

CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 13, 2017

The regular business meeting of the City Council was held Monday, November 13, 2017 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

At 5:03 PM, Council, on the motion of Councilperson Pacino which was seconded by Councilperson Viele, entered executive session to discuss employment matters. The motion was approved unanimously, 8-0. Councilperson Canale was absent. The executive session adjourned at 6:50 PM. There were no votes taken in executive session and thus no minutes required specific to that meeting.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Bialkowski read a prayer to veterans in honor of Veterans' Day and led the Pledge of Allegiance.

The minutes from the October 2017 meetings and the September 2017 financials were approved.

The Council President assigned the regular agenda items.

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Communications

Council President Jankowski wanted to share with Council a letter he had received from Office of Community Renewal regarding the 3/31/17 audit and they had determined that it was complete.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, November 27, 2017 in the City Hall Council Board Room, 2nd Floor, City Centre.

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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 the first DRI meeting would be on November 14th at 4:00pm and would be open to the public. He explained that the steering committee had been appointed and would go over what would be expected in the next few months. Mr. Molino also noted that the staff had begun the budget process and would start meeting tomorrow to discuss individual department budgets.

Council President Jankowski noted that the state finally gave their approval as to who was on the steering committee and there were approximately 20 people.

Council Tabelski asked how the search was coming for an assistant city manager and Mr. Molino noted that they were still interviewing for that position.

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Committee Reports

None.

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Public Comments

None

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Council Responses to Public Comments

None

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Unfinished Business

Councilperson Christian noted that she attended the 20th Anniversary celebration for Brian and Beth Kemp for T-Shirts Etc. She noted she also went to St. Anthony's for a youth event and there were close to 300 kids there. She noted there were a lot of activities for the kids and both events were marvelous. She noted that the youth activities take place on Tuesday evenings at 5:30 and there may be other days as well.

Councilperson Bialkowski asked if there was any progress on Redfield pillars. Mr. Molino noted that he would have information for the November 27th conference meeting.

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#96-2017

A RESOLUTION TO RE-ESTABLISH A WORKERS COMPENSATION RESERVE

Motion of Councilperson Canale

WHEREAS, the City of Batavia established a Self-Insurance Workers' Compensation Benefit Plan November 24, 2003; and

WHEREAS, requirements for the establishment of such reserve, since 2003, necessitate the Workers Compensation reserve to be in accordance with New York State General Municipal Law 6-j; and

WHEREAS, Section 6-j of the General Municipal Law states:

1. The governing board shall become a self-insurer and shall establish a reserve fund;
2. Amounts may be paid into the fund as provided by budget appropriations;
3. Moneys shall be deposited and secured and accounted for separate from all other funds of the City and may be invested in accordance with the City's investment policy and interest earned shall become part of the reserve;
4. An expenditure can be made only for the payment of compensation and benefits, medical, hospital or other expense authorized by article 2 of the workmen's compensation law and for expenses of administering the self-insurance program;
5. Funds that exceed the amounts required to be paid can be applied to the budget appropriation of the next succeeding fiscal year or transferred to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and
6. If the City ceases to be a self-insurer, the moneys remaining in the fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City's Workers Compensation Reserve has been established in accordance with General Municipal Law 6-j.

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

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#97-2017

A RESOLUTION TRANSFERRING \$300,000 FROM ASSIGNED FUND BALANCE TO THE ADMINISTRATIVE SERVICES EQUIPMENT AND SOFTWARE RESERVE FUND

Motion of Councilperson Viele

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

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2017 had assigned General Fund balance for funding various reserves; and

WHEREAS, in March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City's information technology and records management needs to include, but not limited to, replacing antiquated software utilized by the City, some more than 30 years old and operating on a Disk Operating System (DOS) platform; and

WHEREAS, the City is currently working with a consultant conducting a needs assessment and developing a request for proposals for a complete overhaul of the City's antiquated Enterprise Resource Planning (ERP) system; and

WHEREAS, considering these upgrades are similar to capital purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$300,000 from the assigned General Fund balance to the Administrative Services Equipment and Software Reserve Fund.

BE IT FURTHER RESOLVED, that the transfer of funds to the Administrative Services Equipment and Software Reserve Fund is consistent with the City's Strategic Plan.

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

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#98-2017

A RESOLUTION TRANSFERRING \$20,000 OF UNASSIGNED FUND BALANCE TO COMMITTED FUND BALANCE FOR THE PURPOSE OF COMPLETING CAPITAL PROJECTS

Motion of Councilperson Tabela

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2017 had unassigned General Fund balance for funding various capital projects; and

WHEREAS, the City received notice from the Transportation Improvement Program (TIP) that the City's application for preventative maintenance of six City streets was approved. This project consists of milling and resurfacing Clinton St., East Ave., Liberty St., South Liberty St., Swan St., and Vine St. and will have an estimated project budget of \$2.55 million; and

WHEREAS, in addition to the TIP road projects the City will be completing a 2018 sidewalk replacement project with an estimated project budget of \$900,000; and

WHEREAS, due to the size of these projects, the short time frame for expenditures of funds (2018 construction season) and that grant funds are reimbursed to the City only after expenditures, it is recommended that the City utilize a bond anticipation note (BAN) to meet immediate cash flow needs at the onset of the projects, then repay the BAN after the projects are completed and reimbursement has been received; and

WHEREAS, the cost to issue a BAN is not reimbursable through the programs and is approximately \$20,000 to cover the official statement preparation, bond marketing and issuance and bond counsel costs; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$20,000 from the unassigned General Fund balance to Committed fund balance; and

BE IT FURTHER RESOLVED, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan.

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

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#99-2017

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

Motion of Councilperson Bialkowski

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, 2017 had assigned General Fund balance for funding various reserves; and

WHEREAS, since the development of the Equipment Replacement Plan (ERP) in 2011 the City has replaced 20 pieces public works equipment, valued at over \$3 million; and

WHEREAS, the City has made significant strides in improving the fleet over the past several years, however for the fiscal year ending March 31, 2017 the remaining fleet remains in poor shape, very old and is fully depreciated; and

WHEREAS, by 2021 the ERP outlines replacing one loader, a single axle dump truck with plow and several additional light and medium duty pieces of equipment, estimated at over \$580,000. The average age of this equipment today is 23 years old; and

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

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

BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan.

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

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#100-2017

A RESOLUTION TRANSFERRING \$146,000 OF UNASSIGNED FUND BALANCE TO COMMITTED FUND BALANCE FOR THE PURPOSE OF CONSTRUCTING THE ELLICOTT TRAIL

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2017 had unassigned General Fund balance for funding various capital projects; and

WHEREAS, the Town of Batavia, in cooperation with the City of Batavia, applied and received a \$1,024,500 grant from the New York State Department of Transportation Transportation Enhancements Program (TEP); and

WHEREAS, the proposed trail, which has been named the Ellicott Trail, is a 4.6 mile multi-modal pedestrian and bicyclist trail will connect commercial, industrial and residential areas in the City and Town of Batavia; and

WHEREAS, the new trail will provide an internal bicycle and pedestrian route through the City and Town, including off-road sections, that will provide more efficient and safer travel options for travelers, and the trail will be the first pedestrian and bicycle trail within Genesee County that connects major activity centers; and

WHEREAS, the total project cost is estimated to be \$1,366,000.00, of which the TEP grant will cover \$1,024,500.00 and the project requires a local match of \$341,500.00 to be shared equally between the City and Town; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$146,000 from the unassigned General Fund balance to Committed fund balance; and

BE IT FURTHER RESOLVED, that the City Council authorizes the repurpose of Committed fund balance which was originally committed to Williams Park lighting improvements by Resolution #27-2017. The project has been completed and the remaining balance of funds, \$24,839, are no longer needed for the authorized lighting project and are to be repurposed for the construction of Ellicott Trail.

BE IT FURTHER RESOLVED, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan.

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

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#101-2017

A RESOLUTION TRANSFERRING \$25,000 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, 2017 had assigned General Fund balance for funding various reserves; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2017 has approximately 59,206 linear feet of sidewalk, or 15.3% of the City's sidewalk network, that needs to be replaced within the City limits estimated to cost approximately \$2.35 million; and

WHEREAS, in 2014 the City received a Transportation Alternatives Program (TAP) grant for \$720,657 to complete approximately 12,000 linear feet of sidewalk improvements along pedestrian routes to City schools in 2018 and the grant requires a local match of \$240,000; and

WHEREAS, in 2017 the City received another Transportation Alternatives Program (TAP) grant for \$868,500 to complete approximately 12,300 linear feet of sidewalk improvements along pedestrian routes to City schools, medical facilities and are businesses in 2019 and the grant requires a local match of \$240,000; and

WHEREAS, the City Council is desirous of transferring \$25,000 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 City Council of the City of Batavia does hereby transfer \$25,000 from the assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund.

BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Sidewalk Reconstruction Reserve Fund is consistent with the City's Strategic Plan.

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

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#102-2017

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Youth Board

Kristen Gloskowski
Councilperson Alfred McGinnis

December 31, 2020
December 31, 2018

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

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#103-2017

A RESOLUTION TO AMEND THE 2017-2018 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A FEMA ASSISTANCE TO FIREFIGHTERS GRANT (AFG) – IN THE AMOUNT OF \$236,072.00

Motion of Councilperson Christian

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$236,072.00 for award period June 23, 2017 through June 22, 2018 from the Federal Emergency Management Agency (FEMA) for new Self Contained Breathing Apparatus and related equipment in the City of Batavia and Genesee County; and

WHEREAS, this grant requires a local match of 5%; and

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Fire Department Equipment Reserve Fund with an approximate balance of \$174,000; and

WHEREAS, to properly account for the expenditure of this money, the use of reserves as a local match and a budget amendment is needed.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget effective November 13, 2017, and use the Fire Department Equipment Reserve Fund to cover various details and equipment purchases associated with this grant:

Increase revenue accounts:

001.0001.4389.1168	
Federal Aid, Public Safety	\$236,072.00

001.0001.0511.2101	
Appropriated Fire Department Reserves	\$ 11,803.00

Increase expenditure accounts:

001.3410.0200.1168	\$229,172.00
Fire Department Equipment	

001.3410.0201.1168 \$ 6,900.00
Fire Department Small Equipment

001.3410.200.2101 \$ 11,803.00
Fire Department Reserve

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

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#104-2017

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
HOHL INDUSTRIAL SERVICES, INC.
FOR THE WWTP PRELIMINARY TREATMENT IMPROVEMENTS PROJECT**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia has solicited bids for the WWTP Preliminary Treatment Improvements Project at the Wastewater Treatment Plant; and

WHEREAS, Three (3) bids were received on October 30, 2017, and Hohl Industrial Services, Inc. was the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a contract is hereby awarded to Hohl Industrial Services, Inc. in the amount of Two Hundred Eighteen Thousand (\$218,000.00) for the replacement/rebuild of the traveling mechanical screen and the cyclone grit classifier at the Wastewater Treatment Plant.

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

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#105-2017

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN,
R.O.W. INCIDENTALS, R.O.W. ACQUISITIONS, AND CONSTRUCTION/CI/CS FOR
THE CITY OF BATAVIA HEALTHY SCHOOLS CORRIDOR**

Motion of Councilperson Tabelski

WHEREAS, a project for the Reconstruction of Sidewalks for Liberty Street from East Main Street (Route 5) to Morton Avenue, and Washington Avenue from Ross Street to Bank Street, City of Batavia, Genesee County, P.I.N. 4755.93 (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 75% Federal funds and 25% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of PE/Design and R.O.W. Incidentals/Acquisitions, and Construction/CI/CS; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share of the cost of PE/Design and R.O.W. Incidentals/Acquisitions, and Construction/CI/CS for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$982,238 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

BE IT FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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#106-2017

A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE

**AMOUNT OF \$3,720 TO ADDRESS THE CRIMES OF DRIVING WHILE
INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS**

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$3,720 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; and

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

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 amendment to the 2017-2018 budget to cover various initiatives to combat alcohol and drug related traffic offenses: Effective November 13, 2017, amend the 2017-18 budget:

Increase expenditure accounts	
001.3120.0101.1171	\$ 3,720.00
Increase revenue accounts	
1.1.3389.1171	\$ 3,720.00

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

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#107-2017

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES (AFSCME)**

Motion of Councilperson Canale

WHEREAS, the City of Batavia and the AFSCME have had collective bargaining sessions; 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 November 1, 2017 the AFSCME Union 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 McGinnis and on roll call approved 9-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...proposed, pending or current litigation...” 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;

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...”.

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 Christian and on roll call approved 9-0.

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Meeting adjourned at 7:25 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**