



**CITY COUNCIL  
ORGANIZATIONAL MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, January 8, 2018  
7:00 p.m.**

**AGENDA**

- I.** Swearing in of City Council Members
- II.** Call Meeting to Order by Council President
- III.** Invocation (Councilperson Christian)
- IV.** Pledge of Allegiance
- V.** Election of City Council President
- VI.** Election of President Pro Tempore
  - #1-2018      A Resolution Appointing the Parliamentarian
  - #2-2018      A Resolution to Adopt the Rules Governing Council Business Meetings, Conference Meetings and Council Member Rules
  - #3-2018      A Resolution to Designate an Interim City Manager and Authorize Additional Compensation
- VII.** Adjournment

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

**Motion of Councilperson**

**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  
and on roll call**

**#2-2018**

**A RESOLUTION TO ADOPT THE RULES GOVERNING COUNCIL BUSINESS MEETINGS,  
CONFERENCE MEETINGS AND COUNCIL MEMBER RULES**

**Motion of Councilperson**

**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  
and on roll call**

## **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, 1/8/14, 2/9/16)

**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.

**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 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.

**Section 11.** If within 10 minutes from the start time of a meeting a quorum is not present, the meeting shall be cancelled and Councilmembers released.

## **RULES FOR CONFERENCE MEETINGS**

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

(Amended 11/09/98, 02/25/02, 01/14/08, 2/9/16)

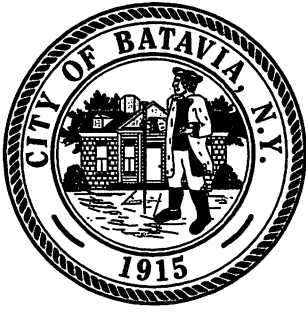
1. An agenda for conference meetings shall be prepared by the City Manager, the Council President and/or President Pro Tem prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Individual Council members may add to the conference agenda by informing 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. Public Comments
  - c. OLD BUSINESS - not completed at previous conference meetings
  - d. NEW BUSINESS
  - e. Items not included on the agenda (if time permits)

\* 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 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.



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager

Date: January 3, 2018

Subject: Interim City Manager and transition

After several discussions with Matt Worth regarding the transition during the City Council's search for a new City Manager, as well as the vacancy of the Assistant City Manager, he has agreed to serve as the Interim City Manager until a new leader is appointed. During these discussions Matt and I outlined what work was planned for 2018 and what work will need to be postponed until a new City Manager and Assistant City Manager are hired. Originally the City had proposed a \$2 million water line replacement for Union Street, Brooklyn Ave. and S. Main Street, in addition to starting the design for a \$1.5 million sanitary sewer replacement for Franklin Street and a Maple & Mill Street sanitary sewer realignment. While this capital work is important, it is recommended that it be pushed back to 2019 and 2020 respectively when a new City leadership team is on board.

While this will provide some relief until a new City and Assistant City Manager are hired there are still several very critical and complex projects that cannot be postponed. Aside from everyday decision making and guidance the Interim City Manager will have to continue discussions and negotiations with Genesee County regarding the water and sales tax agreements. It is expected that finality to these negotiations and final agreements will most likely be completed prior to a new City Manager coming on board. This will be the single most impactful and important issue facing the Interim City Manager and City Council over the next six month, and will require Matt's full attention and support from the City consulting engineers and City Attorney. In addition, the budget process from proposal to adoption, issues surrounding the City Centre Concourse take over and implementation and Dwyer Stadium/Muckdogs will be other outstanding issues that will require direction and decision making on the part of the Interim City Manager.

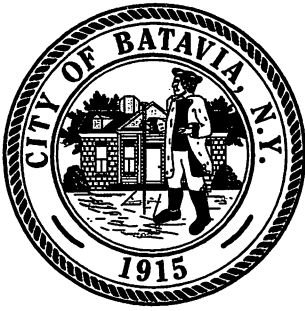
As a result the Superintendents of the Bureau of Maintenance and Water and Wastewater will be required to be more intricately involved with managing several large capital projects that are funded by federal transportation funds that cannot be postponed to next year. They include:

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# City of Batavia

- Healthy Schools Corridor sidewalk project – construction (\$1 million)
- Highway PM grant – construction (\$2.55 million)
- Annual street resurfacing – construction (\$256,00)
- Annual sidewalk replacement – construction (\$285,720)
- Pedestrian Way sidewalk project – final design (\$1.2 million)
- Facilities Capital Plan – design & bid preparation (\$1.1 million)
- City Centre Concourse improvements – design & bid preparation (\$650,000)
- Support the Town of Batavia in the construction of the Ellicott Trail

Collectively these projects represent over \$7 million of strategic infrastructure investment, more than half of which will be bid and constructed in 2018, while the remaining will carry over into 2019.

In addition, the Deputy Director of Finance will be taking lead on several initiatives that are usually directed and/or completed by the City Manager as the Chief Fiscal Officer. They include:

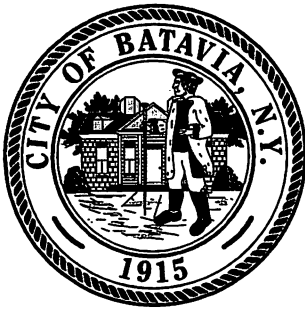
- Prepare and coordinate the issuance of \$4 million of Bond Anticipation Notes to support the above-mentioned construction projects
- Prepare and coordinate the issuance of a \$200,000 municipal lease
- Act as primary finance staff to City Council and Department Heads throughout the budget process
- Prepare the Management, Discussion & Analysis for the City's annual financial statements
- Prepare the Executive Summary for the City Comprehensive Annual Financial Report (CAFR)

It should also be noted that over the past six months the City has worked with a consultant to conduct a needs assessment of the City's information management systems, issued a Request for Proposal and are now in the process of evaluating submittals for recommendation to City Council to award. Once awarded, the City will take on a 18-24 month implementation process that will completely replace existing software systems with new integrated software systems throughout the City. This project is estimated at \$750,000, however the criticality and complexity of implementing completely new software City wide over a two-year period has a profound impact on the City's ability to operate at higher levels. This project was

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# City of Batavia

originally managed by the Assistant City Manager and it was expected that the incoming Assistant City Manager would be able to pick up the project prior to implementation. That will most likely not be the case, however the City has significantly invested in this process, and therefore the staff does not feel it should be put on hold.

It should be noted, that while managing these projects are important, and the staff is prepared to move them forward during this transition, these projects are absent of the everyday activities that take time, such as responding to citizen complaints and questions, unexpected emergencies, managing staff, hiring new staff, procuring equipment, goods and service, etc.

The leadership team has reviewed the importance of the above-mentioned work over the next 6-8 months and the value it has on the City's progress. They have also expressed their understanding of the personal commitment it will take on them to get the job done during this transition. Because of this extraordinary task during this transition, I am recommending that the City Council consider additional compensation for these four managers: \$1,000 per month for the Interim City Manager and \$750 per month each for the Superintendent of the Bureau of Maintenance, Superintendent of Water and Wastewater and Deputy Director of Finance.

The financial impact of this additional compensation is insignificant as the two top leadership positions in the organization will be vacant during this time. However, I believe this acknowledgement from City Council that the staff's exemplary efforts and personal sacrifice are sincerely appreciated are more than appropriate during this time of transition.

It is recommended that this additional compensation be effective January 13, 2018.

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**#3- 2018**

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

**Motion of Councilperson**

**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**