

**CITY OF BATAVIA
BUSINESS MINUTES
AUGUST 8, 2016**

The regular business meeting of the City Council was held Monday, August 8, 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 Canale led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the July meetings and the June financials were approved.

The Council President assigned the regular agenda items.

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Communications

Billy Goats Bar and Grill submitted a liquor license renewal. There were no objections from the police department. Council approved.

MG Services LLC dba Sunny's Restaurant submitted a liquor license renewal. There were no objections from the police department. Council approved.

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Council President's Report

Council President Jankowski announced the City Council Conference Meeting would be held following this meeting at the City Hall Council Board Room, 2nd Floor, City Centre.

The September Business meeting would be held September 12, 2016 in the City Hall Council Board Room, 2nd Floor, City Centre. The September conference meeting will also be held that day as both Mr. Molino and Mrs. Difante will be out of town on September 26th.

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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.

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City Manager's Report

Mr. Molino noted that there was a grant available for communities with at least 100 zombie properties and the City of Batavia was no originally on the list. He noted that he called and explained that the City did in fact meet those requirements and was added to the list. Mr. Molino stated that he wanted to apply for the grant and it had to be submitted by August 19th.

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Committee Reports

None.

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Public Comments

Mike Jamil, 108 Otis St, noted that Williams Park basketball hoop is slanted and people can't really play on it. He also asked that the red and blue paint be removed because as soon as any liquid substance gets on it, people start slipping. He stated that it would be great if it could be fixed. He also stated that the Farrall Park courts get heavy use and the backboard is shot. He noted that the Williams Park hockey nets are ripped up and need to be replaced. Mr. Jamil stated that years ago the lights at Kibbe used to be on until late and he asked neighbors in that area if they would be alright with the lights staying on and they were ok with it. He also asked for a schedule to be in place for field maintenance.

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Council Responses to Public Comments

Councilperson Christian noted that the backboard was put up last year at Farrall Park. Mr. Molino noted that they could look into the issues.

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Unfinished Business

None.

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New Business

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#82-2016

A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SUPPLEMENTAL AGREEMENT 7 MARCHISELLI PORTION OF PE/DESIGN ASSOCIATED WITH THE RECONSTRUCTION OF SUMMIT STREET FROM EAST MAIN STREET TO NORTH STREET

Motion of Councilperson Canale

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, R.O.W. Incidentals and Construction/CI/CS; 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, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$2,452,001 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 Tabelski and on roll call approved 9-0.

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#83-2016

**A RESOLUTION PROVIDING SECTION 384-e TO IAFF EMPLOYEES COVERED
BY SECTION 384-d OF THE NEW YORK STATE RETIREMENT AND
SOCIAL SECURITY LAW AND TO ADJUST THE FIRE DEPARTMENT BUDGET**

Motion of Councilperson Briggs

WHEREAS, a Memorandum of Agreement with the International Association of Fire Fighters (IAFF) provides a retirement benefit for those employees currently enrolled in the 384-d retirement plan; and

WHEREAS, the City and the IAFF Union agreed to provide the 384-e retirement benefit plan to those employees currently in the 384-d retirement plan; and

WHEREAS, pursuant to General Municipal Law 6-r, the City of Batavia has an established Retirement Contribution Reserve Fund for payment of retirement contributions pursuant to Sections 17 and 317 of the Retirement and Social Security Law; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has approximately \$433,895 of Retirement Contribution Reserve; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby elect to provide the additional pension benefits of Section 384-e of the Retirement and Social Security Law for any member of its Fire Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED, that this election shall become effective beginning on the 9th day of August, 2016 and end on the 8th day of August, 2017; and

BE IT FURTHERED RESOLVE, by the Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers effective August 9, 2016.

Increasing expenditure account:
Fire Department 001.3410.0801.2110 \$27,441

Increasing revenue account:
Appropriated Retirement
Contribution Reserve 001.3410.0511.2110 \$27,441

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

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#84-2016

A RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2016 ENTITLED A LOCAL LAW TO AMEND THE BUSINESS IMPROVEMENT DISTRICT PLAN

Motion of Councilperson Hawley

WHEREAS, City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district; and

WHEREAS, a public hearing on this proposed Local Law was held on Monday, June 27, 2016 before this Council, pursuant to public notice duly published in **The Daily News**.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 3 of 2016 entitled **A Local Law to Amend the Business Improvement District Plan in the City of Batavia** accordance with **Article 19-A of the General Municipal Law** be and the same is hereby enacted by City Council of the City of Batavia, New York.

Seconded by Councilperson Christian. Mr. Molino noted that he had provided the proposed amendments to the BID and got responses back but he hasn't had time to reconnect fully with the BID due to people being out at various times. He suggested voting on this at the September 12th meeting.

Councilperson Hawley withdrew his motion.

Councilperson Christian made a motion to table to the next meeting, Councilperson Canale seconded the motion and, on roll call, the motion was approved 9-0.

**LOCAL LAW NO. 3 OF THE YEAR 2016 CITY OF BATAVIA
A LOCAL LAW AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN**

A **LOCAL LAW** amending the Business Improvement District Plan in the City of Batavia in accordance with Article 19-A of the General Municipal Law submitted to the City Clerk on June 9, 2016.

BE IT ENACTED by the City Council of the City of Batavia as follows:

SECTION 1. The Downtown Business Improvement District established by Local Law No. 6 of 1997 adopted on November 24, 1997 and further outlined in Chapter 58 of the Code of the City of Batavia, and was amended by Local Law No. 3 of 2005 adopted on June 27, 2005 to include the Ellicott Street business area, the City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district.

SECTION 2. The provision of services within the district shall be pursuant to said amended district plan of the Downtown Batavia Business Improvement District (BID). All said services shall be in addition to, and not a substitution for required municipal services provided by the City of Batavia on a city-wide basis.

SECTION 3. To the extent not explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the Downtown Batavia Business Improvement District and the Batavia Business Improvement District Management Association. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this local law shall be controlling.

SECTION 4. Any additional amendments to the BID or the BID Plan shall be made in accordance with the provisions set forth in section 980-i of Article 19-A of the General Municipal Law.

SECTION 5. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

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Councilperson Christian noted that she performed a marriage on Saturday and wanted to congratulate the couple.

Councilperson McGinnis noted that Mr. Molino and Mrs. Difante had spent a great deal of time with the feral cats issue and feels that everything the committee has done to increase the quality of life is being diminished by people feeding these cats. He wanted to apologize to Mr. Molino and Mrs. Difante that these people are undermining their efforts. Mr. Molino noted that there is a lot of information on the internet that can further help deter rodents but summer was a typical time when they become prevalent. Mr. Molino suggested not leaving garage doors open, putting

garbage in cans and closing areas under porches, sheds and garages so they can't harbor. Council President Jankowski noted that it was probably an awareness issue.

Meeting adjourned at 7:25 PM on a motion by Councilperson McGinnis, second by Councilperson Tableski and approved 9-0 on roll call.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**