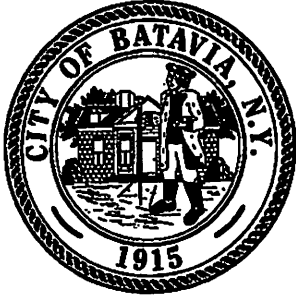


BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, August 8, 2016
Following Business Meeting**

AGENDA

- I. Call to Order
- II. Surplus Equipment Disposal
- III. Police Facility
- IV. Executive Session...Personal Matters
- V. Adjournment



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works

Date: July 29, 2016

Subject: Surplus equipment disposal

We are requesting permission to dispose/surplus the following equipment by auction or trade as identified.

1998 John Deere Gator 6x4 utility vehicle – \$2000 trade towards replacement utility vehicle.

1996 Ford LS9000 dump truck and accessories – Auction estimated value \$3000

1997 Dodge Ram Van – Auction estimated value less than \$500

1993 Jacobsen HR-15 flail mower – Auction estimated value \$1000

1996 Elgin Pelican P series street sweeper – Auction estimated value \$3000 - \$15,000

All of the above pieces of equipment are being replaced as part of the approved fiscal year budget 2016/2017 and have been previously identified within the City of Batavia's Equipment Replacement Plan. Other than the 1998 John Deere Gator, all equipment will go to auction. Provided are estimated values. Actual auction results will vary.

Supporting Documents:

1. Resolution
2. Property Disposal/Transfer Form

#-2016

**A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES
AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

Motion of Councilperson

WHEREAS, the Department of Public Works have declared the vehicles and equipment listed below surplus and the cost of needed repairs exceeding the vehicle's value; and

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

WHEREAS, any revenue received from disposal is to be put into the respective department's equipment reserve fund, fund revenue or be used for trade in value for approved equipment replacement; and

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

BE IT FURTHER RESOLVED, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2016-2017 budget:

- 1998 John Deere 6x4 Gator, SN – W006x4030716
- 1996 Ford LS 9000 Dump truck and accessories, VIN# 1FDYS90L4TVA05782
- 1997 Dodge Ram Van, VIN# 2B7HB21X9VK594212
- 1993 Jacobsen HR-15, SN#1864
- 1996 Elgin Pelican P-Series, P2006S

**Seconded by Councilperson
and on roll call**



SN
W806X4030716

**CITY OF BATAVIA
PROPERTY DISPOSAL/TRANSFER FORM**

Disposal of Property under \$1,000.00

Dept./Bureau:

Description of Property:

UNIT 313

DDW / MAINT

1998 - JONHON GATEL EX4

Method of Disposal:

TRADE

Estimated Value:

\$7000 OFF OF NEW PURCHASE

I hereby authorize disposal of the aforementioned Surplus Public Property:

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)

Amount Received:
(If applicable)

Signature of Dept./Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)

Transferring Property To:
(Dept./Bureau/Agency)

Description of Property:
(Make, Model, Serial No.)

Signature of Dept./Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion, please retain a copy and submit the original form to the City Manager's Office.



SN# 1FDY590L+TVA05782
P20065
LICH AL5445
AL5436

ACCESSORY SN - VIKING 135HST92H
VIKING 144HD3ERH

**CITY OF BATAVIA
PROPERTY DISPOSAL/TRANSFER FORM**

Disposal of Property under \$1,000.00

Dept./Bureau:

Description of Property:

DPW/MAINT

UNIT 207 - 1996 FORD LS 9000 DUMP/PLow
& ACCESSORIES

Method of Disposal:

ACTION

Estimated Value:

\$2000 (BASED ON PAST ACTIONS)

I hereby authorize disposal of the aforementioned Surplus Public Property:

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)

Amount Received:
(If applicable)

Signature of Dept./Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)

Transferring Property To:
(Dept./Bureau/Agency)

Description of Property:
(Make, Model, Serial No.)

Signature of Dept./Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion, please retain a copy and submit the original form to the City Manager's Office.



SN- 2B7HB21X9VK594212
LIC AL 5421

**CITY OF BATAVIA
PROPERTY DISPOSAL/TRANSFER FORM**

Disposal of Property under \$1,000.00

Dept./Bureau:

Description of Property:

DPW / MAINT

UNIT 450 - 1997 DODGE VAN

Method of Disposal:

Estimated Value:

AUCTION

\$ 500 (BASED ON PAST AUCTIONS)

I hereby authorize disposal of the aforementioned Surplus Public Property:

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)

Amount Received:
(If applicable)

Signature of Dept./Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)

Transferring Property To:
(Dept./Bureau/Agency)

Description of Property:
(Make, Model, Serial No.)

Signature of Dept./Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion, please retain a copy and submit the original form to the City Manager's Office.



SN - 1864

LIC. - AL 5426

**CITY OF BATAVIA
PROPERTY DISPOSAL/TRANSFER FORM**

Disposal of Property under \$1,000.00

Dept./Bureau:

DPW / MAINT.

Description of Property:

UNIT #239
1993 JACOBSEN HR-15 FRANK MOWER

Method of Disposal:

AUCTION

Estimated Value:

\$1000

I hereby authorize disposal of the aforementioned Surplus Public Property:

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)Amount Received:
(If applicable)

Signature of Dept./Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)Transferring Property To:
(Dept./Bureau/Agency)Description of Property:
(Make, Model, Serial No.)

Signature of Dept./Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion, please retain a copy and submit the original form to the City Manager's Office.



SN - ~~1864~~ P2006 S

LIC - ~~AL5426~~
AL5445

**CITY OF BATAVIA
PROPERTY DISPOSAL/TRANSFER FORM**

Disposal of Property under \$1,000.00

Dept./Bureau:

Description of Property:

DDW / MAINT.

UNIT #220 - K46 ELGIN P-SERIES
STREET SWEEP

Method of Disposal:

Estimated Value:

AUCTION

\$3000 - \$15000 (WEBSITE PRICING)

I hereby authorize disposal of the aforementioned Surplus Public Property:

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)

Amount Received:
(If applicable)

Signature of Dept./Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)

Transferring Property To:
(Dept./Bureau/Agency)

Description of Property:
(Make, Model, Serial No.)

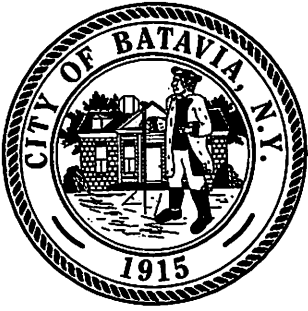
Signature of Dept./Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion, please retain a copy and submit the original form to the City Manager's Office.



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.

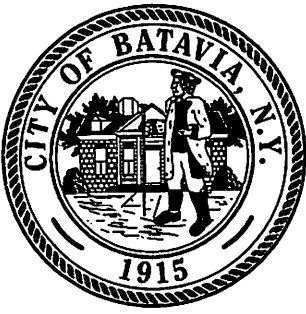
In light of this news, City Council will now have to consider several alternatives to address the police facility issue. Below are several alternatives to take into consideration when discussing this issue further.

- 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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www.batavianewyork.com**



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.

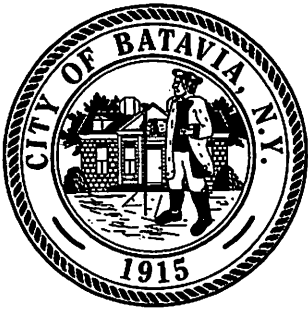
An aggrieved party may commence an Article 78 proceeding of the Civil Practice Laws and Rules (CPLR) in the appropriate Appellate Division of the Supreme Court to challenge the condemnation action.

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.

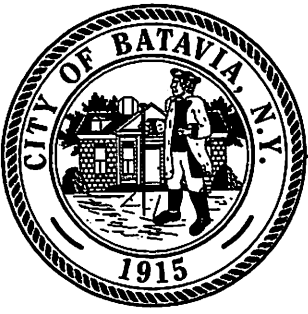
Recommendation: It is recommended that the City staff review the existing studies, analysis and recommendations to date, engage with the City's engineers/architects to update construction numbers and provide a feasible recommendation, with alternatives, to City Council. It is expected this would take 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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alternative for improving police facilities in the near future. The current facility is well beyond its useful life, has continually increased maintenance needs and poses a challenge to employee safety and efficiency.

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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...".

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**