$ 28,000
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001.8140.0423.1163	Stormwater – Contracted Services	\$100,000
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001.0900.0200.2102	DPW Reserve	\$100,000
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**BE IT FURTHER RESOLVED**, due to the time needed to upgrade the Williams baseball field lighting, with \$12,000 budgeted in 2016/2017 and the additional \$28,000, the City Council of the City of Batavia does hereby authorize this funding be placed in committed fund balance to be utilized for the above said purpose in the 2017/2018 fiscal year.

Transfer the following to Committed Fund Balance for expenditure in 2017/18:

001.0001.0913	Committed fund balance	\$40,000
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001.0001.0917	Unassigned fund balance	-\$40,000
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**Seconded by Councilperson  
and on roll call**

**# -2017**  
**RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/  
BOARDS**

**Motion of Councilperson**

**WHEREAS**, certain vacancies exist on various City Committees/Boards.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the following appointments be made:

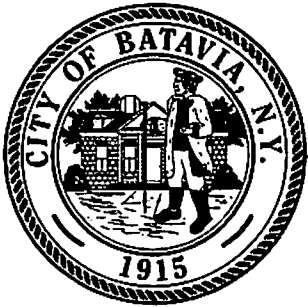
**Youth Board**

Kristen Gloskowski

December 31, 2021

**Seconded by Councilperson  
and on roll call**

**DRAFT**



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

From: Stefano Napolitano, Fire Chief

Date: October 4, 2017

Subject: FEMA Assistance to Firefighters Grant (AFG)

On June 28, 2017, The City of Batavia Fire Department has been awarded a FEMA Assistance to Firefighters Grant (AFG) in the amount of \$236,072.00 for the purchase of new Self Contain Breathing Apparatus (SCBA).

The grant will allow the fire department to replace and modernize the current fleet of SCBA's to the most current National Fire Protection Association (NFPA) standards. Additionally, the grant will allow for the purchase of a Pak Tracker system that is used to locate a firefighter who becomes missing and/or trapped in an environment that is immediately dangerous to life and health.

If you require any further information, please do not hesitate to contact me.

Thank you.

Attachments: Draft Resolution

Cc. Lisa Neary, Deputy Director of Finance





**#-2017**

**A RESOLUTION TO AMEND THE 2017-2018 FIRE DEPARTMENT BUDGET TO  
REFLECT THE RECEIPT OF A FEMA ASSISTANCE TO FIREFIGHTERS GRANT  
(AFG) – IN THE AMOUNT OF \$236,072.00**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Fire Department has received a grant in the amount of \$236,072.00 for award period June 23, 2017 through June 22, 2018 from the Federal Emergency Management Agency (FEMA) for new Self Contained Breathing Apparatus and related equipment in the City of Batavia and Genesee County; and

**WHEREAS**, this grant requires a local match of 5%; and

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Fire Department Equipment Reserve Fund with an approximate balance of \$174,000; and

**WHEREAS**, to properly account for the expenditure of this money, the use of reserves as a local match and a budget amendment is needed.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget effective November 13, 2017, and use the Fire Department Equipment Reserve Fund to cover various details and equipment purchases associated with this grant:

**Increase revenue accounts:**

001.0001.4389.1168 Federal Aid, Public Safety	\$236,072.00
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001.0001.0511.2101 Appropriated Fire Department Reserves	\$ 11,803.00
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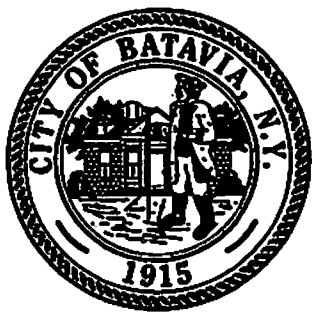
**Increase expenditure accounts:**

001.3410.0200.1168 Fire Department Equipment	\$229,172.00
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001.3410.0201.1168 Fire Department Small Equipment	\$ 6,900.00
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001.3410.200.2101 Fire Department Reserve	\$ 11,803.00
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**Seconded by Councilperson  
and on roll call**



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works *MW*

Date: October 20, 2017

Subject: Grit Classifier and Traveling Mechanical Screen Improvements at WWTP

In accordance with the Wastewater Capital Improvement Program, a project to rebuild/replace the Cyclone Grit Classifier and Traveling Mechanical Screen at the WWTP has been moved forward. These two pieces of equipment are critical items in the preliminary wastewater treatment process of removing grit, sand, rags, and other debris from the waste stream. These units are original to the plant's construction and have been in constant operation for 27 years.

LaBella Associates, in Rochester, NY, has been retained to do design and bidding services for this project. The project was advertised for bid on October 10, 2017, with a bid opening date of October 30, 2017. It is the expectation that upon receiving these bids, a review and recommendation for award shall be provided for the November 13, 2017 Council Business Meeting.

The budget for this project is \$331,050 including \$49,000 for engineering in design, bidding, contract administration, and construction inspection services. This project is funded through the facility reserve as approved in the current City Budget.

Supporting Documentation:  
Draft Resolution

**#-2017**  
**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH**  
**XXXXX**  
**FOR THE WWTP PRELIMINARY TREATMENT IMPROVEMENTS PROJECT**

**Motion of Councilperson**

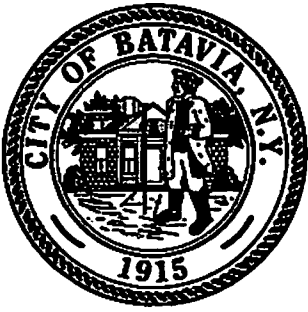
**WHEREAS**, the City of Batavia has solicited bids for the WWTP Preliminary Treatment Improvements Project at the Wastewater Treatment Plant; and

**WHEREAS**, XXXX (X) bids were received on October 30, 2017, and XXXX was the lowest responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that a contract is hereby awarded to XXXXX in the amount of XXXXXXXX (\$XXX.00) for the replacement/rebuild of the traveling mechanical screen and the cyclone grit classifier at the Wastewater Treatment Plant.

**Seconded by Councilperson**  
**and on roll call**

**DRAFT**



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works *(mw)*

Date: October 20, 2017

Subject: Healthy Schools Project – Construction Agreements with NYSDOT

The City of Batavia was awarded funding through the Transportation Alternatives Program to reconstruct approximately 12,300 lf of sidewalk, referred to as the Pedestrian Way Project. The total estimated cost of this project is \$961,000 including all engineering and construction, with 75% of that cost being reimbursed through the Federal Highway Administration.

It is recommended that appropriations be approved and authorization be given to the Council President to enter into agreement with NYSDOT to complete construction phases of this project in the amount of \$982,238 which will ultimately be reimbursed at a rate of 75% through FHWA. It is recommended that available Sidewalk reserves and CHIPS funding be utilized for the 25% City share of this project.

It is expected that this project will be bid in December of this year for an early spring 2018 construction.

### Supporting Documentation:

NYSDOT Initial Project Proposal  
NYSDOT Supplemental Agreement

#-2017

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN,  
R.O.W. INCIDENTALS, R.O.W. ACQUISITIONS, AND CONSTRUCTION/CI/CS FOR  
THE CITY OF BATAVIA HEALTHY SCHOOLS CORRIDOR**

**Motion of Councilperson**

**WHEREAS**, a project for the Reconstruction of Sidewalks for Liberty Street from East Main Street (Route 5) to Morton Avenue, and Washington Avenue from Ross Street to Bank Street, City of Batavia, Genesee County, P.I.N. 4755.93 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 75% Federal funds and 25% non-Federal funds; and

**WHEREAS**, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of PE/Design and R.O.W. Incidentals/Acquisitions, and Construction/CI/CS; and

**NOW THEREFORE**, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share of the cost of PE/Design and R.O.W. Incidentals/Acquisitions, and Construction/CI/CS for the Project or portions thereof; and

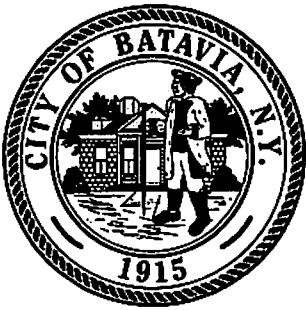
**BE IT FURTHER RESOLVED**, that the sum of \$982,238 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

**BE IT FURTHER RESOLVED**, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

**BE IT FURTHER RESOLVED**, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.  
**Seconded by Councilperson and on roll call**



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager  
Shawn Heubush, Police Chief

From: Matt Worth, Director of Public Works

Date: October 18, 2017

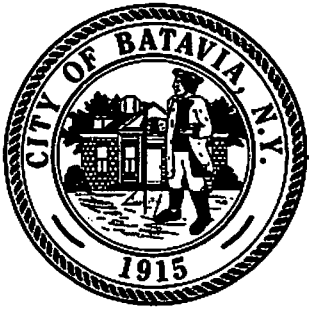
Subject: Warning Signs

There have been a few requests in the past year for warning signs to be installed, such as “Children at Play”, “Autistic Child” etc. as it is typically believed that these signs will offer an added level of protection for children in the area. While these requests are well intentioned, in reality, these signs are not effective in this manner, and in some ways can have a detrimental effect. Often, the intended outcome is a reduction in speed which should be attained through specific speed zones, or increased enforcement of existing regulatory signs. Requests such as these are not unique to Batavia and other municipalities have also struggled with an appropriate and consistent response.

Warning signs are used as a tool to give the vehicle operator additional information for a specific condition. This allows for the vehicle operator to be aware that a curve, intersection, stop sign, etc. is ahead and adjust accordingly. Warning signs do not have any enforcement capability if not followed.

A “deaf child area” and “blind child area” are approved warning signs as they inform the motorist that use of a horn, flashing warning lights, etc. may not be perceived by someone in the area and they can adjust their responses appropriately. These types of signs must also be monitored for removal once the person(s) is no longer considered a child, or moves from the location. The ability of these signs to allow for a driver to take specific actions is why these are the only two signs of this nature recognized. Specifically per this request, an “Autistic Child” sign is not recognized for use under any circumstance by either the State or Federal Manual of Uniform Traffic Control Devices (MUTCD).

Where there is residential housing, drivers are expected to be aware that children may be in the area and operate their vehicle accordingly. If not, there would be “children at play” signs at the corner of every residential street, defeating the purpose of an awareness of an unusual circumstance. This is why the Federal MUTCD does not recognize “Children at Play” signs, and the NYS MUTCD supplement



# City of Batavia

reserves it for specific instances where children would be playing in an area that would not be expected by the operator of a vehicle.

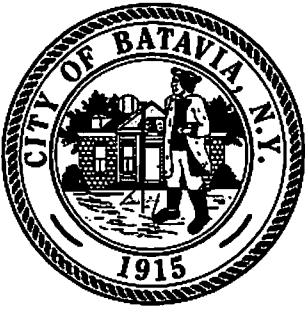
The Watson St, Thorpe St, Evans St, Ganson Ave area is where these requests have been primarily made during the past year. These requests have been specific and independent of each other calling out a specific concern for a child with a disability, intersection speed, etc. These locations are primarily residential, although adjacent to some industrial properties. These areas have a posted speed limit of 30mph, low traffic volumes, and in many cases near a stop sign intersection which further reduces speed. Given these conditions, I do not believe the guidance for installing "Children at Play" warning signs is generally met.

Increased police enforcement in this area will allow for an immediate short term impact. This will allow for increased observation for these specific areas to consider regulatory changes that would have enforcement capabilities should be considered.

My specific recommendations would be as follows:

- Installation of the City portable speed monitor trailer on Evans St prior to winter weather to give an immediate visual response to motorist on their speed.
- Utilization of existing grant funding for targeted police traffic enforcement in this area. This will allow for observation of any speed issues as well as monitor specific intersections such as Watson and Thorpe to determine if any regulatory changes, such as stop signs or reduced speed zones should be considered.
- A single "Children at Play" sign could be considered on Evans St at Watson St southbound, as vehicles are leaving an industrial area into a residential area.

Continued implementation of proper traffic control signage, offering safe travel ways for both vehicular and pedestrian use, while minimizing liabilities due to improper sign usage is critical. This approach of following the MUTCD allows for consistency in erecting traffic signs and responding to requests such as these, controlling what is often referred to as "sign pollution" where excessive signs result in ineffectiveness and reduced visibility.



# City of Batavia

I have also attached some informational items from Cornell Local Roads Program Technical Assistance, and an article on risk management and the effectiveness of Children at Play signs offered through NYMIR that I used as reference in writing this memo. In addition, I reached out to the Genesee County Highway Department to see how they handle these requests. At this time, they do not install "Children at Play" or "Deaf/Blind Child Area" signs under any circumstance.





# HANDBOOK

## General Liability

### Children at Play Signs

June 2011

#### I. Introduction

*The purpose of this Risk Management Bulletin (RMB) is to summarize the information concerning the effectiveness of Children at Play signs to reduce driver speed or accidents. References are included at the end of this RMB.*

*The NYMIR Risk Management Department has received a number of recent inquiries on the use of these sign, which raise questions and create a fair amount of controversy. Periodically, DPW Superintendents, Highway Superintendents and other municipal officials receive requests from residents to install these signs. In most cases, residents request signs to be installed on suburban streets where school-age children frequently play in or near the street. At times, these requests are a result of safety concerns after a motor vehicle accident has occurred, involving a child who was struck playing in or near a street.*

*As with all decisions involving traffic control devices, discussions with your municipal counsel and DPW/Highway Superintendent are in order before any signs or devices are approved for installation.*

#### II. Children at Play (CAP) Signs

CAP signs are warning and not regulatory signs. They are distinguished from regulatory signs by their yellow background with black lettering and a black border. They are designed to give notice of unusual conditions on, or next to a street or roadway that drivers would not expect to encounter. As warning signs, they are advisory in nature and do not provide any guidance to drivers in terms of the safe speed or required driver action. Nor do they have a legal basis for determining what a driver should do. Regulatory signs, on the other hand, are legally enforceable and do give specific direction to drivers. They inform street and roadway users (motor vehicle operators, motorcyclist and bicyclists, for example) of selected traffic laws or regulations. Therefore, as a result, police are often reluctant to enforce CAP signs.

When used, CAP signs are often posted at the entrances to subdivisions or developments, along rural and low-volume streets or roadways or at the beginning or a street where children typically play in or near the street. Often times, these locations are just off higher-speed highways or roadways.

#### SUMMER HAZARDS

##### Seasonal employees:

Was emergency training completed?  
Were all safety rules and procedures reviewed?

Was mandated employee PESH training in Hazardous Communication and PPE completed?

Do seasonal employees know how to use personal protective equipment?

##### Recreational Risk

Has signage at municipal parks and playgrounds been inspected?

Is playground equipment at municipal parks and playgrounds being inspected weekly in accordance with the NYS Public Playground Law?

Have sports fields been inspected for holes or other defects that could lead to an injury?

Are fields and grassy areas checked for stones and debris before mowing starts?

### III. Effectiveness of CAP Signs

#### ➤ Warning signs in general

Regulatory and industry guidelines advise caution when using advisory signs. The Manual on Uniform Traffic Control Devices – 2003 (MUTCD) published by the Federal Highway Administration advises limited use of warning signs – the unnecessary use of these signs cause drivers to disrespect traffic signs, especially in locations or neighborhoods where there is an overzealous use of signs. Transportation experts refer to this condition as “sign pollution” – a concern that ineffective signs may distract street and road users from adhering to other signs in the area or neighborhood, particularly regulatory signs. Effective warning signs warn of a permanent or consistent condition, but children, even in the most crowded neighborhoods, do not play in the streets all the time. CAP signs are no longer found in the MUTCD.

#### ➤ CAP Signs

The effectiveness of CAP signs is seriously questioned. A major study on this topic was conducted by the State of Wisconsin DOT, Bureau of Highway Operations, in 2007 to reevaluate and update its policies regarding roadside signs related to children, including CAP signs. The report concluded that:

- There is no evidence that special warning signs (CAP signs) reduce driver speeds or crash rates
- This conclusion is supported by a unanimous conclusion of the experts interviewed

In addition, the Wisconsin study cited a number of “common sense” observations indicating that these signs:

- Do not give clear and enforceable guidance to drivers
- Provide a false sense of security to parents and children and therefore may increase the risk
- Expose municipalities to liability
- Give a false impression that areas without the signs do not have children
- Increase costs
- Incorporates a political element into a engineering decision-making process

The study also mentions that CAP signs encourage children to play in the street.

In another document, the *Institute of Transportation Engineers (ITE): Traffic Control Devices Handbook* (2003) states that agencies should avoid CAP nonstandard signs as such signs may portray an impression that the jurisdiction approves of the use of streets as playgrounds. In another publication, the ITE further explains the manner in which signs in general should be used. In *ITE: Design and Safety of Pedestrian Facilities* (1998), the Institute explains that signs should only be used when they fulfill a need based on an engineering study or an engineering decision. The ITE also cautions that signs are generally ineffective in modifying behavior, and the overuse of signs breeds disrespect and decreases effectiveness.

The U.S. Department of Transportation (US DOT), in its February 11, 2002 *Message Points*, stated that studies concerning the effectiveness of CAP signs do not indicate a reduction in crashes involving children nor a reduction in driver speeds.

The New York State Department of Transportation (NYS DOT) does allow CAP signs in Section 2C.112. CAP signs may be used to warn road users of an area where children customarily play. The guidance offered indicates as follows:

*Use of the CHILDREN AT PLAY sign should be limited to locations where, because of unusual conditions, motorists might not expect children playing in the vicinity of the roadway. The*

*CHILDREN AT PLAY sign should not be used on highways where obvious residential development alerts motorists to the possibility of children at play.*

#### **IV. Alternatives to CAP Signs**

➤ **Signage**

There are other warning signs that identify a specific condition that arguably get the attention of road users in a more effective manner than CAP signs. For example, if there are children present because of a playground, a playground sign (with a seesaw image) may be more effective. Signs indicating pedestrian crossings, school zones, or recreational areas are appropriate when an engineering reason is indicated. Deaf child area or blind resident signs can be effective in areas where a child with hearing or vision impairment lives. When warranted, regulatory signs may be in order, such as stop and speed signs.

➤ **Police Patrols**

An increase in police patrols in areas with a large number of children playing near or in streets or roadways is warranted and may (even if temporally) reduce driver speed and increase driver awareness. Police patrols may also reduce the number of children playing in the street. Police can also emphasize the dangers that arise when children play in streets during municipal and community fairs, festivals and carnivals.

➤ **Community Education**

Community education (often in conjunction with local schools and law enforcement) can raise the awareness of the dangers of children when playing in streets and roadways. Some school districts give street safety lessons for kindergarten classes and other students.

➤ **Play Streets**

Used mostly in an urban setting, play streets are streets that are either permanently closed to motor vehicle traffic, or are closed at certain times, for example, during the summer months. Creating play streets requires the approval of the majority of residents.

While NYS DOT does permit the use of CAP signs, use must be in compliance with NYS DOT standards. Given the controversy over CAP signs, DPW, Highway Superintendents and others should aggressively look for alternatives, and only use CAP signs when there is an engineering need to do so. They should NOT be used for political reasons, or to appease vocal residents.

Be aware of legacy and privately installed signs or areas that no longer have the conditions (e.g., the playground was removed) that precipitated the installation of the signs in the first place.

Ultimately, parents are primarily responsible for safeguarding their children. Parents (and guardians) should teach children about the dangers of playing in or near the streets and roadways. When available, neighborhood parks or recreation areas are preferred alternatives.

#### **V. References**

1. The Manual on Uniform Traffic Control Devices – 2003 (MUTCD) U.S. Department of Transportation - Federal Highway Administration ([http://mutcd.fhwa.dot.gov/pdfs/2003r1r2/pdf\\_index.htm](http://mutcd.fhwa.dot.gov/pdfs/2003r1r2/pdf_index.htm))
2. Transportation Synthesis Report. Effectiveness of “Children at Play” Warning Signs. Wisconsin DOT, Bureau of Highway Operations. CTC & Associates, LLC. September 2007.
3. Institute of Transportation Engineers: Traffic Control Devices Handbook (2003). (<http://www.ite.org>)
4. United States DOT (<http://www.dot.gov/new/index.htm>)
5. New York State DOT (<https://www.nysdot.gov/index>)



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### Can I use an "Autistic Child" warning sign in New York?

No. Such a sign is not approved for use in New York State.

The use of "Autistic Child" warning signs is not allowed in New York. There are no signs for "Autistic Child" in the MUTCD or the New York State Supplement. Unlike blind or hearing impaired children, autistic children behave in a variety of ways and a driver encountering such a warning sign would not know what behavior to look for or what they may be required to do differently from their normal careful driving.



Parents and politicians often believe that the addition of a warning sign will somehow make the children who live along a road "safer". The reality of warning signs that warn of things other than actual static conditions (curves, hills, low clearance, etc) is that they are largely ignored by drivers of all types and ages. Drivers on roads that have obvious residential development (cities, villages, suburbs) should expect to see children and other pedestrians and adjust their driving behavior accordingly; a sign is unnecessary to inform a driver that there may be children living in the houses that are in plain sight. The installation of unnecessary signs in residential areas can distract a driver, directing their attention to the sign instead of activity in the yard adjacent to the sign. Children who are not able to understand the dangers of traffic for whatever reason should not be allowed to play near a road unsupervised, regardless of the reason for their inability to perceive the danger. Children should not be using public roads as playgrounds regardless of their ability to understand the dangers of traffic. There is also the possibility of a predator seeing such a sign and watching for a child that is vulnerable.

The installation of a sign that purports to somehow protect a certain group of people (in this case, autistic children) can open a municipality to liability.

The New York State Vehicle and Traffic Law Title 8, Article 44, Section 1680(c), requires the any traffic control device purchased/manufactured or used on a public road in the State conform to the current manual and specifications (National MUTCD with the NYS Supplement). The legal responsibility for maintaining the NYS Supplement is assigned to NYSDOT by VTL Section 1680(a). These are requirements and responsibilities imposed on NYSDOT by State Law and they cannot be over ruled by a local law or resolution. If a text sign is desired that is not in the National MUTCD or NYS Supplement, it must be approved by NYSDOT prior to its implementation as per Section 1A.03 Design of Traffic Control Devices paragraph 03B of the NYS Supplement:

#### Standard

*03B Any change to a word message sign that can be considered more than a minor modification (see next Option) shall be approved by the New York State Department of Transportation before it is implemented.*

#### Resources

NYS Vehicle and Traffic Law, Title 8, Article 44, Section 1680, 2012. (V&T Law can be found under "Laws of New York" and then under "VAT" Once in there you would go to Article 44 and Section 1680 from there.)

The National MUTCD and NYS Supplement on the NYSDOT website  
Autism Support Network


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**Option:**

- 06 The MINIMUM MAINTENANCE ROAD sign may be supplemented with a Distance plaque (see Section 2C.55) where the minimum maintenance road (or road section) is 1000 feet long or longer.

**Section 2C.111 RUMBLE STRIPS Sign (NYW4-17)****Option:**

- 01 The RUMBLE STRIPS (NYW4-17) sign (see Sign Drawing SD-W14) may be used, as necessary, to warn of roadway sections where rumble strips have been installed.

**Section 2C.112 CHILDREN AT PLAY Sign (NYW7-4)****Option:**

- 01 The CHILDREN AT PLAY (NYW7-4) sign (see Sign Drawing SD-W19) may be used, as necessary, to warn of an area where children customarily play.

**Guidance:**

- 02 Use of the CHILDREN AT PLAY sign should be limited to locations where, because of unusual conditions, motorists might not expect children playing in the vicinity of the roadway. The CHILDREN AT PLAY sign should not be used on highways where obvious residential development alerts motorists to the possibility of children at play.

**Section 2C.113 DEAF CHILD AREA and BLIND CHILD AREA Signs (NYW7-6, NYW7-7)****Option:**

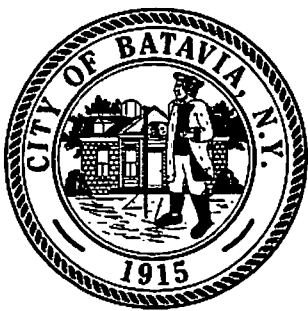
- 01 The DEAF CHILD AREA (NYW7-6) and BLIND CHILD AREA (NYW7-7) signs (see Sign Drawing SD-W20) may be used where it is necessary to warn motorists to be especially alert for a child who may be unable to hear normal traffic sounds and respond to audio warnings, or a child who may be unable to perceive approaching traffic.

**Guidance:**

- 02 The DEAF CHILD AREA and BLIND CHILD AREA signs should not be used without the consent of the child's parents or legal guardian. The authority having jurisdiction over the highway on which these signs are placed should keep informed about the residences, areas of activity, and ages of the children involved, so that signs can be promptly removed when they are no longer needed.

**Section 2C.114 LOW FLYING PLANES Sign (NYW7-8)****Option:**

- 01 The LOW FLYING PLANES (NYW7-8) sign (see Sign Drawing SD-W21) may be used, as necessary, where aircraft frequently pass over a roadway at unusually low altitudes, sometimes startling motorists by their sudden appearance, noise, shadow, or landing lights.



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

From: Shawn Heubusch, Police Chief

Date: October 27, 2017

Subject: 2017-2018 STOP-DWI "Crackdown" Award

On October 26, 2017 the Genesee County STOP-DWI program was awarded \$10,000 for the 2017/2018 "High Visibility Road Checks/ Saturation Patrols/ DRE Call Out During Impaired Driving Crackdowns". The grant is to be shared by the City Police, Genesee County Sheriff's Office and Village of LeRoy Police Department. The City Police was granted a sub-award \$3,720 for Enhanced DWI enforcement efforts by the Genesee County STOP-DWI coordinator.

These enhanced efforts include joint DWI patrols or checkpoints with other law enforcement agencies as well as reimbursement for Drug Recognition Expert (DRE) call-outs during the grant period (see the attached Grant Award letter for specific dates).

The City of Batavia will benefit greatly from these additional DWI details by enhancing the Police Department's ability to conduct more specialized enforcement details to target alcohol or drug impaired drivers.

Feel free to call with any questions you may have. Thank you.

Attachments: Award Letter  
Draft Resolution

Cc: Lisa Neary, Deputy Director of Finance

**Police Department**  
**10 Main Street**  
**Batavia, New York 14020**



**Phone: 585-345-6350**  
**Fax: 585-344-1878**  
**Records: 585-345-6303**  
**Detective Bureau: 585-345-6370**  
**[www.batavianewyork.com](http://www.batavianewyork.com)**

**#-2017**

**A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO  
REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF  
\$3,720 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING  
WHILE ABILITY IMPAIRED BY DRUGS**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Police Department has received additional grant funding in the amount of \$3,720 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; and

**WHEREAS**, to properly account for the expenditure of this money, a budget amendment needs to be made; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective November 13, 2017, amend the 2017-18 budget:

Increase expenditure accounts

001.3120.0101.1171	\$ 3,720.00
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Increase revenue accounts

1.1.3389.1171	\$ 3,720.00
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**Seconded by Councilperson  
and on roll call**



L. Matthew Landers  
Coordinator

## MEMO

**To:** Genesee County Sheriff's Office, Batavia Police Department, LeRoy Police Department

**From:** Matt Landers, STOP DWI Coordinator

**Date:** October 26, 2017

**RE:** 2017-2018 GTSC Crackdown Grant Award

As hoped, our request was granted for 2017/18 crackdown grant funds. We were awarded \$10,000 which is an increase from the 2016/17 cycle of \$9,124. I am going to distribute the funds in the same proportion they were allocated for the 2016/17 grant, which is:

Genesee County Sheriff- \$5,150 for 2017/18  
City of Batavia Police -\$3,720 for 2017/18  
Village of LeRoy Police -\$1,130 for 2017/18

The same holidays are covered as in previous grants, and the specific dates are listed below. The first holiday for the new grant cycle is Halloween. The forms needed to complete are attached and look similar to what was used in this last grant cycle but there is a new grant number that needs to be used, so please use the updated forms. If you have any questions don't hesitate to reach out. Thank you for helping me to acquire these grant funds and more importantly, for using them to increase your efforts around these specific times of the year.

Again this year there will be 8 crackdown periods as follows:

HALLOWEEN:	October 27 – November 1, 2017
THANKSGIVING:	November 22 – 26, 2017
HOLIDAY SEASON (NATIONAL):	December 15, 2017 - January 1, 2018
SUPER BOWL:	February 2 – 5, 2018
ST. PATRICK'S DAY:	March 16 – 18, 2018
MEMORIAL DAY:	May 25 – 29, 2018
JULY 4TH:	July 4 – July 8, 2018
LABOR DAY (NATIONAL):	August 17 - September 3, 2018



## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilperson**

**WHEREAS**, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation..." and;

**WHEREAS**, Article 7, Section 105(1)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law..." and;

**WHEREAS**, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation..."

**WHEREAS**, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof..."

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilperson  
and on roll call**