

**CITY OF BATAVIA
BUSINESS MINUTES
JULY 11, 2016**

The regular business meeting of the City Council was held Monday, July 11, 2016 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding immediately following the conference meeting.

Present were Council President Jankowski and Councilpersons Hawley, Pacino, Briggs, Canale, McGinnis, Viele, Tabelski and Christian.

Council President Jankowski called the meeting to order at 7:12 PM.

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

The Council President assigned the regular agenda items.

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Communications

Batavia First United Methodist Church requested to hold a children's carnival on Saturday, August 20th from 11:00am – 3:00pm at Williams Park. Council approved.

Kelly's Holland Inn submitted a liquor license renewal. There were no objections from the police department. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Business and Conference Meetings would be held on Monday, August 8, 2016 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that there was nothing specific to report.

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City Manager's Report

Mr. Molino noted that a press release was issued stating that the City had received recognition for being named one of 2015 healthiest companies in the country. He noted that it was for the City's achievement with their wellness plan.

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Committee Reports

None.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

Councilperson Christian thanked Council President Jankowski and Councilperson Viele for providing updates to the rest of Council with regards to their meetings with Mr. Molino. She noted that that had never been done before.

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New Business

#76-2016

A RESOLUTION IN THE MATTER OF THE GRANTING OF A CABLE TELEVISION FRANCHISE TO COMMUNITY CABLE CORPORATION D/B/A NORTH PENN VIDEO IN THE CITY OF BATAVIA, COUNTY OF GENESEE, NEW YORK

Motion of Councilperson Canale

WHEREAS, an application has been duly made to the City Council of the City of Batavia, County of Genesee, New York, by Community Cable Corporation d/b/a North Penn Video, a corporation organized and existing in good standing under the laws of the Commonwealth of Pennsylvania doing business at 34 Main Street, Prattsburg, New York 14873 for the approval of an agreement for North Penn Video's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the Franchise Agreement is in conformity with the applicable provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, a public hearing was held in the City of Batavia, New York on June 27, 2016 at 7:00 P.M. and notice of the hearing was published in the Daily News on June 17, 2016; and

WHEREAS, a copy of the cable television franchise agreement was available for public inspection during normal business hours at the City Clerk's Office, One Batavia City Centre, Batavia, NY 14020; and

NOW, THEREFORE, the City Council of the City of Batavia finds that:

1. North Penn Video has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
2. North Penn Video can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the City Council of the City of Batavia hereby grants the cable television franchise of North Penn Video in the City of Batavia for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence; and

BE IT FURTHER RESOLVED that the City Council of the City of Batavia hereby confirms acceptance of this Franchise Agreement.

Seconded by Councilperson Tabelski and on roll call approved 9-0.

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#77-2016

**A RESOLUTION IN THE MATTER OF THE GRANTING OF A CABLE TELEVISION
FRANCHISE TO EMPIRE VIDEO SERVICES CORPORATION IN THE CITY OF
BATAVIA, COUNTY OF GENESEE, NEW YORK**

Motion of Councilperson Hawley

WHEREAS, an application has been duly made to the City Council of the City of Batavia, County of Genesee, New York, by Empire Video Services Corporation, a corporation organized and existing in good standing under the laws of the State of New York doing business at 34 Main Street, Prattsburg, New York 14873 for the approval of an agreement for Empire Video Services Corporation's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the Franchise Agreement is in conformity with the applicable provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, a public hearing was held in the City of Batavia, New York on June 27, 2016 at 7:00 P.M. and notice of the hearing was published in the Daily News on June 17, 2016; and

WHEREAS, a copy of the cable television franchise agreement was available for public inspection during normal business hours at the City Clerk's Office, One Batavia City Centre, Batavia, NY 14020; and

NOW, THEREFORE, the City Council of the City of Batavia finds that:

1. Empire Video Services Corporation has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
2. Empire Video Services Corporation can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia hereby grants the cable television franchise of Empire Video Services Corporation in the City of Batavia for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia hereby confirms acceptance of this Franchise Agreement.

Seconded by Councilperson Briggs and on roll call approved 9-0.

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#78-2016

A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS AND BUDGET AMENDMENTS

Motion of Councilperson Tabelski

WHEREAS, in order to close out the 2015-2016 fiscal year budget certain budget amendments and transfers need to be made:

WHEREAS, pursuant to General Municipal Law 6-n, the City of Batavia has an established Self Insurance Health Benefit reserve fund for payment of benefits with a balance at March 31, 2016 of \$500,705 in the General Fund, \$40,868.82 in the Water Fund and \$38,555.83 in the Wastewater Fund; and

WHEREAS, the City of Batavia's Medical Insurance expense increased in the 15/16 fiscal year; and

WHEREAS, The City of Batavia has experienced an increase in tax foreclosures thereby increasing tax foreclosure expenses over and above the adopted budget.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the City Manager to transfer \$99,810.59 from the General Fund Self-Insurance Health Benefit reserve; \$7,384.88 from the Water Fund Self-Insurance Health Benefit reserve and \$16,592.86 from the Wastewater Fund Self-Insurance Health Benefit reserve to accounts 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, 2016, amend the 2015-16 budget by increasing expenditure accounts:

001-9060.0802.2108 Medical Ins Social Security - reserve	\$ 291.18
001-9060.0807.2108 Medical Insurance - reserve	\$ 99,519.41
002-9060.0807.2123 Water Fund Medical Ins - reserve	\$ 7,384.88
003.9060.0807.2133 Wastewater Fund Medical Ins-reserve	\$ 16,592.86
001.1325.0472.0000 Tax Foreclosure Expenses	\$ 34,822.89

by decreasing expense account:

001-1990.0500 Contingency	\$ 34,822.89
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and increasing revenue account:

001.0001.0511.2108 Appropriated reserves Health Ins.	\$ 99,810.59
002.0002.0511.2123 Appropriated reserves Health Ins.	\$ 7,384.88
003.0003.0511.2133 Appropriated reserves Health Ins.	\$ 16,592.86

Seconded by Councilperson McGinnis and on roll call approved 9-0.

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#79-2016
**A RESOLUTION TO APPOINT/REAPPOINT MEMBERS TO VARIOUS CITY
COMMITTEES/ BOARDS**

Motion of Councilperson Briggs

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:

Youth Board

Paige Wasilewski	December 31, 2018
Brooks Hawley, Councilperson	December 31, 2016

Audit Advisory Board

Marc Staley	December 31, 2016
Nicholas Harris	December 31, 2016
David Leone	December 31, 2016
Adam Tabelski, Councilperson	December 31, 2016
Paul Viele, Councilperson	December 31, 2016

Deer Management Committee

Kenneth Alfes	December 31, 2018
Gus Galliford	December 31, 2018
Mike Freeman	December 31, 2018
Dann Neale	December 31, 2018
Joe Rowbottom	December 31, 2018
Al Hemer	December 31, 2018
Ryan Whitcombe	December 31, 2018
Paul Viele, Councilperson	December 31, 2018

Seconded by Councilperson Pacino and on roll call approved 9-0.

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#80-2016
**A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE
INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROGRAM**

Motion of Councilperson Christian

WHEREAS, it is the desire of the City of Batavia to submit applications for the New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involve holding one public hearing prior to submission of any 2016 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; and

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia will hold a Public Hearing on the CDBG program at the City Hall, One Batavia City Centre, Batavia, NY at 5:00 p.m. on July 20, 2016; 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 Councilperson Viele and on roll call approved 9-0.

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#81-2016

**A RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT
PLANNING APPLICATION**

Motion of Councilperson Briggs

WHEREAS, the City of Batavia would like to prepare a Citywide Stormwater Capital Improvement Plan that would benefit low to moderate income households; and

WHEREAS, the New York State Community Development Block Grant (CDBG) program provides funding for infrastructure planning; and

NOW THEREOFRE, BE IT RESOLVED, that the City Manager of the City of Batavia, New York, is hereby authorized as the official representative of the City of Batavia to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2016 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Seconded by Councilperson Canale and on roll call approved 9-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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...".

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 Christian and on roll call approved 9-0.

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Meeting adjourned at 7:22 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**