



## **BATAVIA CITY COUNCIL SPECIAL BUSINESS MEETING**

**Monday, June 27, 2022  
Council Board Room at City Hall  
(Following the Conference Meeting)**

### **AGENDA**

- I. Call to Order
- II. New Business
  - #56-2022 A Resolution To Enter Into An Agreement With Master's Edge, INC For City Sidewalk Construction Project - 2022
  - #57-2022 A Resolution To Appoint Members To Various City Committees/ Boards
  - #58-2022 A Resolution To Authorize Budget Adjustment For The Health Insurance Fund For 2021/2022 Fiscal Year
  - #59-2022 A Resolution To Rescind Award Of Construction Contract To Mark Cerrone, Inc. And Reject Bids For Construction Services For The Enhancement Of The Jackson Square Project
- III. Executive Session...Employment Matters
- IV. Adjournment

**#56-2022**  
**RESOLUTION TO ENTER INTO AN AGREEMENT WITH**  
**MASTER’S EDGE, INC.**  
**FOR CITY SIDEWALK CONSTRUCTION PROJECT - 2022**

**Motion of Councilmember**

**WHEREAS**, a project for the replacement of approximately 6,400 linear feet of City sidewalks and handicap accessible ramps on portions of Chase Park, Fisher Park, Seneca Avenue, Miller Avenue, and Columbia Avenue; and

**WHEREAS**, a competitive bid was made by Master’s Edge, Inc. of Cheektowaga, for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project – 2022-23; and

**WHEREAS**, Master’s Edge, Inc. of Cheektowaga is the lowest responsible bidder (\$493,500).

**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 Master’s Edge, Inc. for sidewalk replacements.

**AND, BE IT FURTHER 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 2022-2023 budget effective June 27, 2022.

Increase revenue accounts:		
A.00.0000.0000 3501	\$	94,500.00
Increase expenditure accounts:		
A.03.5010.5112 200-5013	\$	94,500.00

**Seconded by Councilmember  
and on the roll call**

**#57-2022**  
**A RESOLUTION TO APPOINT MEMBERS TO**  
**VARIOUS CITY COMMITTEES/ BOARDS**

**Motion of Councilmember**

**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:

**Audit Advisory Board**

Nicholas Harris

Marc Staley

Paul Battaglia

Councilmembers:

**For the audit years ending 3/31:**

2022 - 2024

2022 - 2024

2022 - 2024

**For the audit year ending 3/31:**

2023

2023

**Seconded by Councilmember**  
**and on roll call**

#58-2022

**A RESOLUTION TO AUTHORIZE BUDGET ADJUSTMENT FOR THE HEALTH INSURANCE FUND FOR 2021/2022 FISCAL YEAR**

**Motion of Councilmember**

**WHEREAS**, the City of Batavia experienced expenses in the Health Insurance fund in the 21/22 fiscal year, above what was budgeted; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby authorize the City Manager to amend the budget for the 21/22 fiscal year, effective March 31, 2022, as follows:

Increase expenditure account:

MS1.01.9060 807	Health Insurance Fund-Heath Insurance	\$ 26,676.70
-----------------	---------------------------------------	--------------

Increase revenue account:

MS1.00.0000.0000 2680	Health Insurance Fund-Ins. Recovery	\$ 26,676.70
-----------------------	-------------------------------------	--------------

**Seconded by Councilmember  
and on roll call**

**#59-2022**

**A RESOLUTION TO RESCIND AWARD OF CONSTRUCTION CONTRACT TO MARK CERRONE, INC. AND REJECT BIDS FOR CONSTRUCTION SERVICES FOR THE ENHANCEMENT OF THE JACKSON SQUARE PROJECT**

**Motion of Councilmember**

**WHEREAS**, in accordance with General Municipal Law Section 103, on March 21, 2022 the City of Batavia issued a competitive bid for the renovation of Jackson Square; and

**WHEREAS**, three (3) bids were received on April 22, 2022 and Mark Cerrone, Inc., was the lowest responsible bidder in the amount of \$654,000.00 for construction for the enhancement of Jackson Square; and

**WHEREAS**, on May 9, 2022, City Council adopted a resolution, Resolution No. 36-22, that awarded the contract to Mark Cerrone, Inc., in the amount of \$685,000, reflecting the base bid and Alternate #1; and

**WHEREAS**, after the award the City issued Cerrone a notice of intent consistent with the award; and

**WHEREAS**, Cerrone failed to honor the bid it issued on the contract, by written correspondence and communications with the City and architect, it improperly and belatedly claimed mistakes in its bid and also sought to negotiate substantial price and scope changes to its bid; and

**WHEREAS**, Cerrone defaulted on the bid bond it provided by failing to enter a contract for the DRI ENHANCE JACKSON SQUARE PROJECT consistent with the bid and as awarded by the City of Batavia; and

**WHEREAS**, the City needs to re-bid the DRI ENHANCE JACKSON SQUARE PROJECT; and

**NOW, THEREFORE, BE IT RESOLVED**, that Mark Cerrone, Inc. is in default of the bid bond obtained to secure its bid for the DRI ENHANCE JACKSON SQUARE PROJECT from The Hanover Insurance Company dated April 22, 2022, due to its failure to enter a contract consistent with its bid; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the City Council rescinds the contract award to Mark Cerrone, Inc. on the DRI ENHANCE JACKSON SQUARE PROJECT; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the City Council of the City of Batavia that the remaining two bids for the DRI ENHANCE JACKSON SQUARE PROJECT submitted on April 22, 2022 are hereby rejected; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the City Council of the City of Batavia, that it reserves all rights to move against the bid bond secured by Mark Cerrone, Inc. in connection with its bid on the DRI ENHANCE JACKSON SQUARE PROJECT following re-bidding of the project.

**Seconded by Councilmember  
and on the roll call**

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilmember**

**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 Councilmember  
and on roll call**