

## **BATAVIA CITY COUNCIL CONFERENCE MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, March 27, 2017 at 7:00 PM**

### **AGENDA**

- I. Call to Order
- II. Invocation – Councilperson Jankowski
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
  - a. Collins Coffee Demonstration
  - b. Memorial Day Parade
  - c. Z Club of Batavia 5K Run for Education
- VII. Council President Report
  - a. Announcement of the next regular City Council Business meeting to be held on Monday, April 10, 2017 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
- VIII. Appointments of Members to Various Boards
- IX. Police Department Surplus and Trade-in of Firearms
- X. GO ART! 2017 Picnic in the Park Request
- XI. Foreclosure Property Auction
- XII. 661, 665 & 679 East Main Street Rezone
- XIII. Police Facility: Appraisal of Real Property
- XIV. Award of the Electrical Pump Station Improvements Project
- XV. Executive Session...Litigation Matters and Employment Matters
- XVI. Adjournment

**Collins Coffee Demonstration**

There are no estimated overtime or material costs from the City departments.

**Memorial Day Parade**

Estimated OT/material cost from the police department is \$460. Estimated OT/material cost from public works is \$1,970.71 due to DOT requirements. There are no other OT or material costs from other departments.

**Z Club of Batavia 5K Run for Education**

Estimated cost from the police department is \$365. There are no other OT or material costs from other departments.

# -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:

**Historic Preservation Commission**

Caroline Hosek

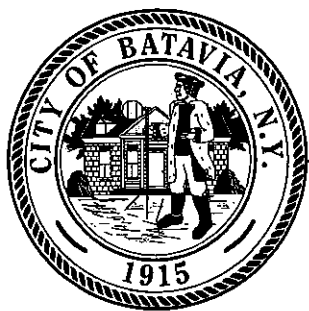
December 31, 2019

**Youth Board**

Mona Doyon

December 31, 2019

**Seconded by Councilperson  
and on roll call**



# City of Batavia

## ***Memorandum***

To: Jason Molino, City Manager

From: Shawn Heubusch, Police Chief

Date: February 24, 2017

Subject: Trade-in of Firearms

Currently our Emergency Response Team utilizes four (4) sub-machine guns that are no longer appropriate for our operational needs. The members of the ERT have committed much research to replacing the four machine guns with more appropriate weaponry for the current mission of the Team.

On February 22, 2017 ERT members were able to secure a very positive trade-in proposal to upgrade the current equipment. This proposal requires that City Council pass a resolution declaring the following items as surplus;

- Two (2) H&K MP5 9mm sub machine guns
- Two (2) H&K UPM .40S&W sub machine guns (one with QD suppressor)
- Any available magazines + accessories associated with the above mentioned H&K's
- One (1) Yankee Hill 5.56mm Suppressor

In exchange the Department will receive the following;

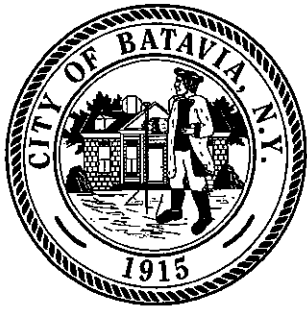
- Four (4) Daniel Defense DDM4 MK18 10.3" 5.56mm SBR's valued at \$1,662.00 each
- Five (5) Silencero Saker 5.56mm Mini Suppressors valued at \$501.00 each
- One (1) Silencero Omega 7.62mm valued at \$735.00
- Required muzzle devices for all suppressors
- One (1) Aimpoint PRO valued at \$485.00
- One (1) Surefire Scout M600 Weapon Light with UE07 Pressure Switch valued at \$349.99

In all the Department will receive over \$10,000.00 in equipment for the outdated weaponry currently be utilized, this trade represents the best value for the Department.

**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**  
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# City of Batavia

Please see the attached Draft Resolution declaring the current equipment as surplus.

If you have any questions please contact me directly.

Attachments:      Draft Resolution  
                         Trade Proposal from the Firing Pin, LLC

**Police Department**  
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**#-2017**

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

**Motion of Councilperson**

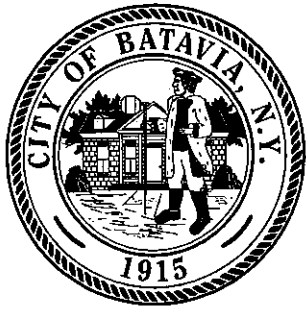
**WHEREAS**, The Bureau of Police has declared the equipment listed below surplus; and

**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:

- Heckler & Koch MP5A3 submachine gun, serial number 62-349438
- Heckler & Koch MP5A3 submachine gun, serial number 62-349439
- Heckler & Koch UMP .40 submachine gun, serial number 162-001918
- Heckler & Koch UMP .40 submachine gun, serial number 162-001919
- Yankee Hill 5.56 Suppressor, serial number YS-2895

**Seconded by Councilperson  
and on roll call**



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager

Date: March 19, 2017

Subject: GO ART! funding request

Attached please find a letter from the Jennifer Gray, Executive Director of GO ART! requesting support for the 2017 Picnic in the Park event. As explained in Ms. Gray's letter, GO ART! is currently facing financial challenges from dwindling grant funding to further support the arts and culture mission of GO ART!. Without additional support the Picnic in the Park event is at risk for 2017. As you know Picnic in the Park is annually held on the July 4<sup>th</sup> weekend in Centennial Park and provides a variety of arts, culture and entertainment of residents and visitors throughout the event.

The request is for \$4,000 to further support the event and ensure it is held this year. The request mentioned use of cancelled resources remaining from the Vibrant Batavia initiative to support the event. The current balance of remaining resources from Vibrant Batavia is approximately \$53,000. These funds currently exist in the City's committed fund balance and can only be redirected by City Council action. It is recommended that \$4,000 of these funds be redirected to support Picnic in the Park for 2017 only. Picnic in the Park is a community celebration, that is consistent with the original intent of the funding and that both residents and visitors enjoy the event which brings a quality of life and economic development benefit to the community. While there remains a balance of funds from the Vibrant Batavia initiative, City staff are currently developing several recommendations surrounding the redevelopment of zombie homes to be considered for these funds. These recommendations will be presented to City Council within the next 60 days.

**Recommendation:** It is recommended the City Council redirect \$4,000 of Committed Fund Balance for supporting the GO ART! Picnic in the Park event for 2017 only.

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February 23, 2017

Jason Molino  
City Manager  
One City Center  
Batavia, NY 14020

RECEIVED

MAR 01 2017

City Manager's Office

Dear Jason,

As the Executive Director of GO ART! I am reaching out to you and the members of City Council on behalf of our organization in regards to our 2017 Picnic in the Park.

As you may know, with continued budget cuts and dwindling resources, our organization has fought to keep its doors open and continue with much needed programming. We have cut our employees down to only 2 positions, most of which are subsidized by the New York State Council on the Arts and a 2 year REDC Workforce Development Grant. We have made the necessary cuts and collaborations that have allowed us to stay relevant in this difficult time.

The arts council continues to fund-raise and be as proactive as possible but without support of our local municipality, our historic Picnic in the Park celebration on July 4th, may be in jeopardy. We have offered this event free of charge to our community for 38 years, providing a safe, enriching event for city residents.

As such, we are asking that the City of Batavia recognize the need to continue this event and provide additional funds towards ensuring that it continues for its 39th year. I have attached our proposed budget for 2017. As you can see, we operate this event knowing there is a small profit to be had (if all expenditures go as planned AND the community supporters continue with their generous donations).

We are asking the City of Batavia to use their resources earmarked for the cancelled Vibrant Batavia initiative, to support a much loved, much needed community celebration in the amount of \$4000. This would ensure high-quality music, entertainment and substantial children's activities throughout the day. With the dissolution of Summer in the City, Picnic in the Park remains one of the only City celebrations left for summer entertainment.

Historically the City of Batavia had supported Picnic in the Park, but throughout the last 15 years, funding has been grotesquely slashed to a barely operable \$2250. As you can see from

**BOARD OF DIRECTORS**

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Don Brown • Karen Crittenden • Julia Garver • Jennifer Neroni-Trupo • Mark Scarborough • Mary Jo Whitman • Joe Ziolkowski





our event budget, at minimum it will cost us over \$10,000 to present Picnic in the Park, of which is supported mainly by local business contributions that fluctuate year to year.

As the City Manager along with the City Council Representatives, you have also seen the identified need for more enriching cultural experience through both the comprehensive plan and the City's own Strategic Plan of 2016. Identified as the #2 priority in *your own* strategic plan it states:

***Strategic Priority 2: Vibrant, Livable Neighborhoods***

**Directional Statements:**

- *Support our community through City partnerships* with residents and businesses to ensure healthy and vital neighborhoods, free of crime, blight and decline.
- Encourage and model community beautification efforts that create pride and sustainability throughout the City.
- *Promote public engagement* with community members of all ages.
- *Seek to promote a diversity of cultural and recreational opportunities*

GO ART! for over 40 years has dedicated itself to promoting, producing and developing the cultural and artistic life of our residents. We seek to be a key factor as to why the City of Batavia continues to grow, sustain and attract new residents to our region. As you have identified in your strategic plan, creating healthy, vibrant, livable neighborhoods includes such things like Picnic in the Park. Through this event we create community pride, a safe place to gather and celebrate, feature local artists and musician and so much more.

I hope you and the council will seriously consider our ask and become an essential partner in why this historic event can continue to serve our residents for years to come. It will only be through partnerships like this that the City of Batavia can continue to thrive. If you should have any questions, please do not hesitate to contact me.

Most Sincerely,

Jennifer L. Gray  
Executive Director  
jgray@goart.org  
585-343-9313 (w)  
919-889-3373 (c)

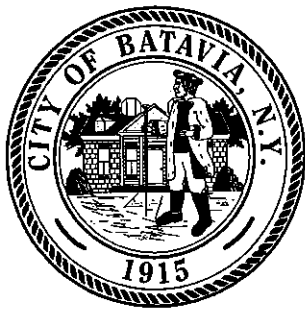
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## 2017 Picnic in the Park Proposed Budget

| EXPENSES                           | PROJECTED        | INCOME                        | PROJECTED       |
|------------------------------------|------------------|-------------------------------|-----------------|
| <b>Main Stage:</b>                 |                  |                               |                 |
| Batavia Concert Band               | \$250            | NYSCA Folk Art Program        | \$2,000         |
| Band #1                            | \$750            | Genesee County                | \$500           |
| Band #2                            | \$1,000          | Service organ. Contribution** | \$1,500         |
| Band #3                            | \$1,000          | Corporate Contributions       | \$4,000         |
| <b>Featured Artist Tent:</b>       |                  | Private Contributions         | 800             |
| TBD                                | \$1,000          | Donation Buckets              | \$200           |
| <b>Explore Art Tent:</b>           |                  | Vender A&C                    | \$800           |
| Hands on art activities & supplies | \$500            | Vendor Food                   | \$700           |
| <b>Park Activities:</b>            |                  | 50/50 & basket Raffle         | \$800           |
| Artisian Alley                     | \$200            |                               |                 |
| Juggler                            | \$200            |                               |                 |
| Geoff Clough - Cookie Songwriting  | \$300            | <b>Total Income</b>           | <b>\$11,300</b> |
| Kiddi Parade                       | \$150            |                               |                 |
| Instrument "Petting Zoo"           | \$150            | <b>In-Kind</b>                |                 |
| Characture Artists                 | \$250            | City of Batavia DPW           |                 |
| Community art installation         | \$500            | Genesee County Chamber        |                 |
| <b>Technical:</b>                  |                  | AmeriCorps                    |                 |
| Tents, Tables, Chairs              | \$1,500          | ARC of Genesee County         |                 |
| Sound                              | \$500            | Volunteers                    |                 |
| Emcee                              | \$100            | Staff Time                    |                 |
| Marketing                          | \$800            | CY Farms                      |                 |
| Program/informational flyer        | \$200            | WBTA                          |                 |
| Porta-potties                      | \$600            |                               |                 |
| Misc                               | \$300            |                               |                 |
|                                    |                  |                               |                 |
| <b>Total Expenses</b>              | <b>\$ 10,250</b> | <b>NET</b>                    | <b>\$ 1,050</b> |
|                                    |                  |                               |                 |
|                                    |                  |                               |                 |
|                                    |                  |                               |                 |



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager  
From: Heidi J. Parker, Clerk-Treasurer  
Date: March 20, 2017  
Subject: Foreclosure Property Auction

On March 18, 2017, the City of Batavia auctioned property and the highest bidders were as follows:

|                                |                  |         |
|--------------------------------|------------------|---------|
| 29 Brooklyn Ave                | Michael Garofalo | \$4,700 |
| Colorado Ave Rear (landlocked) | Neil Brennan     | \$100   |
| Hull Park (landlocked)         | David Swartz     | \$300   |

The recommendation is that Council approve the sale of the above listed property at the April 10, 2017 business meeting. There are no outstanding taxes on any City properties owned by any of the bidders in the City of Batavia and no code violations I can see that have been billed. Mr. Garofalo is not listed as a current property owner in the City of Batavia. Mr. Brennan lives at 7 Colorado Ave and has maintained the rear property for years. Mr. Swartz owns property at 313 Washington Ave.

# -2017

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE  
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE  
PROPERTIES AUCTIONED ON MARCH 18, 2017**

**Motion of Councilperson**

**WHEREAS**, the City foreclosed on 29 Brooklyn Ave, Colorado Ave Rear, and Hull Park for non-payment of property taxes; and

**WHEREAS**, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

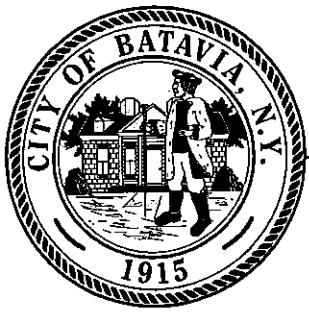
**WHEREAS**, a Public Real Estate Auction was held at Bontrager's Auction Center on March 18, 2017 at 10:00 a.m.; and

**WHEREAS**, the highest bids received for the auctioned properties are as follows:

| Property             | Highest Bidder   | Highest Bid |
|----------------------|------------------|-------------|
| 1) 29 Brooklyn Ave   | Michael Garofalo | \$4,700     |
| 2) Colorado Ave Rear | Neil Brennan     | \$100       |
| 3) Hull Park         | David Swartz     | \$300       |


**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, that it discontinues the public use of said properties and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidders for all properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

**Seconded by Councilperson  
and on roll call**



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: March 23, 2017

Subject: 661, 665 and 679 East Main Street

The process to consider a Petition to Rezone for the aforementioned properties started on February 13, 2017 when the City Council referred the Petition to the City Planning and Development Committee for a recommendation. The City Planning and Development Committee reviewed the Petition on March 21, 2017 and recommended the rezone of the aforementioned properties from R-2 and I-1 to a C-2 commercial district. The basis for the rezone recommendation was that a C-2 change would best reflect and complement the existing uses along that corridor.

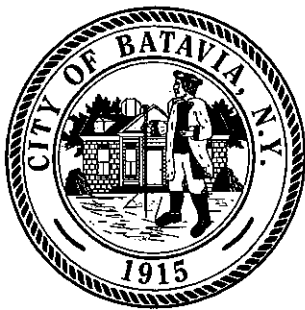
The Petition is now referred back to the City Council for consideration. A zoning change consists of a change to the Zoning Code, and therefore would require a public hearing to receive public feedback prior to considering a local law adoption to change the zoning.

**Recommendation:** Based on the recommendation of the Planning and Development Committee, it is recommended that the City Council set the public hearing for rezone for the April 24<sup>th</sup>.

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# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: March 19, 2017

Subject: Police Facility

In August 2016 City Council gave the direction to continue to pursue the evaluation of alternative locations for a Police facility as the Swan Street location was not readily available for purchase. Shortly after this direction, towards the end of 2016, further discussions arose regarding renewed interest by the Swan Street property owner to consider sale of the property to the City.

After further discussions with the property owner a strategy for entering into a sale contract for the property to begin the necessary environmental due diligence of the property was developed.

The following is broad timeline and cost estimates for conducting the necessary due diligence prior to finalizing any sale of real property:

**(April – May)** Authorize the City Manager to perform an appraisal (est. \$5,000) to determine fair market value and potential purchase price.

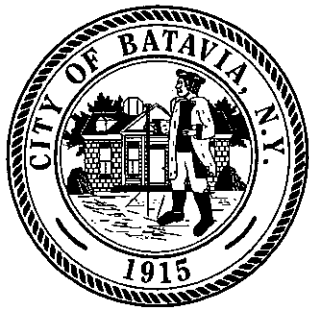
**(May – July)** Authorize the City Attorney and City Manager to develop a sale contract containing reasonable terms and due diligence requirement for the acquisition. This would include the drafting and approval of a sale contract by the City Council and the property owner prior to beginning any due diligence.

**(August - January)** Once a sale contract is executed due diligence can commence which would include a survey of the property, Phase I environmental site assessment, potential Phase II environmental site assessment, title search and updated construction estimates. In total, based on preliminary estimates, this additional work will cost approximately \$50,000 - \$60,000. This will be further refined if approval to

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# City of Batavia

move forward is authorized. These funds are available in the City's Capital Facility Reserve and would be transferred to the General Fund when the sale contract is executed.

As part of the final due diligence review it is recommended that a full financial and debt analysis be conducted prior to City Council considering any property acquisition. This will ensure that City Council is fully informed of the financial impact of the project with the most current and update information available to them. If City Council chooses not to move forward with property acquisition a decision would have to be made to terminate the sale contract within the provided for contingency time frame outlined in the sale contract.

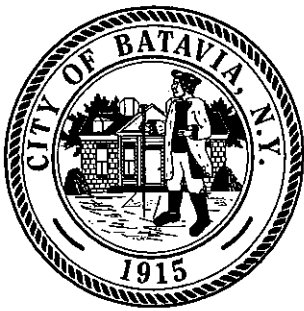
After all property review and due diligence is completed and satisfactory to all parties involved, a final determination for property acquisition by both parties can be considered.

**Recommendation:** It is recommended that at the April Business meeting City Council authorize by resolution the transfer of funds for the City Manager to engage for an appraisal of 35 Swan Street.

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# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager *JW*

Date: March 19, 2017

Subject: Police Facility

In August 2016 City Council gave the direction to continue to pursue the evaluation of alternative locations for a Police facility as the Swan Street location was not readily available for purchase. Shortly after this direction, towards the end of 2016, further discussions arose regarding renewed interest by the Swan Street property owner to consider sale of the property to the City.

After further discussions with the property owner a strategy for entering into a sale contract for the property to begin the necessary environmental due diligence of the property was developed.

The following is broad timeline and cost estimates for conducting the necessary due diligence prior to finalizing any sale of real property:

**(April – May)** Authorize the City Manager to perform an appraisal (est. \$5,000) to determine fair market value and potential purchase price.

**(May – July)** Authorize the City Attorney and City Manager to develop a sale contract containing reasonable terms and due diligence requirement for the acquisition. This would include the drafting and approval of a sale contract by the City Council and the property owner prior to beginning any due diligence.

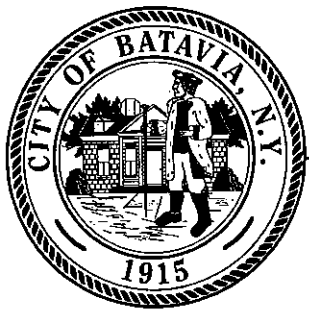
**(August - January)** Once a sale contract is executed due diligence can commence which would include a survey of the property, Phase I environmental site assessment, potential Phase II environmental site assessment, title search and updated construction estimates. In total, based on preliminary estimates, this additional work will cost approximately \$50,000 - \$60,000. This will be further refined if approval to

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# City of Batavia

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As part of the final due diligence review it is recommended that a full financial and debt analysis be conducted prior to City Council considering any property acquisition. This will ensure that City Council is fully informed of the financial impact of the project with the most current and update information available to them. If City Council chooses not to move forward with property acquisition a decision would have to be made to terminate the sale contract within the provided for contingency time frame outlined in the sale contract.

After all property review and due diligence is completed and satisfactory to all parties involved, a final determination for property acquisition by both parties can be considered.

**Recommendation:** It is recommended that at the April Business meeting City Council authorize by resolution the transfer of funds for the City Manager to engage for an appraisal of 35 Swan Street.

Attached are several memorandums over the past year regarding the police facility discussion.

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Batavia, New York 14020

TDD 800-662-1220  
Phone: 585-345-6330  
Fax: 585-343-8182  
[www.batavianewyork.com](http://www.batavianewyork.com)



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: August 31, 2016

Subject: Police Station update

At the last Council meeting it was recommended that City staff review the existing studies, analysis and recommendations to date, engage with the City's engineers/architects to update construction numbers and provide a feasible recommendation, with alternatives, to City Council. It is expected this recommendation will take an additional 3-6 months and some additional engineers/architects fees to update prior construction costs.

City Council further requested that the prior Police Facility Task Force members be solicited to comment on findings and research throughout the analysis process and provide input as to the staffs findings prior to being recommended to City Council. It was also outlined that the staff would come back to City Council with a recommendation for additional funds needed to work with the City's engineers/architects to update construction numbers as well as assist with any additional analysis.

City staff has begun to develop a strategy for reviewing existing information and will be discussing scope of work options with City engineers/architects within the next two weeks. It is expected that staff will have a recommendation for additional funds by the October 11<sup>th</sup> Council meeting.

To date the prior Police Facility Task Force members have been contacted. The staff will begin to review studies and analysis and possibly review new sites, and that if they would like to review any new analysis moving forward we would be requesting a first meeting in September.

If you have any questions please feel free to contact me.

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# City of Batavia

## Memorandum

To: Honorable City Council  
From: Jason Molino, City Manager  
Date: August 3, 2016  
Subject: Police Facility

In February the City Council requested that the City Attorney and City Manager develop a strategy regarding the potential acquisition of 35 Swan St. for the construction of a new police station. After approaching the property owner regarding the property of interest, land acquisition requirements and procedures, the property owner has advised that they are continuing to explore and evaluate a variety of scenarios in an effort to devise a redevelopment plan for the entire Harvester Campus. They also advised that until they complete that review and planning process, they will not be committing any major property components to new uses.

In light of this news, City Council will now have to consider several alternatives to address the police facility issue. Below are several alternatives to take into consideration when discussing this issue further.

- 1) The City Council can opt to wait for the property owner to complete the redevelopment review after which the property owner may be interested in continuing dialogue regarding the subdivision of the Swan Street property. There is no set time frame for this process to be complete; however the property owner is currently utilizing an Empire State Development Corporation grant to complete the subdivision/redevelopment plan. It is reasonable to assume that within the next 6-12 months the property would have a more definitive answer with respect to parceling off the Swan Street property for the construction of a new police station. Should that be the case the City would then pursue a Sale Contract that would outline the terms for the City to purchase the property including surveying, appraisal and environmental reviews of the property prior to the City agreeing to purchase the property.

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# City of Batavia

Challenges with this approach are that the City would be at the whim of the property owner for receiving a response regarding interest in disposing of the property. Even after the subdivision/redevelopment plan is complete, there are no assurances that the property owner would be willing to commit to property transfer. In addition if there is interest in transferring the property, it is still recommended that the City still do environmental due diligence on the property prior to agreeing to purchase the property.

- 2) Another option to consider is the use of eminent domain or condemnation. These are terms used to describe the power of a political subdivision to take private property for a public use. This law may be used by any municipality as it allows for the taking of property needed for public purposes when there is an unwilling seller. Eminent domain procedure frequently comes into play, for example, when a road needs to be built or enlarged, or for environmental conservation purposes.

Municipalities are specifically authorized to exercise eminent domain power by General Municipal Law § 74 which provides that: "A municipal corporation authorized by law to take and hold real property for the uses and purposes of the corporation may, if it is unable to agree with the owners for the purchase thereof, acquire title to such property by condemnation."

The eminent domain process would include a public hearing regarding the location of the property to be condemned, as well as an outline of the purpose, proposed location or alternate locations of the public project for which the property is being taken, and any other information it considers pertinent. Following the hearing the City would make a determination as to whether or not it wishes to obtain the property. After which an appraisal of the property would determine the purchase price and just compensation for the property.

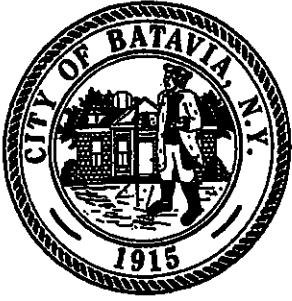
An aggrieved party may commence an Article 78 proceeding of the Civil Practice Laws and Rules (CPLR) in the appropriate Appellate Division of the Supreme Court to challenge the condemnation action.

Exercising eminent domain to take the Swan Street property appears to fit with the parameters of the law as the construction of a police station is a public purpose. Challenges with this approach are numerous in that the aggrieved property can legally challenge the

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# City of Batavia

City's action, potentially delaying the taking of the property or the possibly stopping the City's action. In addition, the City would still have to conduct environmental due diligence prior to determining if the property is suitable for constructing a police station.

- 3) Over the past two years there has been considerable analysis and review of existing police department space and facility needs. This includes a Facility Feasibility Study issued in September 2014 followed by a citizen Police Facility Task Force review and recommendations completed in August 2015. Both are posted on the City's website at <http://www.batavianewyork.com/police-department/pages/police-facility-study>. Both include a review of alternate locations and cost estimates (based on 2014 prices) regarding facility upgrades and/or new facilities based on selected locations that would best meet the police department's needs. Staff from the Police Department and City Manager's Office have been involved in the discussions and analysis with both the consultants and appointed Task Force to assist in providing insight to daily police operations, municipal operations, financial analysis and additional issues as needed.

Having City staff review the existing information, update construction costs and make a recommendation on next steps to include, facility location, size and cost, which would provide City Council with a tangible plan to consider moving forward. Staff have been entrenched in the data collection, analysis and discussions regarding all aspects of this issue and are in a practical position to provide a recommendation to City Council. This would require some additional time to get the City team to refresh existing data, engage with our engineers/architects to update construction numbers as well as have practical discussion regarding facility needs, size and costs.

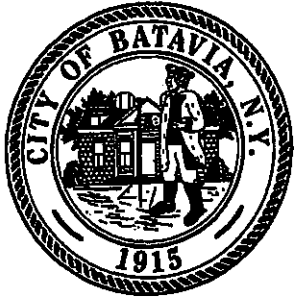
**Recommendation:** It is recommended that the City staff review the existing studies, analysis and recommendations to date, engage with the City's engineers/architects to update construction numbers and provide a feasible recommendation, with alternatives, to City Council. It is expected this would take an addition 3-6 months and some additional engineers/architects fees to update prior construction costs.

Regardless of City Councils direction, considering the City's financial commitment to not only studying options but also building capital reserves to contribute towards facility improvements, it is stressed that the City Council continue the forward momentum in properly assessing the best

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# City of Batavia

alternative for improving police facilities in the near future. The current facility is well beyond its useful life, has continually increase maintenance needs and poses a challenge to employee safety and efficiency.

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## City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 18, 2016

Subject: Police Facility Discussion

**Background:** Attached please find multiple documents related to the research and work that has been completed by the staff, consultants and Police Facility Task Force regarding the review of the existing police station. Also, the space needs assessment/feasibility study and Task Force recommendations are currently posted on the City's website.

In summary, the City has followed the correct path to understanding the needs of new/improved police facilities.

In the fall 2013 and throughout 2014 the City engaged with a public safety consulting team (specializing in public safety building assessments, design and construction) to complete a space needs assessment to determine the expected space needs for the department to function properly. Included with the space needs assessment was a thorough review of the existing facility and challenges related to the current physical state, space needs now and future needs of the police department. A review of over a dozen sites and locations for a new facility were considered and six possible recommendations for a new facility and/or full renovation of the existing facility along with detailed project cost estimates were included in the final report. The cost estimates included design, construction, environmental remediation, property acquisition and contingency estimates. This process took approximately one year and included a staff leadership team as well as staff throughout the department to provide valuable input to understand functional requirements and needs of a facility.

Following the space needs assessment, City Council formed a Citizen Task Force to review the needs assessment and make a recommendation to City Council with respect to a preferred option and location for a police facility. The task force reviewed all recommended sites from the needs assessment as well as two additional sites. From this review process the Task Force recommended the Swan Street location for a new facility to be built. This process took approximately ten months to complete and included open meetings for the public to attend as well as a public comment period prior to making a formal recommendation to the City Council.

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## City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 18, 2016

Subject: Police Facility Costs

Attached please find a memo to the Police Facility Task Force dated July 23, 2015 regarding debt service and financing options for a new facility at the 35 Swan Street location.

Also attached is a listing of Federal and State grants that was provided to the Task Force regarding programs that were applicable to any of the potential sites they reviewed. Most relevant to the 35 Swan Street location is New York State Energy Research and Development Authority (NYSERD), Green Innovation Grant Program (GIGP), Community Development Block Grant (CDBG) and US Environmental Protection Agency (EPA) Brownfield and Revitalization Clean Up Grant. While the City is eligible to apply for these grants they are competitively awarded. The above referenced financing options do not include the receipt of grant funds.

### Other Facilities

City Council requested that the cost for a new facility be reviewed with respect to other facilities of similar nature in the area.

In 2013, the Town of Lancaster built a new 26,000 sf. police and court facility. The construction cost was approximately \$9 million or \$346 psf. Recently the Town of Greece, NY authorized a bond not to exceed \$9 million, or \$321 psf, for a new 28,000 sf. police station. In comparison, the City's estimated construction cost for a 17,900 sq. ft. new build is \$5.37 million or \$300 psf. While Lancaster and Greece are larger projects and have some differences in services, they do provide an understanding the City's cost per square foot is within the same range as other projects. It should be noted that these figures only include the construction cost of the buildings. They do not include possible site preparation costs, acquisition costs, environmental remediation costs or design and contingency costs as they can vary from project to project. When preparing the space needs assessment the staff spent considerable time with the consultants reviewing cost estimates to ensure they could best reflect projected costs with the information available based on the City's needs.



Once the recommendation was received, City Council held another public meeting for comments regarding the Task Force recommendation. Following this meeting, City Council requested that Genesee County be approached to determine if there was interest in jointly studying a consolidation of the City police department with the Genesee County Sheriff's Office. Shortly following this request, City Council decided not to proceed with a consolidation study and instead continue discussions regarding improved facilities for the police department.

**Discussion:** The following questions are intended to assist City Council with next steps in this process to begin to narrow the focus of discussion in making a decision.

1. Does City Council want to keep the existing police department at current law enforcement service levels?
  - a. If the answer to this question is no, then further discussion is needed with respect to define or determine new service levels prior to any facility discussions.
2. Assuming City Council wants to keep the existing police department at current service levels, the next question to be considered is, Does City Council want to build a new facility, use the existing facility (renovate) or select a different facility (new or renovation)?
  - a. Is the recommended location (Swan Street) acceptable for a police station?
    - If the location is acceptable, what, if needed, from the cost estimates should be further defined and explained? If so, let staff review and provide further detail and explanation.
    - Is the Council accepting of the financial impact of building a facility at this location based on the cost estimates, debt service and financial analysis provided (see attached)?
    - What are the next steps for advancing this site?
      - Two variables with respect to the Swan Street location are unknown: acquisition cost and remediation cost if any. Because both of these issues involve the proposed sale of real property it is recommended discussions surrounding these issues are done in executive session prior to making a decision publicly.
  - b. If the recommended location is not acceptable for a police station, what location is acceptable?
    - Do the locations reviewed by the staff in the needs assessment and the Task Force need to be reviewed again? If so, which locations?
    - If there are new locations to be considered, where are they and how much analysis is required to properly assess each location? (This may require additional engineering/architectural review.)

When reviewing these options several factors should be considered:

- The cost of construction per square foot for a new facility is in-line with similar facilities in other Western New York communities. The City researched several newer facilities and found the cost of construction is approximately \$300-\$350 per square foot which is similar to that of the Swan Street location.

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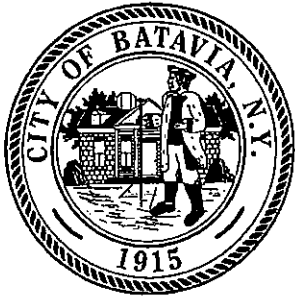
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- The cost of a renovation is typically higher than that of a new build as additional factors such as, but not limited to, ADA compliance, hazardous material abatement and infrastructure removal and replacement need to be understood. When considering a renovation of 10 W. Main St. temporary relocation and historic preservation is an added cost.
- A general point of consideration with respect to public safety facilities is that they are used three times as much as regular office facilities due to the 24/7 nature of operations. In short, a public safety facility that houses a full-time police department after a 10-year period has really experienced 30 years of utilization.

In conclusion, the City Council needs to deliberate the issue of investment in needed facilities for the community and City staff to provide needed law enforcement services. The costs to do so have been estimated to the best of our ability with the information available to us. When considering the level of investment in a new or improved facility, a debt service and financing analysis has been provided.


**While the cost of any project can be reduced, the City Council is cautioned that along with considerations of cost, functional needs of the police department need to be considered as well. Simply put, if City Council decides to limit the level of investment into a police facility, which is within Council's authority to do so, impacts of such a decision, such as a lesser facility or possibly lesser level of service to residents should be understood before moving forward with the project. Expectations of the investment should be known prior to beginning any project.**



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

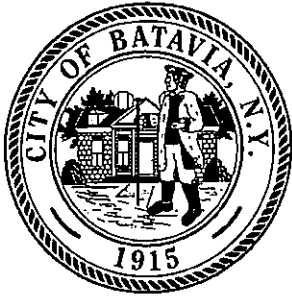
From: Matt Worth, Director of Public Works 

Date: March 20, 2017

Subject: Pump Station Electrical Improvements Project

On March 7, 2017 the City opened bids for electrical improvements at five pump stations throughout the City. A brief description of the project is as follows:

- Lehigh Storm Water Pump Station – Replace existing (1955+/-) electrical service and install new lighting. Change service voltage from non-standard 240v to modern 480v
- Industrial Park Sanitary Station – Replace existing (1972+/-) electrical service and pump controls, mount new controls above ground
- River Street Sanitary Station – Replace existing (1988) pump controls and convert SCADA to cell communication technology
- Naramore Drive Sanitary Station - Replace existing (1988) pump controls and convert SCADA to cell phone technology
- West Main St Sanitary Station - Replace existing (1988) pump controls and convert SCADA to cell communication technology
- WWTP, Water Plant, Water Tanks, Clinton St Sanitary Lift, Cedar (Oatka) Sanitary Lift, Central Pump Station, Burke Dr Sanitary Lift – Convert SCADA to cell communication technology



# City of Batavia

The low bid was submitted by O'Connell Electric for \$284,766 to complete this work. With engineering costs, the total project is 357,966 which exceeds the original budget of \$242,000. An evaluation of costs and bid pricing followed the bidding process and has determined that the exceedance of the budget can be primarily attributed to a \$25,000 contingency allowance which may not be used, and the addition of the change to cell phone technology for the SCADA system which was not part of the original budget. In addition, we have evaluated other possible savings in the contract that may allow for credits further lowering the project cost.

GHD engineers have reached out to the low bidder, as well as an additional contractor to determine if a re-bid would likely result in more favorable pricing with some modifications to the project. This research has determined that the pricing is not likely to be remarkably different and there is a risk of a pricing increase. As this project will increase the reliability of these facilities, and that the life cycle is demonstrated to be between 30 – 60 years I recommend that an additional \$116,000 be appropriated from the Sewer Reserve Account to allow for this project to be awarded.

Supporting Documentation:  
GHD Recommendation  
Bid Tabulation



March 20, 2017

Reference No. 630577

Matthew Worth  
City of Batavia  
1 City Centre  
Batavia, New York 14020

Dear Mr. Worth:

**Re: City of Batavia  
Electrical and SCADA Upgrades to Lift Stations  
Contract No. 2017-2**

On Tuesday, March 7, 2017 at 10:00 a.m. local time, the City of Batavia opened two bids for the above-referenced project. The bids were as follows:

| <u>Bidder</u>          | <u>Total Amount of Bid</u> |
|------------------------|----------------------------|
| O'Connell Electric Co. | \$284,766.00               |
| Concord Electric       | \$326,000.00               |

We have enclosed five copies of the bid tabulations for your information.

We have reviewed the qualifications and experience of the low bidder for the above-referenced project, O'Connell Electric Co., and have found they have performed similar work acceptably.

We have also reviewed and discussed the scope of work with O'Connell Electric in addition to reviewing GHD's estimated construction cost and have determined that O'Connell's bid price compares favorably with our estimate.

Therefore, we recommend award of the Electrical and SCADA Upgrades to Lift Stations project to O'Connell Electric Co., in the Total Bid Amount of \$284,766.00, contingent upon availability of project funding and review by the City's legal counsel.

Should you have any questions or require additional information, please advise.

Sincerely,

GHD

Robert P. Lannon Jr., PE  
Vice President

RPL/des/Worth-12

Encl. Bid Tabulation; Copy of Proposal and Bid Bond of Low Bidder

cc: Daniel Kolkman, GHD  
Jeff Gee, GHD  
File: 630577, Correspondence

# TABULATION OF BIDS

PAGE 1

**OWNER**  
CITY OF BATAVIA  
GENESEE COUNTY, NEW YORK  
**PROJECT**  
ELECTRICAL AND SCADA UPGRADES  
TO LIFT STATIONS  
CONTRACT NO. 2017-2

**ENGINEER**  
GHD  
285 DELAWARE AVENUE, SUITE 500  
BUFFALO, NEW YORK 14202  
**PROJECT NO.: 630577**

**DATE ADVERTISED:** 2/13/2017  
**DATE OPENED:** 3/7/2017  
**DATE TABULATED:** 3/7/2017  
**TABULATED BY:** OES

| BIDDER'S NAME:            |  |           | O'CONNELL ELECTRIC CO.                 |              | CONCORD ELECTRIC CORP.               |              |                |            |
|---------------------------|--|-----------|--|--------------|--------------------------------------|--------------|----------------|------------|
| ADDRESS:                  |  |           | 929B RANSOM RD.<br>LANCASTER, NY 14086 |              | 705 MAPLE ST.<br>ROCHESTER, NY 14611 |              |                |            |
| ITEM NO.                  | DESCRIPTION  | BID UNITS | PRICE PER UNIT                         | AMOUNT BID   | PRICE PER UNIT                       | AMOUNT BID   | PRICE PER UNIT | AMOUNT BID |
| 1                         | MOBILIZATION / DEMOBILIZATION  | 1 LS      | \$20,000.00                            | \$20,000.00  | \$20,000.00                          | \$20,000.00  |                |            |
| 2                         | ELECTRICAL AND SCADA UPGRADES TO LIFT STATIONS AND OTHER ASSOCIATED WORK | 1 LS      | \$239,766.00                           | \$239,766.00 | \$281,000.00                         | \$281,000.00 |                |            |
| 3                         | GENERAL CONSTRUCTION ALLOWANCE   | 1 ALL     | \$25,000.00                            | \$25,000.00  | \$25,000.00                          | \$25,000.00  |                |            |
| TOTAL BID FOR ITEMS 1 - 3 |  |           |  | \$284,766.00 |                                      | \$326,000.00 |                |            |

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilperson**

**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..."and;

**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;

**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**