

CITY OF BATAVIA

BUSINESS MINUTES

MAY 11, 2020

The regular business meeting of the City Council was held Monday, May 11, 2020 with Council President Jankowski presiding. The meeting was held via Zoom video conference due to restrictions from the COVID-19 pandemic.

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

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

Council President Jankowski called the meeting to order at 7:00 PM.

The Invocation and Pledge of Allegiance were led by Councilmember Karas.

The minutes from the April 2020 meeting and the March financials were approved

The Council President assigned the regular agenda items.

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Communications

A continuation of the discussion of the Genesee Country Farmer's Market application took place. Councilmember Canale stated that some restaurants were concerned that prepared food vendors were taking business away from the downtown restaurants. Councilmember Bialkowski asked how much of the parking lot was being used, who the other board members were, and how much vendors were paying to be members. Mr. Van Nest noted that we look at location, any cost to the City, and if insurance is provided. He said that this isn't how we have dealt with event applications in the past and, as long as it's legal and in accordance with our process, we approve. He was concerned that we were treating this application different than all others. Council President Jankowski felt that Mrs. Kemp, BID Director, would address concerns of downtown restaurants since she is on the board of the farmer's market. He didn't think we could deny this application but approve others. Councilmember Pacino felt that if downtown business owners were concerned then they should take those concerns to the BID. Council President Jankowski suggested having Mr. Moore work with the BID since he is on their board to limit food truck locations downtown so not near the restaurants. Councilmember Christian felt that it's competition and think we are opening Pandora's box if we do this. She stated that no one makes anyone go to a food truck and it's just good competition. Councilmember McGinnis felt we needed to stay out of it. Mr. Van Nest stated that we would have to do a local law change if we want to change the City code. Council approved the application.

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Council President's Report

Council President Jankowski announced that the next City Council Conference Meeting would be held on Tuesday, May 26, 2020 at 7:00pm during a Zoom video conference meeting.

Council President Jankowski asked when Council should start having in-person meetings again and how it would be done. He noted that the chambers would have to be rearranged and we would have to wear masks. Councilmember Christian voted to postpone holding live meetings for one more time and asked why take the chance of all getting together if we don't need to. Councilmember Briggs agreed and stated that that would give City Hall more time to get ready for such meeting. Councilmember McGinnis felt the virtual meetings needed to end and he was tired of these phone conversations. (note – Councilmembers McGinnis and Briggs are the only two who are phone only and are not on video) Council President Jankowski noted that a majority of Council wanted to wait one more meeting before coming back in person. Councilmember Pacino felt it was fair to wait if some of the councilmembers are concerned. Council President Jankowski also felt we would have more answers by June. Mrs. Tabelski noted that there were other ways to conduct meetings as well and could check with Mr. Van Nest on those other options.

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City Attorney's Report

George Van Nest, City Attorney, noted that there was nothing specific to report and they had been working on COVID-19 projects as they came up.

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City Manager's Report

Martin Moore, City Manager, noted that Mr. Worth had an announcement from the previous meeting to share first. Mr. Worth reminded Council that at the last meeting they had proposed the selection of an engineer but couldn't announce the name yet but could now and informed Council of who they intended to hire. Mr. Worth noted they had done work for the City before.

Mr. Moore noted that Council had received a copy of the memo sent to City employees about how we were handling the financial situation, had talked with staff, and projected the worst case would be a loss of approximately \$2.6 million in revenue. He noted that sales tax was 26% less than this time last year, have eliminated some services, and looking at what is best for the City. He noted that there were some employees identified for furlough, a big chunk of our revenue comes in during May, and working on capital planning and use of reserves. He noted that there are more strings attached with reserves so that will

be a separate conversation. Mr. Moore stated that they were working on cash flows for general, water, and sewer funds and hoping for some reimbursement on Covid-19 purchases. He noted that any VLT money we receive would be a bonus since it's not in the budget. He explained that he hadn't had to hit the core services of police, fire and public works but it was a challenge and would discuss layoffs of permanent employees with union reps if or when needed and it has at least been brought up with them already.

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Committee Reports

Councilmember Pacino stated that Beertavia and the Jackson Square Concerts have been cancelled. Councilmember Bialkowski noted that the Memorial Day parade was also cancelled. He also warned that there are a lot of hackers out there right now so be careful when opening e-mails.

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Unfinished Business

Councilmember Christian noted that a couple on Osterhout has a neighbor who is feeding birds and squirrels and the birds are making a mess of the couple's property. She noted they have six bird feeding stands and asked what we could do for this situation. Mr. Moore noted that he was following up and going to contact DEC for guidance. Council President Jankowski felt it was a code issue so Mr. Moore would look into it and get back on it.

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#38-2020

A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilmember Canale

WHEREAS, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

WHEREAS, the City Council last adopted its Purchasing Manual on March 11, 2019; and

WHEREAS, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

WHEREAS, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

NOW THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

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

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#39-2020

**A RESOLUTION AUTHORIZING AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR
PRELIMINARY ENGINEERING, DESIGN AND ROW INCIDENTALS FOR THE
CITY OF BATAVIA, HIGHWAY PREVENTIVE MAINTENANCE (HARVESTER AND
RICHMOND)**

Motion of Councilmember Bialkowski

WHEREAS, a project for the preventive maintenance of two streets Harvester Avenue from NYS Routes 5/33 to NYS Route 63, and Richmond Avenue from Oak Street to State Street, City of Batavia, Genesee County, P.I.N. 4761.01 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering, Design and Right of Way Incidentals; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share of the cost of Preliminary Engineering, Design and Right of Way Incidentals for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$358,900 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

BE IT FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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Meeting adjourned at 8:07 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**