

CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 9, 2019

The regular business meeting of the City Council was held Monday, September 9, 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, McGinnis, and Bialkowski.

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

#106-2019

A RESOLUTION APPOINTING JEREMY KARAS TO A COUNCILPERSON-AT-LARGE POSITION

Motion of Council President Jankowski

WHEREAS, due to Councilperson-at-Large, Adam Tabelski resignation, a vacancy has occurred in the Councilperson-At-Large position effective August 12, 2019; and

WHEREAS, Section 3.3 of the City Charter provides that when a position of a Councilperson becomes vacant, pending the election and qualification of a Councilperson to fill the vacancy, the Council shall fill the vacancy temporarily by appointment of a qualified person, who shall be the same political affiliation as the Councilperson whose place has become vacant; and

WHEREAS, Jeremy Karas of 29 Union Street, Batavia, New York 14020 fulfills the qualifications to temporarily fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that Jeremy Karas is hereby temporarily appointed as Councilperson-at-Large representing City of Batavia effective immediately, such appointment to remain in force until the election and qualification of Councilperson-at-Large to fill the vacancy in accordance with the Charter of the City of Batavia.

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

Councilperson Christian asked Mr. Karas why he wanted to be on Council. Council President Jankowski stated that the Republican Committee asked for volunteers and Mr. Karas offered, was vetted, and was chosen to be their candidate.

Mr. Karas was sworn in as a new councilperson by the City Clerk.

The minutes from the August 2019 meetings were approved.

The Council President assigned the regular agenda items.

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Communications

The Batavia Business Improvement District requested to hold their annual Wine Walk on Saturday, October 5, 2019 from 4:00 – 8:00pm throughout shops and businesses in downtown Batavia. Councilperson Christian noted that she did not agree with the event but the rest of 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, September 23, 2019 at 7:00 p.m. in the City Hall Council Board Room, 2nd Floor, City Centre.

Councilperson Pacino presented a proclamation on behalf of City Council to the 9 and 10 Year Old Little League for their achievement in athletics. Councilperson Pacino noted that the City of Batavia encourages programs for youth and congratulated the team for their wins and moving onto the state championship.

Councilperson Briggs presented a proclamation on behalf of City Council to Charles Neilans, Chief Operator of Water, on his retirement after 30 years of service. Councilperson Briggs noted that Mr. Neilans brought a positive attitude to this position and strived for excellence. She noted that he took pride in his job, made it a better place for all involved, and thanked Mr. Neilans for his 30 years of dedicated service.

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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 Mrs. Tabelski, Councilperson Briggs and he had walked around Watson St to try to find something they could do to make the area better. He noted that he would like a neighborhood focus group throughout the City.

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Committee Reports

Councilperson Pacino said that scarecrows would be going up on Main St very soon.

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Public Comments

Deb Kerr-Rosenbeck, 13 Lewis Ave, noted there were two resolutions for the revolving grant award and she was not supportive of giving grant fund out of the loan fund.

James Thorman, 6380 Freeman Rd, Byron, noted that he wanted to get support from Council to form a committee to provide resources and strategies relating to mental health and well-being. He noted that the committee would be comprised of teenagers and parents as he wants to bring them to the table to discuss mental health issue. He noted that there would be a meeting at the library on the third Thursday of each month. Mr. Thorman explained that he lost two children to suicide and looking to apply projects and programs into the education system to bring awareness of mental health issues.

Gregory Hallock, 8 Davis Ave, noted that on Saturday, September 14th, GO ART was holding their first Farm to Table event and hoped everyone would be there. He noted there were four courses that would be served and pairings with every item. He noted that this is the fourth year Medina has done a similar program and they sold out their tickets in 10 minutes. Mr. Hallock noted that the event would be outside unless it rains and then it would be inside GOART. He encouraged anyone to attend.

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Council Responses to Public Comments

Council President Jankowski stated that if Mr. Thorman could come up with a project that he would bring it to Council and they would see what could be done.

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Unfinished Business

None.

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#107-2019
A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH CATENARY CONSTRUCTION CORP. FOR CONSTRUCTION SERVICES
FOR THE REPAIR OF REDFIELD PILLARS

Motion by Councilperson Bialkowski

WHEREAS, a Project for the Repair of Redfield Parkway Pillars has been approved in the 2019-2020 capital budget; and

WHEREAS, the City of Batavia has solicited bids for the “Repairs of Redfield Parkway Pillars” on August 1st, 2019; and

WHEREAS, One bid was received on August 27th, 2019 and Catenary Construction Corp. is the lowest responsible bidder in the amount of (\$46,000.00); and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia hereby authorizes the City Council President to execute the agreement with Catenary Construction Corp., for the Repair of Redfield Parkway Pillars.

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

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#108-2019
A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT
AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT

Motion of Councilperson Canale

WHEREAS, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

WHEREAS, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

WHEREAS, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Brownfield Opportunity Area (BOA) advancement, City Priority Economic Development, and Building Improvements; and

WHEREAS, Guy Clark, of Cedar Street Sales & Rental (“Owner”) has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

WHEREAS, the Owner intends to complete improvements of the property located at 111 Cedar St. Batavia, NY 14020 using funds to be provided through the Program; and

WHEREAS, The City of Batavia will distribute grant funds to the Owner for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy dated June 14, 2019 and the Grant Agreement; and

WHEREAS, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia;

NOW, THEREFORE, BE IT RESOLVED that the City of Batavia City Council approves granting \$20,000 to the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Batavia City Council authorizes the City Council President to execute the Grant Agreement with the Owner.

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

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#109-2019

A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT

Motion of Councilperson Pacino

WHEREAS, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

WHEREAS, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

WHEREAS, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Brownfield Opportunity Area (BOA) advancement, City Priority Economic Development, and Building Improvements; and

WHEREAS, Stephen Valle and John & Carrie Lawrence (“Owner”) has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

WHEREAS, the Owner intends to complete improvements of the property located at 242 Ellicott St. Batavia, NY 14020 using funds to be provided through the Program; and

WHEREAS, The City of Batavia will distribute grant funds to the Owner for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy dated June 14, 2019 and the Grant Agreement; and

WHEREAS, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia;

NOW, THEREFORE, BE IT RESOLVED that the City of Batavia City Council approves granting \$20,000 to the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Batavia City Council authorizes the City Council President to execute the Grant Agreement with the Owner.

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

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#110-2019

A RESOLUTION TO WAIVE RESIDENCY REQUIREMENT

Motion of Councilperson Viele

WHEREAS, Batavia Municipal Code §22-5 requires that employees remain in the township adjacent to Genesee County; 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 employee Ferdinando A. Papalia be waived; and

NOW, THEREFORE, BE IT RESOVLED, by the City Council of the City of Batavia that said residency waiver be granted to Ferdinando A. Papalia.

Seconded by Councilperson Briggs 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)(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...”.

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;

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 Viele and on roll call approved 9-0.

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Meeting adjourned at 7:36 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**