

CITY OF BATAVIA BUSINESS MINUTES AUGUST 10, 2020

The regular business meeting of the City Council was held Monday, August, 10, 2020 in the Council Chambers immediately following the conference meeting, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Bialkowski, Briggs, Pacino, McGinnis, Canale, Viele, Karas, and Christian.

In attendance from the City of Batavia were Matt Worth, Chief Heubusch, Chief Napolitano, Dawn Fairbanks, Lisa Casey, and Lisa Neary. Andrew Maguire was in attendance from the BDC.

Council President Jankowski called the meeting to order at 8:45 PM.

The minutes from the July 2020 meetings were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on a variety of matters but these was nothing specific to report.

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City Manager's Report

Rachael Tabelski, City Manager, noted that the software conversion had taken place, the mall roof was 98% complete, and wanted to establish some sort of public engagement to keep moving forward with the mall DRI. She noted that Batavia Players formalized their design, are applying for permits for construction, and trying to bridge the construction finance gap.

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Committee Reports

Councilmember Christian noted that on August 4th the sixth ward met with Mrs. Tabelski, Chiefs Heubusch and Napolitano, and Mr. Worth and had a good meeting discussing bonfires, trash collection, the east end bank closure, drugs and other topics.

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Unfinished Business

None.

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New Business

#55-2020

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH SUNSHINE CONCRETE COMPANY FOR CITY SIDEWALK CONSTRUCTION PROJECT - 2020

Motion of Councilmember Bialkowski

WHEREAS, a project for the replacement of approximately 3,150 linear feet of City sidewalks and handicap accessible ramps on portions of Franklin Street, North Spruce Street, and Roosevelt Avenue; and

WHEREAS, a competitive bid was made by Sunshine Concrete Company, for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project - 2020; and

WHEREAS, Sunshine Concrete Company is the lowest responsible bidder (\$189,462.75).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Sunshine Concrete Company for sidewalk replacements.

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

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#56-2020

A RESOLUTION TO ENTER INTO AN SCHOOL RESOURCE OFFICER AGREEMENT WITH THE BATAVIA CITY SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER

Motion of Councilmember Pacino

WHEREAS, the City of Batavia (City) and the Batavia City School District (District) are desirous of working together to promote and maintain an atmosphere of safety for students, staff, faculty, administrators and visitors to the District; and

WHEREAS, the City and the District are desirous of working together to prevent crime, enforce laws, provide a positive police presence, enforce campus security and make security suggestions; and

WHEREAS, the City and District are desirous of working together to encourage, develop and foster communications and dialogue between students, the school community and law enforcement.

NOW THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign a School Resource Officer (SRO) Agreement between the City of Batavia and the Batavia City School District.

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

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#57-2020

**A RESOLUTION TO FORM THE CITY OF BATAVIA POLICE COLLABORATION
ADVISORY STAKEHOLDER GROUP**

Motion of Councilmember McGinnis

WHEREAS, On June 12, 2020 New York State Governor Andrew Cuomo issued an executive order titled “New York State Police Reform and Reinvention Collaborative” that requires local police agencies to develop a plan based on community input; and

WHEREAS, Police forces must adopt a plan by April 1, 2021 to be eligible for future funding; and

WHEREAS, the City of Batavia will engage stakeholders and the public in an open dialogue and process on community policing, policing strategies and tools; and

WHEREAS, the City Manager and Police Chief will present a plan to the public for comment; and

WHEREAS, such plan will be presented to City Council for approval, and once approved sent to Albany with a copy of the certified resolution; and

WHEREAS, to assist the City Manager and Police Chief with formulating and drafting the plan a Police Collaboration Advisory Stakeholder Group will be formed and act as an advisory committee throughout the process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager and City Police Chief are authorized to form the City of Batavia Police Collaboration Advisory Stakeholder Group and furthermore, will seek community representatives from the following sectors of the Batavia community:

City of Batavia Police Collaboration Advisory Group

1. City Manager
2. Police Chief
3. Assistant Police Chief
4. City Attorney
5. City Council Member
6. Two citizen representatives
7. Batavia Housing Authority Director
8. Director of not-for-profit that serves human interests (i.e. YWCA)
9. District Attorney representative
10. Public Defender representative
11. Batavia Police Benevolent Association representative
12. Batavia City Schools Superintendent
13. Community religious leader
14. Business leader representative

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

Discussion - Councilmember Bialkowski wanted to amend the group to have four citizens. Mr. Van Nest noted that it is just a stakeholder group spelled out by an executive order. Council President Jankowski strongly suggested that the City Manager add two extra people but the resolution didn't need to be amended. Mr. Van Nest noted that the resolution was done to document the steps the City is taking to comply.

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#58-2020

A RESOLUTION ENTERING TO AUTHORIZE A CONTRACT AMENDMENT/ONE YEAR EXTENSION OF THE CLIENT FIRST PROJECT MANAGEMENT AGREEMENT

Motion of Councilmember Viele

WHEREAS, the City of Batavia has determined it necessary to purchase and install computer software to implement an integrated Enterprise Resource Planning (ERP) system to utilize best practices, automated workflow, provides project management tools along with other suitable applications; and

WHEREAS, in 2018 the City Council passed a resolution formalizing the Enterprise Resource Planning (ERP) software project as a capital project and authorized a general obligation bond to finance the purchase, not to exceed \$800,000; and

WHEREAS, in August of 2019 the City Council authorized a one-year contract with Client First Technology Consulting to assist with external project management services, negotiations with Tyler Technologies and Systems East for contract development and changes,

invoice review, outstanding implementation item checklists, and overall project review and budget analysis; and

WHEREAS, to continue consistent and efficient project management delivery, Client First has presented a one-year extension of their current agreement.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, approves a one-year extension of the Client First contract at a cost not to exceed \$87,856.

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

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#59-2020

**A RESOLUTION ENTERING INTO AN AGREEMENT FOR APPLICATION
SOFTWARE AND SUPPORT SERVICES WITH SYSTEMS EAST TAX COLLECTION
SOFTWARE**

Motion of Councilmember Karas

WHEREAS, the City of Batavia City Council has previously approved the purchase and installation of computer software to implement an integrated enterprise resource planning (ERP) system to utilize best practices, automated workflow, project management tools and other suitable applications; and

WHEREAS, the City completed a procurement process in conjunction with its consultants to purchase the software that would best fit the City's needs; and

WHEREAS, The City anticipated that a third-party tax collection software from Systems East would be added as a separate software to the Tyler New World financial management software during the implementation process; and

WHEREAS, City has committed the necessary funds for the purchase, installation, interface and implementation of the tax collection software system; and

WHEREAS, The City will expend \$42,921, as part of the ERP Capital Project, for Tax Collection Software provided by Systems East Inc.; and

WHEREAS, the ongoing maintenance and support for hosting will be \$6,240 annually, and was budgeted for in the FY 20-21 budget.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, approves the purchase of Tax Collection Software from Systems East Inc. and authorizes the Council President to sign the Agreement for Application Software and Support Services.

Seconded by Councilmember Canale and on roll call approved 9-0.

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#60-2020

**A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO EXECUTE
A CONSULTING CONTRACT WITH GAR ASSOCIATES INC. TO PROVIDE
ASSESSMENT SERVICES**

Motion of Councilmember McGinnis

WHEREAS, the City of Batavia is desirous of retaining a company to analyze the status of current property value equity that will meet state requirements for aid reimbursement and create an assessment roll and product that is acceptable to the State, County, City and the public at large; and

WHEREAS, it is recommended the City enter into a three-year agreement with two one year renewals with GAR Associates Inc. to provide the abovementioned services due to their knowledge and experience.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized and directed to execute a consulting contract with GAR Associates Inc., for assessment services.

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

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#61-2020

A RESOLUTION TO AUTHORIZE ADDITIONAL COMPENSATION

Motion of Councilmember Briggs

WHEREAS, the City Manager has submitted his resignation effective June 20, 2020; and

WHEREAS, pursuant to Section 5-4 of the City Charter Rachael J. Tabelski, the Assistant City Manager, has assumed the duties of City Manager; and

WHEREAS, the Human Resource Specialist, Deputy Director of Finance, and Confidential Secretary to the City Manager will be taking on additional duties and responsibilities as a result of the Assistant City Manager serving as City Manager; and

WHEREAS, These duties include, but are not limited to, the management and implementation of a \$750,000 new Enterprise Resource Program (ERP) solution for all software applications, a \$390,000 information technology hardware project and windows 10 upgrade, RFP solicitation and implementation of a fiber project to connect all City facilities to a fiber network, FEMA Flood Zone public relations duties, internal risk management and safety committee duties,

assist the interim manager with Bond Anticipation Notes for upcoming capital projects, as well as other duties performed by the Assistant City Manager until such time as both the Manager and Assistant Manager positions are filled; 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 while they are taking on additional duties and responsibilities; and

WHEREAS, the Human Resource Specialist, Deputy Director of Finance, and Confidential Secretary to the City Manager shall be paid a stipend of \$750.00 per month in addition to their current salary effective July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Human Resource Specialist, Dawn Fairbanks, Deputy Director of Finance, Lisa Neary, and Confidential Secretary to the City Manager Lisa Casey shall be paid a stipend of \$750.00 per month in addition to their current salary effective July 1, 2020 until such time as City Council permanently fill the positions of City Manager and Assistant City Manager.

Seconded by Councilmember Canale and on roll call approved 7-2. Councilmembers Christian and Bialkowski voted no.

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Motion of Councilmember to table the vote on resolution 62-2020. Seconded by Councilmember Viele and on roll call approved 9-0.

#62-2020

A RESOLUTION TO APPROVE THE CITY OF BATAVIA DEER MANAGEMENT PLAN

WHEREAS, the Council formed the Deer Management Plan Committee in November, 2019 and was tasked with exploring ways to reduce property damage to residential landscape and garden plants, deer-human interactions, deer-vehicle accidents and tick-borne diseases such as Lyme disease; and

WHEREAS, the Deer Committee met several times over the last eight months and worked directly with a Department of Environmental Conservationist (DEC) Wildlife Biologist, the City Manager, City Attorney, and a City Council representative to draft a plan to address deer issues occurring in the City of Batavia; and

WHEREAS, the plan not only addresses the Deer Committees recommendation on how to reduce the deer population in the City, but provides a streamlined program experience and ensures programmatic compliance, program metric tracking and stakeholder/City Council communication; and

WHEREAS, the Deer Committee has developed a three phased approach with the goal to harvest 60 deer per year with archery only hunting on designated lands within the City of Batavia.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby approves the Deer Management Plan.

BE IT FURTHER RESOLVED, that due to the Coronavirus Pandemic City of Batavia schools will not be returning to complete in school instruction during the fall 2020 semester, so the Deer Management Plan will not be implemented until schools in the City of Batavia are fully open and all students have returned to five days a week in school instruction.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof..."and;

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;

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 Viele and on roll call approved 9-0.

Council entered executive session at 9:20 PM and ended at 10:14 PM.

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Meeting adjourned at 10:15 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**