

**CITY OF BATAVIA
BUSINESS MINUTES
JANUARY 11, 2016**

The regular business meeting of the City Council was held Monday, January 11, 2016 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Hawley, Pacino, Briggs, Canale, McGinnis, Viele, Tabelski, and Christian.

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

The minutes from the December meetings 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 Jankowski announced that the next regular City Council Conference Meeting would be held on Monday, January 25, 2016 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 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 2016-2017 proposed budget would be presented to Council on Friday, January 15th.

Councilperson Canale presented a proclamation to the Batavia High School Varsity Football team for achieving the Section V Class B title for the past two years. He recognized them for their countless hours of teamwork.

Councilperson Briggs presented a proclamation to the Genesee Valley Educational Partnership which is an organization that promotes excellence in education personal growth for youth. She noted that they made the 7'3" centennial cake for the Christmas in the City parade, they give back endlessly to the community

Councilperson Hawley presented a proclamation to Paul Battaglia, Honorary Chairman of the Centennial Committee. Councilperson Hawley noted that Mr. Battaglia was chosen because of his major contribution to the community and he had executed a successful celebration. Councilperson Hawley noted that Mr. Battaglia had given an inspirational speech for the next 100 years of the City and he was recognized for his service and commitment to the City.

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Committee Reports

Centennial Address presented by the Centennial Committee:

Paul Battaglia re-read his closing celebration remarks which thanked committees and organizations, business and donors for their work the past year. He asked people to think about who would open the time capsule and what they would think of our technology and society. Krysia Mager, Centennial Chairperson, reviewed how it all started, what was accomplished and events that took place during 2015 accompanied by pictures of it all. Marty MacDonald, committee member, spoke of how we are leaving a legacy to our children's children and he's excited to see what's to come in Batavia. Leanna DiRisio, Vibrant Batavia, thanked everyone for being part of the celebration and was proud to see how the community came together.

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Public Comments

Chris Connelly, 137 Pearl St, noted that he was concerned with the ordinance regarding yard parking, thanked Mr. Molino for meeting with him to explain some things to him, but still wanted to remove some laws he deemed unconstitutional. He felt zoning law

effectiveness should be measured differently and asked what Council's role was for deeming laws unconstitutional.

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Council Responses to Public Comments

Councilperson Christian wanted to hear what Mr. Van Nest thought. Mr. Van Nest noted that zoning laws had been enacted for decades, municipalities have the ability to approve laws as they deem necessary, and citizens may have different opinions about the laws. He noted that the yard parking restriction is allowed within the zoning code and the City took the proper steps to establish that law. Mr. Van Nest explained that just because a citizen disagrees doesn't make it wrong. Councilperson Christian asked if there were any exceptions because Mr. Connelly is handicapped. Mr. Van Nest noted that he could get an area or use variance as a form of relief from the ZBA if there can be shown a need.

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Unfinished Business

Councilperson Christian noted that she had met with Nathan Varland, executive director of the Batavia Housing Authority, and she was very pleased with him. She felt they had very open communication. She also wanted to let everyone know that on April 9th, Habitat for Humanity was having a "Night to Remember" at Ascension Parish.

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New Business

#5-2016

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards; and

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

Youth Board

Beverly Hoy
Connor Logsdon

December 31, 2018
August 31, 2016

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

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#6-2015

A RESOLUTION TO DECLARE CITY FIRE DEPARTMENT EQUIPMENT SURPLUS FOR THE PURPOSE OF SALE

Motion of Councilperson Christian

WHEREAS, the City Fire Department has declared three (3) Thermal Imaging Cameras as surplus due to the purchase of three (3) new state of the art Thermal Imaging Cameras; and

WHEREAS, the City of Batavia requires a surplus resolution of property valued at \$1,000.00 or greater and approved by City Council; and

WHEREAS, any revenue received from disposal is to be put into the respective department’s equipment reserve fund; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to declare the following equipment as surplus for the purpose of sale:

Camera	Serial #	Estimated Value
Bullard Eclipse	51982	\$2000 - \$3000
Bullard Eclipse	51985	\$2000 - \$3000
Bullard T3 Max	43773	\$2000 - \$3000

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

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#7-2015

A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS

Motion of Councilperson Viele

WHEREAS, throughout the fiscal year minor incidences occur that require budget amendments to be made:

WHEREAS, the City’s Youth Bureau received a donation from Target to be used for National Night out; and

WHEREAS, the City of Batavia received insurance and other settlements for property damage at the police department and on Cedar Street; and

WHEREAS, the City's Youth Bureau received a small grant from Genesee County (\$1,400) to be used in conjunction with remaining unused reserves already approved for appropriations (\$1,400) in the 2015/2016 to replace basketball backboards at a cost of \$2,800; and

WHEREAS, where funding exceeds expense in the incidences, the remaining funds will be placed in respective reserve funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the following budget amendments:

Effective January 11, 2015, amend the 2015-16 budget by increasing expenditure accounts:

001.7310.0456	Youth service – Contract Programs	\$ 500.00
001.3120.0439	Police – Repair and Maintenance	\$ 3,195.00
001.0900.0200.2100	Police Reserve	\$ 6,805.00
001.5110.0427	Street Maintenance – Patch Material	\$ 7,175.00
001.0900.0200.2102	DPW Reserve	\$ 6,090.00
001.7310.0439	Youth service – Repair and Maintenance	\$ 1,400.00

and increasing revenue accounts:

001.0001.2770	Unclassified revenue	\$ 500.00
001.0001.2680	Insurance Recoveries	\$ 10,000.00
001.0001.2690	Other Compensation for Loss	\$ 13,265.00
001.0001.3820	Local Government Grant	\$ 1,400.00

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

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#8- 2015

A RESOLUTION TO AUTHORIZE THE TRANSFER OF \$11,000 FROM THE ICE ARENA CAPITAL RESERVE FUND TO REPLACE THE ICE ARENA COMPUTER MANAGEMENT SYSTEM

Motion of Councilperson Briggs

WHEREAS, the ice arena computer management system which controls the ice making process, heating system and heating/air conditioning system has had a complete failure and is not repairable; and

WHEREAS, it is the City's responsible to maintain and/or replace the ice arena computer management system under the current ice arena lease agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the following budget amendment:

Effective January 11, 2016, amend the 2015-16 budget by increasing expenditure accounts:

Increase revenue:

001.0001.0511.2103 Appropriated reserve \$ 11,000.00

Increase expense:

001.1620.0439.2103 Facilities Repair and Maintenance \$ 11,000.00

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

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#9-2016

A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, AND R.O.W. INCIDENTALS ASSOCIATED WITH THE RECONSTRUCTION OF SUMMIT STREET FROM EAST MAIN STREET TO NORTH STREET

Motion of Councilperson Hawley

WHEREAS, a project for the Reconstruction of Summit Street from East Main Street to North Street, City of Batavia, Genesee County, P.I.N. 475436 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the cost for PE/Design and R.O.W. Incidentals; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

IT IS FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design and R.O.W. Incidentals for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$299,001 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as

soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid and/or Marchiselli aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

IT IS FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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#10-2016

**A RESOLUTION TO SCHEDULE A TWO PUBLIC HEARINGS TO SELL
PROPERITES TO THE BATAVIA DEVELOPMENT CORPORTION FOR
BROWNFIELD REDEVELOPMENT**

Motion of Councilperson Tabelski

WHEREAS, the Brownfield Opportunity Area (the "BOA") Step 2 Nomination Plan targets a 366 acre central business area impacted by 75 underutilized, vacant and abandoned properties in the City of Batavia and where a rigorous inventory and analysis of conditions, opportunities and development constraints in the BOA were identified; and

WHEREAS, on June 9, 2014 the City Council of the City of Batavia accepted the BOA plan to advance and support the redevelopment of strategic sites in the BOA believing a catalytic area-wide reinvestment is necessary; and

WHEREAS, certain real property located at 40-52 Ellicott Street (SBL 84.015-1-2), Batavia New York (the "Della Penna Property") and real property located at 56-70 Ellicott Street (SBL 84.015-1-5, 84.015-1-4, 84.015-1-37.311, 84.015-1-37.312), Batavia New York (the "Santy's Property") has been identified by the City of Batavia as a strategic site as part of the City's Brownfield Opportunity Area; and

WHEREAS, the Batavia Development Corporation (the “BDC”) was established as a Not-for-Profit local development corporation pursuant to Section 1411(a) of the New York Not-for-Profit Corporation Law (the “Act”) to, among other items, relieve and reduce unemployment, promote additional employment, bettering and maintaining job opportunities, lessen the burdens of government, and improve the quality of life within the City by encouraging and facilitating the development of underutilized real estate in the City; and

WHEREAS, the parcels are currently subject to in rem tax foreclosure and have not been redeemed. To the extent that the City of Batavia concludes foreclosure against the parcels and obtains title to said parcels, the City intends to sell the parcels to BDC; and

WHEREAS, prior to the City conveying the Della Penna and Santy’s Property to the BDC, pursuant to Section 1411(d) of the Act, a public hearing on ten days' notice is required to be conducted by the City Council prior to the adoption of a resolution authorizing any such sale or lease;

NOW, THEREFORE, BE IT RESOLVED, Public Hearings are required for compliance with the Act and the public hearings will be held on January 25, 2016 at 7:00 PM in the Council Board Room of City Hall.

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 ten (10) days prior thereto.

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

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#11-2016

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN EASEMENT AGREEMENT WITH EMPIRE TELEPHONE CORPORATION

Motion of Councilperson Canale

WHEREAS, Empire Telephone Corporation is desirous to make upgrades to their existing equipment and fiber optic capabilities for providing internet and telephone services; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to hereby authorize the City Council President to execute the easement with Empire Telephone Corporation as stated in “Attachment A” below.

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

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#12-2016

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH M. W. CONTROLS SERVICE, INC. FOR THE GRIT PUMP REPLACEMENT PROJECT

Motion of Councilperson Briggs

WHEREAS, the City of Batavia has solicited bids for Grit Pump Replacement Project at the Wastewater Treatment Plant; and

WHEREAS, seven (7) bids were received on January 7, 2016, and M. W. Controls Service, Inc. was the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that a contract is hereby awarded to M. W. Controls Service, Inc. in the amount of Fifty Three Thousand Eight Hundred Twenty Three dollars (\$53,823.00) for the replacement of the grit pump at the Wastewater Treatment Plant.

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

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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)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...".

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...".

WHEREAS, legal counsel for the City will have an attorney-client privileged communication that is exempt from the Open Meetings Law; and

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 9-0.

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Meeting adjourned at 8:05 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**