

CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 14, 2016

The regular business meeting of the City Council was held Monday, November 14, 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, Canale and Christian.

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

The minutes from the October meetings and the September financials were approved.

The Council President assigned the regular agenda items.

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Communications

Papa Pasquale's submitted an amended liquor license to include a disk jockey. Council approved.

The Harvester submitted their liquor license renewal and there were no objections from the police department. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, November 28, 2016 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

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

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City Manager's Report

Mr. Molino noted that he attended the NYCOM legislative priorities meeting in Albany today and would provide a summary to Council once he had it.

Ellicott Station Update – Julie Pacatte, Batavia Development Corp, reviewed how the Ellicott Station project got to where it was now. Sam Savarino, developer, noted that the site was quite a challenge and wanted to make that problem area into a benefit for the City. He noted that the building had some unique features that would work well for their plan. He explained that he was working on closing the funding gap, thought most of it would come from Empire Development, and was looking to get new market tax credits. Mr. Savarino noted that because Batavia was a rural community and the location of the project worked to our favor in getting funding. He noted that phase 1 was the part that was already in the brownfield remediation program and there would be separate applications for phase 2. He explained they had made good progress and hope to have some good news from the state in December and start the project in the spring. Council President Jankowski thanked Ms. Pacatte for the work she has done for the City.

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Committee Reports

Councilperson Pacino reminded Council that Christmas in the City was on Friday, December 2nd from 5:00 – 9:00pm, parade begins at 7:00pm and it was customary for Council to participate in the parade.

Councilperson Christian noted that 11 trees had been received for Ellicott St and she thanked Matt Worth and Ray Tourt. Council President Jankowski asked how the digital sign revision was going. Mr. Molino noted a public hearing was scheduled for the next planning meeting.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

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New Business

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#103-2016

A RESOLUTION TO AMEND THE 2016-2017 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$1,500.00.

Motion of Councilperson Canale

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$ 1,500.00 for Award period October 1, 2016 through September 30, 2017 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 2016-2017 budgets effective November 14, 2016 to cover various Car Seat Program details and equipment purchases:

Increase revenue accounts:

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|----------------------------|------------|
| Increase revenue accounts: | |
| 1.1.3389.1157 | \$1,500.00 |

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|----------------------------|------------|
| Increase expense accounts: | |
| 1.3410.0201.1157 | \$1,500.00 |

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

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#104-2016
A RESOLUTION ADOPTING AMERICANS WITH DISABILITIES
ACT TRANSITION PLAN

Motion of Councilperson Tabela

WHEREAS, the City Council of the City of Batavia recognizes that the City needs an Americans with Disabilities Act (ADA) Transition plan and is a crucial aspect of providing excellent services to residents, businesses, visitors and property owners in the City of Batavia; and

WHEREAS, the City Council of the City of Batavia was presented on October 24, 2016, with the ADA Transition Plan; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia hereby adopts the proposed ADA Transition Plan; and

BE IT FUTRHER RESOLVED, that the ADA Transition Plan is a document working towards improving ADA compliance for the City of Batavia; and

BE IT FURTHER RESOLVED, that the adoption of the ADA Transition Plan are consistent with the City's compliance of ADA regulations and is outlined in Attachment A of this resolution.

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

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#105-2016
A RESOLUTION TO AMEND THE 2016-2017 POLICE DEPARTMENT BUDGET TO
REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE
AMOUNT OF \$3,394 TO ADDRESS THE CRIMES OF DRIVING WHILE
INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

Motion of Councilperson Pacino

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$3,394 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; 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 be and hereby is authorized to make the following budget amendment to the 2016-2017 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective November 14, 2016, amend the 2016-17 budget:

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| Increase expenditure accounts | |
| 001.3120.0101.1159 | \$ 3,152.81 |
| 001.3120.0802.1159 | \$ 241.19 |

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|---------------------------|-------------|
| Increase revenue accounts | |
| 1.1.3389.1159 | \$ 3,394.00 |

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

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#106-2016

A RESOLUTION TO AMEND THE 2016-2017 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A POLICE TRAFFIC SERVICES GRANT

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$11,400 from the New York State Governor's Traffic Safety Committee to participate in the statewide Police Traffic Services Program. The goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

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

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2016-2017 budget effective November 14, 2016 to cover various traffic enforcement details card equipment purchases:

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|--------------------------------|--------------|
| Increase expenditure accounts: | |
| 001.3120.0101.1158 | \$ 10,589.88 |
| 001.3120.0802.1158 | \$ 810.12 |

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| Increase revenue accounts: | |
| 001.0001.3389.1158 | \$ 11,400.00 |

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

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#107-2016

**A RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, AND
R.O.W. INCIDENTALS FOR THE CITY OF BATAVIA
HEALTHY SCHOOLS CORRIDOR**

Motion of Councilperson Hawley

WHEREAS, a project for the Reconstruction of Sidewalks for Liberty Street from East Main Street (Route 5) to Morton Avenue, and Washington Avenue from Ross Street to Bank Street, City of Batavia, Genesee County, P.I.N. 4755.93 (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 costs of 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

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

BE IT FURTHER RESOLVED, that the sum of \$100,050 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

BE IT 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

BE IT 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 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

BE IT 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

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

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

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#108-2016

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE SALES TAX
AGREEMENT WITH THE COUNTY OF GENESEE**

Motion of Councilperson Briggs

WHEREAS, the City of Batavia, New York and the County of Genesee have signed an Agreement for the allocation of sales tax revenue which is agreeable to these two municipalities; and

WHEREAS, it is in the best interest of the citizens of the City of Batavia as well as the residents in the County outside the City to insure that sales tax revenue in the City of Batavia is stabilized and does not decline; and

WHEREAS, the term of this Agreement is ten (10) years commencing March 1, 2008 and ending on the 28th day of February, 2018; and

WHEREAS, the Agreement provides that on or before the first day of July, 2016, the Genesee County Legislature shall cause a committee to be convened consisting of members of the County Legislature, members of the City Council and representatives of the elected officials of the Villages and Towns of Genesee County, which committee shall recommend to the Legislature and the City Council whether or not to amend, modify or extend this Agreement for an additional term; and

WHEREAS, the Agreement further states that the Legislature and the City Council thereafter, and prior to December 1, 2016, shall, by resolution, notify the other body that it intends, at the end of the term or any extension, thereof, to terminate, amend or modify the Agreement; and

WHEREAS, members of the County Legislature, members of the City Council and representatives of the elected officials of the Villages and Towns of Genesee County, have met to discuss the Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia pursuant to the Sales Tax Agreement by and between Genesee County and the City of Batavia hereby intends, without modification, to extend the Agreement prior to the end of the term.

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

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#109-2016

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH ERDMAN ANTHONY FOR CITY OF BATAVIA HIGHWAY PREVENTATIVE MAINTENANCE

Motion by Councilperson Christian

WHEREAS, a Project for the pavement rehabilitation of six streets in the City of Batavia PIN 4761.16, is eligible for funding under Title 23 U.S. Code, as amended, that calls the apportionment of the cost 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, and has been previously approved for inclusion as part of the 2017-2020 Transportation Improvement Program, and

WHEREAS, a request for proposals were received for a consultant to perform the Engineering Services, and a committee of City and NYSDOT personnel selected Erdman Anthony to perform the work; and

NOW THEREFORE, be it resolved that City Council approves the award of a contract for Engineering services for PIN 4761.16 City of Batavia Highway PM (six streets) to Erdman Anthony for \$494,000.00 or as otherwise modified by New York State Department of Transportation.

Seconded by Councilperson Viele 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)(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...".

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 Canale and on roll call approved 9-0.

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Meeting adjourned at 7:35 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**