

CITY OF BATAVIA

BUSINESS MINUTES

MAY 14, 2018

The regular business meeting of the City Council was held Monday, May 14, 2018 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, McGinnis, Tabelski, Canale, Bialkowski, Christian, and Viele.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Christian led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the April 2018 meetings and the March 2018 financials were approved.

The Council President assigned the regular agenda items.

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Communications

Genesee-Orleans Regional Arts Council, GO Art!, submitted their application for Picnic in the Park on Wednesday, July 4th from 11:00am – 5:00pm in Centennial Park. Council approved.

Batavia Track Booster requested to hold a run around Centennial Park at 10:00am on Saturday, June 2nd for Batavia Middle School students. Council approved.

Brighton Securities submitted an application for a free, public shred day on Friday, May 18th from 12:00 – 3:00pm at 212 East Main St. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Tuesday, May 29, 2018 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

George Van Nest, City Attorney, had nothing specific to report but noted they continued to work on a variety of projects.

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City Manager's Report

Matt Worth, Interim City Manager, explained that he is expecting a recommendation tomorrow from the City engineers regarding the ball field situation. He noted that he would have a cost estimate at the next conference meeting for the Redfield Parkway pillars and stated that the BID requested the stage at Jackson Square be moved over to the east more.

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Committee Reports

Councilperson Pacino reminded Council that Beertavia was coming up on July 28th and GO Art was gearing up for an abundance of different events to help them pay off some of their debt.

Councilperson Christian thanked Detective Crossett, Captain Herberger, Ray Tourt, Councilpersons Bialkowski and Tabela, and Ascension Parish for attending and hosting the 6th ward meeting. Councilperson Christian also noted that there were two mothers who stated they have been picking up hypodermic needles around the corner of Sumner and Hutchins St. She felt that someone needed to look into this and get a handle on it.

Councilperson Bialkowski thanked everyone for the condolences on the passing of his mom. He especially thanked Councilperson Christian who sent over a pizza. He noted that Congressman Collins was at City Hall on Friday, May 11th to present Vietnam era veterans with a proclamation and pin. He noted that over 100 people attended.

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Public Comments

Gregory Hallock, 201 East Main St, noted that he was the executive director for Go Art and they were getting ready to host the 40th annual Picnic in the Park on July 4th. He explained that every year they question whether they should keep having it because they keep losing money on the event. He requested that Council consider being amazing and kind and donate again to help fund the event. He explained they were looking for a solution so the event can continue each year. Mr. Hallock stated that if Council was able to help Go Art would greatly appreciate it. He also wanted to make sure that people knew the event was sponsored by Go Art and to visit all the tables to see all they have to offer.

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Council Responses to Public Comments

Councilperson Pacino noted that when she went on the board of Go Art they were in great debt and have been able to pay off a significant amount. She felt if there was anything Council could do to help them she would appreciate it. Councilperson Viele agreed with Councilperson Pacino and it was going to be added to the conference agenda in May.

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Unfinished Business

None.

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#48-2018

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Briggs

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:

Community Garden

Matthew Gray

December 31, 2021

Seconded by Councilperson Viele and on roll call approved 9-0.

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#49-2018

A RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR THE PURPOSE OF DISPOSAL

Motion of Councilperson Canale

WHEREAS, The Police Department has declared the equipment listed below surplus;
and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment; and

WHEREAS, the Police Department desires to use the proceeds from trading in the equipment listed below in order to purchase additional guns.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

- Glock model 22 handgun, serial number WHY135
- Glock model 22 handgun, serial number LPB801
- Glock model 22 handgun, serial number LPB800
- Glock model 22 handgun, serial number STS441
- Glock model 22 handgun, serial number MSA124
- Glock model 22 handgun, serial number PAW419
- Glock model 22 handgun, serial number LPB799
- Glock model 22 handgun, serial number LPB802
- Glock model 22 handgun, serial number PAW416
- Bushmaster model XM15E2S, serial number L402692
- Colt model AR-15A3, serial number LBD012331
- Colt model AR-15A3, serial number LBD002644
- Colt model AR-15A3, serial number LBD012333
- Colt model AR-15A3, serial number LBD002363
- Colt model AR-15A3, serial number LBD002281
- Colt model AR-15A3, serial number LBD012304
- Stag Arms model 3NY, serial number 323746

NOW, BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the Interim City Manager is hereby authorized to make the following budget amendment for the 18/19 City Budget:

Increase revenue	001.0001.2665	Sale of Equipment	\$5,720
Increase expense	001.3120.0201	Small Equipment	\$5,720

Seconded by Councilperson McGinnis and on roll call approved 9-0.

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#50-2018

A RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR THE PURPOSE OF DISPOSAL

Motion of Councilperson Tabelski

WHEREAS, The Police Department has declared the equipment listed below surplus;
and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

- 2014 Ford Police Interceptor Utility VIN – 1FM5K8AR5EGC60884
- 2014 Ford Police Interceptor Utility VIN – 1FM5K8AR7EGC60885

Seconded by Councilperson Briggs and on roll call approved 9-0.

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#51-2018

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH D & H EXCAVATING
FOR THE CONSTRUCTION OF HIGHWAY PREVENTATIVE MAINTENANCE
PROJECT PIN 4761.16**

Motion of Councilperson McGinnis

WHEREAS, a project for the preventive maintenance of six streets Clinton Street from Routes 5/33 to City Line, East Avenue from Clinton Street to Ross Street, Liberty Street from NYS Route 63 to NYS Route 5/33, South Liberty Street from South Jackson Street to NYS Route 63, Swan Street from NYS Route 63 to NYS Route 5/33, and Vine Street from NYS Route 5/33 to Bank Street, City of Batavia, Genesee County, P.I.N. 4761.16 (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 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia has previously agreed to advance the Project by administering the work; and

WHEREAS, a competitive bid was made by D & H Excavating for the value of \$2,088,790.90 to construct the project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with D & H Excavating for the Highway Preventative Maintenance Project.

Seconded by Councilperson Bialkowski and on roll call approved 9-0.

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#52-2018
A RESOLUTION AUTHORIZING AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR
PE/DESIGN, AND CONSTRUCTION/CI/CS FOR THE
CITY OF BATAVIA, HIGHWAY PREVENTIVE MAINTENANCE (SIX STREETS)

Motion of Councilperson Christian

WHEREAS, a project for the preventive maintenance of six streets Clinton Street from Routes 5/33 to City Line, East Avenue from Clinton Street to Ross Street, Liberty Street from NYS Route 63 to NYS Route 5/33, South Liberty Street from South Jackson Street to NYS Route 63, Swan Street from NYS Route 63 to NYS Route 5/33, and Vine Street from NYS Route 5/33 to Bank Street, City of Batavia, Genesee County, P.I.N. 4761.16 (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 80% Federal funds and 20% 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 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 Construction/CI/CS for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$2,665,250 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 Pacino and on roll call approved 9-0.

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#53-2018

**A RESOLUTION TO ENTER INTO A SUPPLEMENTAL TO THE ARTERIAL AGREEMENT
BETWEEN NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CITY OF
BATAVIA**

Motion of Councilperson Bialkowski

WHEREAS, 38 cities, including the City of Batavia, have arterial maintenance agreements with the State of New York in which the Cities maintain certain designated State-owned arterial highways and the State compensates those Cities for this service; and

WHEREAS, the City of Batavia maintains 204,588 square yards, or approximately 7 miles of State highway throughout the City and those services include, but are not limited to, street cleaning, snow and ice control, pothole patching, traffic signal maintenance and signage and pavement marking; and

WHEREAS, since its inception in 1951, the arterial reimbursement agreement has been a very effective and efficient shared service model for maintenance of State highways, as it has relieved the State of maintenance responsibilities and provided municipalities a certain amount of autonomy of how roads are maintained; and

WHEREAS, NYSDOT has been instructed by the Office of the State Comptroller to have the City of Batavia enter a Supplemental to the Arterial Agreement for portions of NYS Route 5, 33, 63 and 98 but not to include the portions of Route 33 known as Clinton Street or Route 98 known as South Main Street/Walnut Street as these are City owned Streets; and

WHEREAS, by entering into a Supplemental to the Arterial Agreement the City of Batavia will receive payment of \$88,258.13 for services rendered from June 2017 to November 2017; and

WHEREAS, the City of Batavia, like most Cities in the State, have made a vigilant effort to maximize municipal resources and lessen the tax burden on taxpayer by actively engaging in, and seeking shared service models when practically possible, shared service agreements can only be successful when all parties involved receive meaningful benefits in return.

NOW, THEREFORE BE IT RESOLVED, that the Council President be and is hereby authorized to execute the necessary agreement on behalf of City Council with New York State Department of Transportation in connection with the Supplemental to the Arterial Agreement to be paid for past and current services of maintenance of the State Highways within the City; and

Seconded by Councilperson Viele and on roll call approved 9-0.

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Councilperson Canale asked Mr. Worth and Mr. Tourt about Franklin St being repaired based on a question he received from a constituent. Mr. Worth noted that Franklin St was scheduled for sewer work and some resurfacing but it was in the capital plan for 2019.

Councilperson Bialkowski thanked Mr. Tourt and his crew for doing a super job with the roads and that it was appreciated.

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Meeting adjourned at 7:25 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**