

CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 12, 2019

The regular business meeting of the City Council was held Tuesday, November 12, 2019 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, Viele, Canale, Christian, McGinnis, Karas, and Bialkowski.

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

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Viele led the Invocation and the Pledge of Allegiance.

The minutes from the October 2019 meetings and the September financials were approved

The Council President assigned the regular agenda items.

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Communications

Pizza 151 of Batavia submitted a liquor license application. There was no objection from the police department. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, November 25, 2019 at 7:00 p.m. in the City Hall Council Board Room, 2nd Floor, City Centre.

Council President Jankowski noted that the election results were not yet certified but would happen soon and then the City could accept resumes and applications for part-time city court judge. He also noted that Councilperson Karas would be on the mall steering committee.

Mr. Moore noted that Labella was chosen to help with a feasibility study, it's a way to allow a developer to come in, and ultimately to get mall properties back in the hands of private owners. He noted that the complete report has to be done by June 2020.

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City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on the same basic suite of matters but had also been working with the City Manager and police department on the significant changes coming regarding discovery and bail reform. He noted that there would be more discussion on those items at the November 25th meeting.

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City Manager's Report

Martin Moore, City Manager, noted that the fall leaf pickup schedule had been sent out and the City will switch back over to that schedule if the snow melts. He also noted that DPW did a great job dealing with the recent snow event.

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Committee Reports

Councilperson Pacino said that Christmas in the City would be held on December 7th from 2:00 – 6:00pm with the parade to follow. Councilperson Bialkowski noted that Batavia High School had a gathering on Friday for Veterans' Day and they did a stellar job. He noted that it was something new and wanted to recognize them for all of their efforts. Mr. Moore noted that the crime task force meeting went well and went through potential strategies that will be discussed at a future meeting. Regarding the deer committee, there were eight applications received and they would be reviewed with Councilpersons Pacino and Briggs. Council President Jankowski asked Mr. Moore to reach out to property owners who have a lot of deer so hopefully we can help them.

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Public Comments

Robert Cook, 172 Ross St, realized his neighbors at 174 Ross were problematic after he and his family moved in. He noted that they'd seen fights, drinking, etc and it impacted their comfort level at their own home. He explained that he wrote a letter to the property owner and received a letter back that was condescending and offered basically no help. Mr. Cook noted that he also reached out to Mr. Moore and Councilperson Pacino but hadn't received any assistance.

Donna Barrett submitted a letter concerned with the parking and traffic surrounding Van Detta Stadium. She suggested hiring a crossing guard and having security during the events. She also complained about the noise from construction and now from the PA system at the stadium. She asked that music be played at a reasonable noise level and play music that most people like.

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Council Responses to Public Comments

Mr. Moore noted that the City is trying to deal with landlord issues through the crime task force. He stated that Ross St had interest in forming a community group which allows better communication amongst neighbors. Councilperson Briggs felt we could speak with the landlords to see if they can speak to tenants about issues so they can stop. Councilperson Christian stated that it's not the owner but rather the tenants. Chief Heubusch noted that the police have gone to that house on a number of occasions but when there either the complainant is not there or no crime is happening. He noted that they would reach out to the property owner. Councilperson Bialkowski noted that he knows the owner and has known him to be a good landlord and Mr. Worth stated that there are not usually issues with the owner's properties regarding code issues. Councilperson Viele thought it was a disgrace and it seemed like the landlord didn't care. Council President Jankowski noted that if tenants are on public assistance they can be in jeopardy of losing those funds. He noted there is safety in numbers and suggested using a neighborhood watch.

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Unfinished Business

Councilperson Christian asked when the meetings were televised and was told at 9:00am on Wednesdays and 8:00pm on Fridays. She also thanked Mr. Worth for taking down branches in front of the theatre marquee so it could be seen.

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#123-2019

A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED WATER SUPPLY AGREEMENT WITH THE COUNTY OF GENESEE

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia and County of Genesee entered into a lease agreement dated November 20, 2000 which was extended and renewed on December 31, 2007, on June 19, 2017, and again on December 13, 2018 for the lease of the City's Water Treatment Plant, water supply facilities and water transmission system ("the Facilities") to the County and the supply by the County of Genesee water to the City; and

WHEREAS, the current term of the lease is through December 31, 2019, but the City and County have agreed to extend the lease through December 31, 2029; and

WHEREAS, the parties now wish to extend the Water Supply Agreement through December 31, 2059; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the President of City Council to execute an Amended and Restated Water Supply Agreement for a term from January 1, 2020 through December 31, 2059.

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

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#124-2019

**A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED LEASE
WITH THE COUNTY OF GENESEE FOR WATER TREATMENT FACILITIES**

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia and the County of Genesee entered into a lease agreement dated November 20, 2000 which was extended and renewed on December 31, 2007, on June 19, 2017, and again on December 13, 2018 for the lease by the County of the City's water treatment plant, water supply facilities and water transmission system (the "Facilities"), and

WHEREAS, the current term of the lease agreement is through December 31, 2019,

WHEREAS, the City and County have agreed to extend the Sales Tax Allocation Agreement and Water Supply Operation and Maintenance agreement through December 31, 2059; and

WHEREAS, the parties now wish to extend the lease agreement through December 31, 2029; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the President of City Council to execute a Second Amended and Restated Lease Agreement for the Facilities for a term beginning January 1, 2020 through December 31, 2029.

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

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#125-2019
A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED
OPERATION AND MAINTENANCE AGREEMENT FOR THE
WATER TREATMENT PLANT

Motion of Councilperson Viele

WHEREAS, the City of Batavia and the County of Genesee have previously entered into a Lease Agreement for the lease by the County of the City's water treatment plant, water supply facilities and water transmission system; and

WHEREAS, the parties agreed to extend and renew the original Lease Agreement and enter a new Lease Agreement through December 31, 2020; and

WHEREAS, the parties wish to extend said Amended and Restated Operation and Maintenance Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the President of City Council to execute a Second Amended and Restated Maintenance Agreement with the County of Genesee for a term beginning January 1, 2020 through December 31, 2029.

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...".

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 Councilperson McGinnis and on roll call approved 9-0.

Council entered executive session at 7:35 pm and ended at 8:24pm.

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Meeting adjourned at 8:25 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**