

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **TUESDAY, MAY 26, 2015**

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

### **Call to Order**

Council President Hawley called the meeting to order at 7:00 PM. Councilperson Canale led the Invocation and the Pledge of Allegiance.

### **Communications**

St. Paul Lutheran Church submitted an application for a church service on Sunday, June 14, 2015 at 10:00 am in Austin Park. They have also rented the pavilion for the event. Council approved.

The BID submitted an application for free concerts in Jackson Square on Fridays from June 12<sup>th</sup> – August 28<sup>th</sup> (except for June 19<sup>th</sup>) from 7-9 pm. Council approved.

The BID submitted an application for the Ramble Music and Art Fest on Sunday, July 5<sup>th</sup> From 11:00 am – 9:00 pm in Jackson Square. Council approved.

The BID submitted an application for Centennial Art on Tuesday, June 16<sup>th</sup> from 4-8 pm in Jackson Square. The event would involve an estimated 100 artists exhibiting work to celebrate the City's Centennial. Council approved.

GO ART requested to hold its 37<sup>th</sup> annual Picnic in the Park on Saturday, July 4<sup>th</sup> from noon – 5pm. There will be live entertainments, arts and crafts, food, booths and children's activities. Council approved

Genesee Cancer Assistance submitted an application for the Festival of Hope 5K Run on Friday, May 29<sup>th</sup> at 6:00 pm at the Batavia Downs Race Track. The course will consist of Richmond Avenue, Redfield Parkway and the VA loop. Council approved.

Notre Dame High School has requested to close Richmond Avenue from Union to Woodrow for their graduation ceremony on Saturday, May 30<sup>th</sup> from 7-9 pm. Council approved.

Brighton Securities is requesting to hold a Shred Day on Friday, June 12<sup>th</sup> from 12-3 pm at 212 East Main Street. The event is an opportunity for the public to drop off and dispose of old documents to be destroyed. Council approved.

Center Street Smokehouse submitted an application for a 4-bank concert on Saturday, July 4<sup>th</sup> from 2-10 pm in Jackson Square. Council approved.

## **Council President Report**

Council President Hawley announced the next regular City Council business meeting would be held on Monday, June 8, 2015 at 7:00pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

## **Surplus Equipment/Vehicles**

Mr. Molino noted that from time to time the City declares vehicles and equipment that are no longer needed or beyond repair as surplus. Once declared surplus by Council, the equipment and/or vehicles are either auctioned or traded in for value against budget approved replacements. Funds received from any sale would be put into the department's equipment reserve fund. Motion of Councilperson Briggs to move the item to the next business meeting, seconded by Councilperson Cipollone and approved unanimously.

## **Amendments to Chapter 190 (Zoning) & 143 (Rooming Houses) of the Batavia Municipal Code**

Mr. Molino noted that both the Genesee County Planning Board and the City of Batavia Planning and Development Committee had recommended that City Council approve the proposed changes prohibiting new boardinghouses, lodging houses, rooming houses or tourist homes. He noted that the primary support for this proposed amendment is that the current section of the municipal code is not consistent with the City's comprehensive Master Plan. He indicated that the recommendations include down-zoning R2 – R1 eliminating new rooming houses moving forward. He also noted that Chapter 190 of the zoning code and Chapter 143, Rooming Houses of the BMC would also need minor verbiage changes, which would prohibit new rooming house applications from being submitted. He also advised Council that in order to move forward Council would need to schedule two public hearings, as both Chapter 190 and 143 are part of BMC. He also noted that a SEQR review would be provided to Council, as Chapter 190 is included in the zoning code. Councilperson Jankowski asked if the property changed ownership would everything continue as is. Mr. Molino indicated that the property would be re-inspected but would go forward as is. Councilperson Christian said that the changes were long overdue, as some rooming houses were bringing down other property values. Motion of Councilperson Christian to move the item to the next business meeting, seconded by Councilperson Jankowski, and approved unanimously.

## **Abandoned Property Neighborhood Relief Act 2015**

Mr. Molino noted that the Attorney General had proposed legislation to combat the spread of "zombie properties," which would expand on the Abandoned Property Neighborhood Relief Act of 2014. He indicated that the Bill would require mortgage lenders and servicers to notify homeowners of their rights. He recommended that Council again pass a resolution of support for the 2015 Act as passage of the legislation would assist the City's efforts to combat abandoned and vacant properties. Councilperson Pacino said that she was pleased with the proposed legislation. Councilperson Cipollone noted that one of the primary changes would be the banks taking title to foreclosed properties sooner. Motion of Councilperson Cipollone to move the item to the next business meeting, seconded by

Councilperson Deleo, and approved unanimously.

### **Comprehensive Emergency Management Plan**

Mr. Molino explained that Chief Maxwell had prepared the draft of the Comprehensive Emergency Management Plan that Council had received. He then indicated that the City Manager, Assistant City Manager, Fire Chief and Police Chief had reviewed the CEMP and recommended the Council adopt the plan. He noted that the plan provided the framework and guidance the City would use when responding and recovering to emergencies/disasters. He noted that the plan should be updated every five years. Motion of Councilperson Deleo to move the item to the next business meeting, seconded by Councilperson Cipollone, and approved unanimously.

### **Thermal Imaging Cameras**

Mr. Molino noted that Council had previously awarded a bid for the purchase of the thermal imaging cameras, but the vendor was no longer able to sell the cameras. He then indicated that the cameras were rebid and a new vendor had been selected. He recommended that Council award the new bid. Motion of Councilperson Deleo to move the item to the next business meeting, seconded by Councilperson Canale, and approved unanimously.

### **Amendment to Non-Union Employee Vacation Policy**

Mr. Molino noted that after reviewing the current vacation policy for new non-union employees it is requested that the current policy be amended to allow for new hires to accrue five days of vacation leave upon their sixth month of continuous service, and that upon their first year of service they accrue vacation leave consistent with the employees level of experience. Council President Hawley asked if this was for management hires. Mr. Molino indicated that it was for non-union hires. Councilperson Jankowski asked if the scale was by department. Mr. Molino indicated that the accrual would be based on the employee's level of experience. Motion of Councilperson Briggs to move the item to the next business meeting agenda, seconded by Councilperson Canale, and approved unanimously.

### **Microenterprise Assistance Program – Environmental Review**

Mr. Molino noted that in December of 2014 the City had been awarded a \$200,000 Community Development Block Grant, in March 2015 the Council had designated the BDC as the program manager, and LaBella Associates as the manager of the administrative services. He noted that a part of the grant required the City to do an environmental review. He indicated that LaBella Associates recommended that Council acknowledge receipt of the Environmental Review Record and related documents. Motion of Councilperson Deleo to move the item to the next business meeting agenda, seconded by Councilperson Cipollone, and approved unanimously.

## **Municipal Lease For Purchase of Tandem Axle Dump Truck**

Mr. Molino noted that the adopted budget outlined the purchase of a tandem axle dump truck with snow plow to be financed through a municipal lease. He indicated that the City's financial advisor had bid the municipal lease and recommend that Council approve financing a 7-year lease for \$182,210 with an interest rate of 2.24%. Motion of Councilperson Canale to move the item to the next business meeting agenda, seconded by Councilperson Deleo, and approved unanimously.

## **Transfer of VLT Aid to Sidewalk Reserve**

Mr. Molino noted that the City had recently been awarded over \$768,000 through the Transportation Alternative Program, Healthy Schools Corridor project, to complete over 12,000 linear feet of sidewalk improvements by 2018. He noted that the grant required the City to commit to \$192,200 local match, making the total project \$961,000. He indicated that the project would be completed in three phases (design, final design and constructions), and be similar to other sidewalk projects. He then recommended that Council approve the transfer of \$50,000 VLT money to the Sidewalk Reserve fund, as the transfer will cover the first two phases of the Healthy Schools Corridor projects. He noted that building the Sidewalk Reserve fund over the next two years to supports the project as well as future sidewalk improvements was both financially viable and supports the City's efforts to continue sidewalk improvements. Councilperson Briggs asked if additional VLT surplus would transfer after this year to help build up the reserve. Council person Christian asked for additional VLT money to be transferred for additional sidewalk projects. Mr. Molino said that the VLT money was received in the last fiscal year and should be utilized for the capital expenditures related to the sidewalk project. Councilperson Cipollone said that he was pleased to see the improved sidewalks near the VA and Havenwood. Motion of Councilperson Christian to move the item to the next business meeting agenda, seconded by Councilperson Cipollone, and approved unanimously.

Councilperson Pacino said that she would like to thank Bob Bialkowski and James Neider, as the Memorial Day parade was a huge success. Councilperson Cipollone said that he would also like to thank all of the local merchants that made donations for the parade.

## **Executive Session...Employment Matters**

### **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...".

**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 and on roll call approved unanimously.**

**Conference Meeting adjourned at 7:40 PM.**

**Respectfully submitted,**

**Aimslee M. Cassidy  
Deputy Clerk-Treasurer**