

CITY OF BATAVIA BUSINESS MINUTES JULY 8, 2013

The regular business meeting of the City Council was held Monday, July 8, 2013 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Buckley presiding.

Present were Council President Buckley and Councilpersons Pacino, Briggs, Cipollone, Canale, Doeringer, Hawley, Russell and Christian.

Council President Buckley called the meeting to order at 7:00 PM. Councilperson Pacino led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the June meetings were approved.

The Council President assigned the regular agenda items.

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Communications

City Slickers submitted a liquor license alteration. There was no objection from the police department. Council approved.

The Vernon Ave Block Party Committee submitted an application for a block party on Saturday, August 17th from noon – 5:00pm. The street would be closed down for cooking out, games, etc. Council approved.

The Jaycees requested to have their Labor Day 5K on Monday, September 2nd starting and ending at MacArthur Park. Registration begins at 8:30am and the race starts at 10:00am. Council approved.

The Buffalo Pug & Small Breed Rescue requested holding their annual picnic at Lions Park on Saturday, August 24th from noon – 3:00pm. They also rented the pavilion. Council approved.

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Council President's Report

Council President Buckley announced that a City Council Special Business Meeting would be held on Monday, July 22, 2013 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

Councilperson Doeringer presented a proclamation to Tim Sequerth for his 35-plus years of service at the Bureau of Maintenance. Mr. Sequerth was described as versatile and enthusiastic and instrumental in updates for the sign shop. He was thanked for his service to the City.

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report.

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City Manager's Report

Mr. Molino noted that there would be a meeting on July 22nd to address resolutions for grants taking place in the summer months.

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Committee Reports

None.

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Public Comments

Rob Johnson, from Flavor Stream LLC, wanted to improve the current taxi cab system and become the official mobile application for taxi's in the city. The application would allow people needing a cab to request through their phones and the nearest cab would respond. Mr. Molino commented that there were currently no licensing requirements for taxis by the City.

John Roach, 116 Grandview Terrace, noted that the City code stated that dumpster owners had to pay for the enclosures and it didn't state that the City was allowed to exempt them from paying back the City for the cost of the enclosure. He noted that he had no problem with the pay raise for the city manager but wanted to wait for the new contract stating that it was unusual to give a pay raise while working on a contract.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

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New Business

55-2013

RESOLUTION TO DECLARE VEHICLES AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL

Motion of Councilperson Cipollone

WHEREAS, the vehicles and equipment listed below are no longer needed or beyond repair without 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

WHEREAS, any revenue received from disposal is to be put into the respective department's equipment reserve fund;

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:

- BOM 1971 Power Curber Ser. # 671606
- BOM 1990 GMC Aerial Truck Ser. # 1GDM7D1F6HVO8306
- BOM 1992 International Truck Ser. #1HTGLCUT4NH460205
- BOM 1995 Caterpillar Loader Ser. # 2XLO1579
- BOM 1995 Ford Crown Victoria Ser. # 2FALP72W4SX186302
- BOM 2001 Cargo Trailer Ser. # 4401C12141A003473
- BOM 2003 Tenco Salt Spreader Ser. # 25101
- BOM 2003 Tenco Salt Spreader Ser. # N/A
- Fire Dept 2008 Ford 350 North Eastern Type III Ambulance
Vin#1FDWE36P18DA42650

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

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**#56-2013
RESOLUTION TRANSFERING \$40,000 TO THE GENERAL FUND PARKING LOTS
BUDGET**

Motion of Councilperson Doeringer

WHEREAS, in 2011 the City of Batavia received a \$450,000 grant from the New York Main Street Program to assist downtown property owners in the Main/Jackson/Center Street area with interior and exterior renovations and façade improvements; and

WHEREAS, the goal of the program was to assist at least 20 commercial units and 10 residential units utilizing \$400,000 of grant funds; and

WHEREAS, the City in partnership with the Batavia Development Corporation has received over \$2 million of private investment interest for grant funds; and

WHEREAS, \$25,000 of grant funds is designated for capital street scape improvements and that after thorough review, City staff has recommended that a split-face block dumpster enclosure in the Center Street parking lot be built with the designated street scape funds and that the City also mill and blacktop the remainder of the parking lot; and

WHEREAS, the additional work for improving the parking lot is consistent with the City's adopted Parking Lot Capital Plan and will require a one-time expenditure of \$40,000 of additional funds to complete; and

WHEREAS, for the fiscal year ending March 31, 2014 the City of Batavia is expected to receive \$346,334 in Video Lottery Terminal (VLT) aid; and

WHEREAS, in prior years the City Council has authorized the use of VLT aid for debt service reduction, reserve fund contributions and capital projects;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia authorizes the transfer upon receipt \$40,000 of VLT aid to the General Fund Park Lots budget 001.5650.0423 to complete the dumpster enclosure and milling and blacktop overlay capital project for the Center Street parking lot; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Economic Development and Job Creation strategic priorities.

Seconded by Councilperson Cipollone and on roll call the amended resolution failed, 4-5. Councilpersons Hawley, Russell, Briggs and Christian voted in favor of the amended

resolution which would state that any cost of the dumpster enclosures over the \$25,000 from the grant would be paid back by the businesses benefiting from the enclosure.

Discussion – Councilperson Briggs asked if the resolution interfered with the dumpster code issue. Mr. Molino noted that there were two pieces to the project cost of \$65,000 – the dumpster enclosure and the milling and paving of the parking lot. Mr. Molino explained that the code was adopted in 1995, the dumpster enclosure was a public asset and the code was meant to not use taxpayer dollars. He noted that the funds for the project would be coming from unanticipated revenue and grant funds and the enclosure was to benefit the public. He didn't think it was a business friendly approach to charge them back. Councilperson Pacino noted that the BID said it was important to enclose the dumpsters, she didn't want to drop it and felt it needed to get done. Councilperson Christian asked if it would be for the current fiscal year to which Mr. Molino noted it would. He noted that it was within Council's right not to charge back the businesses and use VLT aid or they could charge the businesses. Councilperson Russell asked Mr. Van Nest if Council would be in violation of their own rules if they didn't charge the cost back to the businesses. Mr. Van Nest noted Council had the authority and discretion to use grant funds as they chose in accordance with the grant and the Code didn't say that Council couldn't use grant funds as long as the rules of the grant were followed. Councilperson Christian made a motion to amend the resolution to state that any cost of the dumpster enclosures over the \$25,000 from the grant would be paid back by the business owners. Councilperson Cipollone felt it was important to be business friendly and businesses would come and go so those paying now would not necessarily benefit from the enclosure they were paying for if they had to move. The motion was seconded by Councilperson Briggs and on roll call approved, 6-3. Councilpersons Doeringer, Canale and Cipollone were not in favor of the amendment. Council President Buckley asked what the cost was of just the enclosure. Mr. Molino noted it was \$35,000 so \$10,000 would be paid for by the business owners whose dumpsters would be enclosed. Councilperson Canale felt it was important to support local businesses, noted they were trying to make the business environment more attractive and that the enclosures were a benefit to the citizens in the end. Councilperson Pacino realized that the cost would be split between just four businesses. She was under the impression when she voted for the amendment that all businesses would be splitting the cost and thus was no longer in favor of making them pay. Councilperson Doeringer asked if the enclosure could be done for \$25,000 so there didn't have to be any charge back. Council President Buckley stated that he didn't give the issue as much thought as he should have and now didn't think they should go after the businesses but rather needed to support them.

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#57-2013

RESOLUTION TO CONTRACT FOR PROSECUTORIAL SERVICES WITH GENESEE COUNTY

Motion of Councilperson Hawley

WHEREAS, the City of Batavia has contracted with Genesee County for the past several years for Prosecutorial Services; and

WHEREAS, the Contract between the City and County for these services expires December 31, 2013; and

WHEREAS, the City is desirous of continuing with the Inter-Municipal City Court Prosecutorial Services Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Inter-Municipal City Court Prosecutorial Services Agreement between the City of Batavia and Genesee County.

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

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#58-2013

**RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE BATAVIA POLICE BENEVOLENT ASSOCIATION (PBA)**

Motion of Councilperson Canale

WHEREAS, the City of Batavia and the PBA have had collective bargaining sessions pursuant to the Taylor Law; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on June 21, 2013 the PBA secured the necessary votes to ratify the tentative agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

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

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#59-2013

RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR THE CITY MANAGER

Motion of Councilperson Christian

WHEREAS, the City Council of the City of Batavia wishes to grant a wage adjustment to the City Manager for the current year based on his favorable performance evaluation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the wage of the City Manager is increased by 1.5%, to \$87,299 and be and hereby is enacted and retroactive to April 1, 2013.

Seconded by Councilperson Briggs and on roll call approved 9-0. Council President Buckley noted that they were not currently in contract negotiations with the City Manager. Councilperson Cipollone felt that Mr. Molino had been doing a great job and commended him for the work he had done.

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#60-2013

RESOLUTION TO SUPPORT THE BATAVIA IMPROVEMENT DISTRICT'S NEW YORK MAIN STREET GRANT APPLICATION

Motion of Councilperson Pacino

WHEREAS, the New York State Office of Community Renewal (NYSOCR) is offering New York Main Street grants of up to \$200,000 through the New York State Consolidated Funding Application (CFA); and

WHEREAS, the New York Main Street program provides funding for building renovations and streetscape improvements; and

WHEREAS, eligible applicants for the New York Main Street program can be Business Improvement Districts with experience in building renovation; and

WHEREAS, the Business Improvement District has administered multiple Façade Improvement grants; and

WHEREAS, funds would be used to assist building owners in the Ellicott Street business district with interior and exterior building renovations; and

WHEREAS, municipalities in which New York Main Street projects are located are required to provide a resolution supporting the application for funding;

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia Council does hereby enthusiastically support the Business Improvement District's application to the New York Main Street Program for a Building Renovation Program in the Ellicott Street business district.

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

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**#61-2013
RESOLUTION TO ENTER INTO AN AGREEMENT WITH
ZOLADZ CONSTRUCTION CO., INC.
FOR THE CEDAR STREET RECONSTRUCTION PROJECT
PIN 4754.37**

Motion of Councilperson Briggs

WHEREAS, a Project for the Reconstruction of Cedar Street City of Batavia, P.I.N. 4754.37 (the Project) is eligible for funding under Title 23 U.S.Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Batavia has previously agreed to advance the Project by administering the work; and

WHEREAS, a competitive bid was made by Zoladz Construction Co., Inc., (13600 Railroad Street, Alden, NY 14004) for the value of \$2,466,950.75 to construct the project;

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 Zoladz Construction Co., Inc. for Cedar Street reconstruction.

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

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Meeting adjourned at 7:40 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**