

**CITY OF BATAVIA
BUSINESS MINUTES
FEBRUARY 9, 2015**

The regular business meeting of the City Council was held Monday, February 9, 2015 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, Briggs, Canale, Doeringer, Cipollone, Jankowski, 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 January meetings and draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

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Communications

None.

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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, February 23, 2015 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 a question was posed at the last meeting about a motion that was raised, the audio recording was reviewed and it was posed as a resolution instead of a motion. Mr. Van Nest explained the Council rules for adding an item to the agenda. Councilperson Jankowski made a motion to suspend the rules which was seconded by Councilperson Christian but failed on roll call. Council President Hawley and Councilpersons Canale and Cipollone voted no. The vote needed to be unanimous to pass.

Councilperson Briggs asked what the status was of the Swan St property. Mr. Van Nest noted that because it was in litigation, it would be discussed at the appropriate time in executive session.

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City Manager's Report

Mrs. Difante, who was in for Mr. Molino, noted that there was nothing to report at that time.

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Committee Reports

Councilperson Pacino noted that the BID was making arrangements for the downtown public market and on April 10th would be having a Uganda water walk with the high school students. She also noted that on May 16th they were having an event called Beertavia in the Angotti parking lot.

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Public Comments

Jim Rosenbeck, 13 Lewis Ave, noted that he came into the mall near Sunny's restaurant and there were exposed wires near the buckets that collected the dripping water. He noted that the issues needed to be addressed and it needed to be a priority before someone gets hurt. He felt that repairing the roof wouldn't solve the issue and that wasn't the end game. He stated that the mall was a failed concept and continued to decay. He felt it was a key issue for the city and that all parties should be anxious to fix the mall and end litigation. Mr. Rosenbeck suggested reaching out to the mall, end litigation, and come up with a new plan, new agreements and make it a priority.

Brenda Gill, 42 Manhattan Ave, thanked Council for whatever they did to get her adjacent, abandoned properties fixed up. She appreciated it and asked them to keep up the good work.

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Council Responses to Public Comments

Councilperson Deleo thanked the speaker for her thank you. He also stated that the mall was a big problem, hoped they could reach some resolution this year, and noted that some different ideas had come up and wanted to see them come to fruition. Councilperson

Cipollone agreed that the City really needed to do something. Council President Hawley noted that abandoned property and the mall were top priorities for Council.

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Unfinished Business

Councilperson Christian noted that she had three businessmen call who were very upset that the sidewalks weren't shoveled but City Hall was shoveled. Mrs. Kuzon noted that 52 inches of snow had fallen in 13 days and explained the snow operations within the City. She understood the concerns about the snow removal, explained that there hadn't been a thaw this year unlike past years and they didn't have the manpower to run 24 hours a day. Councilperson Canale asked if the City was short staffed on days when the guys were out all night and Mrs. Kuzon noted that they were. Councilperson Jankowski stated that he had a call that several fire hydrants were out of commission on Verona and wondered if Mrs. Kuzon was aware. Mrs. Kuzon noted that there was a list of fire hydrants that weren't working and that the fire department was aware.

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New Business

#1-2015
**RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/
BOARDS**

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Youth Board

James Stading	December 31, 2017
Council President Brooks Hawley	December 31, 2015
Councilperson Pier Cipollone	December 31, 2015
Connor Logsdon	August 31, 2015

Mall Operating Committee

Joseph Gerace	December 31, 2016
Jason Molino	December 31, 2016

Historic Preservation Commission

Henry Emmans December 31, 2017
Joan Barton December 31, 2017
Paul Schulte December 31, 2017

Community Garden

Carol Boshart December 31, 2018
Bob Gray December 31, 2018
Denise Young December 31, 2018
Valerie Cascell December 31, 2018
Rae Ann Engler December 31, 2017

Batavia Business Improvement District

Councilperson Patti Pacino March 31, 2016

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

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#2-2015

RESOLUTION AWARDING A PURCHASE CONTRACT FOR THERMAL IMAGING CAMERAS

Motion of Councilperson Cipollone

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of thermal imaging cameras used for structural interior firefighting operations; and

WHEREAS, two (2) companies submitted bids, and one (1) low bidder was identified for the purchase of thermal imaging cameras.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the contract be awarded to the lowest responsible bidder hereinafter identified.

Company Name	Bid Amount
ElizaCo, Inc.	\$11,070.00 each
Thermal Imaging Concepts, LLC	\$13,750.00 each

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

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3-2015

A RESOLUTION TO AMEND THE 2014-2015 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A POLICE TRAFFIC SERVICES GRANT, A STOP-DWI GRANT AND AN ENHANCED STOP-DWI GRANT IN THE AMOUNT OF \$10,000 (PTS), \$18,906 (STOP-DWI) & \$10,615 (STOP-DWI ENHANCED TO ADDRESS A VARIETY OF TRAFFIC ENFORCEMENT INITIATIVES

Motion of Councilperson Deleo

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$10,000 from the New York State Governor’s Traffic Safety Committee for dedicated patrols to increase belt usage and to reduce aggressive driving, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$18,906 from the Genesee County Stop-DWI program to combat impaired driving by funding specialized patrol functions and equipment; and

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$10,615 from the Genesee County Stop-DWI program to combat impaired driving by funding joint and enhanced patrols; 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 effective February 9, 2015, to cover various traffic enforcement details card equipment purchases:

Increase expenditure accounts:

001.3120.0101.1143	\$	9,290.00
001.3120.0802.1143	\$	710.00
001.3120.0101.1144	\$	9,860.00
001.3120.0802.1144	\$	755.00
001.3120.0101.1145	\$	14,866.00
001.3120.0201.1145	\$	2,900.00
001.3120.0802.1145	\$	1,140.00

Increase revenue accounts:

001.0001.0389.1143	\$	10,000.00
001.0001.0389.1144	\$	10,615.00
001.0001.0389.1145	\$	18,906.00

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

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#4-2015

RESOLUTION TO AMEND THE 2014-2015 PUBLIC WORKS DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION GRANT IN THE AMOUNT OF \$15,000 TO DEVELOP A CITY-WIDE TREE MANAGEMENT PLAN

Motion of Councilperson Canale

WHEREAS, the City of Batavia Public Works Department has received a grant in the amount of \$15,000.00 from New York State Department of Environmental Conservation, Division of Lands and Forest; and

WHEREAS, the funding is used to develop a city-wide tree management plan; 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 is hereby authorized to make the following budget amendment to the 2014-2015 budget to cover various contractual services:

Effective January 26, 2015, amend the 2014-2015 budget by increasing expenditure account 001-7110-0423-1146 by \$15,000.00 and increasing revenue account 001-0001-3910-1146 by \$15,000.00.

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

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#5-2015

RESOLUTION INTRODUCING 2015-2016 BUDGET ORDINANCE AND SCHEDULING A PUBLIC HEARING

Motion of Councilperson Pacino

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2015-2016 fiscal year on January 12, 2015 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 23, 2015 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2015-2016 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 23, 2015; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

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

ORDINANCE #001-2015

AN ORDINANCE ADOPTING THE 2015-2016 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2015-2016 FISCAL YEAR

BE IT ENACTED, by the Council of the City of Batavia, New York:

SECTION 1. The proposed Budget for 2015-2016, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 12, 2015, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2015-2016 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, and Workers' Compensation Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2015-2016.

SECTION 2. The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2015-2016 is \$5,119,753.

SECTION 3. The sum of \$5,119,753 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2015-2016, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2015-2016.

SECTION 4. The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

SECTION 5. The budget summaries, as filed in the Clerk-Treasurer's Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

SECTION 6. This Ordinance shall become effective April 1, 2015.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$	201,303.00
City Council	\$	51,700.00
City Manager	\$	179,820.00
Finance	\$	171,186.00
Administrative Services	\$	314,170.00
Clerk/Treasurer	\$	141,675.00
City Assessment	\$	145,072.00
Legal Services	\$	217,050.00
Personnel	\$	524,960.00
Engineering	\$	32,000.00
Elections	\$	11,835.00
Public Works Administration	\$	111,890.00
City Facilities	\$	267,740.00
Information Systems	\$	74,169.00
General Fund - Contingency	\$	250,000.00
Police	\$	4,021,860.00
Fire	\$	3,850,720.00
Control of Dogs	\$	1,310.00
Inspection	\$	329,965.00
Vital Statistics	\$	18,960.00
Maintenance Administration	\$	211,750.00
Street Maintenance	\$	607,115.00
Public Works Garage	\$	495,345.00
Snow Removal	\$	541,830.00
Street Lights & Traffic Signals	\$	279,360.00
Sidewalk Repairs	\$	318,558.00
Parking Lots	\$.00
Community Development	\$	20,000.00
Council on Arts	\$	2,250.00
Parks	\$	626,850.00
Summer Recreation	\$	68,000.00
Youth Services	\$	194,715.00
Historic Preservation	\$	2,395.00

Community Celebrations	\$ 13,920.00
Planning & Zoning Boards	\$ 3,200.00
Storm Sewer	\$ 217,150.00
Refuse & Recycling	\$ 62,430.00
Street Cleaning	\$ 139,270.00
Medical Insurance	\$ 12,030.00
General Fund - Debt Service/Bonds	\$ 525,125.00
General Fund – BAN	\$ 16,953.00
Install Pur Debt - Municipal Lease	\$ 7,256.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 73,255.00
Gen. Fund – Other Gov’t Debt	\$ 94,512.00
General Fund - Transfer/Other Funds	\$ 398,230.00
TOTAL	\$ 15,848,884.00

Water, Wastewater & Workers Comp Funds

**PROPOSED
2015/16**

Water Administration	\$ 2,340,065.00
Pump Station & Filtration	\$ 1,634,330.00
Water Distribution	\$ 420,320.00
Water Fund – Medical Insurance	\$ 1,150.00
Water Fund Contingency	\$ 18,489.00
Water Fund - Debt Service/Bonds	\$ 25,663.00
Install Pur Debt – Municipal Lease	\$ 4,032.00
Water Fund– Debt Srvc-Energy Lease	\$ 17,481.00
Water Fund – Transfers for Cap Proj	\$.00
Water Fund - Transfer to Other Funds	\$ 279,070.00
Water Fund - Capital Reserve	\$ 82,086.00
TOTAL	\$ 4,822,686.00

Wastewater Administration	\$ 349,875.00
Sanitary Sewers	\$ 449,535.00
Wastewater Treatment	\$ 865,920.00
WW Fund Contingency	\$ 28,000.00
WW Fund – Medical Insurance	\$ 740.00
WW Fund - Debt Service/Bonds	\$ 159,500.00
WW Fund – Debt Service/BAN	\$.00
WW Fund - Debt Srvc-Energy Lease	\$ 7,251.00

Install Pur Debt – Municipal Lease	\$ 29,028.00
WW Fund – Transfer to Other Funds	\$ 574,330.00
WW Fund – Transfer/Capital Fund	\$.00
WW Fund - Capital Reserve	\$ 120,500.00
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TOTAL	\$ 2,584,679.00
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Workers' Compensation	\$ 561,300.00
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TOTAL	\$ 561,300.00
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TOTAL	\$ 23,817,549.00
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#6-2015

RESOLUTION INTRODUCING A LOCAL LAW AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Motion of Councilperson Briggs

BE IT RESOLVED, that Local Law No. 1 of the Year 2015 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2015 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 23, 2015; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

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

**LOCAL LAW NO. 1 OF THE YEAR 2015
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE
CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A
CAPITAL IMPROVEMENT FEE**

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

Section 1. § 184-41. Water rates.

A. Water Rates

City – Water – Quarterly Schedule

First ~~300,000~~ gallons ~~\$4.62~~ per 1,000 gallons
 Over ~~300,000~~ gallons ~~\$3.85~~ per 1,000 gallons

[\$4.78 per 1,000 gallons]

Town Served Directly by the City – Building and Hydrants

First ~~300,000~~ gallons ~~\$5.93~~ per 1,000 gallons
 Over ~~300,000~~ gallons ~~\$4.90~~ per 1,000 gallons

[\$6.14 per 1,000 gallons]

B. Bulk rate at water plant fill station: ~~\$6.18~~ [\$6.40] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2014~~
 as ~~billed on and after June 1, 2014~~ [April 1, 2015 as billed on and after June 1, 2015].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$9.00 [9.32]
Disc	3/4	\$11.39 [11.79]
Disc	1	\$12.00 [12.42]
Disc	1 ½	\$20.39 [21.10]
Disc	2	\$28.31 [29.30]
Compound	2	\$23.98 [24.82]
Compound	3	\$91.21 [94.40]

Compound	4	\$145.18 [150.26]
Compound	6	\$219.31 [226.99]
Turbo	3	\$53.97 [55.86]
Turbo	4	\$91.21 [94.40]
Fireline	4	\$91.21 [94.40]
Fireline	6	\$145.18 [150.26]
Fireline	8	\$202.38 [209.46]
Fireline	10	\$264.28 [273.53]

All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$3.00 [4.50]
Disc	3/4	\$3.80 [5.70]
Disc	1	\$4.00 [6.00]
Disc	1 1/2	\$6.80 [10.20]
Disc	2	\$9.44 [14.16]
Compound	2	\$8.00 [12.00]
Compound	3	\$30.42 [45.63]
Compound	4	\$48.42 [72.63]
Compound	6	\$73.15 [109.73]
Turbo	3	\$18.00 [27.00]
Turbo	4	\$30.42 [45.63]
Fireline	4	\$30.42 [45.63]
Fireline	6	\$48.42 [72.63]
Fireline	8	\$67.50 [101.25]
Fireline	10	\$88.15 [132.23]

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

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Executive Session – Litigation

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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...”.

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 Deleo and on roll call approved 9-0.

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Meeting adjourned at 8:40 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**