

**CITY OF BATAVIA  
BUSINESS MINUTES  
MAY 9, 2016**

The regular business meeting of the City Council was held Monday, May 9, 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 Briggs led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the April meetings and the March financials were approved.

The Council President assigned the regular agenda items.

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**Communications**

The Memorial Day Parade is scheduled for Monday, May 30<sup>th</sup> at 9:45am on Main St starting at East Town Plaza. Council approved.

Community Action submitted an application for a Children's Carnival at Austin Park on Friday, August 19<sup>th</sup> from 10:00am – 2:00pm. Council approved.

Tonawanda Valley Federal Credit Union requested to hold a 5K on Saturday, June 11<sup>th</sup> at 9:00am starting on Washington Ave in front of the park. Council approved.

Resurrection Parish requested to hold their annual lawn fete in St. Joe's parking lot on Friday, June 10<sup>th</sup> from 6:00 – 11:00pm, Saturday, June 11<sup>th</sup> from 1:00 – 11:00pm and Sunday, June 12<sup>th</sup> from 12:00 – 6:00pm. They area also holding a musical performance on Main St on Friday, June 10<sup>th</sup> at 6:00pm. Council approved.

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**Council President's Report**

Council President Jankowski announced that the next regular City Council Conference Meeting would be held on Tuesday, May 24, 2016 at 7:00 PM at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Council President Jankowski presented Chad Richards with the Employee of the Year award for 2015. Officer Richards is a police officer with the City of Batavia and was recognized for this true dedication and professionalism. He has been crucial in investigating and prosecuting cases and is involved in the ERT. It was with great pride that Chad Richards was awarded as the 2015 Employee of the Year.

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### **City Attorney's Report**

Mr. Van Nest noted that there was nothing specific to report at that time.

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### **City Manager's Report**

Mr. Molino noted that he attended NYCOM and presented the City's capital plan at the conference. He noted it was well attended and he was presented with good questions. He also noted he has received a lot of follow up from other communities. Councilperson Tabelski noted that it was a credit to the City that we have a manager who is so well regarded by an organization like NYCOM.

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### **Committee Reports**

Councilperson Pacino noted that there were three new stores located in the BID district and reminded everyone of upcoming events like the public market and Beertavia.

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### **Public Comments**

Dave Snyder, 35 N Lyon St, noted that he had served on Vibrant Batavia (VB) since its inception, it had been a pleasure to work with the committee who put forth lots of volunteer hours, and wanted to see the neighborhood efforts continue. He wondered how VB could ask others to support them if Council wouldn't even support them. He noted that Council had paid for the czb report and that was where VB came from. He asked if VB couldn't continue, what was Council's plan for the neighborhoods.

Pat Burke, 123 N Spruce St, asked what Council was going to do for the neighborhoods if VB wasn't funded. He noted that community building wasn't about laws and taxes but it was about the people. He explained that there were pockets of areas in the City that needed help and there was nothing Batavia needed more than a positive boost. Mr. Burke noted that neighborhoods needed to be stabilized and we needed to improve them neighborhood-

wise not just financially. He stated that there would have been no celebration of the City's centennial if not for VB and that VB wasn't just about ice cream socials. He asked what is City Council going to do – start going door to door? He noted that the important things were what VB did for the residents.

Marty Macdonald, City Church, noted that they have between 6,000 and 8,000 people per week that come to the City and he owns property in the City and thus has a vested interest in the City. Pastor Marty noted that he joined VB and began to work with great people. He wished Council could realize the countless amount of volunteer hours that were spent from the VB members. He noted that \$130,000 was raised from people who believed in the City. He stated that Council doesn't take people where they want to go but where they need to go. He asked Council to partner with VB because he felt something great was happening. He felt there was a grass roots movement with people who believe in the City of Batavia and if Council disconnected from VB they would be removing themselves from the best of the best in the community and from the momentum. He reminded Council again that leaders take people where they *need* to go.

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

Councilperson Christian noted that she volunteered for many events from VB and her problem was that she felt the people from Summit St made the difference not VB. She asked if VB raised the \$15,000 they were supposed to and noted the City gave them \$5,000 for the Austin Park slide and they were supposed to raise the rest. Councilperson Briggs noted that her ward was having problems with crime and so they called the police who handled it but VB couldn't handle that type of thing. Councilperson Tabelski thanked the VB members who spoke and noted it was worth hearing from people who put in countless hours. He didn't think Summit St did what they did by themselves and they even spoke saying the VB helped them. He asked Council to look at the plan for the next two years and not to look back. He felt the next two years would focus on concrete goals. Councilperson Pacino noted that she had attended VB events and the Summit St meetings and most of the cost of the pizza and ice cream was donated. She noted that the Summit St group called Leanna and someone else was going to sell their house until they got to know others on their street. She noted that it wasn't easy to get so many volunteers with the way of the world today and it was exciting to see people who care. Councilperson Pacino stated that Council tried with the Neighborhood Improvement Committee and one of the things that came out of that was the need to work *in* the neighborhoods. She noted we could have the best sidewalks and nicest lamps but if we didn't have nice neighborhoods it wasn't going to work. She asked if we can't help our neighbors, why are we sitting here? Councilperson McGinnis noted the VB was told to raise the \$15,000, they can't use funding from a home sale to meet this goal and his neighborhood started their own citizen-led change. He was not in favor of supporting VB further.

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**Unfinished Business**

None.

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**New Business**

**#62-2016**

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE PROPERTY SOLD AT AUCTION ON APRIL 16, 2016**

**Motion of Councilperson Christian**

**WHEREAS**, the City foreclosed on 109 Walnut Street for non-payment of property taxes; and

**WHEREAS**, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the property; and

**WHEREAS**, a Public Real Estate Auction was held at 109 Walnut Street on April 16, 2016 at 9:00 a.m.; and

**WHEREAS**, the highest bid received for the auctioned property was as follows:

	<u>Property</u>	<u>Highest Bidder</u>	<u>Highest Bid</u>
1)	109 Walnut Street	Jeffrey Freeman	\$33,000

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidder for the property, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

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

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**#63-2016**

**A RESOLUTION TO AMEND THE 2016-2017 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF \$8,880 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS**



**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Roman Construction Development Corp. for sidewalk replacements.

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

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**#65-2016**  
**A RESOLUTION TO ADOPT A SELF-INSURANCE WORKERS'**  
**COMPENSATION BENEFIT PLAN**

**Motion of Councilperson Viele**

**WHEREAS**, the City of Batavia is desirous of adopting a Self-Insurance Workers' Compensation Benefit Plan pursuant to subdivision 3 of section 50 of the Workers' Compensation Law; and

**WHEREAS**, the adoption of a self-funded Workers' Compensation Benefit Plan will provide the City with more control over its workers' compensation costs; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby adopt a Self-Insurance Workers' Compensation Benefit Plan and authorizes the completion of notice in accordance with subdivision 4-a of section 50 of the Workers' Compensation Law.

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

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**#66-2016**  
**A RESOLUTION TO REQUEST RURAL BUSINESS DEVELOPMENT GRANT**  
**PROGRAM GRANT FUNDING AND TO AUTHORIZE SUBMISSION OF THE GRANT**  
**APPLICATION**

**Motion of Councilperson Hawley**

**WHEREAS**, the City of Batavia, New York does hereby request the USDA Rural Development agency to provide \$45,000 in grant funding through the Rural Business Development Grant Program to evaluate the feasibility of a comprehensive, multi-purpose healthy living campus on a 10 acre site in Downtown Batavia; and

**WHEREAS**, the City of Batavia certifies has the legal authority under the laws of the State of New York to enter into a grant agreement in accordance with the provisions of 7 CFR Part 4280; and

**WHEREAS**, the City of Batavia certifies it will comply with the provisions of 7 CFR Part 4280, will not violate the provisions listed in §4280.27 *“Ineligible Purposes”* and will comply with the restrictions set forth in §4280.30 *“Restrictions on Use of REDL or REDG Funds”*; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Manager is hereby authorized as the official representative of the City of Batavia to execute and submit a Rural Business Development Grant application to the USDA, Rural Development, for financial assistance; and the City Manager is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required, to execute such additional documentation as may be required, and to receive and expend grant funds for said program in accord with program provisions and restrictions.

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

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**#67-2016**

**A RESOLUTION APPOINTING A MARRIAGE OFFICER**

**Motion of Councilperson Briggs**

**WHEREAS**, pursuant to Domestic Relations Law, Section 11-C, “Marriage Officers”, one or more Marriage Officers may be appointed to have the authority to perform marriage ceremonies; and

**WHEREAS**, certain City Council members are desirous of having said authority to perform marriage ceremonies;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that Council members may be authorized to perform marriage ceremonies pursuant to Domestic Relations Law, Section 11-C. Those members desirous of having said authority are:

Rose Mary Christian

**BE IT FURTHER RESOLVED**, the term of appointment as Marriage Officer shall be for the length of the Councilmembers term of office but shall not exceed four years.

**Seconded by Councilperson McGinnis and on roll call 8-1. Councilperson Christian abstained.**

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**#68-2016**

**A RESOLUTION GRANTING A CABLE TELEVISION FRANCHISE TO TIME WARNER CABLE NORTHEAST LLC IN THE CITY OF BATAVIA, COUNTY OF GENESEE, NEW YORK**

**Motion to Councilperson Pacino**

**WHEREAS**, an application has been duly made to the City Council of the City of Batavia, County of Genesee, New York, by Time Warner Cable Northeast LLC ("Time Warner Cable"), d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

**WHEREAS**, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

**WHEREAS**, a public hearing was held in the City of Batavia, New York on April 25, 2016 at 7:00 P.M. and notice of the hearing was published in the Daily News on April 15, 2016; and

**NOW, THEREFORE**, the City Council of the City of Batavia finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia hereby grants the cable television franchise of Time Warner in the City of Batavia for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

**Seconded by Councilperson Tabelski 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)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law...".

**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 Viele and on roll call approved 9-0.**

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**Executive Session was entered into at 7:45. Executive Session ended and meeting adjourned at 7:55 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**