

**CITY OF BATAVIA  
BUSINESS MINUTES  
JUNE 12, 2017**

The regular business meeting of the City Council was called to order Monday, June 12, 2017 at 7:08 PM immediately following the special conference meeting in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, McGinnis, Canale, Bialkowski and Christian. Councilpersons Tabelski and Viele were absent.

The Invocation and the Pledge were done at the conference meeting immediately preceding this meeting.

The minutes from the May 2017 meetings and the April 2017 financials were approved.

The Council President assigned the regular agenda items.

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**Communications**

None.

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**Council President's Report**

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, June 26, 2017 in the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilperson Briggs made a proclamation to Eagle Scout Christopher James Neal who completed the requirements deemed worthy of the rank of Eagle Scout.

Councilperson Canale presented the 2016 Homeowner of the Year Award to Jennifer Reardon for the great pride she shows in her home at 21 Washington Ave. He noted that her home brings a sense of pride to her neighborhood.

Councilperson Bialkowski presented the 2016 Community Volunteer of the Year Award to Anthony Condello. He noted that Mr. Condello has shown a positive contribution and support to and for his community and devotes hours of volunteering for the betterment of

Batavia. Councilperson Bialkowski noted that Mr. Condello was a true example of going above and beyond.

Councilperson Bialkowski also presented the 2016 Business of the Year Award to Batavia Marine & Sporting Supplies. He noted this was a business that provides great customer service and excellence. He noted it was a family owned business founded in 1955 who puts customer needs first.

Council President Jankowski presented a proclamation to retired firefighter, Doug Cecere. He noted that Mr. Cecere retired on May 30<sup>th</sup> after over 24 years of service. He commented on the thoroughness and reliability shown by Mr. Cecere and that he was very safety conscious. Mr. Cecere was well respected and dependable and Council President Jankowski offered his sincere thanks for his service.

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### **City Attorney's Report**

Mr. Van Nest noted that they continued to work on a variety of matters but there was nothing specific to report.

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### **City Manager's Report**

There was nothing specific to report at that time.

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### **Committee Reports**

Councilperson Pacino noted that the Farmer's Market started on June 9<sup>th</sup> and the first Jackson Square concert of the season was packed. She also noted that the Bootery had taken the Chamber of Commerce location in downtown.

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### **Public Comments**

Sandra Markle, 6 Thorp St, asked if it was possible to get a no parking sign at the corner of Thorp and Watson because her driveway gets blocked when people park there.

Sonya Alwardt, 335 Bank St, noted that she was a concerned parent because in the afternoon on June 11<sup>th</sup> she went to Austin Park to play with her children and witnessed a

fight. She called 911 and felt it shouldn't have taken them as long as it did to get there but was disappointed that no arrests were made. She noted that one group stayed in the pavilion and she didn't feel comfortable or safe and a verbal fight started up again a little later. She noted that she won't go back there until the problem is fixed.

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### **Council Responses to Public Comments**

Councilperson Briggs noted that something had to be done on Thorp and Watson regarding the parking.

Councilperson Canale asked Chief Heubusch to look into the issue at Austin Park and the Chief said he would and added that they were very busy that weekend. Councilperson Pacino noted that they just spent a lot to fix the slide so we should work to make it a safe place to go again.

Councilperson Christian noted there should be signs on Thorp and she expects tickets to be issued to violators. She noted it was a shame that the other speaker couldn't bring her kids to the park and wanted more patrol there.

Councilperson Bialkowski thinks an example needs to be set that we are going to be a safe community.

Council President Jankowski asked if the police chief was in charge of sign changes and Mr. Worth noted that protocol would be followed to get signage changed.

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### **Unfinished Business**

Councilperson Christian asked where we stood with the South Jackson St house. Mr. Worth noted that the owners had been legally served and scheduled to appear in court.

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### **New Business**

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#### **#66-2017**

#### **A RESOLUTION SELECTING A LIST OF ENGINEERING FIRMS FOR ENGINEERING SERVICES FOR THE CITY OF BATAVIA**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City of Batavia has projects that need engineering services including design, bid document preparation, and inspection; and

**WHEREAS**, a request for qualifications was advertised and nine (9) firms submitted a ten (10) page proposal outlining their qualifications, expertise, and availability; and

**WHEREAS**, after careful review four (4) firms were identified as being most qualified to perform Engineering Services for the City of Batavia; and

**WHEREAS**, the agreement is for a three (3) year term and renewable for three (3) more years.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia approves this list of Engineering Firms to contract with for Engineering Services

- Erdman Anthony
- GHD
- LaBella Associates
- T.Y. Lin International

**Seconded by Councilperson Canale and on roll call approved 7-0.**

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**#67-2017**

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

**Motion of Councilperson McGinnis**

**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 2017-2018 budget:

- 1995 Caterpillar Wheel loader, SN – 8TK3092

**Seconded by Councilperson Christian and on roll call approved 7-0.**

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**#68-2017**

**A RESOLUTION TO TRANSFER RESERVES AND AMEND THE BUDGET TO PURCHASE A PUMP FOR CENTRAL PUMP STATION**

**Motion of Councilperson Canale**

**WHEREAS**, the City of Batavia has an established Sewer Facility Reserve Fund; and

**WHEREAS**, the City of Batavia has a 27 year old pump that has malfunctioned at the Central Pump Station; and

**WHEREAS**, the Department of Public Works has conducted an assessment to repair the 27 year old pump in the amount of \$26,099.00 or replace the pump in the amount of \$78,0000.00; and

**WHEREAS**, it is recommended by the Director of Public Works to purchase a new pump for \$78,000.00 for the Department of Public Works to be efficient and effective in the future; and

**WHEREAS**, to properly account for the expenditure of this money, budget amendments need to be made.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to use \$78,000 of Sewer Facility Reserve Fund monies to purchase a 200HP Flygt Pump for the Central Pump Station and to make the following budget amendments to the 2017-2018 budget to cover said service:

Increasing revenue accounts:

003.0003.0511.2130 Appropriated reserves (Sewer Facility Reserve) \$78,000

Increase expenditure accounts:

003.8130.0200.2130 Equipment Sewer Facility (Reserves) \$78,000

**Seconded by Councilperson McGinnis and on roll call approved 7-0.**

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**#69-2017**  
**A RESOLUTION EXTENDING THE CURRENT SALES TAX**  
**ALLOCATION-AGREEMENT WITH THE COUNTY OF GENESEE**

**Motion of Councilperson Briggs**

**WHEREAS**, the City Council by resolution adopted December 31, 2007 authorized the President of City Council to execute the Sales Tax Agreement between the City of Batavia and County of Genesee; and

**WHEREAS**, Paragraph Five of the agreement provides that the current term is ten (10) years, running from March 1, 2008 through February 28, 2018; and

**WHEREAS**, Paragraph Six of such agreement provides for formation of a Committee with members of the County Legislature, City Council and elected officials of Villages and Towns in Genesee County to recommend to the Legislature and City Council whether to amend, modify or extend the agreement for an additional term; and; and

**WHEREAS**, this Committee was formed and has convened as set forth in the Sixth Paragraph of the Agreement, in order to make a recommendation to the Legislature and the City Council as to whether or not to amend, modify or extend this Agreement for an additional term, and

**WHEREAS**, this Committee has met numerous times, and has in fact recommended to the Legislature and the City Council that the Agreement be extended for a period of 10 months to allow the Committee to continue to meet in order to conduct additional fact finding, negotiations and deliberations, and

**WHEREAS**, Paragraph Seven of such agreement states that within the time frames set forth herein and the statutory notice requirements in Articles 28 and 29 of the Tax Law, this Agreement may be modified, terminated or otherwise amended in the event that both the City Council and the County Legislature, by formal resolution, mutually agree to do so. Neither party may do so unilaterally. Any such modification, termination or amendment must be reduced to writing, executed by such officers of each body as they shall respectively designate and approved by the Office of the State Comptroller as set forth above.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby elect to extend the Sales Tax Agreement between the City of Batavia and County of Genesee dated December 31, 2007 effective February 28, 2008 for a period of eight months, from March 1, 2018 and through December 31, 2018, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Council President is authorized to execute an amended Sales Tax Allocation Agreement addressing said extension through December 31, 2018.

**Seconded by Councilperson Pacino and on roll call approved 7-0.**

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**#70-2017**

**A RESOLUTION APPROVING A RENEWAL AND EXTENSION OF  
LEASE WITH THE COUNTY OF GENESEE FOR WATER TREATMENT  
FACILITIES**

**Motion of Councilperson Canale**

**WHEREAS**, the City of Batavia and the County of Genesee entered into a lease agreement dated November 20, 2000 which was extended and renewed on December 31, 2007 for the lease by the County of the City's water treatment plant, water supply facilities and water transmission system (the "Facilities"), and

**WHEREAS**, the current term of the lease agreement is through February 28, 2018,

**WHEREAS**, the City and County have agreed to extend the Sales Tax Allocation Agreement and Water Supply Operation and Maintenance agreement through December 31, 2018; and

**WHEREAS**, the lease agreement needs to run for the same term as the Sales Tax Agreement and Operation and Maintenance agreement; and

**WHEREAS**, the parties now wish to extend the lease agreement through December 31, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the President of City Council to execute a renewal and extension of the lease agreement for the Facilities for a term beginning March 1, 2018 through December 31, 2018.

**Seconded by Councilperson Christian and on roll call approved 7-0.**

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**#71-2017**

**A RESOLUTION APPROVING THE EXTENSION OF AN OPERATION AND MAINTENANCE AGREEMENT FOR THE WATER TREATMENT PLANT**

**Motion of Councilperson Christian**

**WHEREAS**, the City of Batavia and the County of Genesee have previously entered into a Lease Agreement for the lease by the county of the City's water treatment plant, water supply facilities and water transmission system; and

**WHEREAS**, the parties agreed to extend and renew the original Lease Agreement and enter a new Lease Agreement through February 28, 2018; and

**WHEREAS**, as a portion of said Lease Agreement, the parties entered into a separate Operation and Maintenance Agreement which was extended through February 28, 2018 pursuant to which the City operates the water treatment plant on behalf of the County; and

**WHEREAS**, the parties wish to extend said Operation and Maintenance Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the President of City Council to execute an extension of the Operation and Maintenance Agreement with the County of Genesee dated April 10, 2001 which was extended and modified on December 31, 2007 through December 31, 2018 under the same terms and conditions.

**Seconded by Councilperson Canale and on roll call approved 7-0.**

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**#72- 2017**

**A RESOLUTION TO CHANGE USE OF BUDGETED DWYER STADIUM REPAIR RESERVE**

**Motion of Councilperson Pacino**

**WHEREAS**, pursuant to General Municipal Law 6-d, the City of Batavia has an established Dwyer Stadium Repair Reserve fund for the purpose of replacing or making major repairs to capital improvements and equipment for Dwyer Stadium; and

**WHEREAS**, the City of Batavia's Dwyer Stadium Repair Reserve fund has a balance of approximately \$247,303 and City Council approved to use \$32,000 of said reserves, in the 2017/2018 budget, on stadium seating; and



**WHEREAS**, it has come to our attention that the stadium message board is not in working order and it is imperative that it be replaced; therefore it becoming a higher priority than the seating previously approved. The new message board to be purchased from Toth Sports, an Independent Dealer of Daktronics, Incorporated who is the manufacturer of the current score board in which the message board is a part of, will be a sole source purchase in the amount of \$34,267.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is hereby authorized to replace the stadium seating in the amount of \$32,000 in the City's 2017/2018 budget with a message board in the amount of \$34,267 using Dwyer Stadium reserve funds.

**Seconded by Councilperson Christian and on roll call approved 7-0.**

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**Meeting adjourned at 7:40 on motion of Councilperson Bialkowski, seconded by Councilperson Canale and approved on roll call 7-0.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**