

CITY OF BATAVIA

BUSINESS MINUTES

JUNE 11, 2018

The regular business meeting of the City Council was held Monday, June 11, 2018 at 8:50 PM immediately following the special conference meeting 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, McGinnis, Tabelski, Canale, Bialkowski, Christian, and Viele.

Council President Jankowski called the meeting to order at 8:50 PM. The Lord's Prayer and the Pledge of Allegiance were done at the beginning of the special conference meeting.

The minutes from the May 2018 meetings and the April 2018 financials were approved.

The Council President assigned the regular agenda items.

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Communications

A proclamation was presented to retired firefighter Jeffery Stevens noting that he began in 1998 and became a mentor to fire employees. He was a positive role model and a calming presence at the fire department. The proclamation was presented with sincere thanks for his dedicated service to the community and he was wished well in his retirement.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, June 25, 2018 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

David Fitch, Acting City Attorney, noted they continued to work on a variety of projects.

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City Manager's Report

Matt Worth, Interim City Manager, noted that, in response to a question from last meeting, some properties that were being surplus had calls for service but nothing of a serious nature.

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Committee Reports

Councilperson Pacino handed out the spreadsheet for the Picnic in the Park expenses and noted that there were 14 people working on the picnic this year instead of just one as in the past.

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Public Comments

Eric Soluste, 5 Walnut St, noted that he came to Council with trespassing concerns and he is having the same issue with people trespassing behind his house because his original request to put a fence from the creek's edge to the foot bridge with a sign saying it was private property was denied. He noted that he would submit the request again and if denied again he would want to know why since the City doesn't own his property or have an easement and he will continue to call the police every time someone is on his property.

John Roach, 116 Grandview Ter, told Council to buy the cameras and he was in favor of the MRAP vehicle. He felt it was a great tool to help. He wondered if the police got the new vehicle where it would be parked considering the parking conditions at the current station.

Kathy Owen, 2 Redfield Parkway, was dismayed that the estimate for the Redfield Pillars was released publicly before all the background was available. She didn't think the City should neglect its property when property owners are required to maintain theirs. Ms. Owen said the pillars were there when Redfield was a dirt road and a special assessment wasn't fair. She noted that the Redfield Association has done many things for the community and asked Council to not allow neglect of anymore of the community's history.

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Council Responses to Public Comments

Councilperson Viele asked what could be done to help Mr. Soluste. Mr. Worth noted he would need to talk to code enforcement to see what's available. Councilperson Canale remembered when Mr. Soluste came in four years ago and wondered why whatever we did, if anything, it wasn't effective. Councilperson Pacino agreed that once the pillars are gone they are gone, Council is looking into it and trying to figure out how to get it done.

Councilperson McGinnis asked to have Mr. Worth set aside time for discussion at the next meeting so he can explain in more detail.

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Unfinished Business

None.

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#48-2018

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Community Garden

Matthew Gray

December 31, 2021

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

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#54-2018

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 Pacino

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 Viele and on roll call approved 9-0.

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#55-2018

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

Motion of Councilperson McGinnis

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 Bialkowski and on roll call approved 9-0.

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#56-2018
A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS

Motion of Councilperson Viele

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
001.1325.0472.0000	Tax Foreclosure Expense	\$ 3,966.74

by decreasing expense account:

001.1990.0500.0000	General Fund Contingency	\$125,000.00
001.7110.0100.0000	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
001.1310.0423.0000	Finance Contract Services	\$ 3,966.74

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

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#57-2018

**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 Tabelski

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 Christian and on roll call approved 9-0.

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#58-2018

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 Briggs

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 Pacino and on roll call approved 8-1. Councilperson Bialkowski voted no.

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#59-2018

A RESOLUTION TO COMMIT CDBG PROGRAM INCOME TO EXPAND BROOKLYN AVENUE PROJECT TO INCLUDE STORMWATER IMPROVEMENTS

Motion of Councilperson Canale

WHEREAS, the City of Batavia is in possession of \$40,109.66 of CDBG program income received from various CDBG projects such as microenterprise programs, economic development programs, and housing rehabilitation programs stemming from repayments of loans or grants; and

WHEREAS, the New York State Office of Community Renewal advised the City in March, 2018 of a policy change to CDBG Program Income Guidelines where the City is required to report all program income receipts in their possession by May 31, 2018; and

WHEREAS, New York State is requiring these funds be returned to the state by March 31, 2019 if the City does not commit the funds to a CDBG eligible activity, approved by NYS Office of Community Renewal, by April 30, 2019; and

WHEREAS, any program income received that is not committed will be used to offset CDBG grant reimbursement requests submitted by the City; and

WHEREAS, New York State Office of Community Renewal has approved this use of this program income to expand the scope of the Brooklyn Avenue watermain project to include the installation of a larger culvert pipe in Williams Park, adjacent to Brooklyn Avenue, and a flood control gate on the Brooklyn Avenue storm sewer system to better allow utilization of Williams Park after storm events and help protect Brooklyn Avenue residents during high water events.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia commit \$40,109.66 of CDBG program income to expand the Brooklyn Avenue watermain project to include stormwater improvements to Williams Park, adjacent to Brooklyn Avenue.

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

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#60-2018

**A RESOLUTION TRANSFERRING \$20,000 FROM UNASSIGNED FUND BALANCE
TO COMMITTED FUND BALANCE TO PURCHASE AND INSTALL
NEIGHBORHOOD MOBILE CAMERAS**

Motion of Councilperson Viele

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2018 has unassigned General Fund balance for funding various capital projects; and

WHEREAS, recent events have focused attention on efforts in community policing and after careful consideration it is recommended that existing strategies be utilized and accelerated to increase efficiencies with existing staff; and

WHEREAS, the current neighborhood mobile camera in the City's possession has demonstrated success and has had a positive impact in the neighborhood where it was installed and, because of this, the City's current 17/18 fiscal year budget includes the purchase of an additional camera; and

WHEREAS, the City of Batavia Chief of Police is requesting the City purchase an additional three cameras at a cost of \$28,000 using \$3,000 in existing budget funds, \$5,000 in drug forfeiture funds and \$20,000 in Committed Fund Balance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$20,000 from the unassigned General Fund balance to Committed fund balance; and

BE IT FURTHER RESOLVED, that the transfer of funds to Committed fund balance is consistent with the City's Strategic Plan.

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

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Meeting adjourned at 9:18 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**