

# **CITY OF BATAVIA BUSINESS MINUTES OCTOBER 13, 2015**

The regular business meeting of the City Council was held Tuesday, October 13, 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, Jankowski, Deleo, Cipollone and Christian.

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

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

The Council President assigned the regular agenda items.

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## **Communications**

The Batavia Area Jaycees submitted an application for their annual Halloween Parade on Sunday, October 25, 2015 at 1:00pm. The parade starts at Alva Place and ends at Batavia's Original. Council approved.

The Batavia Cemetery Association submitted an application for Run for Your Life 5K on Saturday, October 17<sup>th</sup> at 6:00pm. The run would be from the Historic Batavia Cemetery to St. Joseph's Cemetery and back. 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, October 26, 2015 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 were working on a variety of matters but there was nothing specific to report.

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## City Manager's Report

Laura Landers, Freed Maxick, presented the 2014-15 financial statements. She noted that she had met with the Audit Advisory Committee on September 24<sup>th</sup> for about two hours and they had a very good discussion. She noted there were no material weaknesses or significant deficiencies, an unmodified opinion was issued, and she felt it was important for Council to read the Management Discussion and Analysis. She showed slide of revenue and expenditures and how they compared to budgeted amounts. She explained that revenues were above what was budgeted and expenses were below. She showed that there was a slight loss in operations of around \$137,000 but it was because over \$1 million in reserves was utilized. She noted the city had a very strong fund balance position which allowed the City to do projects they needed to do and it met the requirements of the fund balance policy. Ms. Landers noted that the water fund had a healthy net position and sewer had strong cash position and unrestricted fund balance. She thanked Mr. Molino, Lisa Neary, Heidi Parker and the staff for their assistance during the audit. Councilperson Christian noted the financial statements of the City had definitely improved since Mr. Molino came in and she was thankful.

Mr. Molino, in conjunction with several other speakers, discussed the Batavia Pathway to Prosperity or BP<sup>2</sup> and investing in the City's Brownfield Opportunity Area (BOA). Mr. Molino noted that he wanted to create a PILOT increment financing (PIF) policy to support the BOA plan and he'd been working with Steve Hyde (GCEDC), Rachael Tabelski (GCEDC), Jay Gsell (County), the school district, and Julie Pacatte (BDC) to develop a partnership to focus on how to redevelop the urban core in the City. He explained that costly and brownfield areas were identified in the City in need of development and the target was improving the quality of life for residents. He noted that this program would be the first of its kind in the state. Mrs. Pacatte explained the importance of economic development and the need to get the ground ready for new investments to come in and revive the real estate. Mr. Molino noted that economic and community development had to become a top priority and that it wasn't a sprint but a triathlon. Mrs. Pacatte noted that the BOA was 366 acres in the Central Corridor and they hoped to initiate the Pathway to Prosperity Fund via PIF. Mr. Hyde noted that they were bringing innovation economy to Genesee County and wanted to be able to position the City for greater economic opportunity. He noted that the City needed to be ready to accept the new people that would be coming to the area for the new jobs that were being created. He suggested starting to dress up the community by creating funds to allow it to happen. He noted that no other community had been able to make this work but felt the cooperation of the different organizations would make it possible here. He explained that PIFs had been done before but on singular projects only. Mr. Molino offered project ideas and potential uses of the funds including extraordinary development costs, demolition/rehab of vacant buildings, infrastructure modernization, Wi-Fi downtown, Ellicott Trail, pedestrian trail, and matching funds for grants. He explained that inter-municipal agreements would be drafted with all five agencies involved and it would go in front of the ways and means committee and school board. He hoped to bring a draft to Council within 45 days and noted they had been working on this for the past 6-7 months with everyone understanding that it's beneficial to all parties. Councilperson Christian thought this was long overdue and hoped everyone could work together. Councilperson Pacino noted that Vibrant Batavia, Batavia Business Improvement District (BID) and neighbors had been working together putting up bike racks, it was a small bit of community development, and it was working. Jay Gsell noted that we have an opportunity right now, we all have the power to make this happen and we have control. He explained that it wasn't a program being overseen by state government and it could define who we are. He felt we were in a good position to do this. Councilperson Canale asked if it was an open-ended inter-municipal agreement or if there was a deadline. Mr. Molino recommended

a 10 year agreement with an opt out clause. Councilperson Cipollone liked that the City would be able to get funds to projects that wouldn't normally be able to get funding and we can grow the fund quickly.

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## **Committee Reports**

Councilperson Pacino noted that the BID Wine Walk was fabulous and p.w. minor opened a shoe store in the old House of K location. Councilperson Cipollone noted that the Youth Board put together a food drive where those in need could get produce and groceries, it was very well handled, and it was in conjunction with Food Link.

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## **Public Comments**

Susan Michalak, 17 Warren St, noted her continued concern over the feral cats and didn't think any of the suggestions of the presenters at the previous meeting would be successful. She felt that with no laws there's nothing to enforce against a neighbor who feeds the cats four time a day. She asked how TNR would help the situation and didn't want to wait years for a resolution. She noted that feral cats were a health risk and urged Council to help.

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## **Council Responses to Public Comments**

Councilperson Christian felt that once the TNR program was implemented they could look into the Warren St area. Councilperson Canale asked if we could put into effect the feeding ban in conjunction with the TNR. Mr. Molino noted that it takes resources and enforcement to put a law on the books. Councilperson Jankowski noted there wasn't a location to house the cats, TNVR was a start towards reducing the cat population. Councilperson Pacino wondered how many volunteers there were and what they were doing. She wondered what Council could do to help. Councilperson Briggs suggested having the committee report to Council and Mr. Molino noted that it was a volunteer led action.

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## **Unfinished Business**

Councilperson Pacino showed Mr. Molino's pictures from the NYCOM Bulletin and congratulated him on the local government achievement award.

Councilperson Deleo asked where we were on the Empire Access deal. Mr. Molino noted they were still in negotiations.

Councilperson Deleo asked if any contractors had been talked to about snow assistance in the event of a situation like last year. Mr. Molino noted that it would be an emergency expense, Council could budget more for snow removal but explained that last year was inconvenient but not an emergency. He noted that additional service would come at a cost.

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**New Business**

**#79-2015**

**A RESOLUTION TO AMEND THE 2015-2016 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$5,000**

**Motion of Councilperson Cipollone**

**WHEREAS**, the City of Batavia Fire Department has received a grant in the amount of \$5,000 for Award period October 1, 2014 through September 30, 2015 from the New York State Governor’s Traffic Safety Committee related to Car Seat Safety for increased child passenger safety and proper installation training of caregivers in an effort to reduce serious injury and death to children; and

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

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager is authorized to make the following budget amendment to the 2015-2016 budgets effective September 29, 2015 to cover various Car Seat Program details and equipment purchases:

Increase revenue accounts:	
1.1.3389.1150	\$5000.00
Increase expense accounts:	
1.3410.0201.1150	\$5000.00

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

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**#80-2015**

**A RESOLUTION TO AMEND AND RESTATE THE DEFERRED COMPENSATION MODEL PLAN**

**Motion of Councilperson Canale**

**WHEREAS**, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of City of Batavia (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

**WHEREAS**, City of Batavia, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of City of Batavia; and

**WHEREAS**, effective November 14, 2014 the Board amended the Model Plan with optional provisions selected in Schedule A, including allowing ROTH 457 plan contributions; and

**WHEREAS**, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

**WHEREAS**, upon due deliberation, City of Batavia has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of City of Batavia by adopting the amended Model Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Batavia hereby amends the Deferred Compensation Plan for employees of the City of Batavia by adopting the amended Model Plan effective October 13, 2015 including the optional provisions in Schedule A, in the form attached here to as Exhibit A.

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

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**#81-2015**  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE THOMAS**  
**“ROCKET CAR” GIFT**

**Motion of Councilperson Briggs**

**WHEREAS**, a group of local antique automobile collectors from Batavia have become aware of a unique car which has historic ties to the City of Batavia known as the Thomas “Rocket Car” built in 1938 by Mr. Charles Thomas at 3 Ellicott Avenue; and

**WHEREAS**, preserving and restoring the “Rocket Car” for future generations to enjoy spotlights a piece of City history and civic pride; and

**WHEREAS**, the group of local antique automobile collectors is willing to restore the Rocket Car at their cost and gift the car to the City of Batavia for public display; and

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Batavia will hereby accept ownership of the “Rocket Car” upon satisfactory completion and restoration; and

**BE IT FURTHER RESOLVED**, the City Council agrees to publicly display the car in Genesee County and will take the necessary steps to preserve the car including but not limited to providing general liability insurance; and

**BE IT FURTHER RESOLVED**, that the City Council hereby extends its thanks to local antique automobile collectors for their generosity to the community.

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

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**#82-2015**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT BY THE  
CITY OF BATAVIA CENTENNIAL CELEBRATION COMMITTEE**

**Motion of Councilperson Jankowski**

**WHEREAS**, the City of Batavia Centennial Celebration Committee has created a schedule of events honoring the 100<sup>th</sup> anniversary of the formation of the City of Batavia showcasing the importance of this historical time in the City of Batavia's History.

**WHEREAS**, the Centennial Celebration Committee has raised over \$125,000 through community groups, not-for-profits, businesses, residents, and other interested stakeholder sponsors to support Centennial celebrations throughout the year; and

**WHEREAS**, a dedication of a Legacy Gift supported by Legacy Sponsors of the Centennial Celebrations have submitted a Batavia Sundial to be located in front of City Hall; and

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Batavia upon completion and satisfactory construction shall hereby accept the gift of the Batavia Sundial from the Centennial Celebrations Committee; and

**BE IT FURTHER RESOLVED**, that the City Council of the hereby extends its thanks to the Centennial Celebration Committee and the Legacy Sponsors for their generosity to the community.

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

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**#83-2015**

**A RESOLUTION IN SUPPORT OF TRAP, NEUTER, VACCINATE, RETURN (TNVR) FOR  
COMMUNITY AND FERAL CATS WITHIN THE CITY OF BATAVIA AND IN SUPPORT OF  
A TEAM OF VOLUNTEERS TO IMPLEMENT TNVR**

**Motion of Councilperson Christian**

**WHEREAS**, consistently applied Trap, Neuter, Vaccinate and Release (TNVR) programs have been proven to reduce the number of feral and community cats, reduce annoyance and damage caused by community cats, address potential disease concerns, and increase the quality of life for both citizens and cats by stabilizing the colony while allowing community cats to live their lives outdoors; and

**WHEREAS**, modern best practices to manage community cats use the TNVR method and leading animal welfare organizations as well as the International City/County Management Association endorse TNVR of community and feral cats; and

**WHEREAS**, laws in the City of Batavia do not prohibit TNVR and multiple local governments in New York and throughout the country already have adopted laws supporting TNVR; and

**WHEREAS**, City Council did authorize a task force made up of City, County and Volunteer community members to study best practices and make recommendations and strongly recommended TNVR as the supported method within the City of Batavia; and

**WHEREAS**, Volunteer TNVR efforts have already proven effective in portions of the City; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia hereby endorses TNVR with litter/healthy cat adoption and euthanasia for cats too ill to be returned as the preferred method for managing feral and community cats within the City of Batavia.

**BE IT FURTHER RESOLVED**, that the Batavia City Council hereby endorses a TNVR effort to be led by a group of volunteers that will seek grant funding, raise money and implement a TNVR program within the City of Batavia.

**Seconded by Councilperson Briggs and on roll call approved 8-1. Councilperson Doeringer voted no.**

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**Meeting adjourned at 9:00 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**