

CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 12, 2013

The regular business meeting of the City Council was held Tuesday, November 12, 2013 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Buckley presiding.

Present were Council President Buckley and Councilpersons Pacino, Briggs, Cipollone, Canale, Doeringer, Hawley, Russell and Christian.

Council President Buckley 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 October meetings and draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

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Communications

The Batavia Business Improvement District submitted an application for the Taste of the Holidays event for Friday, December 6th from 5:00 – 8:00 pm and Saturday, December 7th from 12:00 – 3:00pm. There would be a tent, bounce house, horse and buggy and vendors. The event would occur in the Jackson St parking lot. Council approved.

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Council President's Report

Council President Buckley announced that the next regular City Council Conference Meeting would be held on Monday, November 25, 2013 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that they continued to work on a variety of matters including insurance, litigation, and contract review as well as several other items.

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City Manager's Report

Mr. Molino noted that the BID would be presenting at the next conference meeting.

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Committee Reports

Councilperson Pacino noted that there were two new businesses going in downtown which was very good news. She also noted that Vibrant Batavia did a great job with the leaves and she was very impressed. Councilperson Christian went to a block club meeting with Councilpersons Hawley and Cipollone, thought it was a fascinating meeting and felt they had a lot to offer.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

Councilperson Christian mentioned a letter received from the Batavia Daily News regarding scanners being blocked and felt people should be able to know what's going on in the City. Councilperson Pacino felt it was important for certain people to know so they could offer their help. Councilperson Canale didn't think there was a choice and that there was no scanner available to pick up the signal. He suggested working with the County to get the scanners to the media. Mr. Molino noted there would be an e-911 meeting with the media and the County and he had spoken to the County manager and there were looking into what could legally be done. Councilperson Briggs asked if the City was doing all it could to patrol the Jackson St area. Chief Heubusch stated they were dedicating as much patrol as they could to the area.

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New Business

#89-2013

**RESOLUTION RE-APPOINTING A FAIR HOUSING OFFICER AND AN ADA
(AMERICAN DISABILITIES ACT) COORDINATOR**

Motion of Councilperson Canale

WHEREAS, the City of Batavia, State of New York, has previously been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

WHEREAS, that pursuant to the City of Batavia being granted CDBG funds by the State; the City of Batavia, by administrative act, has previously adopted a policy statement and grievance procedures related to the Americans with Disabilities Act;

WHEREAS, that pursuant to the City of Batavia being granted CDBG funds by the State, the City of Batavia, by administrative act, has previously adopted Fair Housing and Anti-Displacement Plans.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Batavia re-appoints Dawn Fairbanks, Human Resource Specialist to serve as the ADA Coordinator for the City of Batavia.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia re-appoints City Manager Jason Molino to serve as the Fair Housing Officer for the City of Batavia.

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

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#90-2013

**RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE
AN EASEMENT WITH THOMPSON BUILDS, INC.**

Motion of Councilperson Hawley

WHEREAS, 13-15 Jackson Street Rear, SBL #84.049-1-24 is located in the downtown core of the City and important to re-develop in order to attract new business, activity and economic development within the City; and

WHEREAS, the City and the Batavia Development Corporation have worked with Thomson Builds, Inc. to redevelop the property improving the property value and contribution to the revitalization of downtown; and

WHEREAS, the City requires a permanent easement for the purpose of re-construction of 13-15 Jackson Street Rear;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that the City Council President is hereby authorized on behalf of the City to execute the easement with Thompson Builds, Inc. as stated in “Attachment A” below.

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)(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)(e), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...collective negotiations pursuant to article fourteen of the civil service law...”.

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...”.

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 Russell and all of Council approved.

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Meeting adjourned at 7:15 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**