

CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 14, 2020

The regular business meeting of the City Council was held Monday, September 14, 2020 in the Council Chambers immediately following the conference meeting, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

Council President Jankowski called the meeting to order at 8:20 PM.

The minutes from the August 2020 meetings and the June 2020 financials were approved.

The Council President assigned the regular agenda items.

* * *

City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on a variety of matters but these was nothing specific to report.

* * *

City Manager's Report

Rachael Tabelski, City Manager, discussed the mall roof project which was complete, the minor league baseball contract that was expected to be renewed, the ice rink was expected to open around October 5th with Covid guidelines and the police group was scheduled to meet next week which would hopefully foster better community relationships. Mrs. Tabelski noted that the City had to create a pandemic response plan and were still working on the ERP project to get the other platforms up and running. She noted that leaf pickup would begin around mid-October, there would be a City Centre feasibility study review and open house on September 22nd at 6:00pm, and reviewed the status of DRI projects.

* * *

Committee Reports

Councilmember Pacino noted that the BID was doing scarecrows again to go up downtown and they were working on downtown bingo and installing two car charging stations. She noted they were also working on the wi-fi project.

* * *

Unfinished Business

None.

* * *

New Business

#62-2020

A RESOLUTION TO APPROVE THE CITY OF BATAVIA DEER MANAGEMENT PLAN

Motion of Councilmember Canale

WHEREAS, the Council formed a Deer Management Plan Committee in November, 2019 and tasked the committee with exploring ways to reduce the deer population, property damage to residential landscape and garden plants, deer-human interactions, deer-vehicle accidents and tick-borne diseases such as Lyme disease in the City of Batavia; and

WHEREAS, the Deer Committee met several times and worked directly with a Department of Environmental Conservationist (DEC) Wildlife Biologist, the City Manager, City Attorney, and a City Council representative to draft a plan to address deer issues occurring in the City of Batavia; and

WHEREAS, the plan provides for a bow-hunt culling operation, managed by the Batavia Police Department, to reduce the deer population in the City of Batavia by 60 deer annually; and

WHEREAS, the plan also provides a streamlined program experience and ensures programmatic compliance, program metric tracking, and City Council program review on an annual basis; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby approves the Deer Management Plan.

Seconded by Councilmember McGinnis and on roll call approved 6-2. Councilmembers Christian and Bialkowski voted no.

Discussion – Councilmember Bialkowski had concerns that there had been amendments that had not gone through a conference meeting first so made a motion to table. Motion was seconded by Councilmember Christian and on roll call, failed 2-6. Councilmembers Bialkowski and Christian were the only ones in favor of tabling the resolution. Councilmember Canale noted that many issues come up and we can kick the can down the road but there was a committee who worked a long time to come up with a great plan. He noted that it still needed to go through the City Manager to put management's perspective on it so it could be run by the City. He explained that all of Council received the revisions, the school issue was addressed in the plan and the police would monitor the plan. Councilmember Canale didn't want to kick the plan down the road any further and stated that we would approve and implement when we felt it was safe. Councilmember Pacino

noted that she was concerned with the dismissal of schools. Council President Jankowski noted that one of the changes was the wording from committee to City Manager / Police Department which was good because he was concerned with a volunteer committee running the program for three years. He noted that he didn't care who killed the deer as long as they were killed. He also noted that he was concerned that the son of a former committee member knew things about landowner's intentions before any City employees did. He explained that the plan puts the police in charge and would be about \$4,000 - \$5,000 per year in overtime for the police department. Chief Heubusch noted that he would contact the Irondequoit PD to see how they work the program and it is a lot of work so there would be overtime. Councilmember Canale noted that if we don't get into the woods this fall we could implement phase 2 but we need a plan. He stated that Sam DiSalvo Sr went to the Irondequoit PD and thought they had a great plan, it's a much safer plan using the police department and the changes Mrs. Tabelski made, made the plan better. Mr. Van Nest noted that he reached out to the Irondequoit PD who were also concerned with the school situation, they were favorable with their plan and the DEC supported the plan as well. Council President Jankowski made a motion to add that antlerless deer only could be hunted on City property. The motion was seconded by Councilmember Bialkowski and on roll call, approved 7-1. Councilmember McGinnis abstained. Mr. Van Nest noted that the City could restrict the type of deer and private properties could be encouraged to restrict but not mandated.

* * *

#63-2020

A RESOLUTION TO AMEND THE 2020-2021 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A FEMA ASSISTANCE TO FIREFIGHTERS GRANT, IN THE AMOUNT OF \$68,880.95.

Motion of Councilmember McGinnis

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$68,880.95 for Award period August 13, 2018 through November 6, 2019 from the Federal Emergency Management Agency (FEMA) for the purchase of:

- Addition of monitored fire and carbon monoxide alarm system throughout the complete building including living spaces, storage, offices and fire apparatus bays; and
- Installation of a sprinkler fire protection system throughout the complete building including living spaces, storage, office and fire apparatus bays; and
- Specialize water rescue training including all associated costs for materials and labor; 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 Manager is authorized to make the following budget amendment to the 2020-2021 budgets effective September 30, 2020 to cover various details and equipment purchases:

Increase revenue account:	
A.00.0000.0000 4389	\$68,880.95

Increase expense account:	
A.05.3410.3410 435	\$17,325.00
A.01.9901 900	\$55,000.00

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

* * *

#64-2020

A RESOLUTION TO AMEND THE 2020-2021 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A FM GLOBALFIRE INVESTIGATION EQUIPMENT GRANT, IN THE AMOUNT OF \$1,638.00

Motion of Councilmember Karas

WHEREAS, the City of Batavia Fire Department has received a fire prevention donation from FM Global in the amount of \$1,638.00 from the FM Global related to improving fire prevention and investigation services within the City of Batavia Fire Department.

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 Manager is authorized to make the following budget amendment to the 2020-2021 budgets effective August 10, 2020 to cover various fire investigation equipment purchases:

Increase revenue accounts:	
A.00.0000.0000 2750	\$1,638.00

Increase expense accounts:	
A.05.3410.3410 201	\$1,638.00

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

* * *

#65-2020

A RESOLUTION TO AMEND THE 2020-2021 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A BICYCLE AND PEDISTRIAN SAFETY GRANT IN THE AMOUNT OF \$800.00

Motion of Councilmember Pacino

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$800.00 for Award period October 1, 2020 through September 30, 2021 from the New York State Governor's Traffic Safety Committee related to bicycle and pedestrian safety for increased bicycle safety training and bicycle helmet distribution to the community in an effort to reduce serious injury and death to children; 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 Manager is authorized to make the following budget amendment to the 2020-2021 budgets effective September 30, 2020 to cover various Bike Program details, equipment purchases:

Increase revenue accounts:	
A.00.0000.0000 3389	\$800.00
Increase expense accounts:	
A.05.3410.3410 201	\$700.00
Increase expense accounts:	
A.05.3410.3410 401	\$100.00

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

* * *

#66-2020

A RESOLUTION TO AMEND THE 2020-2021 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$3,500

Motion of Councilmember Briggs

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of 3,500.00 for Award period October 1, 2020 through September 30, 2021 from the New York State Governor's Traffic Safety Committee related to Car Seat Safety for increased child passenger safety and proper installation training of caregivers in an effort to reduce serious injury and death to children; 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 Manager is authorized to make the following budget amendment to the 2020-2021 budgets effective September 30, 2020 to cover various Car Seat Program details, equipment purchases:

Increase revenue accounts:
A.00.0000.0000 3389 \$3,500.00

Increase expense accounts:
A.05.3410.3410 201 \$1,300.00

Increase expense accounts:
A.05.3410.3410 435 \$1,900.00

Increase expense accounts:
A.05.3410.340 401 \$ 300.00

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

* * *

#67-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE PURCHASE AND FINANCING, BY THE ISSUANCE OF
SERIAL BONDS, OF A JET-VACUUM TRUCK FOR USE IN THE CITY'S SANITARY
SEWER SYSTEM, WATER SYSTEM, STORM SEWER SYSTEM AND HIGHWAY
MAINTENANCE OPERATIONS AND AUTHORIZING THE CITY MANAGER OR
OTHER AUTHORIZED OFFICER OF THE CITY TO TAKE ANY AND ALL
NECESSARY ACTIONS TO COMPLETE SAID PURCHASE AND FINANCING**

Motion of Councilmember Bialkowski

WHEREAS, the City Council of the City of Batavia has determined it necessary to undertake the purchase of one (1) combination jet/vacuum truck for use in the City's sanitary sewer system, water system, storm sewer system and highway maintenance operations (the "**Vehicle**"); and

WHEREAS, it is desired by the City to authorize the expenditure of \$420,000 for the costs to acquiring the Vehicle and for the payment of costs of issuance of any debt issued for the financing of said Vehicle acquisition as well and to take certain preliminary actions to develop a plan for financing such purchase and to carry out all other necessary or appropriate actions in furtherance thereof.

BE IT RESOLVED, by affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York as follows:

Section 1. The purchase of the Vehicle is hereby authorized at an estimated cost of \$380,000 plus the costs of issuance as hereinafter provided.

Section 2. The financing of the purchase of the Vehicle, by the issuance of general obligation bonds or other form of acceptable debt financing, is hereby authorized at a maximum estimated aggregate amount of \$420,000 which amount shall include the cost of acquiring the vehicle plus the costs of said issuance as permitted by law.

Section 3. The financing of said equipment is exempt from SEQR regulations.

Section 4. It is hereby determined that the period of probable usefulness for the Vehicle is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the Obligations authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 6. The City Manager or other authorized officer of the City is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Obligations as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the authorized by this resolution as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B)(i) of the Code.

Section 7. The City Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the City, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the City, which newspaper has been designated by the City Council in a separate resolution. The validity of the general obligation bonds authorized hereby, or of any bond anticipation notes issued in anticipation of the sale of such general obligation bonds, may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
2. such obligations are authorized in violation of the provisions of the

Constitution of the State of New York.

Section 8. This resolution is effective immediately and shall be placed in the official minutes of the City as an official action of the City Council.

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

* * *

#68-2020

A RESOLUTION TO AMEND THE 2020-2021 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A POLICE TRAFFIC SERVICES GRANT

Motion of Councilmember Canale

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$ 9,024 from the New York State Governor's Traffic Safety Committee to participate in the statewide Police Traffic Services Program. The goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; 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 Manager be and hereby is authorized to make the following budget amendment to the 2020-2021 budget effective September 15, 2020 to cover various traffic enforcement details card equipment purchases:

Increase expenditure accounts:

A 04.3120.3120 0101	\$ 9,024.00
---------------------	-------------

Increase revenue accounts:

A 00.0000.0000 4389	\$ 9,024.00
---------------------	-------------

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

* * *

Meeting adjourned at 9:10 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**