

CITY OF BATAVIA BUSINESS MINUTES OCTOBER 15, 2013

The regular business meeting of the City Council was held Tuesday, October 15, 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 Hawley led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the September meetings and draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

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Communications

Main Street Pizza Company submitted a liquor license renewal. There were no objections from the police department. Council approved.

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Council President's Report

Council President Buckley announced that the next regular City Council Conference Meeting would be held on Monday, October 28, 2013 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that there was nothing specific to report at that time.

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City Manager's Report

Mr. Molino noted that a possible grant for the salt barn may have been identified but stated it may or may not be fruitful.

Mr. Molino explained to Council that the monthly draft financial statements provided by the Finance department were being presented for approval so they could be included in the minutes going forward.

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Committee Reports

It was noted that Vibrant Batavia continued to have their Coffee Talk series from 10:00am – 12:00pm on Saturday mornings, everyone was encouraged to attend and they had been very well attended so far.

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Public Comments

Bob Bialkowski, 16 Union St, noted that the criminal activity in the Jackson St area had been terrible and the residents were scared. He noted that there were cars parked on front lawns, on sidewalks and there had been a shooting in the neighborhood. He suggested using everything the City had to stop the criminal activity and not just stepping up patrol but going even further to make the people feel safe. He noted that cars were left in the road with their doors open and no one in them. He felt that no one in Batavia should have to live in fear.

Mary Davis, Ellicott Ave, noted that she was also concerned with the incidents that had taken place in the last few weeks on Jackson St. She explained that she was a nurse and is required to report certain situations. She reported drug sales to the police department in June around 11:30 at night at 113 Jackson St where there were children at the property. She noted that she was handcuffed, interrogated for six hours, was told she was under soft arrest and eventually driven home by the police. She checked with child protective services in August to see if the incident was reported and found that it wasn't. She felt that something different needed to be done.

John Deleo, 205 Elm St, noted that the Jackson and State Street activities were concerning, City residents also pay County taxes and wondered why the Sheriff's department couldn't help patrol the hot areas of the City.

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Council Responses to Public Comments

Councilperson Briggs noted that she was appalled by Ms. Davis's story and wanted to know what happened. She explained that crime was traveling through the City and agreed that a joint effort with the Sheriff's office could help stop the crime. Councilperson Christian noted that there certainly needed to be a report to Council about the situation and something needed to be done before it went any further. Councilperson Pacino apologized and wished she had known about the situation sooner. Councilperson Doeringer told the public to contact any council member if they were being treated irresponsibly. Councilperson Canale noted that he had been contacted by a constituent with safety concerns as well. Mr. Molino asked Council to let him and Chief Heubusch speak with Ms. Davis to see what happened and they would also discuss stepping up patrols.

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Unfinished Business

Councilperson Christian was concerned with the real property taxes on the draft financial statements. Mr. Molino explained it was consistent with prior years. Councilperson Canale thanked Don Burkel and Paul Marchese and the BID for their partnering with the City on the dumpster enclosure project.

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New Business

#80-2013

A RESOLUTION TRANSFERRING \$550,000 FROM ASSIGNED FUND BALANCE TO THE PUBLIC FACILITIES CAPITAL RESERVE FUND

Motion of Councilperson Briggs

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Public Facilities Capital Reserve Fund for purposes of construction, re-construction, repair or replacement of public facilities; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 had assigned General Fund balance for funding various reserves; and

WHEREAS, consistent improvements to City facilities will be ongoing and reserve funds will be necessary to absorb emergency or planned improvements in the future and that the City has been aware of two facilities in need of significant improvements in upcoming years, the City salt barn and the Police Station; and

WHEREAS, an inspection of the City's salt barn was conducted and it was determined that a complete replacement of the existing roof was needed, at a minimum failing framing will need to be removed and replaced and spalled portions of the foundation need to be restored; and

WHEREAS, when considering the existing salt barn's age, the amount of leaking from deferred maintenance, the cost of known repairs and the strong potential for more extensive repairs that are hidden, it is recommended that a new salt barn be constructed as it would be more cost effective than repairing the existing structure; and

WHEREAS, the City is currently evaluating consultants to conduct a space needs assessment of the Police Department and said space needs assessment is intended to evaluate the current Police Station and/or other facility options for housing the Police Department as well as include cost estimates for design and construction for the upgrade of the current facility or proposed new facility; and

WHEREAS, in preparation of these upcoming expenditures City Council has committed funding to the Public Facilities Capital Reserve Fund over the past two years, and continuing with additional commitment of reserve funding will provide the City with greater financial capacity to handle future improvements; and

WHEREAS, the City Council is desirous of transferring \$550,000 of assigned General Fund balance to the Public Facilities Capital Reserve Fund to assist with future construction, replacement and improvements of public facilities; and

WHEREAS, the City Council is desirous of designating \$350,000 for costs associated with the demolition of the existing salt barn and construction of a new salt barn and \$200,000 for costs associated with the planning and improvement of a Police Facility.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$550,000 from the assigned General Fund balance to the Public Facilities Capital Reserve Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Public Facilities Capital Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health strategic priority.

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

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#81-2013

A RESOLUTION TRANSFERRING \$100,000 FROM ASSIGNED FUND BALANCE TO THE CAPITAL SIDEWALK RECONSTRUCTION RESERVE FUND

Motion of Councilperson Pacino

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Sidewalk Reconstruction Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 had assigned General Fund balance for funding various reserves; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 has approximately 68,745 linear feet of sidewalk, or 18% of the City's sidewalk network, that needs to be replaced within the City limits equaling an estimated cost of approximately \$2.5 million; and

WHEREAS, the City Council is desirous of transferring \$100,000 of assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund to assist with future replacement and improvements of City sidewalks; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$100,000 from the assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Sidewalk Reconstruction Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Neighborhood Revitalization strategic priorities.

Seconded by Councilperson Christian on roll call approved 9-0.

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#82-2013

A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO THE FIRE CAPITAL EQUIPMENT RESERVE FUND

Motion of Councilperson Hawley

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 had assigned General Fund balance for funding various reserves; and

WHEREAS, the City of Batavia recently purchased a new fire engine/pumper to replace Engine 14 which was 22 years old and said purchase was done exclusively with reserve funds; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 has a fire engine/pumper (Engine 12) which is 11 years old and a ladder truck (Ladder 15) which is 18 years old; and

WHEREAS, the Fire Department is presently conducting a vehicle needs analysis on existing apparatus that will be used to determine what is needed for the Fire Department to be efficient and effective in the future; and

WHEREAS, within the next several years the City will be faced with replacing or refurbishing Engine 12 or Ladder 15; and

WHEREAS, the City Council is desirous of transferring \$50,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for fire equipment to assist with future equipment replacement and improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Public Safety strategic priorities.

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

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#83-2013

A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND

Motion of Councilperson Doeringer

WHEREAS, pursuant to General Municipal Law 6-p the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to an employee upon termination of the employee's service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 had assigned General Fund balance for funding various reserves; and

WHEREAS, since 2011 the City has paid out \$696,045 in compensated absence pay outs due to thirty-three retirements/terminations; and

WHEREAS, in the fiscal year ending March 31, 2013 the City experienced sixteen retirement/terminations which accounted for a payout of \$416,688.60 and as a result of such pay out the City depleted the remaining balance from the Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 has \$2,604,936 of compensated absence liability with approximately \$519,269 of said liability potentially payable immediately due to the high number of employee's currently eligible to retire; and

WHEREAS, the City Council is desirous of transferring \$50,000 of assigned General Fund balance to the Employee Benefit Accrued Liability Reserve Fund to assist with expenditures due to accrued employee benefits due to an employee upon termination of the employee's service; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Employee Benefit Accrued Liability Reserve Fund; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Employee Benefit Accrued Liability Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health strategic priority.

Seconded by Councilperson Christian on roll call approved 9-0.

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#84-2013

A RESOLUTION TRANSFERING \$150,000 FROM ASSIGNED FUND BALANCE TO COMMITTEED FUND BALANCE FOR THE PURPOSE OF MULTI-MODAL IMPROVEMENTS FOR SOUTH JACKSON STREET AND OTIS STREET

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2013 had assigned General Fund balance for funding various reserves and capital projects; and

WHEREAS, South Jackson Street and Otis Street, as local corridors within the City of Batavia, experience over 1,800 average annual daily traffic (AADT) and serve as major urban collectors for residents traveling to and from Jackson Primary School and Farrell Park; and

WHEREAS, the Pavement Condition Index (PCI) is part of the City's Roadway Surface Management System (RSMS) use for evaluating and assessing streets and roads throughout the City and the City's average PCI for 2013 is 87.19; and

WHEREAS, the current PCI for this stretch of roadway is 68.57 for South Jackson Street and 52.27 for Otis Street; and

WHEREAS, considering the amount of traffic on this corridor and the current condition of the roadway which is significantly worse than most streets in the City the resurfacing of this section of pavement and other multi-modal improvements are necessary for safe vehicular and pedestrian traffic; and

WHEREAS, the City Council is desirous of transferring \$150,000 of assigned General Fund balance to Committed fund balance for multi-modal improvements to South Jackson Street and Otis Street; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$150,000 from the assigned General Fund balance to Committed fund balance; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Neighborhood Revitalization strategic priorities.

Seconded by Councilperson Christian on roll call approved 9-0.

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#85-2013

RESOLUTION TO AMEND THE 2013-2014 BUDGET TO REFLECT THE RECEIPT OF \$24,493 FROM NEW YORK STATE ARCHIVES GRANT PROGRAM

Motion of Councilperson Pacino

WHEREAS, the City received \$24,493 from the New York State Archives for Document Conversion and Access; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments to the 2013-2014 budget to undertake the projects of “New York State Archives Grant”:

Effective immediately, amend the 2013-14 budget by increasing expenditure accounts
1.1325.0200.1139 by \$24,493

and increasing revenue account
1.1.3060.1139 by \$24,493

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

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#86-2013

A RESOLUTION DECLARING A NEGATIVE DECLARATION FOR THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) APPLICATION FOR THE PLACEMENT OF ANTENNAS ON THE CITY OF BATAVIA WATER TOWER

Motion of Councilperson Canale

WHEREAS, the City of Batavia (“Lessor”) and New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless (“Tenant”) are parties to that certain Lease Agreement dated May 5, 1995, as extended by that certain Lease Extension and Amendment dated December 17, 2008 (collectively, the “Lease”) wherein Tenant leased from Lessor a certain 300 square foot portion of the property in the City of Batavia, County of Genesee, State of New York, designated as Tax Map Parcel Number 71.13-3-1.111 on the Tax Maps of the City of Batavia (the “Property”) for the purposes state in the Lease; and

WHEREAS, Lessor and Tenant now desire to further amend the Lease to allow the Tenant to modify its existing equipment; and

WHEREAS, Lessor and Tenant desire to amend the Lease and pursuant to the terms of the Second Amendment to the Lease Agreement; and

WHEREAS, the City Council has considered the Amendment and all other materials submitted in connection with the Amendment; and

WHEREAS, the City Department of Public Works has approved the work to be done pursuant to the Amendment (the “Project”); and

WHEREAS, the City Council has determined that entering into the Amendment is an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and the City Council has taken a “hard look” at all potentially adverse environmental impacts pursuant to

SEQRA.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that:

Based upon this Council's thorough and careful review of the Amendment and all other materials submitted in connection therewith, this Council hereby determines that entering into the Amendment and Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Amendment and the Project pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. Since the Project will only increase the number of antennas currently existing on the water tank, the Project will produce no disturbance of soil and vegetation, and no additional storm run-off.
2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential cellular telephone service. Although the antennae will be visible, the facility has been sited responsibly so as to minimize visual impact. The Council has determined that the proposed co-location of Verizon Wireless' antennae on the existing water tank will minimize any visual impact the Project may have, and is the best location given the alternatives, and the competing interests involved.
3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.
4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with official community plans and goals, as well as prior approval by the Council of the Lease, and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.
7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).
8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Council recognizes that the Project will enable Verizon Wireless to provide cellular telephone service in the Batavia area, enabling individuals, businesses and emergency service providers to have access to an essential service.

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

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#87-2013

RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH NEW YORK RSA NO. 3 CELLULAR PARTNERSHIP D/B/A VERIZON WIRELESS

Motion of Councilperson Russell

WHEREAS, the City of Batavia (“Lessor”) and New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless (“Tenant”) are parties to that certain Lease Agreement dated May 5, 1995, as extended by that certain Lease Extension and Amendment dated December 17, 2008 (collectively, the “Lease”) wherein Tenant leased from Lessor a certain 300 square foot portion of the property in the City of Batavia, County of Genesee, State of New York, designated as Tax Map Parcel Number 71.13-3-1.111 on the Tax Maps of the City of Batavia (the “Property”) for the purposes state in the Lease; and

WHEREAS, Lessor and Tenant now desire to further amend the Lease to allow the Tenant to modify its existing equipment; and

WHEREAS, Lessor and Tenant desire to amend the Lease and pursuant to the terms of the Second Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia to hereby authorize the City Council President to execute the Second Amendment to the Lease Agreement with New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless.

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

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#88-2013

RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN AN AGREEMENT WITH GEDDIS ARCHITECTS TO PROVIDE CONSULTING SERVICES FOR A POLICE FACILITY ANALYSIS

Motion of Councilperson Hawley

WHEREAS, the Batavia Police Department currently operates from the facility located at 10 West Main Street and the facility was originally built in approximately 1855 as a personal residence; and

WHEREAS, as a result of more complex operational requirements and the age of the current facility it has become apparent that the current facility is inadequate to continue to meet the needs of the department; and

WHEREAS, the City Council has authorized a feasibility study to determine the most appropriate means of providing an adequate facility for the department; and

WHEREAS, the City has solicited proposals from professional consulting firms to provide a recommendation to the City of Batavia for the facility requirements of a police station to accommodate the City's current and future policing needs; and

THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Council President to execute a Consulting Agreement with Geddis Architects for consulting services for a police facility analysis for \$30,000;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this initiative was identified in the City's adopted Strategic and Business Plan in achieving Key Intended Outcome's identified under the Public Safety strategic priority.

Seconded by Councilperson Pacino and on roll call approved 8-1. Councilperson Christian voted no.

Discussion – Councilperson Christian thought the first bid was a lot higher than that one and wondered where the money was going to come from. Mr. Molino noted that this one was middle of the line and the analysis would help determine how the project would be financed. He felt it would probably be through debt service. Councilperson Doeringer asked if there were going to be multiple choices for Council to choose. Mr. Molino explained that there were four major alternatives that can be looked at and they would try to provide one recommendation. Councilperson Doeringer asked if Geddis would also provide funding options and Mr. Molino responded that they would along with the City. Councilperson Christian noted that she really didn't want the police department on Park Rd as there are enough problems in the City.

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Meeting adjourned at 7:30 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**