

CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 6, 2016

The regular business meeting of the City Council was held Tuesday, September 6, 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, McGinnis, Viele, Tabelski and Christian. Councilperson Canale arrived at 7:15pm.

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 August meetings and the July financials were approved.

The Council President assigned the regular agenda items.

* * *

Public Hearing

- a. Community Development Block Grant (CDBG) Program for Housing Rehabilitation Activities.

Councilperson Viele made a motion to open the public hearing, seconded by Councilperson Tabelski and on roll call, approved 8-0. There were no speakers wishing to speak. Councilperson Christian made a motion to close the public hearing, seconded by Councilperson Viele and on roll call, approved 8-0.

- b. Round 4 Restore NY Communities Initiative Municipal Grant Program.

Councilperson Hawley made a motion to open the public hearing, seconded by Councilperson Briggs and on roll call, approved 8-0. There were no speakers wishing to speak. Councilperson Viele made a motion to close the public hearing, seconded by Councilperson Briggs and on roll call, approved 8-0.

* * *

Communications

NYCOM Service Recognition:

Councilperson Jankowski presented Darryle Street with a recognition from New York Conference of Mayors (NYCOM) who honors and publicly acknowledges employees dedication and commitment to public service. Darryle was recognized for 25 years of service. Congratulations Darryle.

Councilperson Tabelski presented the NYCOM service recognition to William Davis for 30 years of service. Congratulations Bill.

Councilperson Briggs presented the NYCOM service recognition to James Ficarella for 30 years of service. Congratulations Jim.

The Alzheimer's Association requested to hold a fundraising walk on Saturday, September 24th at 8:00am starting and ending at the Genesee County Nursing Home. Council approved.

The YWCA is requesting to hold their Awareness Walk/Run on Thursday, October 6th from 5:30 – 7:00pm starting and ending at the YWCA on North St.

* * *

Council President's Report

Council President Jankowski announced the October Business meeting would be held Tuesday, October 11, 2016 in the City Hall Council Board Room, 2nd Floor, City Centre.

* * *

City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report.

* * *

City Manager's Report

Mr. Molino noted that NYCOM has asked him to attend their annual fall training school and be a panelist at one of their sessions.

Mr. Molino also noted that Nicollet Wagner from Elan was there to give an update on the Comprehensive Plan. She presented a timeline of what had been done since October 2015. Ms. Wagner noted that they weren't trying to reinvent the wheel but to build on plans already out there. She reminded Council of the open house that was held in April that generated public ideas, noted that interviews had been held and she had met with focus groups. Ms. Wagner provided their Facebook site, www.facebook.com/bataviacp2017, and explained that snap surveys would be on there as well as information on the City's website. She noted that there will be department head meetings, a finalization of the vision and goal and a draft of the plan.

* * *

Committee Reports

Laura Landers, Partner with Freed Maxick, presented the City's financial statements for the year ending 3/31/16. Ms. Landers reviewed the summary of the financial statements, noted that she had met with the audit advisory committee on August 22nd and an unmodified, or clean, opinion had been issued. She noted that actual revenue exceeded budgeted revenue, budgeted expenses were less than actual expenses and there was an excess of revenue over expenses of approximately \$1,350,000. Ms. Landers noted that the water fund generated an operating surplus as did the sewer fund.

Councilperson Tabelski noted that he and Councilperson Viele were on the audit committee and he encouraged all members of Council to attend because there is much more detail discussed there than at the Council meetings or budget meetings.

* * *

Public Comments

None.

* * *

Council Responses to Public Comments

None.

* * *

Unfinished Business

None.

New Business

* * *

#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 and on roll call 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.

* * *

#85-2016

A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL

Motion of Councilperson Briggs

WHEREAS, the Department of Public Works have declared the vehicles and equipment listed below surplus and the cost of needed repairs exceeding the vehicle's value; and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

WHEREAS, any revenue received from disposal is to be put into the respective department's equipment reserve fund, fund revenue or be used for trade in value for approved equipment replacement; 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 as surplus for the purpose of salvage and disposal; and

BE IT FURTHER RESOLVED, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2016-2017 budget:

- 1998 John Deere 6x4 Gator, SN – W006x4030716
- 1996 Ford LS 9000 Dump truck and accessories, VIN# 1FDYS90L4TVA05782
- 1997 Dodge Ram Van, VIN# 2B7HB21X9VK594212
- 1993 Jacobsen HR-15, SN#1864
- 1996 Elgin Pelican P-Series, P2006S

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

* * *

#86-2016

A RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Motion of Councilperson Christian

WHEREAS, the City of Batavia would like to apply for grant funding to continue its Housing Rehabilitation Program to benefit low to moderate income households; and

WHEREAS, the New York State Community Development Block Grant (CDBG) program provides funding for housing rehabilitation activities;

NOW THEREOFRE, BE IT RESOLVED, that the City Manager of the City of Batavia, New York, is hereby authorized as the official representative of the City of Batavia to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2016 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

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

* * *

#87-2016

A RESOLUTION TO SUBMIT AN APPLICATION FOR THE ROUND 4 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

Motion of Councilperson Pacino

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the fourth round of the RESTORE NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties; and

WHEREAS, the goals of the RESTORE NY program are to revitalize urban centers, induce commercial investment and improve the municipal housing stock; and

WHEREAS, municipalities with populations less than 40,000 can apply for up to \$500,000 in grant funding;

NOW THEREFORE, LET IT BE RESOLVED by the City Council of the City of Batavia that it hereby authorizes submission of a RESTORE NY grant application not to exceed \$500,000 for Phase 1 of the Ellicott Station redevelopment project.

BE IT FURTHER RESOLVED, that project meets the following objectives:

- (1) The project is consistent with the Batavia Opportunity Area Plan.
- (2) Financing for the project is appropriate and committed.
- (3) The Project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- (4) The project enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities.

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

* * *

#88-2016

**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR THE CITY
MANAGER**

Motion of Councilperson Tabelski

WHEREAS, the City Council of the City of Batavia wishes to grant a wage adjustment to the City Manager for the current year based on his favorable performance evaluation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the wage of the City Manager is increased by 2.75%, to \$93,782 and be and hereby is enacted and retroactive to April 1, 2016.

Seconded by Councilperson Canale and on roll call approved 6-3. Councilpersons Viele, McGinnis and Briggs voted no.

Discussion: Councilperson McGinnis wanted to propose looking at pay raises for management on a performance base or have the money come out of VLT aid so it doesn't affect the tax base. He felt this was fair because it still took care of management but not at the expense of the taxpayers. Councilperson Christian asked Mr. Van Nest if VLT aid could be used for management salaries. Mr. Van Nest noted that he would have to look into that. Councilperson Christian stated that it wasn't actually management or the departments that asked for the raises but Council giving out the raises. She noted that the previous three managers had cost the City a lot. She stated that Mr. Molino came 10 years ago and got the City out of debt, obtained grants and decided not to take a raise one year. She listed the new equipment he had obtained, noted that there were now reserves

that they never had before, and she felt he has done a great job for the City. Councilperson Canale noted that this raise was already approved by that Council in the budget but they were just waiting for his evaluation to approve the raise. Councilperson Briggs noted that not everyone voted for the budget. Council President Jankowski noted that Mr. Molino did work with City staff as well and it wasn't all done by himself and that Mr. Molino would be the first to acknowledge that.

* * *

It was noted that Mrs. Difante was asked to sit on the NYS Flood Plain and Stormwater Management Association DEC Region 8 board.

* * *

Meeting adjourned at 8:00 PM on a motion by Councilperson Tabela, second by Councilperson Briggs and approved 9-0 on roll call.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**