

CITY OF BATAVIA BUSINESS MINUTES JUNE 9, 2014

The regular business meeting of the City Council was held Monday, June 9, 2014 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Hawley presiding.

Present were Council President Hawley and Councilpersons Pacino, Cipollone, Canale, Deleo, Jankowski, Doeringer and Christian. Councilperson Briggs was absent.

Council President Hawley called the meeting to order at 7:00 PM. Council President Hawley led the Lord's Prayer and the Pledge of Allegiance and asked for a moment of silence for Sgt. Shaina Schmigel who passed away in a training accident.

The minutes from the May meetings and April 2014 draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

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Communications

Amy Barone requested to have a graduation party on Sunday, July 13th in Centennial Park from 10:00am – 7:00pm. Council approved.

Go Art requested to have the 36th annual Picnic in the Park on Friday, July 4th from 12:00 – 5:00pm in Centennial Park. Council approved.

The Batavia Business Improvement District submitted an application for a public market on Thursdays from June 19th to September 25th, 9:00am – 3:30pm in the Alva/Bank St parking lot. Council approved.

The Batavia Concert Band requested to hold free public concerts in Centennial Park on Wednesday evenings in July starting July 2nd. Council approved.

The American Cancer Society submitted an application for a Relay for Life event at Van Detta stadium on August 23rd from 12:00 – 10:00pm to raise money for American Cancer Society. They also asked to put purple ribbons on the poles on Main St starting August 1st. Council approved.

Brighton Securities requested to hold a shred day on Tuesday, June 17th from 1:00 – 4:00pm in the parking lot between Main St Pizza and City Church. Council approved.

The Batavia Business Improvement District submitted an application for Jackson Square concerts on Fridays from June 27th through August 29th from 7:00 – 9:00pm, DC in the Square on June 21st and the Ramble Music Festival on Saturday, July 5th from 11:00am – 9:00pm. All events would be held in Jackson Square. Council approved.

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Council President's Report

Council President Hawley announced that the next regular City Council Conference Meeting would be held on Monday, June 23, 2014 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 but there was nothing specific to report at that time.

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City Manager's Report

Mr. Molino noted that there was nothing specific to report.

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Committee Reports

Councilperson Christian noted that Habitat for Humanity would be having a tent sale on June 14th from 9:00am – 3:00pm. She also noted that Vibrant Batavia did a great job on Hutchins St planting flowers with over 30 people helping out. She reported that some homes were in need of inspection and that on June 21st there would be an ice cream social from 1:00 – 2:00pm at the Senior Center.

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Public Comments

James Owen, 2 Redfield Parkway, stated that it had come to his attention that there may be some funding available for the beautification of Batavia. He noted that Redfield was the gateway to the VA Hospital and NYS Nursing Home and that residents on that street donate money, buy plants and put them in the ground to keep their street looking nice. He wondered if there was any funding for the Redfield residents for plants or for watering the plants.

Al McGinnis, 16 Vernon Ave, congratulated Council for the fiscal soundness of the City but asked Council to vote no to fund the BID request for flowers. He felt it could become a slippery slope with others asking for funding as well.

John Roach, 116 Grandview Terrace, noted that he sent a FOIL request, was surprised how long it was going to take to get information so reduced his request to one year. He stated that he only got the invoice and not sure what time was spent doing what jobs and felt there should be another set of eyes on the invoices since Mr. Molino was the only one who audited the legal bills. He would like Council to ask the State Comptroller to come in an audit the legal bills.

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Council Responses to Public Comments

Councilperson Christian suggested that Mr. Owen ask Vibrant Batavia for help with Redfield. Councilperson Doeringer also suggested contacting Leanna Dirisio because they were always open to new ideas and projects. He felt, with regards to the audit of the attorney records, that to say Mr. Molino couldn't handle reviewing the bills wasn't necessary, he reviewed many other professional services as well and an audit had just taken place by the State who looked at all facets of the City and didn't see a problem with the attorney bills. Councilperson Cipollone noted that the City did receive full detail of all the charges that are billed but the details couldn't be released and there was nothing the legal firm was hiding from the City. Councilperson Jankowski felt that if that was correct, then the full detail should be provided with certain items redacted. He noted that strategy didn't need to be released. Councilperson Pacino asked who would be allowed to see the bills. Mr. Molino noted that the request was just for the total amount and that is what was provided. He explained that he would review any redactions along with the City Clerk and City Attorney. Councilperson Christian asked that all bills be itemized from now on. Mr. Van Nest noted that all bills have always been itemized.

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Unfinished Business

Councilperson Jankowski reminded Mr. Molino that Council was going to be provided detail on Vibrant Batavia spending on a quarterly basis. Mr. Molino noted that the first quarter ended June 30th and he would have something for the July meeting.

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New Business

**#47-2014
RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2014 ENTITLED A LOCAL LAW
TO AMEND SECTION §1-4 WARDS, OF THE CITY CHARTER OF THE CITY OF
BATAVIA**

Motion of Councilperson Christian

WHEREAS, Section §1-5 of the City Charter requires the City to submit a redistricting plan at the next November general election if two or more of the wards have a population differential of 10% more than the average of the six wards; and

WHEREAS, City Council discussed a redistricting plan at the April 28, 2014 Council meeting and introduced a Local Law to Amend Section §1-4 at the May 12, 2014 Council Meeting; and

WHEREAS, a public hearing on this proposed Local Law amendment was held on May 27, 2014 before this Council, pursuant to public notice duly published in *The Daily News*.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 2 of 2014 entitled a **Local Law to Amend §1-4 Wards, of the City Charter of the City of Batavia** be and the same is hereby adopted by City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED, that the City Clerk is charged with officially filing Local Law No. 2 with Genesee County and a proposition will be prepared for the general election ballot in November 2014.

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

**LOCAL LAW NO. 2 OF THE YEAR 2014
CITY OF BATAVIA**

**A LOCAL LAW AMENDING SECTION § 1-4 WARDS, OF THE CITY CHARTER OF
THE CITY OF BATAVIA**

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

Section 1. § 1.4 Wards

Wards of the City of Batavia are hereby established as follows:

WARD #1 — Bordered on the south by East Main Street; on the west by Vine Street to Bank Street and then Bank Street to the City line; on the north and east by the City line.

WARD #2 — Bordered on the east by Vine Street, to Bank Street and then Bank Street to the City line; on the south by Main Street; on the west by Bank Street to ~~North~~ [Denio] Street and then ~~North~~ [Denio] Street to State Street and then State Street to the City line; on the north by the City line.

WARD #3 — Bordered on the east by Bank Street to North [Denio] Street and then North [Denio] Street to State Street and then State Street to the City line; on the south by Main Street; on the west by Oak Street; on the north by the City line.

WARD #4 — Bordered on the east by Oak Street [to La Crosse Avenue and then La Crosse Avenue to Montclair Avenue; and Montclair Avenue to West Main Street]; on the south by West Main Street to South Lyon Street and then South Lyon Street to South Main Street; South Main Street to Roosevelt Avenue, and then Roosevelt Avenue to Pearl Street; Pearl Street to the City line; on the west and north by the City line.

WARD #5 — Bordered on the east by Liberty Street to South Liberty Street and then South Liberty and a straight line continuation of South Liberty south to the City line; on the south by the City line; on the west by Pearl Street to Roosevelt Avenue and then Roosevelt Avenue to South Main Street and South Main Street to South Lyon Street to West Main Street; on the north by West Main Street to [Montclair Avenue and then Montclair Avenue to La Crosse Avenue and La Crosse Avenue to Oak Street; Oak Street to] Main Street and then Main Street to Liberty Street.

WARD #6 — Bordered on the east and south by the City line; on the west by Liberty to South Liberty Street and then South Liberty Street and a straight line continuation of South Liberty Street to the City line; on the north by East Main Street to the City line.

Section 2. This Local Law, as proposed, shall become effective pursuant to the provision of the Municipal Home Rule Law. It shall further become effective, only if submitted as a proposition and approved by referendum, at the next general election.

Section 3. This Local Law shall take effect for elections held after January 1, 2015.

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

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#48-2014

RESOLUTION TO ACCEPT BATAVIA OPPORTUNITY AREA STEP 2 NOMINATION PLAN

Motion of Councilperson Doeringer

WHEREAS, the Batavia Opportunity Area (BOA) Step 2 Nomination Plan has been prepared for a 366 acre area impacted by 75 underutilized, vacant and abandoned properties in the City of Batavia; and

WHEREAS, The Batavia Opportunity Area Plan was based on a rigorous inventory and analysis of conditions, opportunities and constraints in the BOA; and

WHEREAS, the plan provided a public participation process that included a public hearing, two public meetings, a website, stakeholder interviews, and the involvement of a steering committee; and

WHEREAS, market based concept plans were prepared for five strategic sites including the City Centre, the Downtown Medical Corridor, the Harvester Center, the former Della Penna Site and the Creek Park Area, all of which are currently underutilized; and

WHEREAS, the City of Batavia would like to advance and support the redevelopment of strategic sites in the BOA;

NOW, THEREFORE, BE IT RESOLVED, that the City of Batavia hereby accepts the plan as presented; and

BE IT FURTHER RESOLVED, that the plan is accepted for purposes of advancing strategic site concepts in the Nomination Plan; and

BE IT FURTHER RESOLVED, that the City will complete the required State Environmental Quality Review (SEQR) at the completion of the Step 3 Implementation Study.

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

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#49-2014

RESOLUTION TO AUTHORIZE BUDGET TRANSFERS AND BUDGET AMENDMENTS AND TRANSFERRING \$3,200 TO THE PARKING LOT CAPITAL RESERVE FUND

Motion of Councilperson Briggs

WHEREAS, in order to close out the 2013-14 fiscal year budget certain budget amendments and transfers need to be made:

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Parking Lot Reserve Fund; and

WHEREAS, the City of Batavia has an established Workers Compensation Reserve Fund with an approximate balance of \$237,300; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2014 received parking and dumpster permit revenue in the amount of \$3,200 and is desirous of transferring said

\$3,200 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots; and

WHEREAS, the City of Batavia’s workers compensation premiums increased in the 2013-14 fiscal year due to the increase in payroll associated with the retroactive settlement with the PBA at the end of the 2012-13 fiscal year; and

WHEREAS, the City Council is desirous of transferring \$14,523.79 out of the Workers Compensation Reserve Fund to coverage budget overages for premiums and claims paid in the 2013-14 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$3,200 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund; and

BE IT FURTHER RESOLVED, that the Council of the City of Batavia does hereby transfer \$14,523.79 out of the Workers Compensation Reserve Fund to 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 amendments:

Effective March 31, 2014, amend the 2013-14 budget by increasing expenditure accounts:

001-1315.0470 Admin. Services – Judgments and Claims	\$ 9,844.97
001-1420.0437 Legal – Professional service	\$ 71,733.60
001-5110.0401.9405 CHIPS - Supplies and materials by	\$109,490.33
006.9040.0423 Workers Comp Contract Services	\$ 13,968.10
006.9040.0803 Workers Comp Benefits	\$ 555.69

by decreasing expense account:

001-1990.0500 Contingency	\$ 81,578.57
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and increasing revenue account:

001.0001.3301. Consolidated Highway Aid - CHIPS	\$109,490.33
006.0006.0511.2160 Workers Comp Reserve	\$ 14,523.79

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

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#50-2014

RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 11 SOUTH SPRUCE STREET WITH BATAVIA HOUSING AUTHORITY

Motion of Councilperson Cipollone

WHEREAS, the City foreclosed on 11 South Spruce Street (SBL #84.060-1-9) for non-payment of property taxes; and

WHEREAS, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

WHEREAS, the Batavia Housing Authority has agreed to assist and partner with the City of Batavia with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 11 South Spruce Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office.

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

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#51-2014

RESOLUTION TO SUBMIT A CLEANER GREENER PLANNING GRANT AND TO PROVIDE A COST SHARE

Motion of Councilperson Canale

WHEREAS, the New York State Energy Research and Development Authority is offering funding under the Cleaner Greener Program for planning projects including updates of Comprehensive Plans; and

WHEREAS, the Cleaner Greener program is offering \$5 million statewide for innovative planning projects; and

WHEREAS, the City of Batavia's last Comprehensive Plan update was in 1997; and

WHEREAS, the plan needs to be updated to reflect current community issues and New York State's sustainability goals; and

WHEREAS, an updated Comprehensive Plan is often a key requirement to obtain state and federal funding;

NOW THEREFORE, BE IT RESOLVED, that the City Council enthusiastically supports the submission of the Cleaner Greener Planning grant application by the City Manager for a Comprehensive Plan update;

BE IT FURTHER RESOLVED, that the City hereby commits to providing 25 percent of the costs to prepare the plan.

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

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#52-2014

**RESOLUTION TO SUBMIT A TRANSPORTATION ALTERNATIVES PROGRAM
GRANT AND TO PROVIDE A COST SHARE**

Motion of Councilperson Cipollone

WHEREAS, the New York State Department of Transportation is offering funding under the Transportation Alternatives Program (TAP) for alternative transportation projects; and

WHEREAS, the project to provide safe alternative transportation connections between United Memorial Center, Downtown and three school properties qualifies under the TAP funding program; and

WHEREAS, the City of Batavia's Healthy Schools Corridor project is a high priority for the City;

NOW THEREFORE, BE IT RESOLVED, that the City Council enthusiastically supports the submission of the TAP grant application by the City Manager;

BE IT FURTHER RESOLVED, that the City hereby commits to providing 25 percent of the costs to design and construct the Healthy Schools Corridor Project.

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

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#53-2014

**RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND SUBMIT
A NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
MICRO-ENTERPRISE PROGRAM APPLICATION FOR 2014**

Motion of Councilperson Jankowski

WHEREAS, it is the desire of the City Council to submit an application for the New York State Community Development Block Grant Micro-Enterprise Program; and

WHEREAS, the City of Batavia held a required public hearing on June 6, 2014 to allow residents to assist the City in defining community development priorities, to assist the Council in identifying possible projects for inclusion in the City's application and to comment on the City's plan for Community Development Block Grant funding;

NOW THEREFORE, BE IT RESOLVED, that the City Manager of the City of Batavia, Genesee County, New York, is hereby authorized as the official representative of the City of Batavia to execute and submit a Community Development Block Grant application for a Micro-enterprise Program to the administrative agency for the Fiscal Year 2014 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

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

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#54-2014

**RESOLUTION TO TRANSFER \$1,900 FROM THE CONTINGENCY ACCOUNT TO
THE COMMUNITY CELEBRATIONS ACCOUNT**

Motion by Councilperson Pacino

WHEREAS, City Council received a request from the Batavia Business Improvement District (BBID) to share the cost of the hanging baskets in downtown Batavia; and

WHEREAS, Council is desirous to reimburse the BBID for half of the cost of the hanging baskets in the amount of \$1,900;

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 transfer in the General Fund:

Effective June 9, 2014, the following transfer is hereby approved:

Increasing expenditure account
001.7550.0400 \$1,900

Decreasing expenditure account
001.1990.0500 \$1,900

Seconded by Councilperson Canale and on roll call approved 5-4. Councilpersons Deleo, Jankowski, Briggs and Christian voted no.

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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...".

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 on roll call approved 9-0.

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Meeting adjourned at 7:55 PM.

Respectfully submitted,

Heidi J. Parker
Clerk-Treasurer