

CITY OF BATAVIA BUSINESS MINUTES JUNE 10, 2019

The regular business meeting of the City Council was held Monday, June 10, 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, McGinnis, and Bialkowski.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Pacino led the Invocation and the Pledge of Allegiance.

The financials from April 2019 were approved.

The minutes from the May 2019 meetings were approved.

The Council President assigned the regular agenda items.

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Communications

GO ART! requested to hold a parade and picnic on Friday, June 28th from 6:30 – 10:00pm starting at Austin Park and ending at GO ART! Council approved.

Copperhead Creek Bar LLC submitted a liquor license application. There was no objection from the police department. Council approved.

Councilperson Bialkowski relayed an e-mail he received from a resident that people were setting up basketball hoops in the parkway up against the road and they were concerned with the safety of the children playing basketball.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, June 24, 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.

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City Manager's Report

Martin Moore, City Manager, noted that he had held meetings regarding recent violent crimes and would be forming a crimes task force. He noted that the goal was to keep these individuals out of our City. He also noted that, regarding GCASA, the proposed use of their new location doesn't fit within the R2 zone.

Mr. Moore noted that National Grid had some information on their street lighting in the City and introduced Paul Gister from National Grid to explain further. Mr. Gister explained that there are three programs for street lighting and one is LED conversion. He noted that the City would pay the net book value of the remaining 950 fixtures at \$1.50 each and National Grid would replace those with new LED lights. National Grid would still maintain the fixtures and the City could choose the wattage at each location. Mr. Gister explained that they also have efficiency programs and the City would be eligible for approximately \$47,000 of incentives assuming wattage stays the same. He stated that they just need a resolution approving the replacement and the City could back out any time before installation. He noted that they have had this program in place for three years and the fixtures have a 10-year warranty. Council President Jankowski noted that Detroit went to LED, they were supposed to last 10 years but were failing after just 2.5 years and want to make sure we don't go down that road. Councilperson Bialkowski asked if the color is compatible with the high pressure sodium lights. Mr. Gister stated that the LED is whiter. Mr. Worth noted that the City would be able to choose the wattage equivalent, most National Grid lights are generally on residential streets, and this seems like a real benefit to the City. Councilperson Canale asked why we own some lights and not others. Mr. Worth explained that there are some financial benefits to owning some lights and it would have made sense at the time to purchase them. Mr. Gister noted that the LED replacement costs around \$1500 and if the City purchased the whole lighting system it would cost \$100,000. Councilperson Tabelski noted that he worked with other municipalities involved in these projects and sometimes, in the long-term, it makes sense to buy them all. He suggested looking at both options to make sure this makes sense and he would love to see the analysis if it's already done.

Councilperson Christian thanked Mr. Moore, Mr. Van Nest and Mr. Worth for the information regarding GCASA and the crime prevention we are getting into. She also stated that we need more police officers. Chief Heubusch noted that there are currently three vacancies, civil service exam results were received and 13 people are undergoing the background process. He noted that it looks promising and hopes to have positions filled in July. Councilperson Bialkowski noted that he is receiving concerns that there are a lot of undesirables in the City who are not from around here. He reminded the public that if you

see a problem to call the police and install motion lights because people don't like to have light shining on them.

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Committee Reports

Councilperson Pacino said that the BID flowers are on Main St and she is very excited to see them out.

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Public Comments

Gregory Hallock, 201 East Main St, just wanted to thank Council for supporting GO ART! and what they do.

Anita Tolejko, 23 N Spruce St, noted that she has complained for years because she lives on a one-way street but people drive the wrong way often from East Ave to Main St. She thought maybe there should be a traffic study or something. She noted that the police do a good job of coming out but people don't drive the wrong way when the police are around. She said that something needs to be done whether it's big signs, flashing lights or something else.

Henry Pokrywa, 446 Ellicott St, asked Council to deny the permit for the gay pride parade. He noted that parades attract small children and there should be some public decency or morality standards. He asked where we draw the line and that sexuality belongs in the privacy of our own homes.

Lauren Berger, 45 N Main St, Mt. Morris, noted that she was in support of the pride activities in the City. She noted that she was the co-facilitator of the Rainbow Alliance and there were people looking for supportive activities. She stated that she and her group knows that support exists and thought this was a great way to show it.

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Council Responses to Public Comments

Councilperson Christian noted that Council won't deny any group the ability to hold a parade. Council President Jankowski noted that all laws have to be abided by just like any other event so as long as the parade is done peaceably, then there is no problem. Councilperson Briggs stated that we can't single out people for approval or denial. Councilperson Pacino noted that you don't have to be part of the LGBTQ community to be in the parade and that she was going to walk in it and she was straight.

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Unfinished Business

Councilperson Bialkowski felt that Council should discuss the historian position. Council President Jankowski felt that some sort of pay should be considered and asked Marty to look into what the average compensation was for a City Historian in a city of our size. Councilperson Tabelski suggested looking to see if there are funds for departmental use for conferences and supplies.

Councilperson Bialkowski told Mr. Moore he was doing a good job looking for a home for the Rocket Car.

Councilperson McGinnis noted that he has been getting a lot of e-mails regarding code enforcement on homes not being attended to. He felt that we were being too lax in not enforcing code issues and that the code enforcement team either needed reinforcements or make the punishment a fiscal issue. Mr. Worth explained the process for code enforcement, noted that they do have an additional person for three months to help with enforcing the code, and they are very attentive to code issues. Councilperson McGinnis stated that he wasn't saying that the City wasn't doing its job but he wanted to enforce the code rigidly and make it hurt. Mr. Van Nest noted that the City seeks maximum fines in court if it gets that far and there is a lot of court activity. He noted that if additional code enforcement is wanted that's an issue of staffing. Councilperson McGinnis suggested posting in the paper what the code is so people are aware and stated that he was just trying to address issues or our citizens. Council President Jankowski felt that people knew the law but they just aren't following it. Councilperson Bialkowski noted that the worst case scenario was when it goes to court because it takes so much longer. Councilperson Briggs felt that inspection did an outstanding job and respond very quickly.

Councilperson Viele asked how we address those driving the wrong way on the one-way street. Council President Jankowski asked if that could be looked into.

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#72-2019

A RESOLUTION TO INTRODUCE AND SCHEDULE PUBLIC HEARING A LOCAL LAW NO. 3 OF 2019 AMENDING § 22-5 RESIDENCY FOR NEW MUNICIPAL EMPLOYEES OF THE BATAVIA MUNICIPAL CODE

Motion of Councilperson Briggs

BE IT RESOLVED, that Local Law No. 3 of the Year 2019 entitled “**LOCAL LAW NO. 3 OF THE YEAR 2019 CITY OF BATAVIA TO AMEND § 22-5 RESIDENCY FOR NEW MUNICIPAL EMPLOYEES OF THE BATAVIA MUNICIPAL CODE**” be introduced before the City Council of Batavia, New York; and

WHEREAS, copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, that the City Council will hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, June 24, 2019; and

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby introduce amendments to § 22-5 Residency for new municipal employees” of the Batavia Municipal.

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

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

**LOCAL LAW NO. 3 OF THE YEAR 2019
CITY OF BATAVIA**

**TO AMEND § 22-5 RESIDENCY FOR NEW MUNICIPAL EMPLOYEES OF THE
BATAVIA MUNICIPAL CODE**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 22. Article II, 22-3 Definitions

§ 22-3 Intent.

The City Council recognizes that emergency situations arise which require employees of the City of Batavia to be near their place of employment and to assume the continuation of public services to protect the health, safety and general welfare of the people. Through adoption of this article, the City Council makes a legislative determination that those who are residents of the City or the County of Genesee take a greater interest in promoting the public safety and health in the future of this community than do nonresidents who reside in areas unaffected by City services. The City Council further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the City or county will assure continuation of essential public services. The City Council determines that the public need is sufficient to require that employees hired or promoted after the effective date of this article be residents of either the City or the county as hereinafter stated.

§ 22-4 Residency.

Residency shall mean, for the purpose of this article, the actual principal domicile of an individual, where he or she normally sleeps and maintains usual personal and household effects.

§ 22-5 Residency for new municipal employees.

[Amended 6-25-2001 by L.L. No. 1-2001; 9-13-2004 by L.L. No. 2-2004]

Except as otherwise provided by law, the City Council hereby establishes a residency requirement for all prospective employees. Every person initially employed by the City of Batavia on or after the effective date of this article, except those set forth in Section 22-6, shall, as a qualification of employment, become a resident of the County of Genesee or any adjacent town to the County of Genesee within six months of the date of conclusion of the probationary period for the City. During the time of service of such an employee, no individual shall cease to be a resident of the County of Genesee or any adjacent town to the County of Genesee, or of the City of Batavia, depending upon the residency requirements as aforesaid.

§ 22-6 Residency upon promotion.

[Amended 9-13-2004 by L.L. No. 2-2004]

Notwithstanding § [22-5](#), all existing and prospective employees promoted by the City to the positions of City Manager, Assistant City Manager or Clerk-Treasurer on or after the effective date of this article shall be or within one year of such promotion, shall become a resident of the City of Batavia. During the time of employment no individual shall cease to be a resident of the City of Batavia.

§ 22-7 Notice and posting.

A copy of this article shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this article to any employee appointed or promoted after its effective date. A copy of this article shall also be posted on all notice boards normally used for employee communications.

§ 22-8 Investigation of residency.

A.

Should it be alleged that an employee is not in compliance with § [22-5](#) or § [22-6](#) of this article, as the case may be, the City Council may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City Council, the response is not sufficient to satisfy the requirements of this article, the City Council shall set a date to hear the charge of non-residence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee establish residency to the satisfaction of the City Council prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

B.

To conduct the hearing, the City Council may in writing designate an individual who for the purpose of the hearing shall be vested with all the powers of the City Council and who shall refer the hearing record and his or her recommendations to the City Council for review and decision. Should the City Council determine that an employee is a nonresident in violation of this article, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing

residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

§ 22-9 Waiver of requirements.

A.

In the event that the City Council determines that it is in the best interest of the City of Batavia to do so, the provisions of § [22-5](#) or § [22-6](#) may be waived with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:

(1)

Lack of applicants. The requirement of residency may be waived in those instances where the City has difficulty hiring or promoting the most qualified person because of its residency requirement.

(2)

Necessity for non-residence. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

B.

Such a waiver shall not in any way affect the application of § [22-5](#) or § [22-6](#) of this article with respect to any other title or titles.

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#73-2019

A RESOLUTION TO SIGN CONTRACT WITH THREE+ONE FOR CASH LIQUIDITY AND TREASURY ANALYSES

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia invests funds for the purpose of realizing increased revenues to aid City's financial position; and

WHEREAS, three+one has successfully provided cash liquidity and treasury analyses for other municipalities in Western New York that has resulted in increased investment returns to those municipalities; and

WHEREAS, three+one has submitted a proposal to the City to provide cash liquidity and treasury analyses which will:

- Identify and provide cash liquidity management information that pinpoints the time-value of the City's cash in the marketplace.
- Monitor, review, and report on all financial institution accounts for which data is received by three+one.
- Assist the City with preparation of short-term cash management through stress tests/algorithmic simulations on all cash.
- Analyze the City's liquidity proficiency to continually prepare us to earn maximum interest

without sacrificing the safety of City funds or our ability to pay the City's expenses.

- Ensure that appropriate and competitive pricing is being received from our financial partners pertinent to our cash management.
- Assist the City to garner preferred deposit rates with our banking provider(s).
- Monitor and analyze the City's bank billing analysis statement(s).
- Clearly define next steps and recommendations to secure higher rates and new sources of income on identified strategic liquidity.
- Conduct a review of the Entity's Investment Policy Statement (IPS).
- Hold an interview (60 to 90 minutes in duration) with key staff members in order to understand office processes to aid in providing usable recommendations.
- Provide a Quarterly cashVest score and report.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize Martin D. Moore, Ph.D. to sign three+one's contract.

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

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#74-2019

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Pacino

WHEREAS, certain vacancies exist on various City Committees/Boards; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Audit Advisory Board

Nicholas Harris	December 31, 2020
Marc Staley	December 31, 2020
David Leone	December 31, 2020

Councilmembers:	
Bob Bialkowski	December 31, 2019
Paul Viele	December 31, 2019

Seconded by Councilperson Briggs and on roll call approved 7-2. Councilpersons Bialkowski and Viele abstained.

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#75-2019
A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS

Motion of Councilperson Viele

WHEREAS, in order to close out the 2018-2019 fiscal year budget certain budget transfers need to be made:

WHEREAS, the City of Batavia experienced expenses over budget in areas including information systems, legal and refuse and recycling in the 18/19 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the City Manager to utilize contingency for accounts as shown below; and

BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget transfers:

Effective March 31, 2019, amend the 2018-19 budget by increasing expenditure accounts:

001.1420.0437.0000	Legal Professional Fees	\$ 40,308.42
001.1680.0200.0000	Information Sys. Small Equipment	\$ 5,046.96
001.1680.0423.0000	Information Sys. Contract Services	\$ 2,500.00
001.8160.0460.9207	Landfill – Superfund Site	\$ 2,711.85
001.8160.0460.0000	Landfill	\$ 2,171.99
001.8160.0457.0000	Refuse & Recycling Rental Fees	\$ 8,600.00
006.9040.0803.0063	Workers Comp – DPW	\$ 2,614.30

by decreasing expense account:

001.1990.0500.0000	General Fund Contingency	\$ 61,339.22
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By increasing revenue account:

006.0006.0511.2160	Approp. Reserves – Workers Comp	\$ 2,614.30
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Seconded by Councilperson Pacino and on roll call approved 9-0.

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#76-2019
A RESOLUTION TO AMEND THE 2019-2020 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF \$3,800 TO PURCHASE A MARIJUANA DRIVING EXPERIENCE CAMPAIGN KIT

Motion of Councilperson Tabela

Agreement with Batavia City School District, 260 State St., Batavia, NY 14020 effective September 1, 2019 through August 31, 2024.

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

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#78-2019

**A RESOLUTION AGREEMENT - MEMORANDUM OF UNDERSTANDING WITH
BATAVIA CITY SCHOOL DISTRICT, APPROVAL OF**

Motion of Councilperson Christian

WHEREAS, the Youth Bureau Director did present an agreement with Batavia City School District for transportation to Teen City; and

WHEREAS, the City of Batavia and Batavia City School District are desirous of working together to provide a safe way for the city youth to get to Teen City after school on traditional school days; and

WHEREAS, the Agreement between the City and School for this collaborative service would begin September 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 a Memorandum of Understanding between the City of Batavia and Batavia City School District.

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

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Meeting adjourned at 8:17 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**