



BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Tuesday, May 29, 2018 at 7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Briggs
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Fishtales Hideaway, LLC Liquor License
 - b. Kiwanis 5K – July 4th
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, June 11, 2018 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. BDC Presentation
- IX. Outdoor Recreational Facility Tobacco Free Policy
- X. Go Art Request for Funds
- XI. Redfield Pillar Project
- XII. Assistance to Firefighter Grant (AFG) 5% Matching
- XIII. Neighborhood Improvement Committee
- XIV. Code Enforcement
- XV. Code Enforcement Position
- XVI. Budget Transfers
- XVII. Farrell Park Sign
- XVIII. Think Differently Initiative

- XIX. Lyon Street Bridge Properties
- XX. Sale of the Properties Auctioned on May 19, 2018
- XXI. Executive Session...Litigation Matters / Real Property
- XXII. Adjournment

NEIL WEINBERG
Attorney at Law
5800 Main Street
Williamsville, New York 14221
(716) 626-1600
Fax (716) 626-1515

April 30, 2018

RECEIVED
MAY 02 2018
City Manager's Office

VIA CERTIFIED MAIL – RETURN RECEIPT

City of Batavia
One Batavia City Centre
Batavia, NY 14020

Re: Fishtales Hideaway, LLC

Dear Sir / Madam:

Enclosed please find New York State Liquor Authority Standardized Notice Form for Providing 30 Day Advanced Notice to a Local Municipality or Community Board for the above referenced matter.

Thank you.

Very truly yours,


NEIL WEINBERG

NW/lm
enc.

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



**State Liquor
Authority**

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**

(Page 1 of 2 of Form)

1. Date Notice Was Sent: April 30, 2018 1a. Delivered by: Certified Mail-RETURN Receipt

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change

For New applicants, answer each question below using all information known to date.

For Renewal applicants, set forth your approved Method of Operation only.

For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For Corporate Change applicants, attach a list of the current and proposed corporate principals.

For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: City of Batavia

Applicant/Licensee Information

4. License Serial Number, if Applicable: _____ Expiration Date, if Applicable: _____

5. Applicant or Licensee Name: Fishtales Hideaway, LLC

6. Trade Name (if any): _____

7. Street Address of Establishment: 107 Evans Street

8. City, Town or Village: Batavia, NY Zip Code: 14020

9. Business Telephone Number of Applicant/Licensee: 716 510 6396

10. Business Fax Number of Applicant/Licensee: _____

11. Business E-mail of Applicant/Licensee: Tmfannin@gmail.com

12. Type(s) of Alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

13. Extent of Food Service: ☒ Full food menu; Full Kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: Restaurant (Full Kitchen & Full Menu required)

15. Method of Operation: (Check all that apply) ☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke

☐ Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): _____

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify): _____

16. Licensed Outdoor Area: (Check all that apply) ☐ None ☒ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify): _____

Kiwanis 5K

Costs estimated from the police department are \$368. There are no other costs from the other departments.



City of Batavia
Batavia, New York 14020
(585) 345-6300

DATE: 05/10/2018
GENERAL RECEIPTS
RECEIPT TYPE: 2590
RECEIPT # 230432
AMOUNT PAID ----

TIME: 14:31:48

25.00

Official Use Only:

2018-19
Event Application #

Event Application Fee - \$25.00 (non-refundable)
(A separate permit must be issued for each item requested)

Event Sponsor The Kiwanis Club of Batavia

Type of Event 5K foot race

Date of Event July 4, 2018

Time of Event (don't include set up time here - just actual event time) 8:00 registration, 9:00 race start

Location of Event Centennial Park (start & finish) race route attached

Details of Event (be as specific as possible!) Registration in park by Richmond Ave, race start on Richmond heading East, finish corner of Park Ave & Ellcott Ave prizes given and snacks eaten, wrap up by 11:30

Contact Information:

Primary contact:

Name David Chua
Phone # 585-356-7674
E-mail address davidchua@legendequities.com

Secondary contact:

Name Matt Landon
Phone # (585) 409-8789
E-mail address mlander@yaho.com

* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: _____

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:

Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐

Will you be providing alcohol to your group? Yes ☐ No ☒

Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate **WILL BE** required with Liquor Legal.

Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

Who will be applying to the NYS Liquor Authority for the permit to sell? _____

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.

**** If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. ****

EVENT INFORMATION (required):Set up date: 7/4/18Set up time: 7:00 AMTear down date: 7/4/18Tear down time: 11:30 AM**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**Date: 7/4/18 Start time: 8:00 AM End time: 11:00 AMEstimated crowd size: 200-400 # of Vendors/Displays 2**WILL THE EVENT INCLUDE:**

Parade: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Run or Walk: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Music: Yes ☒ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
Street Closure(s): Yes ☒ No ☐ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
Other: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

Name of Company Providing Above:

Company Contact/Representative

Phone #

Address, Street

City

Zip Code

Music: Live Group ☒ Recorded/DJ ☐BHS brass ensemble

Name of Company Providing Above:

Company Contact/Representative

Phone #

Address, Street

City

Zip Code

CITY SERVICES SUPPORT:

City Code 66-15, D-2

The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

ELECTRIC:Will electric be needed for the event? Yes ☒ No ☐What will you be providing electric to? laptop, blow up finish lineWill generators be used? Yes ☒ No ☐

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) _____ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?

Yes ☐ No ☒

Will a bounce house or other air supported structures be erected at event?

Yes ☒ No ☐

Please list size(s) of Tents/Canopies or other temporary structures erected.

line on corner of Ellicott and Park air supported finish**ANCHORING INTO PAVEMENT IS PROHIBITED!**

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

STREET CLOSURE(S):**ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE**Will street(s) need to be closed for the event? Yes ☒ No ☐ Reason: for short time at start and finish

List Street(s) and Cross Street(s) that will be affected:

<u>Ellicott Ave</u> <small>Street to be closed</small>	<u>Washington</u> <small>Cross Streets</small>	<u>&</u>	<u>Park</u> <small>Cross Streets</small>
<u>Richmond Ave</u> <small>Street to be closed</small>	<u>Ellicott</u> <small>Cross Streets</small>	<u>&</u>	<u>State</u> <small>Cross Streets</small>
<u>Park</u> <small>Street to be closed</small>	<u>Lewis</u> <small>Cross Streets</small>	<u>&</u>	<u>Park</u> <small>Cross Streets</small>
<u>Street to be closed</u>	<u>Street to be closed</u>	<u>&</u>	<u>Street to be closed</u>

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? 4Will traffic cones be requested from the City? Yes ☒ No ☐ How Many? 12

(Drop off locations of requested items must be identified on the site drawing)

BANNERS, SIGNS, OR OTHER DECORATIONS ARE NOT TO BE ATTACHED TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)

POLICEWill City Police Officers be requested for the event? Yes ☒ No ☐**FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.**

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

Batavia Kiwanis, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the Batavia Kiwanis (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

5/10/18

Date:

Batavia Kiwanis

Name of Event Sponsor

David V. Chug Community Service chair

Authorized Signature, Title

David V. Chug

Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

5/10/18

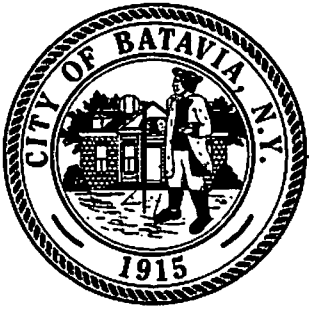
Date:

David V. Chug

Signature of Applicant

Please forward this application to:

City Clerk's Office
Attention: Events Applications Department
One Batavia City Centre
Batavia, New York 14020



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 23, 2018

Subject: Batavia Development Corporation (BDC) Presentation

During the budget review process City Council requested periodic updates, as well as information to be forwarded to them in regards to the activities of the BDC. With the resignation of the previous director, and the advertisement for a replacement it seemed appropriate for the BDC to do a presentation in front of Council and provide an update.

In addition, the BDC is doing longer term planning with anticipated involvement with DRI projects and providing goals and objectives for the new director to be hired.

Supporting Documentation
Power Point Presentation

Batavia Development Corporation

Funding for our City's Future

BDC - Funding for our City's Future

Our Request

- The City of Batavia commits to fund the BDC for the next 5 years

BDC - Funding for our City's Future

Why Agree to the support - Investments

- ▶ The BDC was instrumental in obtaining
 - ▶ Main Street Anchor grant \$500,000 - used to facilitate the Newberry transformation
 - ▶ Microenterprise \$200,000 - used to aide new and existing local businesses
 - ▶ USDA Development \$67,825 - used for to purchase equipment for fresh labs
 - ▶ Empire State Development \$15,000 - used to support the Harvester Redevelopment
 - ▶ Ellicott Station development \$20,000,000
 - ▶ The BDC administers a Revolving Loan Fund and a Micro Enterprise Loan/Grant fund for the City.

BDC - Funding for our City's Future

Why Agree to the support - Return on Investment

- ▶ **Key Message - for every \$1 invested in the BDC the City has over \$30 returned in public and private investment**
- ▶ **None of this return would have been possible without a full time resource (this level of support from the City)**

BDC - Funding for our City's Future

Why Agree to the support - Programs we were instrumental in

- ▶ FreshLabs - New Unique Culinary businesses in the City
 - ▶ EDEN
 - ▶ The Wild Rican
- ▶ Partnered with the City on BOA study
- ▶ Pathway to Prosperity
 - ▶ BOA funding from 3 tax jurisdictions
- ▶ Downtown Revitalization Initiative Co-Author
 - ▶ 1st submission came in 2nd
 - ▶ 2nd submission was awarded a \$10,000,000 state grant
- ▶ Loan Servicing
 - ▶ strong relationships were formed with local businesses

BDC - Funding for our City's Future

Why Agree to the support - Our Future

- ▶ The BDC has a number of current and future initiatives
 - ▶ Ellicott Station financial closing
 - ▶ Possible DRI funding
 - ▶ FreshLabs
 - ▶ 2 unique culinary outlets for the next 18 Months - with hopes of moving to their own brick and mortar
 - ▶ next round 2019 to create 2 additional culinary start-ups
 - ▶ DRI - Healthy Living Corridor / City Center redevelopment
 - ▶ DRI - Batavia Innovation Zone partnership with BID
 - ▶ DRI - Batavia Building Improvement Fund
 - ▶ Creek Park Development
 - ▶ Harvester Redevelopment
 - ▶ Small business development

BDC - Funding for our City's Future

Again - Our Request

- ▶ The City of Batavia commits to fund the BDC for the next 5 years
 - ▶ This will allow the BDC to shepherd the DRI projects it has submitted
 - ▶ The will enable the BDC to offer a new director a commitment to long term development
 - ▶ The City maintains its ability to obtain and administer grants
 - ▶ The BDC administers the revolving loan fund

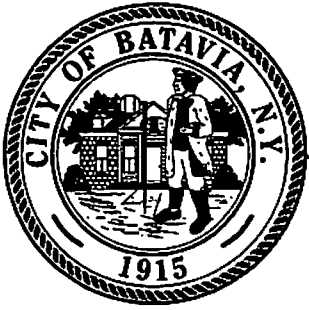
- ▶ MOST IMPORTANTLY it allows the momentum we have gained over the past 7 years to continue and grow both locally and on a state wide basis.

BDC - Funding for our City's Future

- ▶ Q & A

BDC - Funding for our City's Future

► Thank you for your time



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Resolution #49-2011 City-Owned Outdoor Recreational Facilities Tobacco-Free Policy

In 2011, the City Council discussed Tobacco Free areas and its relation to healthy living. A resolution was passed (#49-2011) prohibiting the use of tobacco products at City of Batavia recreational facilities. This resolution was in accordance with the strategic plan to promote "Healthy and Involved Community Members"

There are also specific New York State Public Health Laws that are applicable, and changes to this resolution will have to be in accordance with those sections specific to public areas.

Supporting Documentation
July 11, 2011 Business Meeting Minutes
Resolution #49-2011

CITY OF BATAVIA – BUSINESS MINUTES

JULY 11, 2011

The regular business meeting of the City Council was held Monday, July 11, 2011 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Clattenburg presiding.

Present were Council President Clattenburg and Councilpersons Briggs, Pacino, Barone, Ferrando, Cox, Bialkowski, Buckley and Christian.

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

The minutes from the June meetings were approved.

The Council President assigned the regular agenda items.

* * *

Executive Session ... Collective Negotiations

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Buckley

WHEREAS, Article 7, Section 105(1)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law...".

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 Cox and all of Council approved.

* * *

Public Hearing

1) Local Law No. 3 to Amend §37-2 of the Code of the City of Batavia

Dave Twichell, 166 Summit St., noted that he was the president of the Youth Board and that 42% of high school students had consumed alcohol. Mr. Twichell noted that New York State parks required permits for alcohol consumption and the local law would be valuable to help against underage drinking by showing that non-alcoholic events could be fun too.

John Roach, 116 Grandview Terrace, noted that the local law wouldn't eliminate underage drinking and it was unnecessary. Mr. Roach felt it was another reason for the Town to vote against consolidation with the City and didn't see the reason for the law.

Councilperson Buckley made a motion to close the public hearing which was seconded by Councilperson Bialkowski. No one was opposed.

* * *

Communications

Ronald Lee Jacobs submitted an application for the WNY Peace Festival on Saturday, August 27, 2011 from 12:00 – 8:00pm in Austin Park. Mr. Jacobs had noted that the event was held in the prior year also and went well. They would be using a tent, sound system and generator. There were no additional costs from the City departments. Council approved.

The Batavia Business Improvement District requested to hold Summer in the City and the Don Carroll 5K Race on Saturday, August 20th from 12:00 – 10:00pm. There would be food, crafts and entertainment. They would be using tents and trailers and requested street closure. The race would start at 5:00pm and begin and end near Austin Park. There was updated cost from the police department of \$408.00. Councilperson Buckley thanked Mr. Carroll for the event. Council approved.

* * *

Council President's Report

Council President Clattenburg announced that the next regular City Council Business and Conference Meeting would be held on Monday, August 8, 2011 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre

* * *

City Attorney's Report

There was nothing specific to report from the City Attorney's office.

* * *

City Manager's Report

Mr. Molino noted that there was nothing specific to report and the first quarter update would be part of the conference meeting.

* * *

Committee Reports

Councilperson Barone noted that the Youth Bureau was sponsoring National Night Out and the first one was on July 19th on Norris Ave.

* * *

Public Comments

Kevin Keenan, 8 Norris Ave., felt that Council was taking a positive step in the right direction for the health and well-being of the community and that tobacco use was the leading preventable cause of death. Mr. Keenan noted that the use of tobacco was a behavior and thus not allowing it would not infringe on people's ability to use the park. Mr. Keenan noted that there were five containers of butts picked up in the parks on Earth Day within an hour. Mr. Keenan felt a resolutions not allowing tobacco use in the parks would send a clear message that tobacco use was not good.

John Roach, 116 Grandview Terrace, noted that he was against the change, everyone knew tobacco use wasn't good and telling people they couldn't smoke in the park wouldn't stop them from smoking. Mr. Roach asked who he was hurting if he smoked in the park and no one was around. He wondered where it would stop and if there had been discussions with the Town about the proposed resolution. He felt it was again another reason to kill consolidation.

Dan Jones, 22 Washington Ave., noted that smoking was bad, parks were good and should be kept beautiful but just because a law would be put on the books didn't mean they were going to stop. Mr. Jones suggested providing designated areas with receptacles, away from the playgrounds, and to stop wasting police time dealing with smokers. Mr. Jones suggested promoting non-smoking in other ways and taking a rational approach instead of an emotional one.

* * *

Council Responses to Public Comments

Councilperson Christian asked if Mr. Keenan picked up any of the butts from Main St. in front of GCASA and asked what parks they came from. The butts came from Lambert, Austin, Falleti and Lions Parks.

* * *

Unfinished Business

None.

* * *

New Business

#48-2011

RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2011 ENTITLED A LOCAL LAW TO AMEND §37-2 OF THE CODE OF THE CITY OF BATAVIA

Motion of Councilperson Buckley

WHEREAS, an amendment of the City Code requires the adoption of a Local Law; and

WHEREAS, a public hearing on this proposed Local Law was held on July 11, 2011 before this Council, pursuant to public notice duly published in *The Daily News*.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 3 of 2011 entitled **A Local Law to Amend §37-2 of the Code of the City of Batavia** be and the same is hereby enacted by City Council of the City of Batavia, New York.

Seconded by Councilperson Pacino and on roll call failed 6-3. Councilpersons Barone, Briggs and Christian voted no. Since this local law was acted on at the same meeting the public hearing was held, the vote had to be unanimous to be adopted. The resolution will be on the next business agenda.

LOCAL LAW NO. 3 OF THE YEAR 2011 CITY OF BATAVIA

A LOCAL LAW TO AMEND §37-2 OF THE CODE OF THE CITY OF BATAVIA

Be It Enacted by the City Council of the City of Batavia, New York as follows:

§ 37-1. Purpose.

The purpose of this chapter is to regulate consumption of alcoholic beverages on public lands and the possession of open containers of alcoholic beverages on public lands in the City of Batavia, County of Genesee, State of New York. This chapter is being enacted to preserve the public peace and good order and to exercise the police power of the city to promote the general health, safety and welfare of the residents of the city by enacting this chapter since it is the finding of the City Council that the possession of open containers of alcoholic beverages by persons on public lands, streets and sidewalks and the consumption of alcoholic beverages on public lands should be regulated, except under controlled conditions, as such is detrimental to the

health, safety and welfare of the residents of the City of Batavia, in that such possession and consumption contributes to the development of unsanitary conditions and the creation of a nuisance. It is further the intent of the City Council that this chapter shall not be considered as a traffic regulation insofar as it relates to motor vehicles or to the operation thereof.

§ 37-2. Definitions

For the purpose of this chapter, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGES – Includes all beverages as defined in the Alcoholic Beverage Control Law of the State of New York.

CONTAINER – Any bottle, can, glass, cup or other receptacle suitable for or used to hold any liquid.

INTENT TO CONSUME – Includes any of the following:

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstances evidencing an intent to ultimately consume on any public lands.

OPEN CONTAINER – The condition of the container, containing liquor, beer, wine or other alcoholic beverage, as the same is defined by the Alcoholic Beverage Control Law of the State of New York, whose cap, cork, top or other closing device has been removed, or the condition of a can which is punctured or pulled open so as to break its seal.

POSSESSION – Exercise of dominion over the container or beverage.

PUBLIC LANDS – Any highway, street, sidewalk, park, ~~except~~ [including] picnic areas, playground, parking lot, shopping center, school grounds, lands owned by the municipality or in possession of said municipality or any other place to which the public has access, including a public parking lot or driveway for one or more vehicles used by patrons of any commercial, industrial or professional place of business, but excluding those public places wherein the use and consumption of alcoholic beverages is authorized pursuant to a license or permit issued under the Alcoholic Beverage Control Law of the State of New York.

§ 37-3. Open containers on public lands prohibited.

No person shall possess, carry or transport any alcoholic beverage with the intent to consume the same in any open or unsealed container on any public lands as defined as aforesaid.

§ 37-4. Special permission.

The provisions of this chapter shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the City Council of the City of Batavia or its duly designated agent.

§ 37-5. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both, for each offense. A conviction of an offense against this chapter shall constitute a violation. Each such violation shall constitute a separate violation.

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

Discussion – Councilperson Ferrando noted that he tried to catch up on the discussion from when he was gone but had heard good arguments for both sides. He acknowledged that the strategic plan included healthy environment and quality of life but also felt government took steps too far sometimes. He noted, however, that they were their parks to decide on and wished there was more time to discuss the issue. Councilperson Pacino noted that it would be great if she could pick and choose who could be responsible with a beer in their hand but it was impossible to say who could and who couldn't drink and it needed to be all or none. Councilperson Briggs noted that healthy living was about doing things in moderation. She stated that they did have a problem but it wasn't just going to the park and having a beer. Councilperson Cox was concerned with the safety of the citizens and noted that some of those drinkers could also be driving home afterward. Councilperson Bialkowski reminded Council that they were just limiting it to the parks and he couldn't picture too many people who just went to the park to have a beer and the resolution could assist police in doing their job. Councilperson Christian noted that park recreation leaders had cell phones and they could call to have people removed if the kids were there and the people drinking alcohol wouldn't leave. She noted that government had gone way too far and you can no longer go to the park, have a picnic with friends and have a beer. Councilperson Pacino noted that not all parks had a park program and thus didn't have cell phones. Councilperson Buckley felt it was a good change to the local law and there was nothing for the police to stand on if they asked people to leave for drinking and now they could execute the law. Councilperson Buckley thought it was good for the kids, it promoted healthy living and they weren't trying to take people's rights away.

* * *

#49-2011

**RESOLUTION TO ADOPT A CITY-OWNED OUTDOOR RECREATIONAL
FACILITIES TOBACCO-FREE POLICY**

Motion of Councilperson Bialkowski

WHEREAS, exposure to tobacco smoke causes immediate adverse effects to the cardiovascular system, causes and exacerbates serious and terminal illnesses; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground, causing additional maintenance expenses, diminishing the beauty of the City's recreational facilities, and posing a risk to toddlers due to ingestion; and

WHEREAS, the prohibition of tobacco use at the City's recreational facilities protects the health, safety and welfare of the citizens of our City;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that no person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities include Dwyer Stadium, Jackson Square, Falletti Ice Arena / Skate Park, Austin, Centennial, Farrall, Kibbe, Lambert, Lions, MacArthur, Pringle and Williams parks including pavilion, playground and athletic areas;

The policy will be enforced as follows:

- 1) Appropriate signs shall be posted in the above specified areas.
- 2) The community, especially facility users and staff, will be notified about this policy.
- 3) Staff will make periodic observations of recreational facilities to monitor for compliance, as per its existing protocols for enforcement of other rules and codes of conduct.
- 4) Any person found violating this policy will be politely reminded of the policy and asked to cease using tobacco products while on the grounds.
- 5) Persons refusing to comply with staff directives will be asked to leave.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that adopting a Tobacco Free Policy for Outdoor Recreational Facilities is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under Healthy and Involved Community Members strategic priority.

Seconded by Councilperson Buckley and on roll call approved 7-2. Councilpersons Briggs and Christian voted no.

Discussion – Council President Clattenburg noted that the resolution was not a local law but a policy statement. Councilperson Christian made a motion to amend the resolution to have designated smoking areas. The motion was seconded by Councilperson Briggs. Councilperson Pacino noted that she wasn't averse to having a designated area determined by the City.

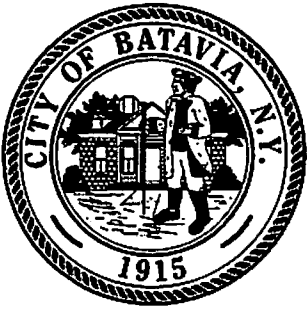
Councilperson Ferrando asked how a designated area made it any better. Councilperson Bialkowski felt that it wasn't the government's job to say where we have to smoke and they had a right to restrict activities in the government owned park. He noted that there weren't a lot of smokers showing up on Earth Day to help the kids pick up the parks. Council President Clattenburg felt they had to set an example that smoking wasn't healthy. She stated that no one thought exposing kids to smoke was a good thing but a designated area didn't address the issue. On roll call, the amendment failed 2-7. Councilpersons Briggs and Christian were in favor of the amendment.

* * *

Meeting adjourned at 7:55 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Go-Art request for support towards 2018 Picnic in the Park event

The Genesee-Orleans Arts Council (GO-Art) has requested support for the 2018 Picnic in the Park event. The request is for funding consistent with Council's support in 2017 which was in the amount of \$4,000. In 2017, Council appropriated funds from the "Vibrant Batavia" committed fund balance to support this event. There is currently a \$31,211 balance available in this committed fund balance.

Supporting Documentation
Draft Resolution

#-2018

**A RESOLUTION TRANSFERRING \$4,000 FROM COMMITTED FUND BALANCE TO
THE GENERAL FUND FOR THE PURPOSE OF SUPPORTING THE 2018 PICNIC IN
THE PARK EVENT**

Motion of Councilperson

WHEREAS, annually the Genesee Orleans Arts Council (GO ART!) organizes the annual Picnic In the Park event held at Centennial Park on the 4th of July weekend; and

WHEREAS, due to budget constraints the event is at risk of not continuing beyond 2018;
and

WHEREAS, the City Council recognizes the importance of community events such as Picnic in the Park and is desirous of supporting the event as it contributes to neighborhood development, economic development and community pride; and

WHEREAS, there is currently a \$31,211 balance available in the committed fund balance;
and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the following budget amendments:

Effective May 29, 2018, amend the 2018-19 budget by decreasing the following account:

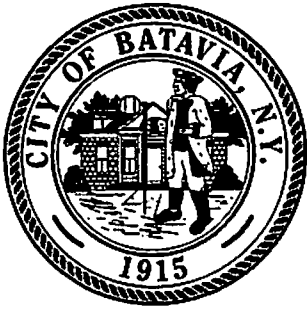
001.0001.0913	Committed fund balance	(\$4,000)
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Increasing expenditure accounts:

001.7010.0400	Other Expenses	\$4,000
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BE IT FURTHER RESOLVED, that the City of Batavia shall be named a sponsor of the 2018 Picnic in the Park.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Redfield Parkway Pillars

In-Site-Architecture has provided an executive summary of the condition of the Redfield Pillars. This summary is a result of their work to develop drawings, scope of work, and documents for an eventual construction bid if desired. An opinion of probable cost for this project is between \$57,000 - \$67,000 for the restoration.

This evaluation of the structure and probable cost was determined to be a critical step for City Council to make an informed decision on the project. Specifically, a decision as to a timeline for it to move forward, and consideration of funding options for the project.

The use of budgeted contingency, fund balance, special assessments, or appropriate funds in the 2018-2019 budget are all items for consideration as options to fund this project as Council determines to be appropriate. Currently, there is not any budgeted funds for this project.

Supporting Documentation
In-Site-Architecture Executive Summary



Redfield Parkway Pillars

Opinion of probable cost

Executive summary

We performed a non-invasive visual evaluation via a walk-through of the structure on March 28th. This included measurements sufficient to develop detailed construction documents suitable for bidding, to follow in the near future.

Our evaluation determined that the condition of the existing walls will require removal of the existing mortar and repointing of the entire structure. Approximately one third of the existing stone is spalling, cracked or is inconsistent with the original stone. This stone will be removed and new stone to match the existing will be installed. The existing exposed electrical conduit that provides power to the pillar mounted light fixtures will be removed and rerouted to conceal the conduit within the pillar cavity. The existing light fixtures are in good to fair condition and do not require replacement at this time but could be upgraded if desired.

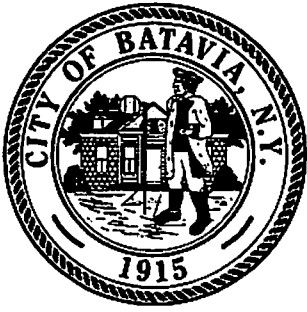
We are providing the following order-of-magnitude opinion of probable cost for the purposes of determining general feasibility of the project, and for pursuing initial funding. These are based on our own experience with a wide variety of recent rehab projects in different markets, with different levels of restoration. We also consulted with a mason with whom we have a long standing relationship.

Additional elements that can influence project cost include: construction climate, owner schedule, etc.

Opinion of probable cost

\$57,000 - 67,000

Our assumptions include renovations as described in the narrative description above. We have assumed the project will require bonding and prevailing wage rates and is tax exempt. We have also included a 5% general conditions/mobilization cost, 10% contingency and replacement of the existing light fixtures.



City of Batavia

Memorandum

To: Matthew Worth, Interim City Manager

From: Stefano Napolitano, Fire Chief

Date: May 8, 2018

Subject: Assistance to Firefighter Grant (AFG) 5% Matching

I am respectfully requesting a budget amendment appropriating \$11,803.00 from Appropriated Fire Department Reserves (001.0001.0511.2101). This represents the City's required 5% matching funds for the Assistance to Firefighter Grant (AFG) that was awarded for the period of June 23, 2017 through June 22, 2018.

Thank you.



- 2018

**A RESOLUTION TO RE-APPROPRIATE RESERVE FUNDS FOR THE MATCH
REQUIRED IN THE ASSISTANCE TO FIREFIGHTER GRANT (AFG)**

Motion of Councilperson

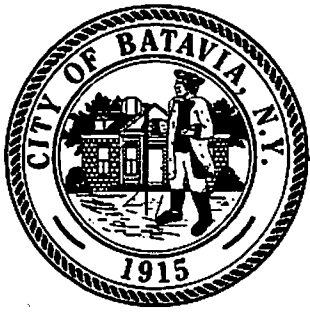
WHEREAS, the City of Batavia City Council approved in November, 2017, resolution #103-2017, to amend the City's 17/18 budget to use \$11,803 of fire department reserves as a required 5% local match in a FEMA Assistance to Firefighters Grant (AFG) for new Self Contained Breathing Apparatus and related equipment; and

WHEREAS, the Self Contained Breathing Apparatus and related equipment were not able to be procured prior to the city's fiscal year ending March 31, 2018; and

WHEREAS, the Interim City Manager is requesting permission to re-appropriate \$11,830 in the 2018/2019 fiscal year, to cover the cost to purchase the Self Contained Breath Apparatus and related equipment and the requirements of a 5% local match as put forth in the above mentioned grant in the fiscal year ending March 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Interim City Manager has permission to re-appropriate \$11,830 of Fire Department Equipment Reserves and amend the 2018-2019 budget to account for the required 5% local match made necessary by the FEMA Assistance to Firefighters Grant.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 23, 2018

Subject: FY 2017-2018 Budget Transfers

A normal part of the City's financial housekeeping is to balance the many different department budgets through transfers at the end of the year. Line items within specific departments can be balanced through transfers within that same department with approval by the City Manager. A department that requires funds to be transferred from another department has to have approval from the City Council. This year there are five departments that require Council action as follows:

Fire Department - The fire department had retirements where significant accrued benefits were paid out in excess of the budgeted personnel allowance that would have otherwise been expended.

Landfill - A failure of a piece of equipment which required replacement was unexpected and not budgeted for.

Installment Payment of Debt. - A data entry error resulted in this budget being under funded by approximately two thousand dollars

Legal Fees - The significant effort in resolving the mall litigation resulted in this budget exceedance

Street Maintenance - The Bureau of Maintenance expended significant effort on the street maintenance side which resulted in similar savings in other departments within the Bureau. Overall the Bureau of Maintenance is under budget.

The City finished the year under budget, with only these departments exceeding budgeted amounts.

Supporting Documentation
Draft Resolution

#-2018
A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS

Motion of Councilperson

WHEREAS, in order to close out the 2017-2018 fiscal year budget certain budget transfers need to be made:

WHEREAS, the City of Batavia experienced expenses over budget in areas including fire department personnel, refuse and recycling, debt, legal and street maintenance in the 17/18 fiscal year.

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

BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the Interim City Manager be and hereby is authorized to make the following budget transfers:

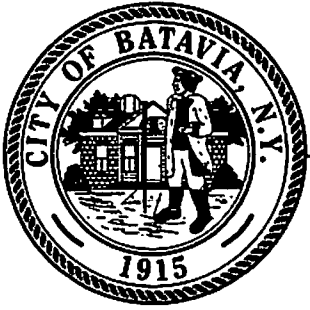
Effective March 31, 2018, amend the 2017-18 budget by increasing expenditure accounts:

001.3410.0100.0000	Fire Department Personnel	\$ 49,807.09
001.3410.0101.0000	Fire Department Overtime	\$ 1,405.30
001.8160.0460.0000	Landfill	\$ 469.88
001.8160.0460.9207	Landfill – Superfund Site	\$ 6,410.87
001.9785.0600.0000	Installment Purch Debt Principal	\$ 1,999.20
001.1420.0437.0000	Legal Professional Fees	\$ 46,275.38
001.5110.0100.0000	Street Maintenance Personnel	\$ 91,799.77
001.5110.0802.0000	Street Maintenance Social Security	\$ 6,582.69

by decreasing expense account:

001.1990.0500.0000	General Fund Contingency	\$125,000.00
001.5110.0100.0000	Parks Personnel	\$ 52,915.81
001.5142.0100.0000	Snow Removal Personnel	\$ 25,458.04
001.5142.0101.0000	Snow Removal Overtime	\$ 1,376.33

Seconded by Councilperson
and on roll call



City of Batavia

Memorandum

To: Honorable City Council

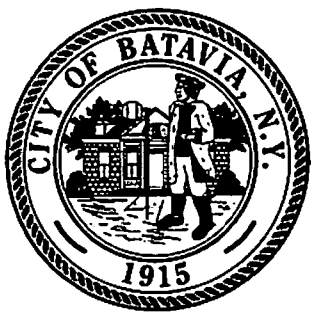
From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Farrell Park Playground Sign

A request for consideration of signage to slow vehicular traffic near Farrell Park has been received through a resident. An initial review of the Manual for Uniform Traffic Control Devices (MUTCD) has determined that Playground signs may be appropriate in this area.

The Bureau of Maintenance is reviewing this request and will be making a recommendation as to options to best achieve the desired effect of an increase in awareness of the park by vehicular traffic.



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Think Differently Initiative

Dutchess County, NY has adopted a “Think Differently” initiative where communities attempt to change the way that they interact with residents with special needs. Often these opportunities don’t have an added cost, just making sure that consideration is given in the planning stages of a project or event to consider how people with various special needs might participate.

A resolution to “Think Differently” will encourage our community to go beyond the initiatives we already have embraced to actively include our special needs citizens in our community.

Supporting Documentation

Think Differently cover sheet from Dutchess County
Draft Resolution

ThinkDIFFERENTLY.

Thank you for your interest in our “ThinkDIFFERENTLY” initiative, which looks to foster a more inclusive community for our neighbors with special needs.

Communities can show they “ThinkDIFFERENTLY” in countless ways, many of which have no added cost to a community – from partnering with local organizations to changing the way they think about residents with special needs. Since the inception of the initiative, Dutchess County has taken taking several proactive steps to embrace residents of all abilities.

Dutchess County has:

- Funded, through the Community Development Block Grant (CDBG) Program, several projects featuring accessible infrastructure – beyond traditional ramps, curb cuts and the like – which increased residents’ access to facilities and resources throughout the county, including the Julie’s Jungle adaptive playground and an adaptive baseball field for the Little League Challenger Division in the Town of Wappinger;
- Partnered with a local movie theater to offer several free Saturday morning movies to families with children with special needs, lowering the volume and raising the lights inside the theater to accommodate children with sensory issues;
- Educated law enforcement officers, corrections officers, 911 dispatchers and first responders in Crisis Intervention Training (CIT) and Mental Health First Aid, which enables them to effectively interact with individuals in crisis, including those with special needs;
- Hosted several free picnics for children with special needs and their families, bringing together these families with local agencies and organizations that serve residents with special needs;
- Partnered with the local Anderson Center for Autism to provide “Autism Supportive Environment” training, which teaches local businesses and community groups how to communicate better with and provide a more welcoming environment for residents with autism;
- Appointed our Deputy Commissioner of Special Needs, likely the first such position of its kind in the state, who helps residents with special needs navigate the network of services providers and government agencies to find the assistance that best serves them;
- Hosted the 2016 and 2017 “ThinkDIFFERENTLY Dash,” a 1-mile walk/run through the City of Poughkeepsie for residents with special needs.
- Hosted the 2016 and 2017 Special Olympics New York State Winter Games, which welcomed several thousand athletes, coaches, family members and spectators to Dutchess County.

These are just some of the ways we in Dutchess County “ThinkDIFFERENTLY,” and communities around the state can replicate these or come up with their own – all with the aim of looking past what makes us all different in favor of looking for the unique potential in us all.

We look forward to seeing how cities, towns and villages across the state choose to show they “ThinkDIFFERENTLY” about their neighbors with special needs. Your interest in our initiative is a first important step to let the rest of New York know you and your municipality “ThinkDIFFERENTLY.”

#-2018

**A RESOLUTION CALLING ON CITY OF BATAVIA, RESIDENTS AND
BUSINESS OWNERS TO ADOPT THE "THINK DIFFERENTLY" INITIATIVE TO
ASSIST INDIVIDUALS WITH SPECIAL NEEDS AND THEIR FAMILIES**

Motion of Councilperson

WHEREAS, the "Think Differently" initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our state and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

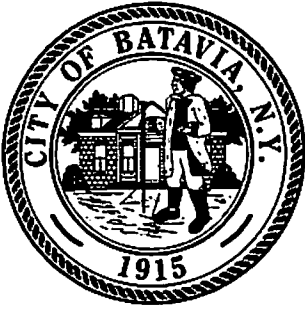
WHEREAS, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the "Think Differently" initiative is an important statement that our City officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia, adopts and urges residents and business owners to adopt the "Think Differently" initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: May 22, 2018

Subject: Lyon St Bridge Properties

The City has obtained two properties that abut upon the Tonawanda Creek at the South Lyon St bridge as part of the tax foreclosure process. These properties are narrow and include portions of the creek bank that make their marketability and viability for use very low.

Genesee County has requested access to these properties to be utilized in the future reconstruction of the South Lyon Street bridge. Acquiring ROW for projects is very difficult and costly, and this is an opportunity to reduce the cost of this future project by transferring this property to the County at this time.

Section 66-9(C) of the City Code allows for the City Manager to authorize direct sale of properties to non-profits which Genesee County would qualify. As the construction of a new bridge is certainly in the best interest of the City it would be my intention to waive the requirement of an appraised value and allow for the transfer of the property to occur without cost, in accordance with the City Code. The current assessed value of the properties is \$700 in total and would ask that Genesee County assume all costs of the transfer to minimize any impact to the City.

Supporting Documentation
Request from Tim Hens, Genesee County Superintendent of Highways.
Sketch of properties



GENESEE COUNTY HIGHWAY DEPARTMENT

153 Cedar Street
Batavia, New York 14020
Phone: (585) 344-8508 Fax: (585) 343-9303

Paul Osborn
Park Supervisor-Forester
Terry Ross
Facility Maintenance Supervisor
Jason Long
Airport Supervisor
Chris Klein
Fleet Maintenance Supervisor

Timothy J. Hens, P.E. Highway Superintendent
David Wozniak, Deputy Superintendent

RECEIVED

MAY 21 2018

City Manager's Office

TO: MATT WORTH, CITY MANAGER
RAY TOURT, DPW SUPERINTENDENT

FROM: TIMOTHY HENS, P.E., SUPERINTENDENT OF HIGHWAYS

DATE: MAY 17, 2018

SUBJ: SOUTH LYONS STREET BRIDGE PARCELS

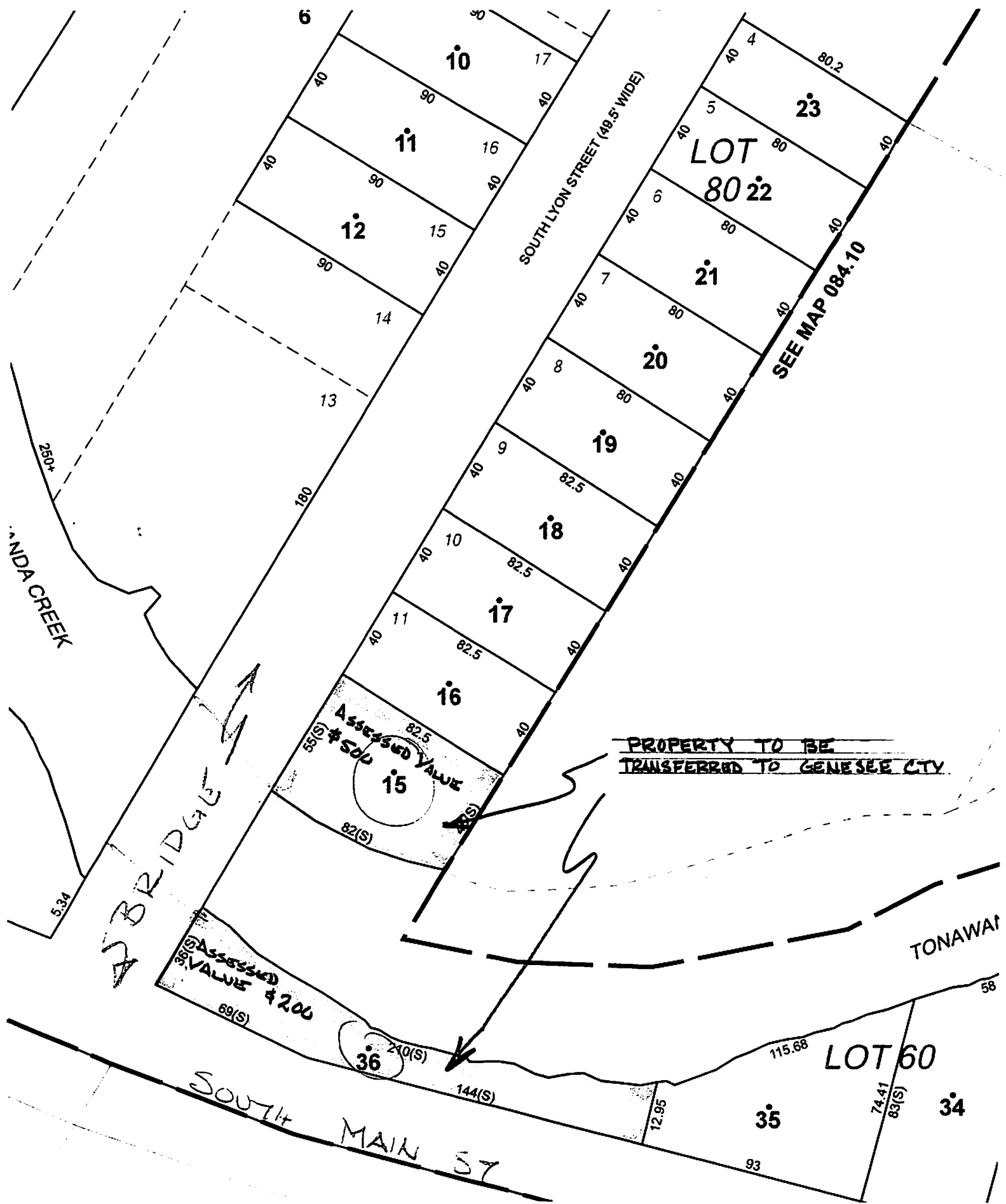
The South Lyons Street Bridge will soon need to be reconstructed under a federal or state aid program. In order to advance the replacement of the bridge, it is very likely that additional right of way will be needed for equipment access or construction.

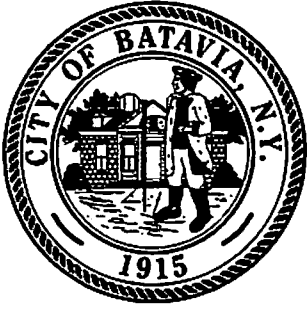
The City recently had two parcels immediately adjacent to the bridge on its foreclosure listing. Both parcels would significantly reduce, and streamline, the right of way acquisition process required to replace the bridge.

The County is very interested in obtaining rights or easement to these properties from the City. Assuming the City would concur with such a transfer please let me know the next steps to acquiring these parcels.

Sincerely,

TIMOTHY J. HENS, P.E.
Superintendent of Highways





City of Batavia

MEMORANDUM

To: Matthew Worth, Interim City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: May 22, 2018
Subject: Foreclosure Property Auction

On May 19, 2018, the City of Batavia auctioned property and the highest bidders were as follows:

27 Central Ave	Ryan Macdonald	\$10,000
327 Ellicott St	Brakel LLC	\$50,000
122 Ross St	East West Property Ventures, LLC	\$36,000

The recommendation is that Council approve the sale of the above listed property at the June 11, 2018 business meeting. There are no outstanding taxes on any City properties owned by any of the bidders in the City of Batavia and no code violations of which I am aware. East West Property Ventures is not listed as a property owner in the City of Batavia.

#- 2018

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE
PROPERTIES AUCTIONED ON MAY 19, 2018**

Motion of Councilperson

WHEREAS, the City foreclosed on 27 Central Ave, 327 Ellicott St and 122 Ross St 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 May 19, 2018 at 10:00 a.m.; and

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

<u>Property</u>	<u>Highest Bidder</u>	<u>Highest Bid</u>
1) 27 Central Ave	Ryan Macdonald	\$10,000
2) 327 Ellicott St	Brakel LLC	\$50,000
3) 122 Ross St	East West Property Ventures, LLC	\$36,000

NOW THEREFORE, BE IT RESOLVED, by the City 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 properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

Seconded by Councilperson and on roll call

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

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..." and;

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
and on roll call**