

# **CITY OF BATAVIA BUSINESS MINUTES JANUARY 13, 2020**

The regular business meeting of the City Council was held Monday, January 13, 2020 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Pacino, Briggs, Viele, Canale, Christian, Karas, and Bialkowski. Councilmember McGinnis was absent.

In attendance from the City of Batavia were Matt Worth, Chief Napolitano, Chief Heubusch, Rachael Tabelski, Lisa Neary, and Lisa Casey.

Council President Jankowski called the meeting to order at 7:09 PM following the organizational and special conference meetings.

The minutes from the December 2020 meetings were approved with a correction.

The Council President assigned the regular agenda items.

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## **Communications**

None.

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## **Council President's Report**

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, January 27, 2020 at 7:00 p.m. in the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

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## **City Attorney's Report**

George Van Nest, City Attorney, noted they continue to work on the same matters but had also been working with the police chief regarding new discovery laws and how they apply to code enforcement. He noted that NYCOM was trying to refine some items on bail reform and discovery and that we are working to become compliant and consistent with the code enforcement issues as well. He thought it seemed like overkill.

## City Manager's Report

Martin Moore, City Manager, reviewed several item that have been brought up previously and new topics.

Stadium Parking - Mr. Moore noted that the police issued a traffic order for Union St so hopefully it will be a better situation during next football season.

DPW Update - Mr. Worth noted that he was notified in the summer that the City received funding for Richmond Ave and Harvester Ave projects but they were funded in two separate programs. Mr. Worth asked if they would combine the projects, they agreed, and the projects will be in 2022. He noted that with federal highway and, hopefully, Marchiselli funds, the cost to the City for a \$2 million project would only be approximately \$50,000. Mr. Worth explained that NYS targeted lower income urban areas for lead service line replacement and the City received over \$500,000 for that project. He hoped that the project could start in the fall and told Council that agreements will start coming to them in the near future for approval. He noted that the replacements should be from the water main to the shut off. Councilmember Canale asked why it would take two years to get the road projects started. Mr. Worth explained that it takes that long to get all the paperwork, design, and funding together. Councilmember Christian asked if any lead service line replacement would be in the sixth ward. Mr. Worth noted that it was too early to know but some sixth ward areas had been identified as possibilities.

Deer Committee – Mr. Moore noted that the committee will be coming together soon, he had met with a few members and wanted to have a meeting before the end of the month. Councilmember Canale will also be on the committee.

Police Station RFP – Mr. Moore noted that he would be getting a draft out shortly.

Manholes on Rt 98 (Oak St) – Mr. Moore noted that realignment of the road placed the manholes in the direct line of traffic and public works would be working to determine how these could be moved.

Intranet/E-mail security – Mr. Moore was concerned with some e-mails that came out that appeared to be from City officials and phishing schemes and he spoke with AIS about these concerns. He noted that the intranet is confined within an organization and encouraged those with other e-mails to switch to a City e-mail account. Mr. Moore explained that this has been happening all over and our employees have been diligent in reviewing their e-mails before opening. Council President Jankowski strongly suggested getting a City e-mail for numerous reasons including FOIL.

Mr. Moore noted that he had a good conversation with Empire Development about the \$1 million grant for the City Centre and hoping to kickoff in February. He noted that the silos and part of the roof by JC Penneys can be paid for with DRI funds. Councilmember Briggs asked if the code violations were being cleaned up on the Ellicott St project. Mr. Moore noted that he spoke with Savarino and a letter was sent asking that the violations be cleaned up.

## **Committee Reports**

Councilperson Pacino said that the BID would be taking down Christmas lights tomorrow and their next event was Febrewary on February 22<sup>nd</sup>.

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## **Public Comments**

None.

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## **Council Responses to Public Comments**

None.

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## **Unfinished Business**

Councilmember Christian noted that she would like to hold a ward meeting in February to deal with problems in her ward. Councilmember Canale asked if anyone objected to him taking the next step of looking into the truck traffic issue on Oak St before we have a formal committee. Council President Jankowski said it was OK for him to look into the issue.

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## **New Business**

### **2020/2021 Budget Presentation and State of the City**

Mr. Moore noted that he was proud of the Liberty Center for Youth as that was a significant step to move to the larger facility. He noted that it was helping even more kids. Mr. Moore displayed several other pictures of important events and highlights including the following: recruits graduating from the police academy, employee luncheon, receipt of MRAP, officer receiving top overall performance in his academy class, meeting with Mexico's consul general, completion of Austin Park slide, honoring David Bellavia, Bank St crosswalk, Memorial Day parade, United Way Day of Caring, HPC unveiling historic district sign, and water main repair on Union St. Mr. Moore explained that the City was up to \$50 million in completed projects from the \$100 Million, I'm All In program and went through the strategic priorities. He noted that Three + One was bringing good opportunities to the City regarding investments, new software installation was beginning, and there continued to be progress with the concourse roof and police station.

Mr. Moore reviewed the proposed budget and noted that sales tax was highly based on fuel prices. He reviewed the proposed revenue, specifics of major revenue sources, and suggested a .97% increase in property taxes. He noted that completing DRI projects, incentivizing private investors

to reclaim brownfield sites, and moving City Centre properties back into the hands of the private sector, amongst other things, would increase the property tax base. Mr. Moore reviewed detailed items of the budget including workers' compensation, health care, state retirement and capital expenditures. He assumed there would be more questions about the budget that would come up at the budget workshops.

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### **#3-2020**

## **A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT**

### **Seconded by Councilmember Pacino**

**WHEREAS**, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

**WHEREAS**, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

**WHEREAS**, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Downtown Revitalization Initiative Area (DRI) advancement, City Priority Economic Development, and Building Improvements; and

**WHEREAS**, GO-ART!, ("Owner") has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

**WHEREAS**, the Owner intends to complete repairs and improvements of the property located at 201 East Main St. Batavia, NY 14020 using funds to be provided through the Program; and

**WHEREAS**, The City of Batavia will distribute grant funds to the Owner for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy dated June 14, 2019 and the Grant Agreement; and

**WHEREAS**, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia City Council approves granting \$20,000 to the project; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia City Council

authorizes the City Council President to execute the Grant Agreement with the Owner.

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

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**#4-2020**

**A RESOLUTION TO AMEND THE 2019-2020 BUDGET TO REFLECT THE RECEIPT  
OF \$300,000 FROM NEW YORK STATE MAIN STREET GRANT**

**Motion of Councilmember Viele**

**WHEREAS**, the City received \$300,000 from the NY Main Street Grant Program for addressing downtown revitalization efforts; and

**WHEREAS**, the NY Main Street Grant funds will be available to building owners in the Downtown Revitalization Initiative (DRI) or Batavia Business Improvement District (BID) to rehabilitate interior spaces, enhance façades, and add upper floor apartments to downtown buildings; and

**WHEREAS**, the goal is to revitalize and additional eight buildings with this funding award, in addition to the projects currently moving forward with funds from the Downtown Revitalization Initiative (DRI) Building Improvement Fund administered by the Batavia Development Corporation; and

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

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Council President execute the New York Main Street Program Grant Agreement.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments to the 2019-2020 budget to undertake the project of “City of Batavia NY Main Street Grant Program.”

Effective January 13, 2020 amend the 2019-20 budget by increasing revenue accounts  
29.29.3089.1191 by \$300,000

and increasing expense account  
29.8668.0423.1191 by \$300,000

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

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**#5-2020**

**A RESOLUTION TO AUTHORIZE THE BATAVIA DEVELOPMENT CORPORATION  
TO ADMINISTER THE 2020 NEW YORK MAIN STREET GRANT**

**Motion of Councilmember Canale**

**WHEREAS** the City of Batavia was the recipient of a \$300,000 New York Main Street grant to assist property owners within a specified target area, the Batavia Improvement District; and

**WHEREAS**, the funding will be used primarily by owners to improve the appearance and economic conditions for mixed – use buildings in the Batavia Improvement District; and

**WHEREAS**, the Batavia Development Corporation’s mission is to improve economic conditions in the City of Batavia; and

**WHEREAS**, the Batavia Development Corporation is staffed by an Economic Development Coordinator; and

**WHEREAS**, the grant provided funding for administrative services;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby designates the Batavia Development Corporation staff to administer the New York Main Street grant utilizing NY Main Street administrative funding to be reimbursed by New York State.

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the Batavia Development Corporation Board to review and make decisions on NY Main Street awards to individual applicants.

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

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**#6-2020**

**A RESOLUTION APPOINTING THE PART-TIME CITY COURT JUDGE**

**Motion of Councilmember Christian**

**WHEREAS**, Section 2104 of the Uniform City Court Act provides for the appointment of a City Court Judge who, in the temporary absence or inability of the City Judge, shall exercise all power of said Judge, and

**WHEREAS**, Section 2104(e)(1) (ii) and Section 2104(b)(3) of the Uniform City Court Act provides that the City Court Judge shall be appointed by Council and serve for a six (6) year term, and

**WHEREAS**, David J. Saleh will be appointed to this position on January 1, 2020 and their term as City Court Judge is due to expire on December 31, 2025.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that, David J. Saleh, a resident attorney, possessing the necessary qualifications, is hereby appointed to the position of City Court Judge, for a six year term commencing on January 1, 2020 and expiring on December 31, 2025, with all of the powers and authority granted by Local and State Law; and be it

**FURTHER RESOLVED** that this resolution shall be effective nunc pro tunc.

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

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

#### **Motion of Councilmember 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..."and;

**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..." and;

**WHEREAS**, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation..."and;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

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

There was a motion by Council President Jankowski to add collective bargaining matters to the executive session as well which was seconded by Councilmember Canale. Council approved the addition and entering executive session through the main vote.

Council entered executive session at 8:25 PM and exited at 10:16 PM.

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**Meeting adjourned at 10:17 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**