

CITY OF BATAVIA
SPECIAL BUSINESS MINUTES
JUNE 27, 2022

A special business meeting of the City Council was held Monday, June 27, 2022 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Viele, Pacino, Canale, Briggs, Schmidt, and Richmond. Councilmembers Bialkowski and McGinnis were absent.

Council President Jankowski called the meeting to order at 7:26 PM immediately following the conference meeting.

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New Business

#56-2022

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

Motion of Councilmember Viele

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

Seconded by Councilmember Briggs and on roll call approved 7-0.

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#57-2022

**A RESOLUTION TO APPOINT MEMBERS TO
VARIOUS CITY COMMITTEES/ BOARDS**

Motion of Councilmember Richmond

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:

<u>Audit Advisory Board</u>	<u>For the audit years ending 3/31:</u>
Nicholas Harris	2022 - 2024
Marc Staley	2022 - 2024
Paul Battaglia	2022 - 2024
Councilmembers:	<u>For the audit year ending 3/31:</u>
Bob Bialkowski	2023
Tammy Schmidt	2023

Seconded by Councilmember Viele and on roll call approved 7-0.

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#58-2022

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

Motion of Councilmember Schmidt

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
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Increase revenue account:

MS1.00.0000.0000 2680	Health Insurance Fund-Ins. Recovery	\$ 26,676.70
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Seconded by Councilmember Briggs and on roll call approved 7-0.

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#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 Canale

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 Richmond and on roll call approved 7-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Pacino

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 Schmidt and on roll call approved 7-0.

Council entered executive session at 7:30pm and ended at 7:47pm.

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Meeting adjourned at 7:48 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**