

CITY OF BATAVIA

BUSINESS MINUTES

APRIL 14, 2014

The regular business meeting of the City Council was held Monday, April 14, 2014 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Hawley presiding.

Present were Council President Hawley and Councilpersons Pacino, Briggs, Cipollone, Canale, Deleo, Jankowski, and Christian. Councilperson Doeringer was absent.

Council President Hawley called the meeting to order at 7:00 PM. Councilperson Canale led the Lord's Prayer and the Pledge of Allegiance.

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

The Council President assigned the regular agenda items.

* * *

Communications

El Rancho Viejo Mexican Restaurant submitted their liquor license renewal. There was no objection from the police department. Council approved.

* * *

Council President's Report

Council President Hawley announced that the next regular City Council Conference Meeting would be held on Monday, April 28, 2014 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

* * *

City Attorney's Report

Mr. Van Nest noted that they continued to work on a variety of matters including real property, insurance, contracts, and code enforcement but there was nothing specific to report at that time.

* * *

City Manager's Report

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

* * *

Committee Reports

Councilperson Pacino noted that the BID wanted to prepare something for the Memorial Day Parade, wanted to get the word out to the public as to what they do and were working on Summer in the City plans.

* * *

Public Comments

John Roach, 116 Grandview Terrace, asked what people would be on the assistant city manager search committee and how much was paid in legal fees for fiscal years 2012 and 2013 regarding the mall issue.

Richard Richmond, 20 Washington Ave, noted that he was impressed how the city workers, especially DPW, handled the snow storms this year and that they did it without an assistant city manager holding their hand.

Robert Gerace, 103 Elm St, noted that there was a zoning issue regarding code section 190-36 about non-conforming property. He felt that all the apartment complexes from the VA to State St by the Blind School should be zoned R1 or single-family. He noted that if those properties were damaged more than 50% of their assessed value, the same type of property couldn't be rebuilt at that location. He explained that the banks wouldn't loan on those non-conforming properties, felt the code was written hoping the properties would be damaged to fulfill a vision for the future of all single-family homes, and the code needed to be changed to how the Town's code read. He asked that the code be reworted.

* * *

Council Responses to Public Comments

Councilperson Christian asked Mr. Molino to reply to Mr. Roach's questions. Mr. Molino noted that there was an internal committee that consisted of department heads and that he wouldn't address the mall because it was an open litigation but it could be discussed in executive session. Mr. Molino also noted that the non-conforming property section was a common section of municipal codes and was intended to preserve the zoning that was intended for that area. He explained that the section used to be even stricter. Councilperson Briggs asked if Council could get the fees for the mall litigation at the next meeting and Mr. Van Nest said they could. Councilperson Pacino asked when Council would review the comprehensive master plan. Mr. Molino noted that the last one was done

in 1997 and should be reviewed soon. Councilperson Pacino asked how the non-conforming properties come about. Mr. Molino explained that they are created when changes in zoning occur.

* * *

Unfinished Business

Councilperson Christian noted that she had been attending the Vibrant Batavia meetings and there was going to be a gathering for the sixth ward on April 24th at 6:00pm at City Hall to get neighborhoods involved.

* * *

New Business

#29A-2014

RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") and DETERMINING SIGNIFICANCE OF AN AMENDMENT TO THE ZONING MAP FOR RE-ZONING A SECTION OF THE LAND CONSERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia has proposed to amend the zoning map to rezone a section of land at 69 Clinton Street from Land Conservation to R-1 Residential District.

WHEREAS, the amendment of the City's zoning map is an Unlisted Action under SEQR; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

WHEREAS, a Short Environmental Assessment Form has been completed for the Action, a copy of which is attached hereto as Schedule A; and

WHEREAS, the City Council has carefully reviewed the potential environmental impacts of the proposed action against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts required by SEQR, and

RESOLVED, that the Council of the City of Batavia in accordance with SEQR and 6 NYCRR 617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City's zoning map; and it is further

RESOLVED, that the City Council having reviewed a completed Short Environmental Assessment Form and accompanying narrative which is part of the record of this Action and having considered the environmental impacts of the proposed action against the criteria in 6 NYCRR 617.7(c), finds that the proposed action will not result in any significant adverse environmental impact; and it is further

RESOLVED, the Council of the City of Batavia does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

Seconded by Councilperson Christian and on roll call approved 8-0.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <u> zoning amendment</u>			
Project Location (describe, and attach a location map): <u>69 Clinton Street, City of Batavia, County of Genesee</u>			
Brief Description of Proposed Action: <u>Amend Land Conservation District to R-1 Residential District</u>			
Name of Applicant or Sponsor: <u>Brian M. Taylor and Laurie L. Kiburg Huff</u>		Telephone: <u>716-544-0597</u>	
Address: <u>69 Clinton Street</u>		E-Mail:	
City/PO: <u>Batavia</u>	State: <u>NY</u>	Zip Code: <u>14020</u>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES ✓
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES ✓
3.a. Total acreage of the site of the proposed action? <u>2.277</u> acres			
b. Total acreage to be physically disturbed? <u>1.587</u> acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>2.277</u> acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO	YES	✓
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	✓
b. Are public transportation service(s) available at or near the site of the proposed action?		✓	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		✓	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO	YES	✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	✓
b. Is the proposed action located in an archeological sensitive area?		✓	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	✓
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		✓	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	✓
16. Is the project site located in the 100 year flood plain?	NO	YES	✓
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	✓

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Brian M. Taylor & Rachel L. Kilburg Taylor</u> Date: <u>12-16-13</u>		
Signature: <u>[Signature]</u> <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

#29-2014

**RESOLUTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 190
ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO
AMEND THE ZONING MAP OF THE CITY OF BATAVIA**

Motion of Councilperson Christian

WHEREAS, an Ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA**” was introduced before the City Council of the City of Batavia, New York on March 10, 2014; and

WHEREAS, City Council held a public hearing on said proposed Ordinance on Monday, March 24, 2014 pursuant to Public Notice duly published in the Batavia Daily News;

BE IT FURTHER RESOLVED by the Council of the City of Batavia that said proposed Ordinance #2-2014 be and the same is hereby adopted.

Seconded by Councilperson Briggs and roll call approved 8-0.

ORDINANCE #2-2014

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA

SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES FROM A LAND CONSERVATION DISTRICT TO A R-1 DISTRICT

PREMISES BEING MORE RECENTLY DESCRIBED ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York and being part of Lot No. 10, Section 8, Township 1, Range 1 of the Holland Land Company’s purchase, bounded and described as follows:

BEGINING at an iron pin on the assumed northerly street line of Clinton Street, said point being the southeast corner of lands now or formerly of Stephen B. Hughes and Lorna M. Hughes by deed recorded in the Genesee County Clerk’s Office in Liber 427 of Deeds, page 240, said point also being 84.76 feet westerly from a southwest corner of remaining lands now or formerly of Morris T. Johnson by deed recorded in the Genesee County Clerk’s Office in Liber 284 of Deeds, page 421, as measured along the assumed northerly street line of Clinton Street, said point also being 261.58 feet easterly from the southeast corner of lands now or formerly of David B. Johnson and Morris T. Johnson and Marjorie J. Lewis by deed recorded in the Genesee County Clerk’s Offices in Liber 470

of Deeds, page 54; thence

- 1) North 11° 17' 36" West and along the easterly line of lands of said Hughes for a distance of approximately 262.18 feet to the southerly line of the City of Batavia Land Conservation District line as appearing on the land distract maps of the City of Batavia and being the point of beginning of the parcel intended to be described herein; thence
- 2) Continuing North 11° 17' 36" West along the lands of Hughes for an additional distance of approximately 20 feet to a point on the northerly line of Hughes; thence
- 3) North 83° 15' 00" West and along the northerly line of lands of said Hughes for a distance of 136.82 feet to a point; thence
- 4) North 06° 45' 00" East and along an easterly line of lands of the aforementioned Johnson and Lewis for a distance of 256.00 feet to an iron pin; thence
- 5) South 83° 15' 00" and along the southerly line of lands now or formerly of Morris T. Johnson and Anita Johnson by deed recorded in the Genesee County Clerk's Office in Liber 479 of Deeds, page 274, for a distance of 270.00 feet to an iron pin; thence
- 6) South 03° 33' 00" West and along a westerly line of lands of the aforementioned Johnson for an approximate distance of 180.00 feet to the southerly line of the City of Batavia Land Conservation District; thence
- 7) South 65° 45' 00" West and along the Land Conservation District south line and parallel to the centerline of Clinton Street, an approximate distance of 160.00 feet to the point and place of beginning.

INTENDING on describing all the lands of Laurie L. Kilbury and Brian M. Taylor as lie within the bounds of the City of Batavia Land Conservation District, and being a portion of the lands of Laurie L. Kilbury and Brian M. Taylor as described in Warranty Deed dated May 21, 2007 and recorded in the Genesee County Clerk's Office June 12, 2007 in Liber 858 of Deeds, page 459.

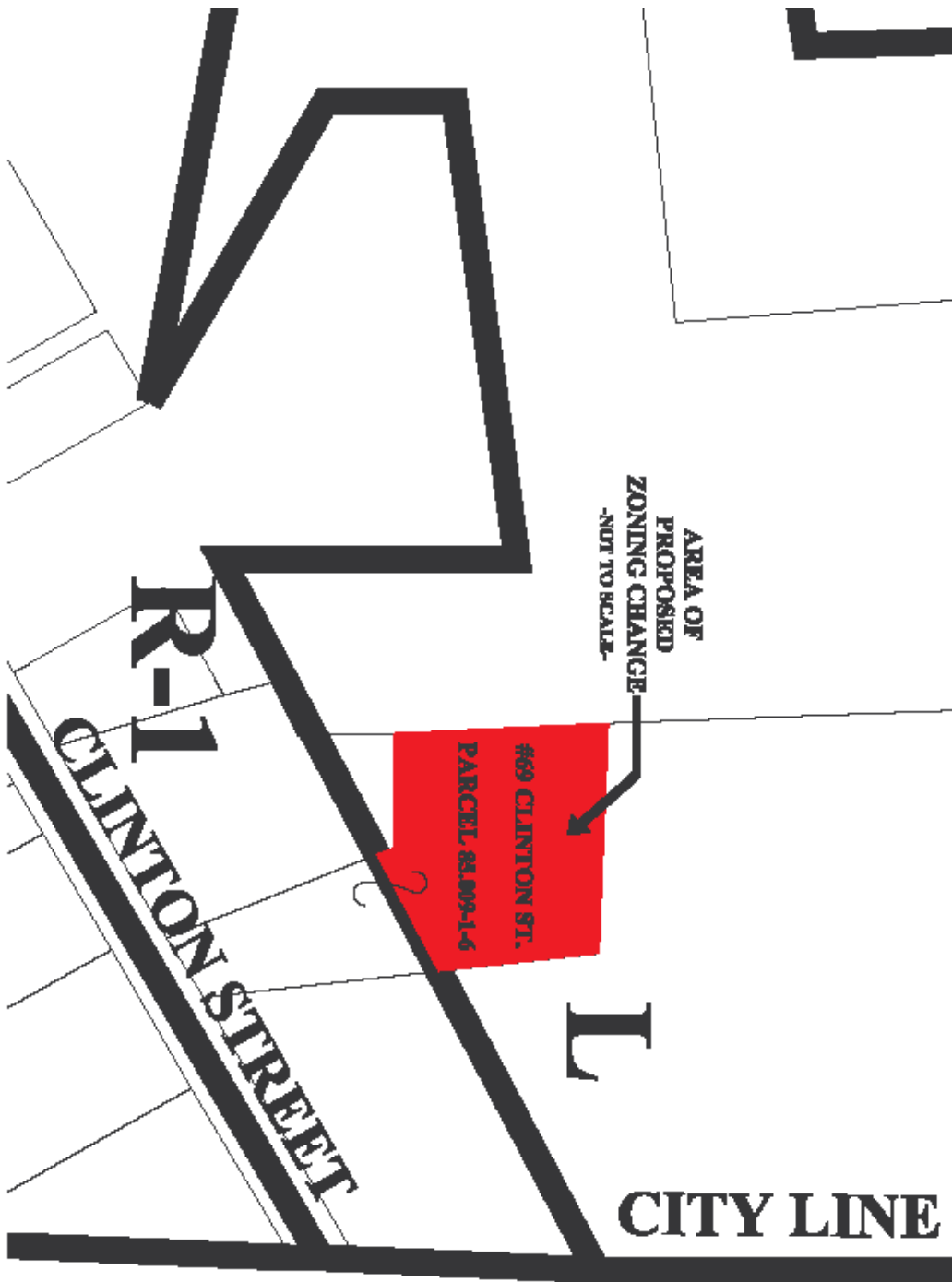
The Zoning Ordinance of the City of Batavia, New York, dated and adopted July 25, 1973, and the Zoning Map of the City of Batavia, New York, dated and adopted September 24, 1973 (Said map being part of said Ordinance), as amended, are hereby further amended for the purpose of rezoning the premises hereinafter described from a Land Conservation District to a R-1 District:

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

Deletions designated by ~~strikeout~~

Additions designated by [brackets]



* * *

#30-2014

RESOLUTION TO APPOINT MEMBERS TO VARIOUS COMMITTEES

Motion of Councilperson Briggs

WHEREAS, currently, vacancies exist on various Committees.

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

Audit Advisory Committee

Term Expiration

Councilperson John Canale
Councilperson Pierluigi Cipollone
Kathleen Saville
Scott Rozanski
Bruce Tehan

December 31, 2014
December 31, 2014
December 31, 2014
December 31, 2014
December 31, 2014

Business Improvement District Liaison

Term Expiration

Councilperson Patti Pacino

March 31, 2015

Historic Preservation Commission

Term Expiration

Larry Barnes

December 31, 2016

Seconded by Councilperson Canale and on roll call approved 8-0.

Discussion – Councilperson Jankowski asked what the purpose and role was of the audit advisory committee, what the qualifications were to be on the committee and if they were city residents. Mr. Molino noted that they reviewed the draft financial statements and met with the auditors. The members needed a background primarily in municipal finance and that when the committee was established, it wasn't required that they be city residents. He noted that the committee was recommended by the auditors.

* * *

#31-2014

**RESOLUTION TRANSFERRING FROM THE EMPLOYEE BENEFIT ACCRUED
LIABILITY RESERVE AND TO AMEND THE BUDGET**

Motion by Councilperson Canale

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 employees upon termination of the employees' service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2014 has approximately \$60,212 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2014 will have had employee retirements/terminations from employment with payable accrued employee benefits totaling \$29,240.65; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers:

Effective March 31, 2014, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100	\$ 4,852.25
	001.3120.0101	\$ 2,009.93
	001.3120.0102	\$ 2,061.21
	001.3120.0103	\$ 547.95

Bureau of Maintenance	001.5142.0103	\$ 117.87
	001.7110.0103	\$ 324.16
	01.7550.0103	\$ 4.91
	001.8140.0103	\$ 108.05
	001.8170.0103	\$ 83.49
	003.8120.0103	\$ 127.70

Street Maintenance	001.5110.0100	\$ 14,402.63
	001.5110.0103	\$ 1,880.65
	001.5110.0101	\$ 310.02

Water Pump Station & Filtration	002.8320.0100	\$ 2,313.94
---------------------------------	---------------	-------------

Medical Insurance – In Lieu of	001.9060.0807	\$ 83.42
	003.9060.0807	\$ 12.47

Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	001.0001.0511.2109	\$29,240.65
--	--------------------	-------------

Seconded by Councilperson Briggs and on roll call approved 8-0.

Discussion – Councilperson Christian asked if the changes should have been in the budget before now. Mr. Molino explained that they were year-end adjustments that captured the entire fiscal year and couldn't be done until after year-end.

* * *

#32-2014

**RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE
PROPERTIES SOLD AT AUCTION ON MARCH 15, 2014**

Motion of Councilperson Briggs

WHEREAS, the City foreclosed on 5-7 Buell Street, 6 Madison Avenue, 3 Manhattan Avenue and 101 River Street for non-payment of property taxes; and

WHEREAS, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

WHEREAS, a Public Real Estate Auction was held at Bontrager's Auction Center on March 15, 2014 at 10:00 a.m.; and

WHEREAS, the highest bids received for the four auctioned properties are as follows:

	<u>Property</u>	<u>Highest Bidder</u>	<u>Highest Bid</u>
1)	5-7 Buell Street	Yisroel S Goldberg	\$42,000
2)	6 Madison Avenue	Peter I Hollands	\$41,000
3)	3 Manhattan Avenue	Jeffrey D Freeman	\$28,000
4)	101 River Street	Jeffrey D Freeman	\$500

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said properties and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidders for all four properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

Seconded by Councilperson Deleo and on roll call approved 8-0.

Discussion – Councilperson Deleo asked if there was a minimum bid for the properties and Mr. Molino noted that there was not.

* * *

#33-2014

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

Motion of Councilperson Christian

WHEREAS, the Department of Public Works, Fire Department and Police Department 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, general fund revenue or be used for trade in value for approved equipment replacement;

NOW, THEREFORE, BE IT RESOLVED, by the 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 2014-2015 budget:

- RICOH, FW760, Serial# A7830070098
- Hewlett Packard Jet, 700/750C, Serial# ESA9243081
- 1997 Ford, F-350 Dump Truck, VIN# 1FDKF37H4VEC11390
- 1997 Ford, F-350 Dump Truck, VIN# 1FDKF37H6VEC11391
- 2003 SKL, Roll-back Trailer VIN# 49WFD20203S000091
- 1966 International Harvester, 2444, Tractor, Serial# OO98O
- 1988 Jacobsen, HR-15, Lawn Mower, Serial# 705202008
- 2003 Titan, Speedflo 6900 Powerliner, Traffic Paint Striper # O316700037
- 1997 Woodsman, 2018, Wood Chipper, Serial# 2059046
- 2010 Ford Focus, VIN# 1FAHP3ENXAW167717
- 2010 Chevy Impala, VIN# 2G1WA5EN2A1147654
- 2010 Ford Crown Victoria, VIN# 2FABP7BVXAX132441
- 2011 Ford Crown Victoria, VIN# 2FABP7BV1BX157326
- Thermal Imaging Camera & Charger Serial # 51982
- Thermal Imaging Camera & Charger Serial # 51985
- Hurst Hydraulic Rescue Tool Power Unit # 363R2600602-68008342
- Hurst Hydraulic Rescue Motor # 5429254
- Hurst Hydraulic Rescue Ram # N6618
- Hurst Hydraulic Rescue Combi-Tool # 115818

Seconded by Councilperson Jankowski and on roll call approved 8-0.

* * *

#34-2014

**RESOLUTION TO AUTHORIZE COUNCIL PRESIDENT TO SIGN AN
AGREEMENT WITH THE BATAVIA BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION, INC. TO TRANSFER BUSINESS IMPROVEMENT
DISTRICT SPECIAL ASSESSMENT FUNDS**

Motion of Councilperson Jankowski

WHEREAS, the Downtown Batavia Business Improvement District was established by the City Council of Batavia; and

WHEREAS, on or about June 30, 2008 the Downtown Batavia Business Improvement District and City of Batavia entered into an agreement for the transfer of District assessments to the Downtown Batavia Business Improvement District from the City; and

WHEREAS, the Business Improvement District assessments total \$120,000; and

WHEREAS, the City of Batavia, through its taxing authority, collects assessments for the Business Improvement District;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Batavia to authorize the Council President to sign an agreement with the Batavia Business Improvement District Management Association to transfer District assessments from the City of Batavia to the Batavia Business Improvement District Management Association, Inc.

Seconded by Councilperson Pacino and on roll call approved 8-0.

* * *

#35-2014

**RESOLUTION TRANSFERRING \$10,000 FROM THE LIABILITY AND CASUALTY
RESERVE FUND TO THE GENERAL FUND UNASSIGNED FUND BALANCE**

Motion of Councilperson Deleo

WHEREAS, pursuant to General Municipal Law 6-n the City of Batavia has an established Liability and Casualty Reserve fund for payments and costs related to judgments, actions or claims against the City of Batavia; and

WHEREAS, the City of Batavia has incurred costs in defense of *Deborah S. Rodriguez and Javier Rodriguez vs. City of Batavia*, Index number 61755/2012 of \$10,000; and

WHEREAS, the City Council is desirous of transferring \$10,000 of Liability and Casualty reserve restricted fund balance to the General Fund unassigned fund balance to assist with the expenditure as a result of the incurred costs in defense of the City;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$10,000 from the Liability and Casualty Reserve Fund to the General Fund; 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:

Expense

1.1315.0740 Administrative services Judgments and Claims \$10,000.00

Revenue

1.1.511.2104 Appropriated reserves liability and casualty \$10,000.00

Seconded by Councilperson Christian and on roll call approved 8-0.

* * *

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...".

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...".

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...".

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 Jankowski and on roll call approved 8-0.

* * *

Meeting adjourned at 7:30 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**