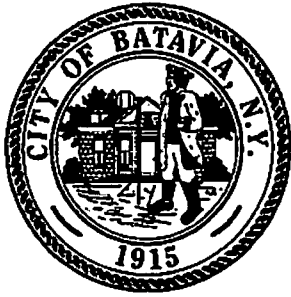


## **BATAVIA CITY COUNCIL CONFERENCE MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, September 24, 2018 at 7:00 PM**


### **AGENDA**

- I. Call to Order
- II. Invocation – Councilperson Tabelski
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
- VII. Council President Report
  - a. Announcement of the next regular City Council Business meeting to be held on Tuesday, October 9, 2018 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
  - b. Proclamation – Fire Prevention Week October 7-13, 2018
- VIII. Presentation Youth Bureau – YMCA Collaboration - Teen City
- IX. Surplus Equipment Disposal – DPW
- X. Stipend Extension
- XI. City Fire Department External EMS 2018 Program Offering
- XII. City Fire Department Child Safety Program - Amend the 2018/2019 Budget
- XIII. Refuses, Licensing, Pick-up Zones
- XIV. City Centre Roof Replacement
- XV. Executive Session...Real Property and Litigation
- XVI. Adjournment



# City of Batavia

## **Memorandum**

To: Honorable City Council  
From: Jocelyn Sikorski, Executive Director   
Date: September 17, 2018  
Subject: Teen City – Youth Bureau & YMCA Collaboration

## **History**

The City of Batavia Youth Bureau was established in 1958 and continues to serve the children, youth and families of the city through programs, services, summer recreation and our youth center. The Youth Center/Youth Bureau moved to 12 MacArthur Drive in 1996. The facility is approximately 1,800 square feet, including a rec room, a tech room and small kitchen. The outdoor space houses two basketball courts, the youth garden and the Community Garden. The location is convenient for youth who attend Batavia High School.

In spring 2017, the Youth Bureau entered into a collaborative conversation with the United Way of Genesee County and Genesee County YMCA to expand afterschool services to the adolescents in the City of Batavia. *Teen City* will be an afterschool based program serving youth 9-16 years of age that will incorporate active play, educational space, health & wellness, while fostering community service.

The Youth Bureau and YMCA will develop and implement the program. The two entities will work together to provide staffing, programs, and direct services for Teen City. The United Way is a vested community partner of this endeavor, as they are committed to providing financial support over a five-year period as well as a collective wealth of experience working with youth. With the combination of the United Way's support and this partnership, we will be able to expand the number of youth currently being served in the afterschool program.

We have chosen St. Anthony's School, Liberty St., Batavia as the future site of Teen City. The Youth Bureau offices will relocate to the site. This site is currently owned by City Church of Batavia.. They are working with us as a community stakeholder for the program. We will be exploring ways to increase the programs that City Church currently provides to youth in the community.

This site provides us with many opportunities that we do not currently have, the biggest one –additional space! We have access to a classroom/tech room, rec room, gaming room, the cafeteria, commercial kitchen, and full gymnasium during program hours. The youth bureau would also maintain offices on the third floor. This location is ideal, meeting all of our needs.

### **Current Funding**

The Youth Bureau and YMCA have pursued several funding sources with this project. To date more than \$110,000 has been secured for Teen City. The major source is the United Way, which has committed \$50,000 for renovations/start-up and an additional \$10,000 annually for five years to support the program. Other sources include Bullet Aid (\$30,000), Rochester Regional Health (\$17,600), Ralph Wilson Legacy Funds (\$11,000) and Rotary Club of Batavia (\$5,000). These funds will be used for renovations, IT needs, program supplies and materials as identified in the applications.

### **Next Steps**

City Church is currently in the process of rezoning the facility at 114 Liberty St. They have applied through the City Zoning and Planning board to rezone from Residential to Commercial. The facility will need some modifications to the structure to meet the ADA requirements. An ADA Evaluation has been completed by TY-Lin Associates, and they have provided the city with their recommended modifications needed to be in compliance with codes that coincide with the zoning change. City Church has taken the lead on the zoning and will make the recommended ADA changes to the facility to ensure compliance and the safety of all people.

IT and Security needs have been evaluated and discussed for planning purposes. All parties have met with Integrated several times, some of those meetings being at St. Anthony's. Technology needs for staff and youth will include access to computers, tablets, WI-Fi, etc. including our security needs within the building itself. Empire Cable will expand their fiber services to the building ensuring the necessary level of connectivity.

Modifications to the current facility include renovating the cafeteria and bathroom, replacing the hood in the kitchen to be in compliance, and adding padding to the gym walls. These are in addition to the work that will need to be completed by City Church for the ADA modifications.

A security plan and code of conduct for the youth is being developed to ensure the safety of the staff and youth in the facility. While doing so, we will incorporate the City School's policies into our procedures to maintain consistency with the youth in our program. The facility will maintain a single point of access during operation hours.

There are several agreements that are being discussed and drafted through this process. A lease with City Church has been drafted and reviewed by our City Attorney. While details are still being discussed, we have included George Van Nest's recommendations pertaining to this document including an Operating Agreement with City Church as a condition of the Lease. This will outline our Master Schedule of operation as well as access to the facility, etc.

**Partnership**

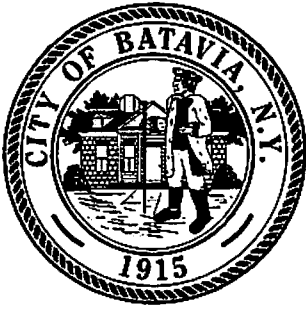
The staffing will be a partnership between the Youth Bureau and YMCA. An MOU between the two entities for the operation and staffing of Teen City is being developed. Staff will mirror one other with the number of staff and positions for the program hours of 2:30-6pm Monday through Friday during the school year, and holiday breaks will be 1-6pm. The Youth Bureau will continue to staff the site during the summer hours, 1-6pm as our center is open for youth to have a safe and structured environment through the summer.

We have had many conversations with the City School District about this project including direct transportation to the facility. This arrangement has been confirmed. We have also discussed the current YB facility and if they would have an interest in utilizing the site with the relocation of the Youth Bureau.

The United Way of Genesee County and its board is very involved in this project. The concept of Teen City is a result of a needs assessment that UW distributed five years ago. The results of this tool influenced the board and the director to shift a majority of their funding to youth and youth services in our community, committing 65% of their annual allocations. They are invested into the venture and look forward to Teen City coming to fruition in the near future.

**Timeline**

Our timeline for the completion of this project is an aggressive one. Our committee would like to see Teen City open in January 2019. We currently have all the information; quotes, plans, and contractors at our fingertips to make necessary decisions that will take us through the final steps of this process.



# City of Batavia

## *Memorandum*

To: Matt Worth – Director of Public Works

From: Jim Ficarella – Superintendent of Water & Wastewater

Date: September 17, 2018

Subject: Surplus equipment disposal

We are requesting permission to dispose/surplus the following equipment by auction as identified below:

2009 Ford E-250 Van

This was used by the SMIC crew for repairs on water main breaks, pump stations, traffic signals, street lighting and building maintenance. The equipment is being replaced as part of the approved fiscal year budget 2018/19 and the City of Batavia's equipment replacement plan. The replacement will be 2019 F350 Pick-up truck.

**#-2018**

**A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES  
AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

**Motion of Councilperson:**

**WHEREAS**, the Department of Public Works have declared the equipment listed below surplus and as part of the equipment replacement plan; and

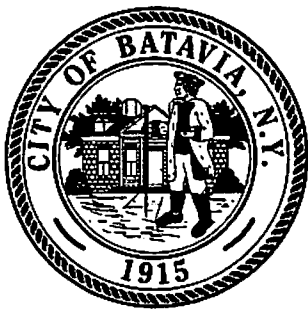
**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

**WHEREAS**, any revenue received from disposal is to be put into the Department of Public Works equipment reserve fund, fund revenue to be used for approved equipment replacement.

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

- 2009 Ford E-250 Van, VIN #1FTNE24W29DA89352

**Seconded by Councilperson  
and on roll call**



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: September 17, 2018

Subject: Stipend Extension for Interim City Manager, Deputy Director of Finance, BOM  
Superintendent, Water / WW Superintendent

The new City Manager will be starting on October 15<sup>th</sup>, which will correspond to a critical period in the City calendar. October is the starting point for staff and the City Manager to complete six-month projections of the current budget, and to begin the budgeting process at the department level for the next fiscal year. Extending the stipend period recognizes the effort that will be required to assist the new City Manager through the budgeting process and other transitions. This also allows the new City Manager additional support through the process in hiring an Assistant City Manager.

It is recommended to continue the existing stipend program through the end of the calendar year with the last stipend payment being included with the pay-period ending January 4<sup>th</sup>, 2019. These stipends are made in 50% payments during each two-week pay period.

Supporting Documentation  
Draft Resolution

**#-2018**

**A RESOLUTION TO AUTHORIZE CONTIUNUED ADDITIONAL COMPENSATION**

**Motion of Councilperson**

**WHEREAS**, the City Manager submitted his resignation effective January 28, 2018, and a new City Manager will begin October 15, 2018; and

**WHEREAS**, the Assistant City Manager submitted her resignation effective August 8, 2017 and the position has not yet been filled; and

**WHEREAS**, Matt Worth, the Director of Public Works has served as Interim City Manager until such time that the incoming City Manager assumes such duties. Matt Worth will continue to be paid a stipend of \$1,000.00 per month (\$500/pay period) in addition to his current salary effective January 13, 2018; and

**WHEREAS**, James Ficarella, Superintendent of Water and Wastewater and Ray Tourt, Superintendent of Maintenance will be taking on additional duties and responsibilities as a result of the Director of Public Works serving as Interim City Manager. These include, but are not limited to, the management and implementation of a \$2.55 million roadway improvement Transportation Improvement Program (TIP) project, \$1 million sidewalk construction Transportation Advancement Program (TAP) project, Ellicott Trail construction project, \$1.1 million facilities improvement plan and over \$500,000 of additional road resurfacing and sidewalk reconstruction projects, until such time the Director can resume his normal duties; and

**WHEREAS**, Lisa Neary, Deputy Director of Finance will be taking on additional duties and responsibilities as a result of the City Manager/Chief Fiscal Officer and Assistant City Manager vacancies. These include, but are not limited to, the issuance of \$4.1 million of Bond Anticipation Notes, the issuance of a \$200,000 municipal lease and the implementation of the City's new Enterprise Information Management solution for all software applications, until such time that a permanent City Manager and Assistant City Manager has been appointed; and

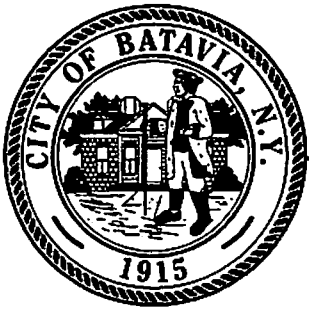
**WHEREAS**, the City Council is of the opinion that it is in the best interest of the City to compensate these employees and recognizes that these employees for an interim period of time will be taking on additional duties and responsibilities; and

**WHEREAS**, James Ficarella, Ray Tourt and Lisa Neary shall be paid a stipend of \$750.00 per month (\$375/pay period) in addition to their current salary to effective January 13, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the above stipends shall continue through the pay period ending January 4, 2019 in an effort to provide maximum assistance during the transition period of the new City Manager.

**Seconded by Councilperson  
and on roll call**





# City of Batavia

## *Memorandum*

To: Matthew Worth, Interim City Manager

From: Stefano Napolitano, Fire Chief

Date: September 4, 2018

Subject: City of Batavia Fire Department External EMS 2018 Program Offering

As you know the City of Batavia Fire Department conducts an in house Emergency Medical Service (EMS) program. This program is a two component platform that is comprised of a State EMS and a Non-State EMS offering of services. This program offering has been in existence since the early 1980's.

The State EMS program is divided into two sub-categories, Internal and External. The Internal portion of the State EMS program is designed to train new firefighters who are required to be an Emergency Medical Technician as a condition of their employment for the duration of their career.

Secondly, the internal program encompasses the required Continuing Medical Education (CME) training for our personnel to maintain their Emergency Medical Technician (EMT) status as well as for those who are not (those employees hired without the EMT contractual provision). For the non EMT's, they are certified in First Aid and CPR/AED, Narcan, Blood Borne Pathogen and Haz-Com training.

Lastly, the internal program enables our staff of Certified Instructor Coordinator (CIC) and Certified Lab Instructors (CLI) to maintain their New York State mandated credentials. One component of the credentialing process to instruct/facilitate a New York State certified and sponsored EMT class once every three years at a minimum. At present the City of Batavia Fire Department has four Certified Instructor Coordinators and four Certified Lab Instructors who coordinate, instruct and manage the department's EMS program.

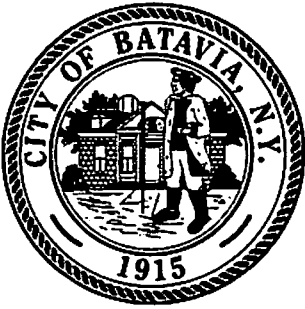
Conversely, the external portion of the State EMS program is designed to train those citizens interested in becoming EMT's for their own personal benefit as well as those who offer their services to another fire, rescue or EMS agency. This is a component of our community outreach training program.

Regarding the Non-State EMS program, CBFD offers training courses such as Narcan, First Aid, CPR/AED, Blood Borne Pathogen and Haz-Com for non-fire department personnel such as City employees who

**Fire Department**  
18 Evans Street  
Batavia, New York 14020



**Phone: 585-345-6375**  
**Fax: 585-345-5639**  
**[www.batavianewyork.com](http://www.batavianewyork.com)**



# City of Batavia

require this training. Moreover, these courses are available to the general citizenry of our community thus increasing their level of emergency preparedness. Finally, there are many private employers located in the City who contract with CBFD for the delivery of these courses for their employees as well.

Additionally, the Non-State EMS program provides training through a contract with Genesee Community College (GCC) for their Rural Police Academy program. This program educates new police officers in a litany of emergency medical disciplines that they may encounter in the course of their duties. This program has been extremely well received by the participants and their sponsoring agencies along with the Rural Police Academy coordinators from GCC.

At this time, I am respectfully requesting to implement the external Emergency Medical Technician (EMT) class that the City of Batavia Fire Department offers on an annual basis. This would require a budget amendment to the 2018-2019 budget increasing the revenue and expense accounts in the amount of \$15,000 respectively.

Since becoming the department administrator, there have been a number of changes implemented to increase the cost effectiveness and efficiency of this program. Those items include:

1. The CBFD EMS program will no longer be a clearing house for the purchase and distribution of student text book and related materials. The student will be given the necessary publication information and will purchase the required materials on their own.
2. An invoice for course tuition will be sent to each course registrant and their respective agency where applicable. The tuition must be paid prior to the beginning of the first class for the student maintain enrollment.
3. Reducing the total number of classes instructed while maintaining the core content required for instruction.

I am confident that these changes will have an immediate impact on course delivery efficiency while allowing the CBFD to maintain its ability and reputation of providing outstanding emergency medical training and education to our internal and external customers without sacrificing quality.

If you have any questions regarding the CBFD EMS program, please do not hesitate to contact me.

Thank you

**Fire Department**  
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Batavia, New York 14020



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**#-2018**

**A RESOLUTION TO AMEND THE 2018-2019 FIRE DEPARTMENT BUDGET TO  
COVER THE COSTS FOR THE DELIVERY OF THE NEW YORK STATE EXTERNAL  
EMERGENCY MEDICAL SERVICES (EMS) PROGRAM**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Fire Department has provided Emergency Medical Technician (EMT) Training in the past and endeavors to continue to do so as part of the department's community outreach public training program.

**WHEREAS**, to properly account for the expenditure for this program, a budget amendment needs to be made.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager is authorized to make the following budget amendment to the 2018-2019 budgets effective September 24, 2018 to cover associated costs for the delivery of the New York State external Emergency Medical Services (EMS) program:

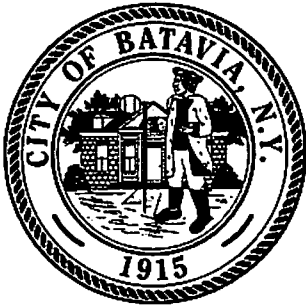
Increase revenue accounts:

001.0001.2280.3488	\$15,000.00
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Increase expense accounts:

001.3410.0101.3488	\$15,000.00
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**Seconded by Councilperson  
and on roll call**



# City of Batavia

## ***Memorandum***

**To:** Matthew Worth, Interim City Manager

**From:** Stefano Napolitano, Fire Chief

**Date:** September 13, 2018

**Subject:** Resolution to amend the City of Batavia Fire Department 2018-2019 budget.

Attached please find a Resolution to amend the Fire Department 2018-2019 budget to reflect the receipt of a grant from the New York State Governor's Traffic Safety Committee. This award is for the Child Safety Seat Program and is in the amount of \$1,500.00.

This amendment will affect the following budget lines:

### **Increase revenue accounts:**

001.0001.3389.1174	\$1,500.00
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### **Increase expense accounts:**

001.3410.0201.1174	Equipment	\$1,000.00
001.3410.0401.1174	Supplies	\$ 100.00
001.3410.0435.1174	Training	\$ 400.00

If you have any questions, please do not hesitate to contact me.

Thank you.

**Fire Department**  
**18 Evans Street**  
**Batavia, New York 14020**



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**#-2018**

**A RESOLUTION TO AMEND THE 2018-2019 FIRE DEPARTMENT BUDGET TO  
REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$1500.00.**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Fire Department has received a grant in the amount of \$ 1,500.00 for Award period October 1, 2018 through September 30, 2019 from the New York State Governor's Traffic Safety Committee related to Car Seat Safety for increased child passenger safety and proper installation training of caregivers in an effort to reduce serious injury and death to children; 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 is authorized to make the following budget amendment to the 2018-2019 budgets effective October 1, 2018 to cover various Car Seat Program details, equipment purchases:

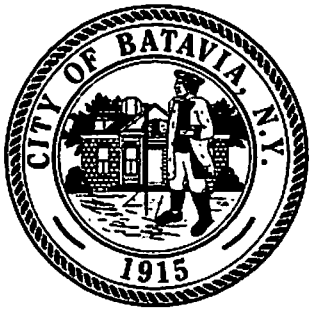
**Increase revenue accounts:**

001.0001.3389.1174		<b>\$1,500.00</b>
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**Increase expense accounts:**

001.3410.0201.1174	Equipment	<b>\$1,000.00</b>
001.3410.0401.1174	Supplies	<b>\$ 100.00</b>
001.3410.0435.1174	Training	<b>\$ 400.00</b>

**Seconded by Councilperson  
and on roll call**



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: September 19, 2018

Subject: Refuse Collection Issues

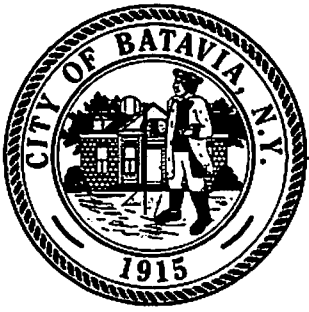
At the request of Councilman Bialkowski, staff has been collecting data as to refuse collection issues, as well as looking at how some other jurisdictions address some of these same issues. Currently, the City Code required residents and businesses to contract directly with independent vendors. The relationship between the vendor and the resident/business allows for flexibility on days of pick-up, number of bags/receptacles, etc. The City Code allows for refuse to be placed at the curb after 3:00pm the day before scheduled collection, containers must then be removed within 24 hours after collection. This allows for a 36-44 hour window for refuse to be at the curb in the worst case.

One of the concerns that has been identified is that there are streets where refuse pick-up occurs on several days of the week. This can also impact the City's ability to manage enforcement of refuse being put out too early, or if it is left uncollected. Typically, staff can identify these issues once familiarity of the various vendors is obtained, and often the same problem properties re-occur as tenants change.

### **Current Enforcement Activities**

Current enforcement activities for this past summer have shown the following actions in regards to refuse collection for June–July–August:

Resident generated complaints	23
Total Properties Cited	70
Total Properties Ordered Removal	6
Properties with multiple violations	4 (12 total violations making up 13% of total)



# City of Batavia

Enforcement actions are primarily through the Parking Enforcement/Ordinance Enforcement Officer, and a part time 19-1/2hrs/week employee during June-July-August only. These refuse citations are only part of the hundreds of other citations, sign removals, etc that are issued during the course of the summer. Much of the Ordinance Enforcement Officers work is completed through knocking on doors and making phone calls where we find that a new tenant has moved into an apartment and didn't know their pick-up day or a landlord has changed refuse collection vendors. At times, the City has discovered that the vendor has had a breakdown of equipment and entire routes are left uncollected for a scheduled day. This also allows for many complaints to be resolved through a quick personal interaction which can be more effective in the long term.

## **Current Vendors and Activities**

There are currently four primary refuse collection vendors operating in the City. I have been able to contact three of these vendors to determine their collection schedule in the City. Two of the vendors have attempted to maintain a five-day schedule that was consistent with when the service was provided by the City. The third vendor completes all of their collections on Mondays and Thursdays only. Typically, one week a month is allowed for bulk items to be picked up per the three vendors that I contacted.

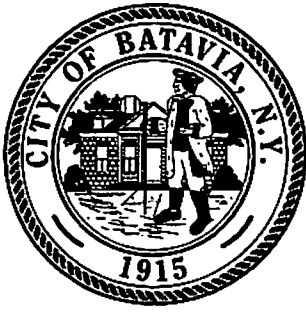
## **Other Municipalities**

Three communities who currently have collection restrictions were reviewed. The Town of Greece, Town of Henrietta, and Village of Brockport have instituted a licensing requirement on the refuse collection vendors and have restricted pick-up days.

The Village of Brockport limits collection to Tuesdays and Wednesdays for private waste haulers. It also appears that the Village provides bulk trash removal events in addition to some other Village provided refuse services.

The Town of Henrietta has a map which indicates collection days. The map indicates approximately 40% of the Town is unregulated, and almost all of the regulated areas have two to three days of refuse pick-up available.

The Town of Greece also references a map specifying collection days, however, I was not able to obtain it.



# City of Batavia

The licensing process requires vendors to pay a fee, supply insurance, and has provisions for the Village/Town to inspect the vehicles for compliance with standards, and subject to being issued violations for non-compliance. This also compels the vendor to adhere to any collection schedules. The licensing varies among the communities, but these items seemed to be consistent.

## **Recommendations Moving Forward**

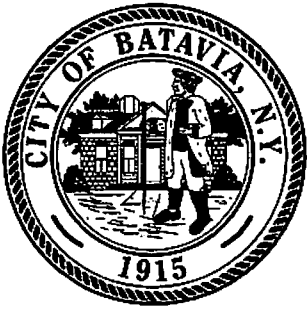
The three vendors that I was able to speak to all were interested in having input into any proposed changes. They all have varying concerns as to how they can provide services in the most efficient manner and how that correlates to their current fleet size, number of employees, etc. Imposing regulations upon a vendor with existing collection routes without hearing their concerns and recommendations would be problematic.

While there are communities that regulate refuse pick-up days, the vast majority do not. This is likely a function of high-density versus low-density areas, and areas where municipal service is provided. Areas where a limited number of vendors are available can also contribute to this. The ability for residents to “shop for services” helps to keep the rates and service levels competitive and should be a consideration with potential regulations that might limit competition.

- DPW staff dialog with all vendors operating in the City should be started to review how their routes may be able to be aligned to minimize refuse being picked up on multiple days on any given street.
- Staff could reach out to the communities who currently license their refuse vendors to determine its effectiveness, level of staff effort that is required to administer the licensing process, financial impacts, and enforcement issues.
- A review of current operations to determine if an expanded level of enforcement should be considered under the existing or any proposed system.
- Review with the City Attorney as to any possible legal restrictions and issues that would affect enforcement by the City as the waste hauling industry is already regulated by the NYSDEC

A full review by staff, and engagement with current refuse vendors would allow for a comprehensive response and recommendation to the City Council to consider in making changes to existing codes, or the implementation of new codes, regulations, or licenses.





# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: September 18, 2018

Subject: Roof Repairs at City Centre

As part of the settlement agreement with the Mall Merchants the City is obligated to make repairs and improvements to the roof, silo entry ways, and skylights. The settlement agreement requires that this work is to be completed no later than March 31, 2021 and has a total budget of \$627,000

The first stage of this work is to make improvements to the silo entries by installing a peaked cap on top of the existing silos. This will create a weathertight cover and allow for entries to be cleaned and painted on the interior. In addition, the hallway adjacent to Sunny's Restaurant and the hallway adjacent to City Hall will have roofs replaced which are the two areas with the most significant leaks.

The City has engaged the architecture firm of Architecture Unlimited, PLLC to prepare plans and specifications which are being prepared for bidding. It is expected that the project will be advertised for bid on September 26th with a bid opening date of October 17th and a recommendation for award will be presented to City Council at a special October Council Business Meeting on October 22<sup>nd</sup> if the bids are appropriate.

Supporting Documentation  
Draft Resolution

**#-2018**  
**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH**  
**XXXXX FOR ROOFS OF TWO HALLWAYS AND FOUR SILOS**  
**IN THE BATAVIA CITY CENTRE**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia has solicited bids 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**, XXXX (X) bids were received on October 17, 2018 and XXXXX, was the lowest responsible bidder in the amount of \$XXXXXX.00 for the replacement of the hallway and silo roofs; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with XXXX for roof replacements of the silos and two hallways in the Batavia City Centre.

**Seconded by Councilperson**  
**and on the roll call**

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilperson**

**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...".

**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...".

**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**