

**SPECIAL BUSINESS MEETING MINUTES
CITY OF BATAVIA
MARCH 25, 2019**

The special business meeting of the City Council was held Monday, March 25, 2019 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, Christian, McGinnis, Bialkowski, Tabelski, and Viele.

Council President Jankowski called the meeting to order at 8:16 PM immediately following the conference meeting.

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**#40-2019
A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES (AFSCME)**

Motion of Councilperson Christian

WHEREAS, the City of Batavia and the AFSCME have had collective bargaining sessions; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on March 12, 2019 the AFSCME Union secured the necessary votes to ratify the tentative agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

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

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#41-2019
A RESOLUTION TO AUTHORIZE A HOME RULE
REQUEST BY SPECIAL LEGISLATION FOR A FORTY YEAR SALES TAX
ALLOCATION AGREEMENT BETWEEN THE COUNTY OF GENESEE AND THE
CITY OF BATAVIA

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia and the County of Genesee have negotiated an “Amended and Restated Sales Tax Allocation Agreement between the County of Genesee and the City of Batavia” (hereinafter “Amended and Restated Agreement”), which is acceptable to both parties, and

WHEREAS, the City of Batavia and the County of Genesee are desirous of making a long term commitment to Capital Project funding and controlling their respective property tax rate under the New York State Property Tax Cap Mandate, and

WHEREAS, this Amended and Restated Agreement is authorized by Section 1262(c) of the New York State Tax Law subject to approval of the Office of the Comptroller, and

WHEREAS, the Comptroller’s Office has had a long standing policy to deny approval of any Sales Tax Allocation Agreements for a period in excess of ten years, and

WHEREAS, the forty year length of the Amended and Restated Agreement is necessary for both the City of Batavia and the County of Genesee to provide long term sales tax stability that will allow both municipalities to enter into a forty year sharing agreement to maintain an affordable water supply with increased capacity; as well as to provide revenue for future respective infrastructure and capital projects. Now therefore, be it

RESOLVED, that the City of Batavia hereby requests the New York State Legislature to support and pass Senate Bill No. Bill No. S.04247 and Assembly Bill No. A.6590 which is the legislation necessary for the County of Genesee and City of Batavia to enter into an agreement pursuant to the authority of subdivision (c) of Section 1262 to allocate and distribute a portion of net collections due the county from its taxes imposed pursuant to the authority of subdivision (a) of Section 1262, which will make the agreement for a term not to exceed forty years and the state comptroller shall not disapprove such agreement based on the length of its term, provided that such term shall not exceed forty years, and be it further

RESOLVED, that the City Clerk is authorized and directed to sign the necessary Home Rule Request, and be it further

RESOLVED, that a copy of this resolution for Home Rule Message be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley.

Seconded by Councilperson Pacino 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)(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;

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...”.

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...proposed, pending or current litigation...”.

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 9-0.

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Meeting Adjourned at 8:21 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**