

**MINUTES  
CITY OF BATAVIA  
ORGANIZATIONAL MEETING**

**JANUARY 8, 2018**

The organizational meeting of the City Council was held Monday, January 8, 2018 at 7:00 P.M. at the City Council Board Room. City Clerk Heidi Parker did not need to conduct any swearing in ceremonies for Councilmembers as they had all been done prior to the start of the meeting. Present were Council President Jankowski and Councilpersons Viele, Pacino, McGinnis, Briggs, Christian, Tabelski and Bialkowski. Councilperson Canale arrived after the election of President Pro Tempore.

The meeting was called to order by Council President Jankowski.

The invocation and the pledge of allegiance were led by Councilperson Christian.

\* \* \*

**Election of City Council President**

Councilperson Viele nominated Councilperson Jankowski for Council President who accepted the nomination. The nomination was seconded by Councilperson Christian. On roll call, Councilperson Jankowski was elected Council President by an 8-0 vote.

\* \* \*

**Election of President Pro Tempore**

Councilperson Christian nominated Councilperson Viele for Council President Pro Tempore. The nomination was seconded by Councilperson McGinnis. On roll call, Councilperson Viele was elected Council President Pro Tempore by an 8-0 vote.

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Council President Jankowski reminded everyone that Mr. Molino was leaving the City and taking a job elsewhere so Council, through a proclamation, wanted to thank him for his service. He presented Mr. Molino with a proclamation signed by all of Council and referenced several of his accomplishments during his 12-year tenure. These included increasing the City's bond rating from an A2 to an A1, receiving the \$10 million DRI award, and using his strong leadership and creativity relating to the mall settlement. Council President Jankowski thanked Mr. Molino for implementing the employee core value structure and wished him well in the future. Mr. Molino thanked Council for the opportunity they gave him and his family and reassured Council that they were in good hands.

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**#1-2018**  
**RESOLUTION APPOINTING PARLIAMENTARIAN**

**Motion of Councilperson Tabelski**

**WHEREAS**, pursuant to the Batavia City Charter, Section 3.6, City Council shall, at its Organizational Meeting, appoint someone other than Council President as Parliamentarian;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that George Van Nest, City Attorney is hereby appointed as Parliamentarian for a period of two (2) years or when no longer employed by the City of Batavia, whichever comes first.

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

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**#2-2018**  
**A RESOLUTION TO ADOPT THE RULES GOVERNING COUNCIL BUSINESS MEETINGS, CONFERENCE MEETINGS AND COUNCIL MEMBER RULES**

**Motion of Councilperson McGinnis**

**WHEREAS**, the Batavia City Council, pursuant to the City Charter, shall adopt rules governing its procedure, the conduct of its meetings and the discipline of its members.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the Rules Governing Council Business and Conference Meetings shall be adopted as outlined in Attachment A of this resolution and the Council Member Rules shall be adopted as outlined in Attachment B of this resolution.

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

**Discussion** – Councilperson Bialkowski made a motion based on Robert’s Rules of Order to amend the rules so that if the Council President voted he should cast his vote last. Mr. Van Nest noted that Robert’s Rules are usually for bodies greater than 12 members. He suggested looking into it further if Council wants to change from current procedure. Council President Jankowski asked Mr. Van Nest to look into it but Council should vote on rules as they are for now. There was no second for the motion and thus no vote or withdraw required.

## **Attachment A**

### **RULES GOVERNING BUSINESS MEETINGS**

(Adopted 1/18/82, 1/4/10, 1/3/12)

(Amended 11/23/98, 02/25/02, 07/14/03, 01/14/08, 1/4/16)

**Section 1.** The President of the Council shall conduct all meetings, shall preserve order, maintain dignity and appoint such committees as he may from time to time deem necessary.

**Section 2.** Any member of the Council desiring to speak or present any subject shall not proceed until recognized by the President.

**Section 3.** All resolutions shall be voted by roll call and each Councilperson shall answer by voice either yes or no unless excused from voting under the provisions of Section 3.9 of the Charter. Every member of the Council present at a meeting shall be required to vote as herein provided and if he does not so vote, the Clerk shall record the vote per Robert's Rules of Order. In the event a Councilperson cast his/her vote in error and the final vote has been announced but the meeting has not been concluded, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed. The Council President will at that time seek general consent from the Council present to grant the request and if there are no objections, so grant. If a Councilperson objects to the request, then a motion can be made and seconded by Council to grant the request. This motion is undebatable and the Council President will call for a vote on the motion.

**Section 4.** Order of Business (Regular Meeting)\*

Call to Order, Invocation  
Pledge of Allegiance  
Approval of Minutes  
Assignment of Agenda Items  
Council President's Report  
City Attorney's Report  
City Manager's Report  
Committee Reports  
Public Comments  
Council Response to Public Comments\*\*  
Unfinished Business  
New Business  
Adjournment

\* Special meetings need not include all of these items.

\*\* Responses shall be limited to the correction of factual errors made by public.

**Section 5.** All questions of procedure not provided for by the Charter or this ordinance shall be decided according to Roberts Rules of Order (revised). Public comments shall follow Roberts Rules of Order and shall be enforced by Council President.

**Section 6.** Any rules may be suspended by the unanimous consent of members present but such suspension shall apply only to those matters considered at the time of the suspension.

**Section 7.** An Agenda for Council Meetings shall be prepared by the City Manager prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Items placed on the Business agenda will be those that have been determined to move forward by a consensus of Council members at a prior Conference meeting. Petitions, resolutions or other business to be presented to the Council by Council members must be filed in writing with the Clerk not later than noon of the Tuesday preceding a regular meeting, except as hereinafter stated.

- a) From time to time matters of urgency may come to light that require Council's immediate attention. These items may be added to the Council meeting agenda without first being discussed at a Conference meeting only with the approval of the Council President, with the concurrence of two (2) other Council members.
- b) No petitions, resolutions or other business may be presented to Council by individual Council members unless action to do so was approved at a prior Conference meeting by a majority of the whole Council.
- c) No employee or staff time will be expended upon any matter unless directed by the City Manager or approved by a majority vote of the whole Council at a Council meeting or a Conference meeting.

**Section 8.** Any persons desiring to speak at any Council meeting or public hearing shall submit their name and address in writing to the Clerk prior to the meeting or public hearing and state the purpose of said person's talk. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair and, if related to any item on the agenda, shall occur prior to Council action. Time shall not be transferable from one individual to another. The City Manager or his/ her designee shall time the individuals speaking and give a thirty second warning.

At all times, speakers shall direct their comments to the Chair and shall refrain from addressing individual Council persons.

**Section 9.** In the event of conduct which the Council President or other Council members find offensive, the following steps shall be taken to correct this behavior:

- (a) The Council President will formally address the concern with the individual Council member;
- (b) If the problem persists, the City Council will take a short recess;

- (c) If the problem continues, the Council member in question will forfeit their right to speak on the specific topic; and
- (d) If the problem continues, the Council President shall take corrective steps based upon procedures outlined in Roberts Rules of Order (revised).

**Section 10.** Special meeting called per §3.8(B) of the City Charter shall try to be scheduled to provide at least 48 hours between the calling of the meeting and the actual meeting time. This time allows for proper public notice to issued, contacting of all Council members, and development of necessary agenda materials. It is understood that there may be situations where overwhelming urgency requires that the meeting be scheduled strictly in compliance with §3.8(B) of the City Charter.

## **RULES FOR CONFERENCE MEETINGS**

(Adopted 1/18/82, 1/4/10)

(Amended 11/09/98, 02/25/02, 01/14/08, 1/4/16)

1. An agenda for conference meetings shall be prepared by the City Manager, the Council President and/or President Pro Tem prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Individual Council members may add to the conference agenda by informing the Manager by 11:00 A.M. the Tuesday before the meeting. From time to time matters of urgency may come to light after the agenda deadline. These items may be added to the agenda only with the approval of the Council President.
2. The regular conference agenda\* shall take the following form:
  - a. Call to Order
  - b. OLD BUSINESS - not completed at previous conference meetings
  - c. NEW BUSINESS
  - d. Items not included on the agenda (if time permits)
  - e. Public Comments

\* Special conference meetings need not include all of these items.

3. Conference meetings shall be limited to two and one-half hours but in any event will not exceed beyond 10:00 P.M. During the initial review of any topic listed on the Agenda, a limit of thirty (30) minutes will be given for discussion by the City Council. At the end of thirty minutes, Council may have this discussion continued at the conclusion of the regular Conference Agenda should time be available or have the item brought back at a future Conference session(s) for further discussions.
4. A quorum for a conference meeting shall consist of six members. All action taken at a conference meeting shall be by majority of the whole Council - 5 votes.
5. All motions to add agenda items to the business meeting shall be voted by roll call and each councilperson shall answer by voice vote either yes or no unless excused from voting under the provisions of Section 3.9 of the Charter. Every member of the Council

present at a meeting shall be required to vote as herein provided and if he or she does not so vote, the Clerk shall record the vote per Robert's Rules of Order (revised). Votes during Conference meetings generally are informally used to determine whether an item should be forwarded on to the Business Agenda for formal action, to determine whether a consensus exists amongst Council members to proceed in a certain direction, or to commit staff time to further research a topic. Because of this, votes other than on formalized action, should not be construed as a final position of an individual Council member. In the event a Councilperson cast his/her vote in error before the next agenda item has been started, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed.

6. Any person desiring to speak at any conference meeting shall submit his name and address in writing to the Clerk before each meeting, and state the purpose of his talk. During the Public Comment section of the Agenda, the individual shall be allowed to address Council. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair. Time shall not be transferable from one individual to another. The City Manager or his/her designee shall time the individuals speaking and give a thirty second warning.
7. At all times, members shall direct their comments to the Chair and shall refrain from addressing each other.
8. A conference meeting may be called by the Council President, or by any three members who petition for a meeting. The Council President may cancel a conference meeting due to weather conditions or if, in his opinion, it will be impossible to obtain a quorum. The City Manager shall inform all Council members of canceled meeting as soon as possible by phone.
9. All matters not covered by Conference Rules shall be governed by Roberts Rules of Order. Public comments shall be governed by Roberts Rules of Order and shall be enforced by Council President.

## **Attachment B**

### **COUNCIL MEMBER RULES**

(Adopted 1/13/92, Adopted 9/8/08, 1/4/10)

(Amended 11/23/98, 02/25/02, 07/14/03, 1/4/16)

- (a) Council members agree to act through the office of the City Manager and will not directly or indirectly give order or make request of department heads or City employees. It is important for Council members to recognize that the Manager works for the Council as a whole and not for any one or groups of Council persons.
- (b) Council members agree that the Manager or his designee will serve as negotiator with all City unions. Council members will not engage in bargaining with employees and will in all situations act through the Office of the City Manager.

- (c) Council members understand that the time of the professional staff is valuable and will limit discussions and phone conversation during business hours to reasonable amounts of time.
- (d) Council members agree that the Manager will do all negotiating with the representatives of other municipalities and Council members will act through the City Manager.
- (e) Council members shall not use their position to intimidate Staff to secure a request.
- (f) Questions of Staff are permitted, and encouraged, at the Department Head level and through the City Manager's Office. Council members are discouraged from approaching employees below Department Head levels.
- (g) Council members are not to give direction or to give orders to any Staff member. Directions should go directly through the City Manager, and only upon the recommendation of a majority of the full Council.
- (h) Specific technical questions can be asked of the Staff during normal business hours. Contact with Staff members, except in a case of emergency, is discouraged outside of business hours. Questions related to personnel or employee performance is allowed only through the City Manager. Council members are encouraged to follow the chain of command within the organization.

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### **#3-2018**

## **A RESOLUTION TO DESIGNATE AN INTERIM CITY MANAGER AND AUTHORIZE ADDITIONAL COMPENSATION**

### **Motion of Councilperson Pacino**

**WHEREAS**, the City Manager has submitted his resignation effective January 28, 2018, however his last day of work in the office will be January 12, 2018; and

**WHEREAS**, the Assistant City Manager submitted her resignation effective August 8, 2017 and the position has not yet been filled; and

**WHEREAS**, Matt Worth, the Director of Public Works has agreed to serve as Interim City Manager until such time that the incoming City Manager has assumed such duties. Matt Worth will assume the duties of Interim City Manager effective January 13, 2018 and shall be paid a stipend of \$1,000.00 per month in addition to his current salary effective January 13, 2018; and

**WHEREAS**, James Ficarella, Superintendent of Water and Wastewater and Ray

Tourt, Superintendent of Maintenance will be taking on additional duties and responsibilities as a result of the Director of Public Works serving as Interim City Manager. These include, but are not limited to, the management and implementation of a \$2.55 million roadway improvement Transportation Improvement Program (TIP) project, \$1 million sidewalk construction Transportation Advancement Program (TAP) project, Ellicott Trail construction project, \$1.1 million facilities improvement plan and over \$500,000 of additional road resurfacing and sidewalk reconstruction projects, until such time the Director can resume his normal duties; and

**WHEREAS**, Lisa Neary, Deputy Director of Finance will be taking on additional duties and responsibilities as a result of the City Manager/Chief Fiscal Officer and Assistant City Manager vacancies. These include, but are not limited to, the issuance of \$4.1 million of Bond Anticipation Notes, the issuance of a \$200,000 municipal lease and the implementation of the City's new Enterprise Information Management solution for all software applications, until such time that a permanent City Manager and Assistant City Manager has been appointed; and

**WHEREAS**, the City Council is of the opinion that it is in the best interest of the City to compensate these employees and recognizes that these employees for an interim period of time will be taking on additional duties and responsibilities; and

**WHEREAS**, James Ficarella, Ray Tourt and Lisa Neary shall be paid a stipend of \$750.00 per month in addition to their current salary to effective January 13, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that Matt Worth be named as Interim City Manager commencing January 13, 2018 until such time as a permanent City Manager has assumed such duties.

**Motion of Councilperson Christian and on roll call approved 9-0.**

**Discussion** – Mr. Molino gave some details regarding projects that had been considered, those moving forward and those that could be postponed. He also explained in more detail the additional responsibilities of those recommended for additional compensation.

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**Motion to adjourn meeting by Councilperson Bialkowski, seconded by Councilperson Christian and, on roll call, approved 9-0. Meeting adjourned at 7:22.**

**Respectfully submitted,**

**Heidi J. Parker  
City Clerk-Treasurer**