

CITY OF BATAVIA BUSINESS MINUTES APRIL 8, 2019

The regular business meeting of the City Council was held Monday, April 8, 2019 at 7:00 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, Viele, Canale, Christian, Tabelski, and Bialkowski.

Council President Jankowski called the meeting to order at 7:50 PM.

The financials from February 2019 were approved.

The minutes from the March 2019 meetings were approved.

The Council President assigned the regular agenda items.

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Communications

The Memorial Day parade was scheduled for Monday, May 27, 2019 at 9:45am on East Main Street. Anyone interested in participating should contact Councilperson Bialkowski. 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, April 22, 2019 at 7:00 p.m. in the City Hall Council Board Room, 2nd Floor, City Centre.

Mr. Moore wanted to have a couple of Council members to help select applicants for interviews for the Assistant City Manager position. He asked that department heads also be involved. Councilpersons Bialkowski and Pacino volunteered.

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City Attorney's Report

There was nothing to report from the City Attorney.

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City Manager's Report

Martin Moore, City Manager, said the City had received the CAFR award which was submitted last September and that we were very fortunate to have received it for excellence in financial reporting. He noted that there are not many cities who receive this award.

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Committee Reports

Councilperson Pacino said that the BID's annual meeting would be on April 26th and to let Lisa Casey know if you wanted to come. Councilperson McGinnis noted that he attended the Youth Awards Banquet and it showed how talented our youth is in this area. Councilperson Christian noted that there would be a sixth ward meeting at 400 Towers at 10:00am on April 27th. Councilperson Bialkowski noted that the fire department did a great job on the recent fire.

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Public Comments

None.

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Council Responses to Public Comments

None

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Unfinished Business

None.

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#42-2019

A RESOLUTION TO APPROVE AMENDING THE CITY OF BATAVIA REVOLVING LOAN FUND AGREEMENT

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia entered into a Revolving Loan Fund Agreement on September 30, 1997 to provide a mechanism for the Batavia Development Corporation (BDC) to encourage and assist City of Batavia business development activity; and

WHEREAS, the BDC sees new opportunities to utilize Revolving Loan Funds as leverage to facilitate additional economic development funding and transformational projects through grant opportunities; and

WHEREAS, allowing the BDC Board of Directors to recommend, and the City Council to approve, grant opportunities through the loan fund requires an amendment to the Revolving Loan Fund Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby authorizes the Council President to execute the amended Revolving Loan Fund Agreement with the Batavia Development Corporation; to provide for grants on a project specific basis, and with City Council approval.

Seconded by Councilperson Viele and on roll call approved 8-1. Councilperson Tabelski abstained.

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#43-2019

A RESOLUTION FOR THE CITY OF BATAVIA TO GRANT THE BATAVIA DEVELOPMENT CORPORATION FUNDS TO SET UP AND LAUNCH THE BATAVIA OPPORTUNITY ZONE FUND

Motion of Councilperson Pacino

WHEREAS, the City of Batavia and Batavia Development Corporation continues to support the growth and prosperity in the City of Batavia by remaining at the cutting-edge of urban economic development programs and best practices; and

WHEREAS, Batavia is known across the state as a progressive leader investing into the City's economic base and businesses; and

WHEREAS, City Council lobbied for, and was granted, two Opportunity Zones in the spring of 2018 (Census Tract 9506- Ward 3 and Census Tract 9510- Ward-6) when the Federal Government approved Opportunity Zones in the 2017 Tax Reform to spur long-term private sector investments in low-income communities nationwide; and

WHEREAS, inside these census tracts are some of the most critical brownfield development areas, identified in the City's Brownfield Opportunity Area Study including the City Centre, the Harvester Campus, and residential neighborhoods; and

WHEREAS, re-development projects in these wards have been hampered, as traditional lending has not stepped in; and

WHEREAS, by setting up a Batavia Opportunity Zone Fund, individuals locally and across the United States can invest their capital gains directly into these transformative projects, and receive a federal tax benefit; and

WHEREAS, here in Batavia, we have several projects identified that are ready, or near ready to take advantage of the OZ program (Armory, The Harvester Campus, Batavia City Centre Campus, and many other properties); and

WHEREAS, by setting up this fund Batavia has a greater change of drawing in private capital investment into the City; and

WHEREAS, the \$20,000 grant request would be paid from the City's Revolving Loan/Economic Development Fund (RLF) and could generate approximately \$5 million of private investment.

NOW, THEREFORE, BE IT RESOLVED that the City of Batavia Council hereby authorizes a grant of \$20,000 to the Batavia Development Corporation to set up and operate a Opportunity Zone Fund.

Seconded by Councilperson Bialkowski and on roll call approved 8-1. Councilperson Tabelski abstained.

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#44-2019

A RESOLUTION TO WAIVE RESIDENCY REQUIREMENT

Motion of Councilperson Viele

WHEREAS, Batavia Municipal Code §22-5 requires that employees become a resident of Genesee County within six months of employment; and

WHEREAS, City Council of the City of Batavia has the authority to waive the residency requirement pursuant to Batavia Municipal Code §22-9 if it is determined that waiving such requirement is in the best interest of the City of Batavia; and

WHEREAS, it has been determined that it is in the best interest of the City of Batavia that the residency requirement under Batavia Municipal Code §22-5 for current employees Stephen Cronmiller and Felicia DeGroot be waived; and

NOW, THEREFORE, BE IT RESOVLED, by the City Council of the City of Batavia that said residency waiver be granted for Stephen Cronmiller and Felicia DeGroot.

Seconded by Councilperson Briggs and on roll call approved 8-1. Councilperson Bialkowski voted no.

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#45-2019

A RESOLUTION AUTHORIZING PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS AGREEMENT WITH CHARTER COMMUNICATIONS (FORMERLY TIME WARNER)

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia previously entered a Franchise Agreement with Time Warner, but local government access is not provided for under the agreement; and

WHEREAS, the City of Batavia desires to enter a Access User Agreement with Charter Communications for Public, Educational and Government (PEG) Access to air City Council meetings through PEG; and

WHEREAS, the City of Batavia is permitted to use locally produced video programming, which means any programming produced or provided by any local resident or any local public or private agency that provides services to residents of the franchise area; or any transmission of a meeting or proceeding of any local, state or federal governmental entity; and

WHEREAS, the City of Batavia is also permitted coverage of local non-profit events, local school district events, public safety information and programs itself and for the benefit of and on behalf of the City pursuant to the prior user agreement; and

WHEREAS, to continue the PEG service the City of Batavia is required to enter into a Access User Agreement, Application for air time, Release and acknowledgement of liability with Charter Communications; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby authorizes the Council President to execute the Access User Agreement and related documents with Charter Communications for Public, Educational and Government Access for airing City Council meetings.

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

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#46-2019

A RESOLUTION LEASE AGREEMENT – BATAVIA YOUTH BUREAU/CITY OF BATAVIA AND CITY CHURCH APPROVAL

Motion of Councilperson Christian

WHEREAS, the City Youth Bureau has been operating at the location of 12 MacArthur Drive since 1996 which is a city owned property; and

WHEREAS, the City Youth Bureau has been in collaborative discussion with the United Way of Genesee County and YMCA for a joint afterschool based program since 2016 and are desirous of bringing the project of Teen City to fruition, during which time several sites for the program were vetted; and

WHEREAS, the funds that will be used for the lease are reappropriated within the Youth Bureau budget from current utility costs, maintenance & repairs at our current location; and

WHEREAS, in anticipation of the move of the City Youth Bureau, City Church will provide the ADA modifications to the facility that will necessitate a long term commitment to the site, City Church has agreed to a five year lease of the building located at 114 Liberty Street in the City of Batavia; and

WHEREAS, the agreed upon rate per month is \$1,100; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia hereby authorizes the Council President to execute the lease agreement with City Church, 210 East Main St., Suite #2, Batavia, NY 14020 effective August 1, 2019 through July 31, 2024.

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

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#47-2019

**A RESOLUTION AGREEMENT - MEMORANDUM OF UNDERSTANDING WITH
GENESEE COUNTY YMCA, APPROVAL OF**

Motion of Councilperson Canale

WHEREAS, the Youth Bureau Director did present an agreement with Genesee County YMCA that for the operation and staffing of Teen City; and

WHEREAS, the City of Batavia and Genesee County YMCA are desirous of working together to provide comprehensive programming for the youth of the City of Batavia to which Genesee County YMCA shall provide staffing, registration system and process, procedures/policies for participants, program materials and supplies for the operations of the Teen City; and

WHEREAS, the Agreement between the City and YMCA for this collaborative service would begin June 1, 2019 expire August 31, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Memorandum of Understanding between the City of Batavia and Genesee County YMCA.

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

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#48-2019

A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL

Motion of Councilperson Bialkowski

WHEREAS, the Department of Public Works has declared the equipment listed below surplus and as part of the equipment replacement plan; and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal;

- 1982 International Harvester Hydro84 (Tractor) SN: 5343
- 2004 ASV-RC60 Compact Track Loader SN: RSE00679

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

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#49-2019

A RESOLUTION TO SIGN CONTRACT WITH MUNICIPAL SOLUTIONS, INC. FOR GENERAL FINANCIAL SERVICES

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia requires the services of financial advisers to perform short term Bond Anticipation Note (BAN), long term bond borrowing, debt service counseling, and other general financial services associated with City of Batavia financing activities; and

WHEREAS, Municipal Solutions, Inc. has acted as the fiscal advisor to the City of Batavia for the last ten-plus years and is registered as a recognized municipal advisor with the Securities and Exchange Commission (MS ID #867-00383) and the Municipal Securities Rule Making Board (MS ID #K0173) as mandated by the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act); and

WHEREAS, Municipal Solutions, Inc. has submitted a proposal to the City to assist with bonds, BANS and general financial services as outlined in its proposal for continuing these services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize Martin D. Moore, Ph.D. to sign Municipal Solution's contract attached to this resolution effective March 6, 2019.

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

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#50-2019

**A RESOLUTION PROVIDING SECTION 384-E TO IAFF EMPLOYEES COVERED
BY SECTION 384-D OF THE NEW YORK STATE RETIREMENT AND
SOCIAL SECURITY LAW**

Motion of Councilperson Briggs

WHEREAS, a Memorandum of Agreement with the International Association of Fire Fighters (IAFF) provides a 384-e retirement benefit for those employees currently enrolled in the 384-d retirement plan; and

WHEREAS, the City and the IAFF Union agreed to provide the 384-e retirement benefit plan to those employees currently in the 384-d retirement plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby elect to provide the additional pension benefits of Section 384-e of the Retirement and Social Security Law for any member of its Fire Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED, that this election shall become effective beginning on the 9th day of April, 2019 and end on the 8th day of April, 2020; and

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

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#51-2019

A RESOLUTION TO CHANGE USE OF BUDGETED FACILITIES RESERVE

Motion of Councilperson Canale

WHEREAS, pursuant to General Municipal Law 6-F, the City of Batavia has an established Facilities Reserve fund for major repairs to public facilities; and

WHEREAS, the City of Batavia's Facilities Reserve fund has a balance of approximately \$1,935,962 and City Council approved to use \$22,800 of said reserves, in the 2018/2019 budget, on carpet for public works offices and interior painting of the City Manager's office; and

WHEREAS, because of staffing levels, it was more appropriate to carpet the community room and the City Manager's area and the painting was done in house therefore requiring no reserves. The total amount required for this work was \$14,195.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to use facilities reserves to replace the carpet in the community room and City Manager's office area instead of the public works offices.

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

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#52-2019

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE
INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROGRAM**

Motion of Councilperson Christian

WHEREAS, it is the desire of the City of Batavia to submit applications for the 2019 New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involve holding one public hearing prior to submission of any 2019 CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, residents are invited to attend the hearing to assist the City in defining community development priorities.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia will hold a Public Hearing on the CDBG program at City Hall, One Batavia City Centre, Batavia, NY at 7:00 p.m. on April 22, 2019; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the City of said Public Hearing.

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

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#53-2019

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE
PROPERTIES AUCTIONED ON MARCH 30, 2019**

Motion of Councilperson Pacino

WHEREAS, the City foreclosed on 18 Hutchins St, 21 Hutchins St, 104 Jackson St, 121 State St, and 14 Central Ave 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 March 30, 2019 at 10:00 a.m.; and

WHEREAS, the highest bids received for the auctioned properties are as follows:

Property	Highest Bidder	Highest Bid
1) 18 Hutchins St	Donald Jr & Lori Currier	\$18,000
2) 21 Hutchins St	William Cultrara	\$850
3) 104 Jackson St	Northside Apartments LLC	\$32,000
4) 121 State St	Northside Apartments LLC	\$21,000
5) 14 Central Ave	E Properties, LLC	\$25,000

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 Briggs and on roll call approved 9-0.

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#54-2019

**A RESOLUTION AUTHORIZING THE TRANSFER OF RETIREMENT
CONTRIBUTION RESERVE FUNDS**

Motion of Councilperson Viele

WHEREAS, pursuant to General Municipal Law 6-r, the City of Batavia has an established Retirement Contribution Reserve Fund for payment of retirement contributions pursuant to Sections 17 and 317 of the Retirement and Social Security Law; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2019 has approximately \$329,560 of Retirement Contribution Reserve;

WHEREAS, it is necessary to transfer \$225, 000 in order to cover unexpected retirement costs;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers effective April 9, 2019

Increasing expenditure account:
Fire Department 001.3410.0801.2110 \$225,000

Increasing revenue account:
Appropriated Retirement
Contribution Reserve 001.3410.0511.2110 \$225,000

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

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#55-2019

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS (IAFF)**

Motion of Councilperson Briggs

WHEREAS, the City of Batavia and the IAFF 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 April 1, 2019 the IAFF Union secured the necessary votes to ratify the
tentative agreement; and

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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#56-2019

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE POLICE BENEVOLENT ASSOCIATION (PBA)**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia and the PBA 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 April 4, 2019 the PBA Union secured the necessary votes to ratify the tentative agreement; and

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 Briggs and on roll call approved 9-0.

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#57-2019

A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN A HIPPA BUSINESS ASSOCIATE AGREEMENT ALLOWING THE CITY OF BATAVIA POLICE AND FIRE DEPARTMENTS TO PARTICIPATE IN THE GENESEE COUNTY POLICE ASSISTED ADDICTION RECOVERY INITIATIVE (PAARI) PROGRAM

Motion of Councilperson Canale

WHEREAS, the City of Batavia and surrounding area has been negatively impacted by the Opioid Crisis; and

WHEREAS, the City of Batavia Police and Fire Departments wish to participate in the Genesee County Police Assisted Addiction Recovery Initiative (PAARI) Program; and

WHEREAS, the Genesee-Orleans Council on Alcoholism and Substance Abuse (GCASA) received funding for the Genesee County PAARI Program; and

WHEREAS, the City of Batavia must sign a HIPPA Business Associate Agreement with GCASA in order to effectively share information for the benefit of the Genesee County PAARI Program;

NOW THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign a HIPPA Business Associate Agreement as attached hereto.

Seconded by Councilperson Viele and on roll call approved 8-1. Councilperson Christian voted no.

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#58-2019

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
RANDSCO PIPELINE, INC. FOR 2019 WATER SYSTEM IMPROVEMENTS
UNION STREET, SOUTH MAIN STREET AND BROOKLYN AVENUE WATERMAIN
AND BROOKLYN AVENUE STORM SEWER INFRASTRUCTURE IMPROVEMENT
PROJECT**

Motion of Councilperson Bialkowski

WHEREAS, a project to furnish and install approximately 5,400 linear feet of 8” PVC watermain, water valves, hydrants, water service replacements, and appurtenances along Union Street from Oak Street to West Main Street, South Main Street from Oak Street to Brooklyn Avenue, and Brooklyn Avenue from South Main Street to Pearl Street and storm drainage improvements in Williams Park; and

WHEREAS, a portion of the project was awarded a Communities Development Block Grant which includes the replacement of 900 LF of water main on a portion of Brooklyn Avenue and storm drainage improvements within Williams Park; and

WHEREAS, a competitive bid was made by Randsco Pipeline, Inc. for the replacement of storm sewer, water main, water services, milling and paving, and sidewalks as specified in the contract document titled 2019 Water System Improvements, Contract No. 2019-1; and

WHEREAS, Randsco Pipeline, Inc. is the lowest responsible bidder (\$1,634,750.00); and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Randsco Pipeline, Inc. in the amount of \$1,634,750.00 for infrastructure and storm sewer improvements.

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

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#59-2019

**A RESOLUTION TO TERMINATE OCR FUNDED LOANS VIA THE SMALL CITIES
REVOLVING LOAN FUND**

Motion of Councilperson Tabelski

WHEREAS, the New York State Office of Community Renewal (OCR) advised the City of Batavia in March, 2018 of a policy change to CDBG Program Income Guidelines which required the City to return all program income in excess of \$35,000 to OCR beginning April 1, 2019, if the total receipts for the year exceed \$35,000; and

WHEREAS, OCR has clarified that loan repayments from OCR revolving loans must be

remitted to OCR on a monthly basis beginning April 1, 2019, unless the Batavia City Council formally ends the revolving loan fund; and

WHEREAS, the City of Batavia has not issued any new loans out of the CDBG Small Cities Fund since June of 2018.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby ends the use of OCR loan repayments for future loans out of this fund. All payments on OCR funded loan awards will be remitted to OCR if totaling more than \$35,000, or will be retained by the City in an OCR approved fund if totaling less than \$35,000.

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

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Meeting adjourned at 8:15 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**