

**CITY OF BATAVIA  
BUSINESS MINUTES  
JULY 14, 2014**

The regular business meeting of the City Council was held Monday, July 14, 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, Briggs, Jankowski, Doeringer and Christian. Councilperson Deleo was absent.

Council President Hawley called the meeting to order at 7:00 PM. Councilperson Doeringer led the Lord's Prayer and the Pledge of Allegiance.

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

The Council President assigned the regular agenda items.

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**Communications**

Sunny's Restaurant submitted their liquor license renewal. There were no objections from the police department. Council approved.

Highway of Holiness Church of God submitted an application for a youth picnic on Saturday, July 26<sup>th</sup> from 12:00 – 4:00pm at 31 Maple St. They would have a bounce house. Council approved.

The Batavia Police Department submitted an application for National Night Out at Birchwood Village on Tuesday, August 5<sup>th</sup> from 6:00 – 8:00pm. The Batavia Concert Band would also be playing. Council approved.

Vibrant Batavia submitted an application for a Block Party on Morton Ave. The event was scheduled for Saturday, June 28<sup>th</sup> and thus already took place. Council approved.

Independent Living requested to hold a Taste of Independence on Wednesday, August 27<sup>th</sup> from 5:00 – 8:00pm in Jackson Square. This would be a fundraising event with restaurant food sampling. Council approved.

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## **Council President's Report**

Councilperson Canale presented a proclamation to Bill Ficarella who retired as a supervisor at the Bureau of Maintenance after over 35 years of service. Bill began as a laborer, was a dedicated and devoted employee and the proclamation was to thank him for his service to the community.

Councilperson Briggs presented a proclamation to Chuck Dudek who retired as a police detective at the Batavia Police Department after over 31 years of service. Chuck began as a patrolman and his attention to detail led to the arrest and conviction of numerous suspects. He was thanked for his dedicated service to the community.

Councilperson Jankowski presented a proclamation to Pat Corona who retired as a detective sergeant at the Batavia Police Department after over 28 years of service. Pat began as a patrolman, successfully investigated many crimes and ensured public safety. He was thanked for his service to the community.

Council President Hawley announced that the next regular City Council Business and Conference Meeting would be held on Monday, August 11, 2014 at 7:00 PM at the City Hall Council Board Room, 2<sup>nd</sup> 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 the City's bond rating was reviewed by Moody's and it was affirmed as A1. He explained that it wasn't upgraded as he had hoped but it was a positive review and the City received high remarks.

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## **Committee Reports**

Councilperson Christian noted that on July 26<sup>th</sup> from 12 – 3pm there would be an ice cream social for the 6<sup>th</sup> ward at Farrall Park. She also noted she had met with other council members and came up with some general ideas for the strategic planning sessions upcoming. Councilperson Doeringer noted that Mr. Molino had provided the financial reporting for Vibrant Batavia and there was a list of upcoming events. He also noted they were well into

the Centennial Celebration planning process. Councilperson Pacino noted that she went to the Morton Ave block party, it was well attended and well received.

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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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**New Business**

**#55-2014**

**RESOLUTION TO APPOINT MEMBERS TO THE AUDIT ADVISORY COMMITTEE**

**Motion of Councilperson Briggs**

**WHEREAS**, the City of Batavia received Audit Advisory Committee applications from qualified City residents; and

**WHEREAS**, the City is desirous to rescind the Audit Advisory Committee appointments made through resolution #30-2014 on April 14, 2014 and appoint the committee members listed on this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the following appointments be made and the Audit Advisory appointments made on April 14, 2014 be rescinded:

**Audit Advisory Committee**

Councilperson John Canale  
Councilperson Pierluigi Cipollone  
David Leone  
Marc Staley  
Matt Landers

**Term Expiration**

December 31, 2014  
December 31, 2014  
December 31, 2014  
December 31, 2014  
December 31, 2014

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

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**#56-2014**

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

**Motion of Councilperson Cipollone**

**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 Christian and on roll call approved 8-0.**

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**#57-2014**

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE ABANDONED PROPERTY  
NEIGHBORHOOD RELIEF ACT OF 2014**

**Motion by Councilperson Christian**

**WHEREAS**, vacant and abandoned properties are an epidemic in New York’s municipalities and dealing with these distressed properties can be an expensive, time-consuming task for local officials. Vacant and abandoned properties that are also entangled in mortgage foreclosure present even greater challenges for cities and villages since foreclosures drag on for years, restricting local officials’ efforts to address the social costs that these blighting properties have on neighboring parcels and the surrounding community as a whole; and

**WHEREAS**, the New York State Abandoned Property Neighborhood Relief Act of 2014 (here after referred to as the “Act”) amends Real Property Actions and Proceedings Law §1307 to define “vacant and abandoned” residential real property, and expands the duty of a mortgagee to maintain vacant, residential real property to include pre-foreclosure “vacant and abandoned” residential property; and

**WHEREAS**, the Act requires mortgagees and loan servicing agents to periodically inspect residential real property to determine if properties with delinquent mortgages are currently occupied; and

**WHEREAS**, the Act requires the Attorney General to establish and maintain a statewide electronic Vacant and Abandoned Property Registry that local officials will be able to access, and mortgagees or their agents must promptly register vacant and abandoned properties in the Registry; and

**WHEREAS**, the Act also authorizes municipalities to intervene as of right in foreclosure actions involving vacant and abandoned residential property for the purpose of requesting injunctive relief, to ensure that the property is maintained in accordance with law and that the foreclosure action is timely prosecuted; and

**WHEREAS**, this Act will greatly facilitate the ability of City officials to deal with vacant and abandoned properties, empowering them to address these challenges in a manner that minimizes the negative impact that such properties can have on the community; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia, New York supports the passage of the Act recommends its enactment into law; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be sent to Governor Andrew Cuomo, Attorney General Eric T. Schneiderman, New York State Senator Michael Ranzenhofer and New York State Assemblyman Steve Hawley.

**BE IT FURTHER RESOLVED**, the Act is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Neighborhood Revitalization strategic priority.

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

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#58-2014

**RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR THE CITY MANAGER**

**Motion of Councilperson Pacino**

**WHEREAS**, the City Council of the City of Batavia wishes to grant a wage adjustment to the City Manager for the current year based on his favorable performance evaluation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the wage of the City Manager is increased by 2.5%, to \$89,481 and be and hereby is enacted and retroactive to April 1, 2014.

**Seconded by Councilperson Doeringer and on roll call approved 5-3. Councilpersons Jankowski, Briggs, and Christian voted no.**

**Discussion** – Councilperson Jankowski read a letter from Councilperson Deleo noting that Council recently agreed to give Mr. Molino an assistant to lessen his workload and would not vote in favor of the wage adjustment. Councilperson Doeringer stated that the assistant wasn't hired to lessen his workload but to allow him to do more work and get more work done. Councilperson Christian noted that Council couldn't vote in executive session then bring the resolution out to the public meeting. Mr. Van Nest explained that matters specific to employment history could be discussed in executive session and that the vote was being done in public and that is the resolution they were in the process of voting on at that point. Councilperson Jankowski felt there should have been a conference meeting beforehand to discuss the issue and suggested moving the item to a conference meeting. Mr. Van Nest noted the current process was consistent with how the matter has been handled in the past. Councilperson Jankowski noted that just because historically a mistake was made didn't mean Council should keep doing it the same way and thought the public should know why the raise was 2.5% and not 1%. He noted that he had asked for a copy of Mr. Molino's contract and hadn't received it. He felt the process needed to be more open. Councilperson Jankowski made a motion to table the vote until he could have a copy of the contract. The motion was seconded by Councilperson Christian and on roll call, failed 5-3. Councilpersons Jankowski, Briggs and Christian voted in favor of tabling. Mr. Molino noted that Councilperson Jankowski had never asked for a copy of the contract since he had become an elected official. Council President Hawley noted that Mr. Molino's employment had been discussed at length during two consecutive executive sessions, everyone had been asked what they felt was fair, and the matter was put to the next business meeting which was this meeting. Councilperson Cipollone noted that the review and the raise was for what was done during the previous year and not for future performance. Councilperson Pacino noted that they really did discuss the topic at length and those types of comments about a person's employment performance didn't need to be discussed in public. Councilperson Jankowski noted that he was concerned with the gap that was growing between management and the everyday worker and he wanted to keep the gap from getting bigger. He felt that the 2.5% raise would make the gap grow bigger. Councilperson Christian asked if Mr. Molino's increase the same as the non-union raise per his contract. Mr. Molino noted that his raise was totally separate from any other employee.

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Meeting adjourned at 7:40 PM.

Respectfully submitted,

Heidi J. Parker  
Clerk-Treasurer