

CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 9, 2020

The regular business meeting of the City Council was held Monday, November 9, 2020 at 7:20 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Pro-Tem Viele presiding. (delay in start time due to building evacuation for natural gas smell)

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

Management staff attended via conference call.

Council President Pro-Tem Viele called the meeting to order at 7:00 PM. Councilmember Bialkowski read a statement about the late Honorable Judge David Saleh, observed a moment of silence, and led the Pledge of Allegiance.

The minutes from the October 2020 meetings and the September 2020 financials were approved.

The Council President Pro-Tem assigned the regular agenda items.

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Communications

None.

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Council President's Report

Council President Pro-Tem Viele announced that the next City Council Conference Meeting would be held on Monday, November 23, 2020 at 7:00pm at City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

George Van Nest, City Attorney, noted that he had nothing specific to report.

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City Manager's Report

Rachael Tabelski, Acting City Manager, noted that there has been a rise in the number of COVID cases and she appreciated the extra measures taken at the meeting tonight for everyone's safety. She noted that a majority of Monroe and Erie County were in the yellow zone and wasn't sure if Genesee County would be moving into yellow in the near future. Mrs. Tabelski noted that the City Centre feasibility study should be finishing in the next few weeks and the police station feasibility study was under way for Alva Place. She stated that she has been working with departments on other projects as well and Ellicott Station was looking to close in December and then start construction. She noted that there had been a few more police advisory stakeholder group meetings and was working on the pandemic plan due next year.

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Committee Reports

Councilmember Pacino noted that the scarecrow contest was done and Eli Fish was the winner. She stated that Christmas in the City was scheduled for December 5th with a parade as well.

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Public Comments

Paula Fischer, 104 Naramore Dr, noted that she has been on the City Youth Board for over 10 years and that Batavia is a great place because of all the activities provided. She noted that the Youth Bureau was more than summer rec and that they also have the Community Garden, National Night Out, the youth center was now at the Liberty Center for Youth, and have a partnership with ARC, City Schools, and the YMCA. She would like to work together to address the budget during these trying times without decimating the youth bureau.

David Twichell, 166 Summit St, stated that he was the youth board president and invited Council to cooperate with the youth board to help guide the process. He felt there was some disconnect between the youth board and the Council and noted that they have a lot of ideas that they would love to share and wanted to work together.

Andrew Fischer, 104 Naramore Dr, noted that he was a youth board member previously and worked with the summer rec program. He noted that a lot of the youth programs were a great way for the youth to interact with each other and with the staff that ran the summer rec. He noted they taught him a lot too, he heard about the youth services changing, and it didn't sit right with him. He stated that it didn't make sense to cut a lot of services just because we are going through hard times.

Sammy DiSalvo, 111 Main St, noted that he had seen a lack of communication from elected officials and Council and stated that they were supposed to represent and listen to the citizens. He felt that it was a disgrace that a citizen was not responded to in a public forum (when they made a public comment), noted people still don't want the mall, and asked why committees were being ignored. He noted that on the organizational chart the citizens are at the top. He told Council they should start communicating better with citizens.

John Roach, 116 Grandview Ter, felt that Council did listen and the citizens voiced that in the election. He noted that the farmer's market was at Alva Place at the discretion of Council, putting the police department there was not the first choice, but suggested the market move into JC Penneys. He asked why should the City have to foot the bill to move the police department location because the market wants to stay there. He noted that the market is nice but wherever it is, someone is going to have to walk a little bit and, no matter where you put it, not everyone is going to be happy. He suggested that Council put the police department on property that the City already owns.

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Council Responses to Public Comments

Councilmember McGinnis, Council member of the youth board, noted that on November 4th, the youth board sent a letter to the editor, he never received a copy of the letter, and didn't know about it until it was already out. He suggested making sure everyone on the board knows about it or it looks bad with differing ideas being shared. He suggested they speak from a unified voice. Councilmember Christian asked how many kids attended the Liberty Center. Mrs. Tabelski noted that it was between 30-50, we have a partnership with the YMCA for the Center to provide staff, and we don't have staff at the youth bureau right now except for the contracted director. Councilmember Christian asked why we can't have it open when we can go to Walmart and other stores and we can be here at this meeting. Mrs. Tabelski noted that to recognize savings and to keep the services, or receive even better services, the City was looking into working with the YMCA. Councilmember Canale noted that he grew up every day as a kid at the youth bureau and has no intention of decreasing services the youth bureau offers. He suggested people not believe everything they read and Council has had no discussion about this yet. He noted that Mrs. Sikorski came to the City to discontinue her contract and no decision had been made. He explained that Mrs. Tabelski had approached the YMCA to see what they could offer and see if they could maybe offer better services. He noted that Council would look to the advisory board to see what they thought and maybe it was time to look at reopening the youth center. He noted that he took offense to the suggestion that Council didn't listen to the citizens. Councilmember Canale noted that he listens to the people that call him and e-mail him, he doesn't go by what he sees on social media and was pretty sure his colleagues did the same. He stated that we listen, we respond when we have an answer to public comments, we make decisions that are best for the City of Batavia and we don't do it lightly. He noted that the City of Batavia is in very good shape and in a healthy position. Council President Pro-Tem Viele noted that he agreed with Councilmember Canale and asked why we would buy another piece of land for the police department. He told Mr. DiSalvo that he didn't have a clue what we did and he was all for the youth. Councilmember Briggs noted that

she took offense to being told we don't listen and she gets calls Monday through Sunday and, at times, went to their homes to talk. She said it was appalling to her to hear that. Councilmember Bialkowski noted that he spent three hours on the phone the day before and two hours today talking about issues. He noted that Council sets policy, we don't run the day-to-day operations, and if we make the wrong decision, then we won't be here in the future. He noted that Alva Place was in the strategic plan, the farmer's market didn't have a lease on the property, and we haven't been ignoring that. He noted that we looked at several other properties for the police department, we have a piece of land, and we aren't going to spend money for a new spot. He also noted that we need to include committees in our decision making. Councilmember McGinnis noted that he spent two hours over tea with Beth Carr at his house discussing the farmer's market. He noted that people don't realize, or refuse to believe, that we meet with our constituents in private, on our own time, and don't publish it in the news. He noted that they are one-on-one conversations and we don't give immediate responses because we want to think first. Mrs. Tabelski noted that she preferred to have the youth services discussions in a committee setting and asked board members to speak up at those meetings because she was under the impression they all agreed with her plans. Councilmember Pacino noted that Mr. DiSalvo had every right to say what he said and suggested everyone let it roll off their back. She noted that she listens to everyone and thought maybe Council could offer suggestions on the farmer's market.

Unfinished Business

None.

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#75-2020

A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") AND ISSUING A NEGATIVE DECLARATION

Motion of Councilmember Canale

WHEREAS, the City of Batavia has proposed to amend the Batavia Municipal Code §190-15, and §190-37 to include public garages in I-1; and

WHEREAS, this amendment of the City's zoning ordinance Section §190-15, and §190-37, is UNLISTED action under SEQR; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR §617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City's Batavia Municipal Code; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR §617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to Chapter 190; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia, having reviewed the SEQR environmental assessment form and supporting documents hereby issues a negative declaration on this unlisted action in accordance with 6 NYCRR §617.6; and

BE IT FURTHER RESOLVED, the City Council does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

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

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#76-2020

**A RESOLUTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 190
ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND
I-1 INDUSTRIAL ZONE TO INCLUDED
PUBLIC GARAGE BUSINESS WITH SPECIAL USE PERMITS**

Motion of Councilmember McGinnis

BE IT RESOLVED that a proposed Ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND I-1 TO INCLUDED PUBLIC GARAGE BUSINESSES BY A SPECIAL USE PERMIT IN THE CITY OF BATAVIA**” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED that the City Council held a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, October 26, 2020; and

BE IT FURTHER RESOLVED that the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto; and

BE IT FURTHER RESOLVED that the City Council Adopts Ordinance #-2020 entitled an Ordinance Amending Chapter 190 Entitled “Zoning” of the City of Batavia Municipal Code to amend I-1 to include public garage businesses by a special use permit in the City of Batavia.

Seconded by Councilmember Christian and roll call approved 8-0.

ORDINANCE #2-2020

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO INCLUDE PUBLIC GARAGES IN AN I-1 DISTRICT

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

SECTION 1.

190-15. I-1 Industrial Districts

- C. Uses permitted by special use permit.
 - (1) Junkyards, salvage and scrap processing, outside storage.
 - (2) Uses which may cause a danger to the public due to the hazards of fire and explosion.
 - (3) Automobile service stations.
 - (4) Live/work units. Live/work units must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
 - (5) Brew pub, micro brewery. Brew pubs and micro breweries must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
 - (6) Public storage rental units/buildings with or without outside storage.
 - (7) **Public garages for the storage, adjustment or repair of motor vehicles.**

190-37. Special Use Permits.

E. Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or **garages for the storage, adjustment or repair of motor vehicles**, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion, may be permitted by special use permit in C-2, 1-1 and 1-2 Districts, provided that:

- (1) **A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height, and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.**
- (2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:
 - (a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.
 - (b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.
 - (c) Maximum lot coverage of 20%.
 - (d) Maximum building height of one story or 18 feet.

(3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.

(4) The entire area of the site traveled by motor vehicles shall be hard surfaced.

(5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.

(6) Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.

(7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.

(8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.

(9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.

(10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.

(11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.

(12) The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.

(13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.

(14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed

in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.

K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter.

[Added 11-9-1998]

- (1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.**
- (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.**
- (3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.**
- (4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.**
- (5) When a commercial or industrial special use abuts a residential property the Planning and Development Committee may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.**
- (6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.**
- (7) The proposed use shall meet the off-street parking and loading requirements of similar uses.**
- (8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.**
- (9) Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.**
- (10) Such use shall be attractively landscaped.**
- (11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.**
- (12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.**
- (13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for any such use,**

establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.

(14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.

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#77-2020

**A RESOLUTION ACCEPTING PUBLIC DEDICATION OF CAROLWOOD DRIVE
EXTENTION ALSO KNOWN AS CLINTON GARDENS SUBDIVISION PART 21A**

Motion of Councilmember Pacino

WHEREAS, Batavia Homes and Development have constructed the infrastructure for Clinton Gardens Subdivision Part 21A; and

WHEREAS, The City of Batavia Planning and Development Committee has approved the Clinton Gardens Subdivision Part 21A; and

WHEREAS, the City has been provided with the record drawings and operation documents for Clinton Gardens Subdivision Part 21A from Batavia Homes and Development; and

WHEREAS, The City has inspected the installation and the utilities were constructed per the City of Batavia's specifications.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia determines it to be in the best interest for the City of Batavia to accept dedication of Carolwood Drive as per Clinton Gardens Subdivision Part 21A; and

BE IT FURTHER RESOLVED that the City Council of the City of Batavia shall fully accept the dedication of Clinton Gardens Subdivision Part 21A for public use as described above and all associated appurtenances.

Seconded by Councilmember Christian and roll call approved 8-0.

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#78-2020

**A RESOLUTION FOR APPROVAL OF CONTRACT INCREASE FOR ELLICOTT
TRAIL PROJECT**

Motion of Councilmember Briggs

WHEREAS, on March 14, 2016 the City of Batavia City Council approved an inter-municipal agreement to split the local cost share of the Ellicott Trail project; and

WHEREAS, the City's original share was \$170,750 which was appropriated and assigned to be paid from the City's Committed Fund Balance; and

WHEREAS, it was determined that there was a contract increase needing to be resolved; and

WHEREAS, The City has a large enough balance in CHIPS monies to cover the increase.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Batavia is hereby approved that the City's portion of the contract increase in the amount of \$26,013 will be paid with CHIPS monies.

Seconded by Councilmember Bialkowski and on roll call approved 7-1. Councilmember Christian voted no.

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#79-2020

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH NEW WAVE ENERGY CORPORATION FOR THE PURCHASE OF NATURAL GAS

Motion of Councilmember McGinnis

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of Natural Gas for 2020-23; and

WHEREAS, two (2) bids were received on October 1, 2020, and New Wave Energy Corporation was the lowest responsible bidder at \$3.28 per dekatherm.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a contract is hereby awarded to New Wave Energy Corporation for the purchase of natural gas for city buildings.

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

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#80-2020

A RESOLUTION AMENDING THE 2020-21 GENERAL FUND BUDGET TO RECOGNIZE NATIONAL GRID URBAN CORRIDOR GRANT FUNDS ON BEHALF OF SAVARINO COMPANIES LLC. AND THE ELLICOTT STATION PROJECT

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia City Council approved a resolution in 2018 to entered into a grant disbursement agreement with National Grid for a grant of up to \$250,000 for the Ellicott Trail Urban Corridor Project located in the City of Batavia; and

WHEREAS, The City also entered into an undertaking agreement with Savarino Companies to perform public improvements on the Ellicott Station development property consisting of lighting, landscaping, seating, parking; and

WHEREAS, The City needs to amend the general fund budget to recognize the revenue and expense related to this project.

NOW, THEREFORE BE IT RESOLVED, That the city of Batavia City Council hereby authorizes the City Manager is hereby authorized to amend the 2020-2021 budget as set forth below.

Effective November 10, 2020 amend the general fund budget:

Increase expenditure account

Expense: A.01.6460 423 Project 423 Community Development – Contract services \$250,000

Increase revenue accounts

Revenue: A.00.0000.0000 2705 Project 201193 – Donations \$250,000

Seconded by Councilmember Briggs and on roll call approved 7-1. Councilmember Christian voted no.

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#81-2020

A RESOLUTION AUTHORIZING THE ADOPTION OF THE LGS-1 RETENTION AND DISPOSITION SCHEDULE

Motion of Councilmember Canale

WHEREAS, the Schedule MU-1, which was adopted by City Council on February 13, 1989, is expiring on December 31, 2020; and

WHEREAS, the Schedule MU-1 was the retention and disposition schedule used by cities, towns, villages, and fire districts; and

WHEREAS, the LGS-1 Retention and Disposition Schedule issued by the New York State Archives has replaced the MU-1 and will be used once adopted;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and

BE IT FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

WHEREAS, the City of Batavia Youth Bureau has received a grant in the amount of \$6,000.00 for award period October 1, 2020 through April 30, 2021 from the Batavia Rotary Club & The Rotary Foundation to provide assistance to expand outdoor recreation and STEM education; and

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

WHEREAS, the City will gift all equipment from this grant to the Genesee County Parks who will assist in the maintenance and storage of program equipment once purchased.

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 2020-2021 budgets effective November 9, 2020 to cover various purchases:

Increase Revenue line:

000.0000.0000.2705	\$6,000.00
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Increase Expense lines:

001.7310.0201	\$1,680.00
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001.7310.0401	\$4,320.00
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Seconded by Councilmember Karas and on roll call approved 7-1. Councilmember Bialkowski voted no.

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#84-2020

**A RESOLUTION ENTERING INTO AN AGREEMENT FOR APPLICATION
SOFTWARE AND SUPPORT SERVICES WITH TYLER TECHNOLOGIES FOR
ENERGOV SOFTWARE**

Motion of Councilmember Pacino

WHEREAS, the City of Batavia City Council has previously approved the purchase and installation of computer software to implement an integrated enterprise resource planning (ERP) system to utilize best practices, automated workflow, project management tools and other suitable applications; and

WHEREAS, the City completed a procurement process in conjunction with its consultants to purchase the software that would best fit the City's needs; and

WHEREAS, the City anticipates that EnerGov, a planning, permitting and licensing software will be used primarily by the Department of Public Works Bureau of Inspection to automate and connect critical processes, streamline workflow, improve communication, and increase productivity from desk to the field.

WHEREAS, the City has committed the necessary funds for the purchase, installation, interface and implementation of the EnerGov software system; and

WHEREAS, the City will purchase the EnerGov software at an amount not to exceed \$195,195, as part of the ERP Capital Project; and

WHEREAS, the ongoing maintenance and support for the software will be budgeted for annually.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, approves the purchase of planning and permitting software from Tyler Technologies and authorizes the Council President to sign the Agreement for Application Software and Support Services.

Seconded by councilmember Briggs 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)(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. Council entered executive session at 8:30 PM and ended at 8:44 PM.

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Meeting adjourned at 8:44 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**