

CITY OF BATAVIA BUSINESS MINUTES JANUARY 14, 2019

The regular business meeting of the City Council was held Monday, January 14, 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, Tabelski, and Bialkowski. Councilperson McGinnis was absent.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Christian led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the December 2018 meetings were approved.

The Council President assigned the regular agenda items.

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Communications

The Batavia Business Improvement District submitted an application for a Beer Walk on Saturday, February 23, 2019 from 4:00 – 8:00pm throughout downtown Batavia. Each participating brewery will have a permit to sell the beer. Mr. Worth noted that the City Centre concourse would be open for LeBeau to participate but the cost would be minimal. 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, January 28, 2019 at 7:00 p.m. in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on a variety of matters but there was nothing specific to report. He noted there was one item for executive session.

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City Manager's Report

Martin Moore, City Manager, noted that Council all received their budget packets and there was no proposed property tax increase from operations. He noted that he appreciated the staff who worked very hard on the budget. He noted there were some capital items that would be gone over during the budget work sessions. He asked Council to take a look at the budget schedule and if anyone had a problem with the dates to let him know so the schedule could be updated for the next meeting. Councilperson Christian thanked Mr. Moore for what he had done and think it's great that there is no proposed tax increase. Councilperson Bialkowski also felt he had done a good job.

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Committee Reports

None.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

Councilperson Bialkowski noted that Council had all received the complaint about the crosswalk on Bank St near the YMCA and would like a follow up. Mr. Moore noted that one issue is that people aren't crossing in the crosswalk. He also stated that he would be getting together with others to discuss what can be done to make it safer. Chief Heubusch noted that the big issue is crossing in the wrong area and crossing without looking.

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#1-2019 A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Canale

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

Deb Kerr-Rosenbeck

December 31, 2022

Seconded by Councilperson Viele and on roll call approved 8-0.

Discussion – Councilperson Pacino noted that in the charter of the Community Garden, board members didn’t need to be residents but the City Charter states that they do. She explained that two of the founding members of the committee are not residents and will have to come off the board but asked if there was any way to help keep them on. Mr. Moore noted that they would be kept on as special advisors to the committee.

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#2-2019

**A RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH
DECEMBER 31, 2019**

Motion of Councilperson Christian

WHEREAS, the Batavia City Council, pursuant to the City Charter, is required to schedule regular Council meetings through the standard resolution process; and

WHEREAS, City Council historically meets on the second and fourth Monday of each month except during the months of July, August and December where the Council meets only on the second Monday; and

WHEREAS, City Council must designate the specific location and time of meetings on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby designates the Council Board Room located at City Hall, One Batavia City Centre, as the regular meeting place for the scheduled Council meetings through December 31, 2019; and

BE IT FURTHER RESOLVED, that the City Council shall meet at 7:00 p.m. at the City Council Board Room on the designated dates as outlined on Attachment “A” through December 31, 2019.

Seconded by Councilperson Viele and on roll call approved 8-0.

2019 City of Batavia Council Meetings

January 14, 2019 (Business)
January 28, 2019 (Conference)
February 11, 2019 (Business)
February 25, 2019 (Conference)
March 11, 2019 (Business)
March 25, 2019 (Conference)
April 8, 2019 (Business)
April 22, 2019 (Conference)
May 13, 2019 (Business)
Tuesday, May 28, 2019 (Conference)
June 10, 2019 (Business)
June 24, 2019 (Conference)
July 8, 2019 (Business and Conference)
August 12, 2019 (Business and Conference)
September 9, 2019 (Business)
September 23, 2019 (Conference)
Tuesday, October 15, 2019 (Business)
October 28, 2019 (Conference)
Tuesday, November 12, 2019 (Business)
November 25, 2019 (Conference)
December 9, 2019 (Business and Conference)

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#3-2019

**A RESOLUTION TO CERTIFY AN OFFICER FOR ENVIRONMENTAL REVIEW
FOR BROOKLYN AVENUE INFRASTRUCTURE IMPROVEMENTS
(2017 CDBG PROJECT NO. 82PW14-17)**

Motion of Councilperson Briggs

WHEREAS, the City has been awarded a \$333,000 Community Development Block Grant (CDBG) award and has committed \$60,110 in CDBG program income funds to construct

public water and storm drainage improvements on Brooklyn Avenue and within Williams Park; and

WHEREAS, The National Environmental Policy Act (NEPA) and the related authorities require that The City of Batavia certifies an officer who is responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 82PW14-17; and

WHEREAS, The City of Batavia has had LaBella Associates, DPC conducting an environmental review on the City's behalf; and

WHEREAS, LaBella Associates, DPC determine that the Brooklyn Avenue Project will have no significant adverse impacts on the environment; and

WHEREAS, The City based on the finding by LaBella Associates, DPC, can request a release of funds; and

BE IT RESOLVED, that in accordance with the National Environmental Policy Act (NEPA) and the related authorities listed at 24 CFR Part 58, the City Council of the City of Batavia announces its intent to conduct an environmental review of the project and designates Council President as the Certifying Officer; and

BE IT FURTHER RESOLVED, that the City Council hereby accepts the environmental review of the project prepared by LaBella Associates, DPC and the determination that the project will have no significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the publication in the City's official newspaper of a Notice of Finding of No Significant Impact and Request for Release of Funds for the project.

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

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#4-2019

**A RESOLUTION OF NEGATIVE DECLARATION FOR SEQR
FOR BROOKLYN AVENUE INFRASTRUCTURE IMPROVEMENTS
(2017 CDBG PROJECT NO. 82PW14-17)**

Motion of Councilperson Tabelski

WHEREAS, In accordance with the New York State Environmental Quality Review regulations (SEQR), the City Council of the City of Batavia announced its intent to serve as Lead Agency on October 22, 2018, to conduct an environmental review of proposed Brooklyn Avenue Infrastructure Improvements; and

WHEREAS, The City Council has determined that the proposed action is an “Unlisted Action” as defined under SEQR; and

WHEREAS, The City Council, in its capacity of Lead Agency, prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, On November 13, 2018, the City Council notified the potentially Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the short Environmental Assessment Form; and

WHEREAS, No comments were received from the public or the interested and involved agencies and none of the agencies have objected to the City Council acting as Lead Agency. The City will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained; and

WHEREAS, The City Council has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration; and

NOW THEREFORE BE IT RESOLVED, The City Council declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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

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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

WHEREAS, legal counsel for the City will have an attorney-client privileged communication that is exempt from the Open Meetings Law.

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 Christian and on roll call approved 8-0.

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Meeting adjourned at 7:21 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**