

# **CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 8, 2014**

The regular business meeting of the City Council was held Monday, September 8, 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, Deleo and Christian.

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

The minutes from the August meetings and July 2014 draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

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## **Communications**

Historic Batavia Cemetery Association wanted to hold a 5K on Saturday, October 25<sup>th</sup> at 6:00pm on Harvester Ave through the cemetery and on City streets. Proceeds were for restoration of cemetery property. Council approved.

City Church requested to hold an Outreach event on Thursday, September 18<sup>th</sup> from 4:30 – 6:30pm at Pringle Park. There would be food and activities for the neighborhood. 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, September 22, 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 across the board but there was nothing specific to report at that time.

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## City Manager's Report

Laura Landers from Freed Maxick presented the financial statement audit and noted that it had gone very well. She noted that she met with the audit committee on August 18<sup>th</sup> to review the financial statements in detail, an unmodified opinion was given, and a single audit was performed because there were federal funds expended in excess of \$500,000. Miss Landers showed the budget to actual for revenue and expenditures for the past 10 years noting the improvements over that time, explained that the City continued to fund various reserves with excess fund balance allowing flexibility with future projects and showed the City was in a stable cash position. She noted that both the water and sewer funds were doing well also, there were no material weaknesses found, and she thanked the staff for making the audit go smoothly. Councilperson Christian felt that it was the best report she had ever seen and felt Mr. Molino and Council had done a great job. Councilperson Pacino stated that the report was magnificent and recalled a time when she thought the lights were going to be shut off. She also noted the changes began the year Mr. Molino came to the City.

NFIP / CRS - Gretchen Difante, Assistant City Manager, provided a flood insurance update by explaining the pertinent terms and noting that the Tonawanda Creek had flooded 24 times since 1965. She explained the process the City would be involved in to allow residents to receive a discount on their flood insurance and what residents could do themselves to help. Councilperson Christian asked if our flood map was outdated since the last time it was updated was before 1982. Mrs. Difante explained that the City had been reviewed and prioritized but she didn't know when the mapping would be redone and that most maps either stayed the same or added more homes into the flood plain. Mrs. Difante provided data regarding the number of homes in the flood plain, age of homes, median income of families in the flood plain and that there were 384 flood insurance policy holders in the community. She noted that the average flood insurance premium paid in Batavia was about \$1,000.

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## Committee Reports

Councilperson Christian noted that Vibrant Batavia would be at Farrall Park on September 13<sup>th</sup> from 4:00 – 7:00pm selling pizzas for Habitat for Humanity and that the OHMS Band would be playing at the event.

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## Public Comments

John Roach, 116 Grandview Terrace, didn't understand why the City would spend \$100,000 to hire a consultant for a master plan because the City already had a master plan, felt the committees could help create one, and an assistant city manager had just been hired who could work on it as well.

Jim Rosenbeck, 13 Lewis Ave, asked if the City was incurring any cost for the cable renewal agreement because the franchise fee was passed onto the customers. He also asked if the City had an agreement exclusively with Time Warner.

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### **Council Responses to Public Comments**

Councilperson Jankowski noted that at a prior meeting it was discussed that the franchise agreement didn't prevent competition but that it was other cable company's decision not to come here because of the infrastructure that was involved with being able to provide cable. Councilperson Canale noted that in order for a cable company to provide service, there needed to be a franchise agreement.

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### **Unfinished Business**

Councilperson Christian noted that she had received many calls from residents who wanted something done with the buildings on Swan (Wiard Plow) and Colorado Ave. She noted that they needed to be cleaned up.

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### **New Business**

#### **#65-2014**

#### **RESOLUTION TO ENTER INTO AN AGREEMENT WITH UNITED MEMORIAL MEDICAL CENTER FOR THE PURCHASE OF NARCAN**

### **Motion of Councilperson Christian**

**WHEREAS**, the City of Batavia Fire Department is desirous of providing Narcan service as part of their BLS (Basic Life Support) services;

**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 an agreement with United Memorial Medical Center for the purchase of Narcan.

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

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#### **#66-2014**

#### **RESOLUTION TO AMEND THE 2014-2015 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NEW YORK STATE DIVISION OF CRIMINAL**

**JUSTICE SERVICE GRANT IN THE AMOUNT OF \$5,000 TO DEVELOP CRIME  
FIGHTING AND VIOLENCE PREVENTION INITIATIVES WITHIN THE CITY OF  
BATAVIA**

**Motion of Councilperson Cipollone**

**WHEREAS**, the City of Batavia Police Department has received a grant in the amount of \$5,000.00 from the Office of Program Development and Funding and Criminal Justice Program; and

**WHEREAS**, the funding is used to develop crime fighting and violence prevention initiatives that will enhance the quality of life in our community; and

**WHEREAS**, to properly account for the expenditure of this money, a budget amendment needs to be made;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2014-2015 budget to cover various detection systems and sampling card equipment purchases:

Effective September 8, 2014, amend the 2014-15 budget by increasing expenditure account 001-3120-0200-1140 by \$5,000.00 and increasing revenue account 001-0001-3389-1140 by \$5,000.00.

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

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**#67-2014**

**RESOLUTION TO CONTRACT FOR CABLE FRANCHISE RENEWAL SERVICES**

**Motion of Councilperson Briggs**

**WHEREAS**, Time Warner Cable Inc. (“Time Warner Cable”) has entered into an agreement to be owned by Comcast Corporation (“Comcast”); and

**WHEREAS**, the City, as a franchise authority, reserves its rights and legal position to approve or deny the transfer of its individual cable franchise; and

**WHEREAS**, the City of Batavia cable franchise agreement is over 10 years expired; and

**WHEREAS**, due to the unique and specialized requirements of legal work involving cable franchise and telecommunications matters, the City Attorney and City Manager are recommending that the City Council retain special counsel to assist with matter related to the negotiation of the City cable franchise transfer and renewal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council President for the City of Batavia is hereby authorized to sign an agreement for Cable Franchise Renewal Service between the City of Batavia and Cohen Law Group.

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

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**#68-2014  
RESOLUTION TO AUTHORIZE A BUDGET TRANSFER OF \$12,600 FROM  
CONTINGENCY TO LEGAL SERVICES**

**Motion of Councilperson Canale**

**WHEREAS**, the City's franchise agreement is in need of transfer and renewal; and

**WHEREAS**, due to the unique and specialized requirements of legal work involving cable franchise and telecommunications matters, it is recommended that the City Council retain special counsel to assist with matters related to the negotiation of the City cable franchise transfer and renewal; and

**WHEREAS**, the City of Batavia has received a proposal from Cohen Law Group to assist the City with the franchise transfer and negotiation of the franchise renewal for a flat fee of \$12,600; and

**WHEREAS**, the City of Batavia budget for the 2014-2015 fiscal year does not include provisions for these services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget transfer:

by decreasing expense account:

001-1990.0500 Contingency \$ 12,600.00

and increasing expense account:

001-1420-0404 Legal Fees – Other Counsel \$ 12,600.00

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

**Discussion** – Councilperson Christian asked why Mr. Van Nest couldn't do the work. Mr. Van Nest noted that it was a very specialized topic, the firm handled that type of work on a day-to-day basis, and it was all that firm did. Councilperson Doeringer asked if it was a one-time cost. Mr. Molino noted that it was and would assist with the transfer from Time Warner to Comcast and create a franchise agreement. Councilperson Cipollone asked if it was a fixed price and Mr.

Molino noted that it was. Councilperson Jankowski noted that some people were not sure how to complete the applications to be on various boards and asked for clarification.

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**#69-2014**

**RESOLUTION CLASSIFYING THE 2013 CDBG HOUSING REHABILITATION GRANT AS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)**

**Motion of Councilperson Briggs**

**BE IT RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council of the City of Batavia considered the Housing Rehabilitation Program which involves grant and loan assistance to low and moderate-income owner occupants to enable them to make essential improvements to their houses;

**BE IT FURTHER RESOLVED**, the City Council has determined that the proposed action is a Type II action, as defined under SEQR. The project qualifies as a Type II action as it consists of maintenance or repair involving no substantial changes in an existing structure or facility, as described in Section 617.5 of the SEQR regulations;

**BE IT FURTHER RESOLVED**, the City Council will take no further action with regard to SEQR for this project as Type II actions are not subject to review under SEQR.

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

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**#70-2014**

**RESOLUTION TO ADOPT THE ENVIRONMENTAL REVIEW RECORD ASSOCIATED WITH 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITY OF BATAVIA - RESIDENTIAL REHABILITATION PROGRAM**

**Motion of Councilperson Doeringer**

**WHEREAS**, the City has been awarded a \$400,000 Community Development Block Grant (CDBG) award to implement a Residential Rehabilitation Program to enable low and moderate income homeowners make essential improvements to their houses; and

**WHEREAS**, the City has committed \$15,674 in program income funds from a previous housing rehabilitation activities to the new program; and

**WHEREAS**, as part of the CDBG requirements, LaBella Associates, D.P.C has prepared the Environmental Review Record which is required to satisfy the National Environmental Policy Act (NEPA);

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Environmental Review Record and has determined that the Residential Rehabilitation Program will not have significant impact on the human and natural environment; and

**BE IT FURTHER RESOLVED**, that the City Council hereby designates Jason Molino, City Manager, as the Certifying Officer for the environmental review process.

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

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Meeting adjourned at 8:15 PM.

Respectfully submitted,

Heidi J. Parker  
Clerk-Treasurer