

SPECIAL BUSINESS MEETING MINUTES

CITY OF BATAVIA

OCTOBER 22, 2018

The special business meeting of the City Council was held Monday, October 22, 2018 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, Christian, Canale, Tabelski, Bialkowski and Viele. Councilperson McGinnis was absent.

Council President Jankowski called the meeting to order at 8:28 PM immediately following the conference meeting.

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#85-2018

A RESOLUTION TO APPROVE THE SALES TAX ALLOCATION SECOND AMENDED AGREEMENT BETWEEN THE COUNTY OF GENESEE AND CITY OF BATAVIA

Motion of Councilperson Tabelski

WHEREAS, the County of Genesee (hereinafter “County”), and the City of Batavia (hereinafter “City”), entered into an “Agreement – Sales Tax Allocation County of Genesee and City of Batavia” dated December 31, 2007 (hereinafter “2007 Agreement”), and

WHEREAS, this “2007 Agreement” provided for a division of the net proceeds of sales tax imposed by the County, by and among the County, the City and the Towns and Villages located in Genesee County, and

WHEREAS, pursuant to the Fifth Paragraph of this “2007 Agreement”, the terms and conditions of the Agreement were to end on February 28, 2018, and

WHEREAS, on November 10, 2016, the County Legislature adopted a Resolution No. 416-2016 which notified the City of Batavia of its intention to terminate the “2007 Agreement”, in the event that the parties did not timely enter into a new Agreement, and

WHEREAS, the City and County did subsequently enter into a “Sales Tax Allocation Amended Agreement Between the County of Genesee and the City of Batavia”, dated June 19, 2017, which extended the term of the “2007 Agreement” until December 31, 2018, and

WHEREAS, the City and County have been negotiating to enter into a new Agreement for a term of 40 years, and have been advised that in order to obtain approval for an Agreement for this length of time it will be necessary to obtain special legislation from the New York State Legislature, which the parties intend to pursue, and

WHEREAS, to allow time to complete the special legislative process the City and County need to extend the “2007 Agreement” for an additional period of one year, and

WHEREAS, a Committee was formed and has convened as set forth in the Sixth Paragraph of the “2007 Agreement”, in order to make a recommendation to the Legislature and the City Council as to whether or not to amend, modify or extend this “2007 Agreement” for an additional term, and

WHEREAS, this Committee has met numerous times, and has in fact recommended to the Legislature and the City Council that the “2007 Agreement” be extended for a period of 1 year, and

WHEREAS, the County Legislature intends to accept and act upon this recommendation by entering into a Second Amended Agreement to extend the termination date until December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the City Council President of the City of Batavia is hereby authorized and directed to execute on behalf of the City a proposed “Sales Tax Allocation Second Amended Agreement between the County of Genesee and the City of Batavia”, in order to extend the term of the prior Sales Tax Allocation Agreement, dated December 31, 2007, for an additional term of 1 year to end on December 31, 2019.

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

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#86-2018

**A RESOLUTION TO REJECT ALL BIDS FOR CONTRACT 2018-5 FOR ROOF
REPLACEMENTS OF TWO HALLWAYS AND FOUR SILOS
IN THE BATAVIA CITY CENTRE**

Motion of Councilperson Christian

WHEREAS, in accordance with General Municipal Law Section 103, on September 26, 2018 the City of Batavia issued a competitive bid for the replacement of the roof for the Batavia City Centre which includes the hallway roof adjacent to Sunny’s restaurant, the hallway roof adjacent to City Hall and all four silo roofs; and

WHEREAS, Two (2) bids were received on October 17, 2018 and Elmer W. Davis, was the lowest responsible bidder in the amount of \$179,200.00 for the replacement of the hallway and \$62,000.00 for the silo roofs; and

WHEREAS, after review of both bids by the City's engineers and Department of Public Works it has been determined that the lowest bidder has submitted a bid higher than the estimated cost of the project; and

WHEREAS, the rejection of all bids and re-bidding of contract 2018-5 "City of Batavia Entry & EPDM Roof Repairs" is likely to result in lower contract prices and a benefit to City taxpayers; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that all bids for contract 2018-5 "City of Batavia Entry & EPDM Roof Repairs" submitted on October 17, 2018 be hereby rejected.

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

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#87-2018

A RESOLUTION AMENDING CITY OF BATAVIA'S PERSONNEL POLICIES MANUAL TO ADOPT NEW YORK STATE SEXUAL HARASSMENT POLICY

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia Council has adopted the City's Personnel Policies Manual maintained by the Bureau of Human Resources; and

WHEREAS, the Manual is revised from time to time by the City and the last version is August 2011; and

WHEREAS, the State of New York 2018-2019 budget legislation included a new requirements that every employer in the State of New York is required to implement sexual harassment prevention policy applicable to all employees and provide training to every employee on an annual basis; and

WHEREAS, employers are required to adopt the sexual harassment policy by October 9, 2018 and provide training by October 9, 2019; and

WHEREAS, the Bureau of Human Resources has revised the Personnel Policies Manual to include the required State Sexual Harassment Prevention Policy; and

NOW THEREFORE, BE IT RESOLVED, that the City Council adopts the revised Personnel Policies Manual dated October 2018.

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

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#88-2018

A RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA AND TO SCHEDULE A PUBLIC HEARING

Motion of Councilperson Pacino

BE IT RESOLVED that a proposed 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” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED that the City Council hold a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Tuesday, November 13, 2018; and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto.

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

ORDINANCE #2-2018

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 R-3 RESIDENTIAL DISTRICT TO A C-3 CENTRAL COMMERCIAL DISTRICT.

PREMISES BEING MORE RECENTLY DESCRIBED AS ALL THAT TRACT OR

PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York and is more particularly described as follows:

BEGINING at a point in the south right-of-way line of Central Avenue said point being the northwest corner of lands conveyed to The City Church, Inc., by Deed recorded in the G.C.C.O. Liber 920 of Deeds, page 913,

- 1) Easterly, along the south line of Central Avenue a distance of xxx feet to a point in the northeast corner of lands conveyed to The City Church, Inc. by deed recorded in the G.C.C.O., Liber 920 of Deeds, Page 913,
- 2) Southerly at right angles to the west line of Liberty Street, a distance of xxx feet to a point,
- 3) Westerly at right angle, a distance of xxx feet to a point in the east line of lands conveyed to The City Church, Inc. by deed recorded in the G.C.C.O., Liber 920 of Deeds, Page 913,
- 4) Southerly along the aforesaid west line of 124-126 Liberty Street The City Church, Inc., a distance of XXX feet to a point in the south line of 124-126 Liberty Street owned by The City Church, Inc. by deed recorded in the G.C.C.O., Liber 920 of Deeds, Page 913,
- 5) Westerly at a right angle along the south line of lands that belong to The City Church, Inc. at 122-124 Liberty Street, a distance of xxx feet to a point,
- 6) Northerly at right angle, a distance of xxx feet to the point in the north line of 7 Pringle Avenue owned by Mark Adams by deed recorded in the G.C.C.O., Liber 704 of Deeds, Page 276
- 7) Westerly at right angle, a distance of xxx feet to a point in the east line of lands conveyed to The City Church, Inc. by deed recorded in the G.C.C.O., Liber 920 of Deeds, Page 913,
- 8) Northerly at right angle and continuing northerly and along the west side of The City Church, Inc. by deed recorded in the G.C.C.O., Liber 920 of Deeds, Page 913 a distance of xxx feet to the point and place of beginning.

**A MEETS AND BOUNDS DESCRIPTION SHALL BE PROVIDED BY THE
PETITIONER PRIOR TO ADOPTION**

INTENDING to describe parcels of land designated as #42 Central Avenue, #110 Liberty Street, 112-116 Liberty Street, 118-120 Liberty Street, 122 Liberty Street and #122-124 Liberty Street, City of Batavia, being further identified as SBL #084.066-1-47, SBL #084.066-1-11, SBL #084.066-1-12, SBL #084.066-1-13, SBL #084.066-1-14, and SBL #084.066-1-16.

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 re-zoning the premises described above from a R-3 Residential to a C-3 District:

SECTION 2. EFFECTIVE DATE

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

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#89-2018

**A RESOLUTION TO AMEND THE 2018-2019 POLICE DEPARTMENT BUDGET TO
REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE
AMOUNT OF \$4,576 TO ADDRESS THE CRIMES OF DRIVING WHILE
INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS**

Motion of Councilperson Christian

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$4,576 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made; and

NOW THEREFORE, BE IT 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 2018-2019 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective December 10, 2018 amend the 2018-19 budget:

Increase expenditure accounts

001.3120.0101.1177

\$ 4,576.00

Increase revenue accounts
1.1.3389.1177

\$ 4,576.00

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

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Meeting adjourned at 8:34 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**