

# **CITY OF BATAVIA**

## **BUSINESS MINUTES**

### **JUNE 12, 2023**

The regular business meeting of the City Council was held Monday, June 12, 2023 at 7:15 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

Council President Jankowski called the meeting to order at 7:15 PM immediately following the special conference meeting.

#### **Public Comments**

Ryan Duffy, 9 Pearl St, Director of the Holland Land Office, requested Council to consider donating funds towards the museum to help preserve the City's history. He noted that any funds would be very beneficial for educational programs and activities. Mr. Duffy noted that they receive a lot of research requests and it brings people into the City.

Marcia Bohn, 56 Buell St, regarding the Cider Walk, noted that she was a participant in the different walks, she brings in many friends and family from out of town, and they look forward to it. She noted that it allowed her to interact with other small business owners and she had never been to one that got out of hand. She noted that it was a fun time and people leave happy.

Orion Hiler, 8506 Lake St, LeRoy, noted that he works at Charles Men's Shop and was hoping things could be hammered out so the Cider Walk could proceed as usual. He explained that it has brought business into his store from conversations at these walks. He noted that it allowed people to come from other areas and he feels there's unlimited potential in the City due to the character of the City.

Michelle Norton, 7198 Pekin Rd, Oakfield, Everpresent Church, had concerns with an incident on June 9<sup>th</sup> that there was no communication about this event to them and their egress was blocked. She noted that their church is open 365 days a year and that they are not a gay-affirming church but it may have been seen that way because of the event that day.

Jason Norton, 7198 Pekin Rd, Oakfield, Everpresent Church, noted that they have already received a lot of kickback about the pride event on June 9<sup>th</sup> and he wouldn't have wanted beer tasting in front of their church either. He recited some verses from the Bible and noted they were people-loving and accepting but couldn't approve of certain events. He discussed his daughter's situation but explained that they didn't compromise on God's word that being bisexual was a sin and to love God first.

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## **Council Responses to Public Comments**

Council President Jankowski asked Mrs. Tabelski to add the Holland Land Office Museum budget request to next year's budget discussion. Councilmember Bialkowski agreed that no business should be blocked in for an event. Mrs. Tabelski explained that the event was in a public parking lot and there was ample room to move around. She noted the City would work on better flow with the event applications.

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## **Communications**

Everpresent Church submitted an application for an anniversary dinner on Friday through Sunday, July 14<sup>th</sup> – 16<sup>th</sup> from 8am-9pm in the City Centre concourse in front of the church to celebrate their 10<sup>th</sup> anniversary. Council approved.

Go Art requested to hold a play in the park on Sunday, July 23<sup>rd</sup> in Centennial Park from 3-5pm. Council approved.

Grace Baptist Church submitted an application for a family fun day on Saturday, August 5<sup>th</sup> from 12-3pm in Austin Park with games, food and various activities. Council approved.

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## **Council President's Report**

Council President Jankowski announced the next City Council meeting to be held on Monday, June 26, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilmember Briggs made a retirement proclamation to David Colontonio for his 18 years of service to the City. She noted that he contributed to several water plant improvements, made the proclamation to Mr. Colontonio as water treatment operator. Mr. Colontonio noted that he was glad to have the opportunity to work for the City and liked it very much.

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The financials from April 2023 and the minutes from May 2023 were approved.

The Council President assigned the regular agenda items.

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## **City Attorney's Report**

Mr. Van Nest noted there they continue to work on several items.

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## **City Manager's Report**

Mrs. Tabelski noted that resolution 63 had an error in the title but the actual resolution was correct. She noted the City was successful in getting a grant from Senator Schumer and Gillibrand's office for water meter replacements. She noted they are working on new trees in Centennial Park and looking at the ice rink chiller which won't last another year. Mrs. Tabelski noted that she is working with NYPA on the lights and the City can apply for a grant on the chiller as well.

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## **Committee Reports**

Council President Jankowski noted that former Councilmember Pacino cannot stay on as the BID liaison but Councilmember Schmidt had volunteered to take her place.

Community Night Out – Councilmember Briggs:

Councilmember Briggs noted that the police department had partnered with City Church for a community night out on Tuesday, August 22<sup>nd</sup> from 5:30-8pm at St. Anthony's to enhance the relationship between neighbors and law enforcement. She noted there would be a dunk tank and food.

Councilmember Bialkowski stated that he had received a lot of compliments about the parade, thanked City departments for their assistance, and thanked those who participated.

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## **Unfinished Business**

None.

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## **New Business**

### **#51-2023**

### **A RESOLUTION SELECTING A LIST OF ENGINEERING FIRMS FOR ENGINEERING SERVICES FOR THE CITY OF BATAVIA**

## **Motion of Councilperson Richmond**

**WHEREAS**, the City of Batavia has projects that need engineering services including design, bid document preparation, and inspection; and

**WHEREAS**, a request for qualifications was advertised and eleven (11) firms submitted a ten (10) page proposal outlining their qualifications, expertise, and availability; and

**WHEREAS**, after careful review all eleven (11) firms were identified as being qualified to perform Engineering Services for the City of Batavia; and

**WHEREAS**, the agreement is for a three (3) year term and renewable for three (3) more years.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia approves this list of Engineering Firms to contract with for Engineering Services

- Airosmith Development
- Barton & Loguidice
- Erdman Anthony
- GHD
- JM Davidson
- LaBella Associates
- N.K. Bhandari
- Nussbaumer & Clarke
- T.Y. Lin International
- VIP Architecture
- Wendel

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

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### **#53-2023**

## **A RESOLUTION TO DECLARE BUREAU OF MAINTENANCE EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

### **Motion of Councilperson Bialkowski**

**WHEREAS**, the Bureau of Maintenance has declared the vehicles and equipment listed below surplus; and

**WHEREAS**, the City of Batavia requires a surplus declaration to be made prior to disposal or sale of vehicles; and

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is authorized to declare the following equipment as surplus for the purpose of salvage and disposal:

1996 Ford LS9000 Dump	VIN – 1FDYS90L4TVA16538
2002 International Dump	VIN – 1HTSDADR92H531703
2002 Tenco Plow	TC132 TE 36 (18296)

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

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**#54-2023**

**RESOLUTION TO DECLARE PHONE EQUIPMENT SURPLUS FOR THE PURPOSE  
OF DISPOSAL**

**Motion of Councilperson Schmidt**

**WHEREAS,** The IT Department has declared the equipment listed below surplus; and

**WHEREAS,** the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment; and

**WHEREAS,** the IT Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the General Reserve account.

**NOW THEREFORE, BE IT RESOLVED,** by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

- 51 CISCO 509 G Phones
- 17 CISCO 504 G Phones
- 2 CISCO IP Conference Phones

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

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**#56-2023**

**RESOLUTION TO ASSIGN CERTAIN AUTHORITY TO THE BATAVIA PEDAL  
PARTY LLC**

**Motion of Councilmember Viele**

**WHEREAS,** the City Council of the City of Batavia has supported the small businesses in the City of Batavia; and

**WHEREAS**, the City Council wishes to continue to support small business growth this year and in the future; and

**WHEREAS**, in order to ensure that the activities are fun in a safe and efficient manner, it is necessary to define and delegate authority over the contemplated event: and

**WHEREAS**, by the Council of the City of Batavia, and in accordance with § 37-4 of the Batavia Municipal Code, that the Batavia Pedal Party LLC is hereby granted special permission to allow open containers related to Batavia Pedal Party LLC activities on designated City streets, City sidewalks and City owned public areas under the approved Solicitors Permit; and

**NOW, THEREFORE, BE IT RESOLVED**, the City will re-examine this special permission on an annual basis or as necessary

**BE IT FURTHER RESOLVED**, that Batavia Pedal Party LLC, shall provide the City of Batavia with all general liability insurance.

**Seconded by Councilmember Schmidt and on roll call approved 8-0.**

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**#57-2023**

**RESOLUTION TO GRANT SPECIAL PERMISSION FOR THE PUBLIC LAND KNOWN AS JACKSON SQUARE TO ALLOW OPEN CONTAINERS**

**Motion of Councilmember Briggs**

**WHEREAS**, the City Council of the City of Batavia supports businesses across the City and in the downtown district; and

**WHEREAS**, the Batavia Business Improvement District (BID), as well as local groups including the Genesee County Chamber of Commerce, GO-ART and local business and restaurant owners have requested the City Council to allow open containers in Jackson Square; and

**WHEREAS**, Jackson Square is used for a variety of concerts, events and community gatherings and is being further improved to foster those events; and

**WHEREAS**, the City Council of the City of Batavia will grant special permission under the Batavia Municipal Code Section 37-4 to allow for open containers in the public space known as Jackson Square; and

**WHEREAS**, all bars and restaurants bordering Jackson Square and participating shall provide the City with general liability coverage in an amount of at least \$1,000,000, naming the City as additional insured, and providing liquor liability coverage for off premises naming the City as additional insured with a minimum of \$1,000,000 in coverage; and

**WHEREAS**, the City will re-examine this special permission on an annual basis or as necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, in accordance with Section 37-4 of the Batavia Municipal Code, grants special permission for open containers to be allowed in Jackson Square, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that prior to permitting any open containers in Jackson Square the City shall be provided with necessary insurance certificates and insurance policies from participating bars and restaurants and will approve coverages as a condition of participation under this grant of special permission; and

**BE IT FURTHER RESOLVED**, that a property map depicting the boundaries of Jackson Square is attached.

**Seconded by Councilmember Viele and on roll call approved 8-0.**

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**#58-2023**

**A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS FOR 2022/2023 FISCAL YEAR**

**Motion of Councilmember Canale**

**WHEREAS**, in order to close out the 2022-23 fiscal year budget certain budget transfers and amendments need to be made:

**WHEREAS**, the City of Batavia experienced expenses over budget in General Fund areas including legal, community and economic development, city manager, assistant city manager, ice rink, and police in the 22/23 fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby authorize the City Manager to utilize contingency and VLT as shown below; 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 amendments:

Effective March 31, 2023 amend the 2022-23 budget by increasing expenditure accounts:

A.01.1230 435	City Manager Travel and Training	\$ 2,982.83
A.01.1420 423	Legal Contract Services	\$ 14,201.23
A.01.6989 400	Economic Development Other Exp.	\$ 5,065.32
A.02.1315 454	Admin Services Insurance	\$ 16,206.14
A.03.1620.1621 411	Facilities Ice Rink Bad Debt	\$ 35,320.00
A.03.1620.1621 439	Facilities Ice Rink Repair and Maint.	\$ 873.15

A.04.3120.3120 101	Police Overtime	\$175,524.74
A.04.3120.3120 200	Police Equipment	\$ 42,611.63
A.04.3120.3120 406	Police Transportation	\$ 36,381.97
A.04.3120.3124 200	Police K9 Equipment	\$ 218.23
A.04.3120.3124 401	Police K9 Supplies & Materials	\$ 5,935.35

By increasing revenue account:

A.00.0000.0000 3014	VLT	\$260,671.92
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by decreasing expense account:

A.001.1990 500	General Fund Contingency	\$ 74,648.67
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**Seconded by Councilmember Briggs and on roll call approved 8-0.**

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### **#59-2023**

## **A RESOLUTION TO AUTHORIZE THE USE OF K-9 COMMITTED FUND BALANCE**

### **Motion of Councilmember Briggs**

**WHEREAS**, the Council for the City of Batavia authorized on August 12, 2019 the establishment of a Police Department K-9 program and authorized the receiving of donations and aid in funding the program; and

**WHEREAS**, the City of Batavia received \$15,440.73 in donations for the K-9 program in the fiscal year ending 3/31/2023; and

**WHEREAS**, the City of Batavia had \$16,211.38 in expenses for the K-9 program in the fiscal year ending 3/31/2023; and

**WHEREAS**, the K-9 Committed Fund balance had a balance at 3/31/22 of \$14,124.21.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, effective 3/31/23, does authorize the use of the K-9 committed fund balance in the amount of \$770.65 (\$15,440.73 less \$16,211.38) leaving a balance of \$13,353.56 for future use in running the K-9 program.

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

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### **#60-2023**

## **A RESOLUTION TO USE PICNIC IN PARK FUNDING FOR A FIREWORKS DISPLAY AT DWYER STADIUM- INDEPENDENCE DAY WEEKEND 2023**



**Motion of Councilmember Richmond**

**WHEREAS**, the City, via the FY 23/24 budget allocated for an expenditure of \$4,000 for an event called Picnic in the Park; and

**WHEREAS**, the event organizers do not plan to host this event, Picnic in the Park, on the 4<sup>th</sup> of July weekend; and

**WHEREAS**, the Muckdogs will be playing baseball on July 3, 2023 and presenting a fireworks show in honor of Independence Day; and

**WHEREAS**, the Muckdogs have requested financial support for their fireworks show and to assist families in need with tickets for the festivities at the ball park.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia direct the City Manager to use \$4,000 (previously committed to the Picnic in the Park Event via the FY23/24 budget), for the Muckdogs Independence Day Weekend Fireworks Celebration.

**Seconded by Councilmember Viele and on roll call approved 8-0.**

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**#61-2023**

**RESOLUTION TO GRANT SPECIAL PERMISSION TO THE BATAVIA BUSINESS IMPROVEMENT DISTRICT FOR THE 2023 CIDER WALK**

**Motion of Councilmember Schmidt**

**WHEREAS**, the City Council of the City of Batavia supports businesses across the City of Batavia and in downtown; and

**WHEREAS**, the Batavia Business Improvement District (BID) has requested the City Council allow open containers for the Cider Walk on June 17, 2023; and

**WHEREAS**, the City Council of the City of Batavia may grant special permission under the Batavia Municipal Code Section 37-4 to allow for open containers in the public space for community events and festivals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, in accordance with Section 37-4 of the Batavia Municipal Code, grants special permission for open containers to be allowed in the BID District for the Cider Walk, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that prior to permitting any open containers the City shall be provided with necessary insurance certificates and insurance policies from the BID and will approve coverages as a condition of participation under this grant of special permission.

**Seconded by Councilmember Briggs and on roll call approved 7-1. Councilmember Bialkowski voted no.**

**Discussion** – Councilmember Bialkowski noted that he had liability concerns about allowing this. Council President Jankowski noted that the volunteers would make sure things don't get out of hand. Councilmember Canale didn't want to anticipate a problem but would rather see how it goes. Councilmember Schmidt had worked similar events in the past and noted they did their best to watch the event at all times. She noted there were limit lines on the glasses participants drank from so they weren't getting too much. Council President Jankowski noted that most people were very responsible and if there is a problem it will be addressed.

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**#62-2023**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE  
INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG) PROGRAM**

**Motion of Councilmembers Twichell**

**WHEREAS**, it is the desire of the City of Batavia to submit a funding application for the Program Year 2023 New York State Community Development Block Grant (CDBG) program; and

**WHEREAS**, the process for CDBG applications involves holding one public hearing prior to submission of any CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

**WHEREAS**, residents are invited to attend the hearing to assist the City in defining community development priorities.

**NOW THEREFORE, BE IT RESOLVED**, that the City of Batavia will hold a Public Hearing on the CDBG program at City Hall, One Batavia City Centre, Batavia, NY at 7:00 p.m. on July 10, 2023; and

**BE IT FURTHER RESOLVED**, that the City Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the City of said Public Hearing.

**Seconded by Councilmember Bialkowski and on roll call approved 8-0.**

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**#63-2023**

**A RESOLUTION TO AWARD A CONTRACT FOR THE PRE PROCUREMENT OF A  
LIME SLAKER FOR THE WATER PLANT**

**Motion of Councilmember Bialkowski**

**WHEREAS**, the City has solicited bids for Pre Procurement of a Lime Slaker for the Water treatment plant.

**WHEREAS**, Two (2) bids were received on May 12, 2023, and Koesters, located at 3101 Seneca Turnpike, Canastota, NY 13032, 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 Koesters, for \$231,960.00 for a new Lime Slaker at the Water Treatment Plant. With installation being put out in a second bid.

**Seconded by Councilmember Schmidt and on roll call approved 8-0.**

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#### **#64-2023**

### **A RESOLUTION TO AWARD A CONTRACT FOR A NEW BOILER AT THE WATER TREATMENT PLANT**

#### **Motion of Councilmember Canale**

**WHEREAS**, the City has solicited bids for Pre Procurement of a Boiler for the Water treatment plant.

**WHEREAS**, One (1) bids were received on May 12, 2023, and H&V Sales, located at 2800 Walden Ave, Suite A, Cheektowaga, NY 14225, 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 H&V Sales, for \$28,570.00 for a new Boiler at the Water Treatment Plant with installation being put out in a second bid.

**Seconded by Councilmember Viele and on roll call approved 8-0.**

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### **MOTION TO ENTER EXECUTIVE SESSION**

#### **Motion of Councilmember Viele**

**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 Councilmember Briggs and on roll call approved 8-0.** Council entered executive session at 8:00 PM and ended at 8:33 PM.

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**Meeting adjourned at 8:34 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**