

CITY OF BATAVIA

BUSINESS MINUTES

JULY 9, 2018

The regular business meeting of the City Council was held Monday, July 9, 2018 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Pro-Tem Viele presiding.

Present were Council President Pro-Tem Viele and Councilpersons Pacino, Briggs, McGinnis, Tabelski, Canale, Bialkowski, and Christian.

Council President Pro-Tem Viele called the meeting to order at 7:00 PM. Councilperson Bialkowski led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the June 2018 meetings and the May 2018 financials were approved.

The Council President Pro-Tem assigned the regular agenda items.

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Communications

Northside Deli, LLC submitted a liquor license renewal and there was no objection from the police department. Council approved.

Danielle Jensen-Rodriguez requested to hold the 2nd annual Fordham Drive Block Party on Sunday, July 29th from 12:00 – 3:00pm to celebrate their neighborhood. Council approved.

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Council President's Report

Council President Pro-Tem Viele announced the next regular City Council Business and Conference meeting would be held Monday, August 13, 2018 in the City Hall Council Board Room, 2nd Floor, City Centre.

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Public Hearing

- a. A Public Hearing to Introduce Information to the Public on the Community Development Block Grant (CDBG) Program

Motion by Councilperson Bialkowski to open the public hearing. Motion seconded by Councilperson Tabelski and, on roll call, approved 8-0.

There were no speakers.

Motion by Councilperson Bialkowski to close the public hearing. Motion seconded by Councilperson Christian and, on roll call, approved 8-0.

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City Attorney's Report

George Van Nest, City Attorney, noted they continued to work on a variety of matters but wanted to follow up on an item from the prior meeting about zones for waste pickup. Mr. Van Nest noted that those municipalities with trash zones either performed the waste collection themselves or provided trash collection through a contract with the collectors. Beyond that he didn't see any other municipalities who could regulate collection zones within their community. Mr. Van Nest referenced the City Code and the regulations regarding when garbage could be put out to the road.

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City Manager's Report

Matt Worth, Interim City Manager, explained that all departments were in full swing with the summer months, parks programs had started and Rachael Tabelski started with the Batavia Development Corporation this week. He also wanted to mention the passing of Dennis Larson, former engineer and public works director for the City of Batavia. He noted that Mr. Larson oversaw the largest capital project the City ever saw and served as a personal mentor. Councilperson Canale suggested presenting a proclamation to Mr. Larson's wife and Council agreed.

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Committee Reports

Councilperson Pacino noted that Picnic in the Park was a success and GO ART didn't lose their shirts on it.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

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#62-2018

A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN AS THE AUTHORIZED REPRESENTATIVE FOR THE CITY OF BATAVIA ON THE NEW YORK 1033 PROGRAM LAW ENFORCEMENT AGENCY CONTROLLED PROPERTY REQUEST AUTHORIZATION FORM

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia is desirous of retaining a wheeled armored vehicle (MRAP or similar) for utilization by the City Police Department's Emergency Response Team (ERT) as a Rescue Vehicle; and

WHEREAS, such wheeled armored vehicles are considered Controlled Property and therefore require prior authorization from the appropriate Civilian Governing Body of the Law Enforcement Agency; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized and directed to sign as the Authorized Representative of the Civilian Governing Body for the purpose of applying for a wheeled armored vehicle through the New York 1033 Program.

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

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#63-2018

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Christian

WHEREAS, certain vacancies exist on various City Committees/Boards; and

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

Audit Advisory Board

Nicholas Harris

December 31, 2020

Marc Staley
David Leone
Councilmembers:
Bob Bialkowski
Alfred McGinnis

December 31, 2020
December 31, 2020

December 31, 2018
December 31, 2018

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

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#64-2018

A RESOLUTION TO APPOINT MEMBERS TO HPC CITY COMMITTEE/BOARD

Motion of Councilperson Pacino

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:

Historic Preservation Commission

Ryan Duffy
Henry Emmans

December 31, 2020
December 31, 2020

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

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#65-2018

A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF SOUTH MAIN ST AND SOUTH LYON STREET PROPERTY ADJACENT TO THE TONAWANDA CREEK

Motion of Councilperson Canale

WHEREAS, the City foreclosed South Lyon St, SBL #84.039-1-15 and South Main St, SBL #84.039-1-36 for non-payment of property taxes; and

WHEREAS, the property is located adjacent to the South Lyon St Bridge; and

WHEREAS, Genesee County has the responsibility for maintenance, repair, and ultimate replacement of the South Lyon St Bridge; and

WHEREAS, Genesee County has a need for additional Right-of-Way for the replacement of the South Lyon St Bridge; and

WHEREAS, the replacement of this bridge will improve the quality of life for all residents of the City of Batavia; and

WHEREAS, the assessed value of these properties is \$700; and

WHEREAS, based upon recent inspection of the properties by the City of Batavia the properties have negligible value; and

WHEREAS, it is in the best interest of the City of Batavia to sell and transfer said parcels to Genesee County to facilitate replacement of the South Lyon St Bridge; and

WHEREAS, the sale of the parcels to Genesee County is in accordance with Batavia Municipal Code Section 66-9(C); and

WHEREAS, the sale of the parcels will result in public use for the benefit of residents, the City has determined that it is in the best interest of the City to waive requirements to obtain an appraisal of the property prior to transfer; and

WHEREAS, based upon the considerations affecting this property the City agrees to transfer the parcel to Genesee County for nominal consideration.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign all necessary and appropriate closing documents, including a Quit Claim deed, to convey the property to Genesee County, subject to purchaser's execution of a Contract of Sale that is satisfactory to the City Attorney's Office.

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

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#66-2018

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
MASTER'S EDGE, INC. FOR CITY SIDEWALK REPLACEMENT PROJECT - 2018**

Motion of Councilperson Briggs

WHEREAS, a project for the replacement of approximately 2,400 square yards of City sidewalks and handicap accessible ramps on portions of River Street, Verona Avenue, New York Place, Eleanor Place, Margaret Place, Trumbull Parkway, Clifton Avenue and Lehigh Avenue; and

WHEREAS, a competitive bid was made by Master's Edge, Inc., for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project - 2018; and

WHEREAS, Master's Edge, Inc. is the lowest responsible bidder (\$227,270.00).

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.

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

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#67-2018

**A RESOLUTION REFERRING THE REVIEW OF SIGNS IN THE BATAVIA
MUNICIPAL CODE TO THE PLANNING AND DEVELOPMENT COMMITTEE**

Motion of Councilperson Bialkowski

WHEREAS, the City Council is desirous of reviewing the City's sign code, Batavia Municipal Code. Section §190-43, in response to concerns from the Bureau of Inspection, in relation to the recently adopted sign code; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law Section 27 provides City Council with the authority to refer matters the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee to review §190-43. Signs, of the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make a recommendation to the City Council for consideration.

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

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Meeting adjourned at 7:18 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**