

**CITY OF BATAVIA
BUSINESS MINUTES
JULY 10, 2017**

The regular business meeting of the City Council was held Monday, July 10, 2017 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 Pacino, Briggs, McGinnis, Canale, Bialkowski, Viele and Christian. Councilperson Tabelski was absent.

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

The minutes from the June 2017 meetings and the May 2017 financials were approved.

The Council President assigned the regular agenda items.

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Communications

The Batavia Police and Youth Bureau submitted an application for National Night Out on Tuesday, August 1st from 6:00-8:00 in Birchwood Village. Councilperson Christian asked why the event wasn't being held at other parks throughout the City. Chief Heubusch noted that it had been tried and just wasn't getting the turnout they hoped for. He also stated that the Birchwood Village event was open to anyone and not restricted to that part of the City. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Business and Conference meeting would be held Monday, August 14, 2017 in the City Hall Council Board Room, 2nd Floor, City Centre.

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Public Hearing

- a. To provide information to the public regarding the CDBG public infrastructure application submission

Motion to open public hearing made by Councilperson Viele, seconded by Councilperson Pacino and on roll call, approved 8-0.

There were no speakers who signed up or wished to speak from the audience.

Motion to close the public hearing made by Councilperson Viele, seconded by Councilperson Christian and on roll call, approved 8-0.

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report but they were working on a variety of matters.

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City Manager's Report

Mr. Molino noted that he received a call from the governor's office indicating that the Governor would be at the Hood facility at 12:30 on July 11th. He also noted that he is hoping for a DRI announcement in the next two weeks.

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Committee Reports

Councilperson Pacino reminded everyone that Beertavia was coming up in August.

Mike Freeman, Chair of the Deer Management Committee, gave an update on their progress. He noted that the committee had met for the last 14 months, looked at what other municipalities had done, surveyed City residents and consulted with DEC on strategies for getting rid of the heavy deer population in the City of Batavia. The recommendation was that the City should not implement a lethal approach but should add a website with resources on how to keep the deer away from your property. Mr. Freeman noted that they would do a survey periodically to see how things were improving or if they were getting worse. Councilperson Pacino noted that some people have tried everything and wondered if there was anything that could be done better than just giving information on the website. Mr. Freeman noted that there were a significant number of deer in 2015 but there were much less now and, according to the DEC, there were ebbs and flows with deer numbers at any given location. He noted that if everyone wasn't trying to deter the deer they would keep coming. Councilperson Christian asked why we couldn't have hunters come in and try to take out some of the deer population. Mr. Freeman noted that bow hunters can't hunt within 100 feet of a house so it's hard to find enough area to hunt within City limits.

Council President Jankowski asked if the committee had reached out to the County, Town of Batavia or other border residents for solutions. Mr. Freeman stated they had not. Council President Jankowski asked why the non-lethal option was chosen since it seemed that the survey showed 50/50 for and against. He suggested contacting the County and Town to see if there were other resources available. Councilperson Canale felt that if we worked with the Town it might solve some in-city problems. Councilperson Pacino stated that we needed more publicity so people would know what they can and can't do and understand that feeding deer was illegal. Council President Jankowski noted that he was looking for a more balance plan and now that people are hearing about it we may be able to reach out to more. Councilperson Bialkowski asked if there was a budget for this committee. Mr. Freeman noted there was not but a little was spent for the survey. Councilperson Bialkowski asked how the survey was sent out. Mr. Molino noted that it was online and available at the Senior Center and other locations in the City. He also noted that Council would need to determine how much resources they wanted to spend on this issue. Mr. Molino asked Council if they were suggesting developing a municipal program that included lethal options that the City would manage. Council President Jankowski noted that they were not yet suggesting that, there needed to be more research and felt there needed to be some pros and cons developed for a couple more options. Mr. Rowbottom, committee member, noted that we need to have the homeowners on board and the best time to hunt is in the summer when they can be baited and sharpshooters used but that it was too expensive of an option. He noted that there were not a lot of deer accidents, there wasn't a big tick problem, people have to learn that they are responsible and if they don't want deer they need to do something about it. He noted that the committee had talked about a lot of the things Council brought up and have been working diligently. Council thanked them for their service on the committee and appreciated the time and effort they were putting forth.

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Public Comments

Jim Rosenbeck, 13 Lewis Ave, didn't think it was realistic to hunt in the City and liked the idea of speaking with the County and Town for their input. He noted that no matter what action is taken it will annoy the other half. He suggested enabling people to act independently and the City would help facilitate that effort.

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Council Responses to Public Comments

Councilperson Bialkowski noted that he used to live in Alaska and he learned he had to change his lifestyle to deal with the changing environment and encouraged City residents to consider that approach. He acknowledged that there had been a lot of good dialogue around this topic and thanked the committee.

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Unfinished Business

None.

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**#74-2017
A RESOLUTION TO APPOINT MEMBERS TO
VARIOUS CITY COMMITTEES/ BOARDS**

Motion of Councilperson Pacino

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:

Audit Advisory Board

Nicholas Harris	December 31, 2020
Marc Staley	December 31, 2020
David Leone	December 31, 2020

Councilmembers:	
Bob Bialkowski	December 31, 2017
Eugene Jankowski	December 31, 2017

Seconded by Councilperson Viele and on roll call approved 8-0.

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**#75-2017
A RESOLUTION TO CLOSE OUT CAPITAL PROJECT**

Motion of Councilperson McGinnis

WHEREAS, The City of Batavia should periodically close capital projects which are completed; and

WHEREAS, projects completed at this time that require official closing are listed as follows:

#1508 Central Pump Station – Replace CPS Control

WHEREAS, the City Council authorizes the City Manager to make the recommended transfers and close out the specified capital projects effective March 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the capital project, Central Pump Station – Replace CPS Control, be closed effective March 31, 2017.

Seconded by Councilperson Christian and on roll call approved 8-0.

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#76-2017

A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS AND BUDGET AMENDMENTS

Motion of Councilperson Viele

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the City Manager to transfer from the General Fund Self-Insurance Health Benefit reserve; to utilize contingency and to appropriate fund balance to accounts as shown below; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments:

Effective March 31, 2017, amend the 2016-17 budget by increasing expenditure accounts:

001.9060.0807.0000	Medical Insurance	\$353,375.31
001.9060.0807.2108	Medical Insurance - reserve	\$132,721.88
002.9060.0807.0000	Water Fund Medical Insurance	\$ 46,274.48
003.9060.0807.0000	Wastewater Fund Medical Insurance	\$ 23,176.75
001.1325.0472.0000	Tax Foreclosure Expenses	\$ 37,405.59
001.1355.0437.0000	Assessment Professional Fees	\$ 5,750.35
001.1420.0437.0000	Legal Professional Fees	\$ 37,556.11
001.1680.0201.0000	IT Small Equipment	\$ 779.61
001.1931.0423.0000	Property Loss	\$262,770.35

by decreasing expense account:

001.1990.0500.0000	General Fund Contingency	\$ 75,741.31
002.1990.0500.0000	Water Fund Contingency	\$ 8,541.27

and increasing revenue account:

001.0001.2702.0009	Healthcare Revenue Misc	\$324,457.10
001.0001.2702.0000	Healthcare Premiums	\$ 28,918.21
001.0001.0511.2108	Appropriated reserves Health Ins.	\$132,721.88
002.0002.2702.0009	Water Fund Healthcare Revenue	\$ 37,733.21
003.0003.2702.0009	Sewer Fund Healthcare Revenue.	\$ 23,176.75
001.0001.3995.0000	Assessment Parcel Reimbursement	\$ 5,750.35
001.0001.0599.0000	Appropriating Fund Balance	\$262,770.35

Seconded by Councilperson Bialkowski and on roll call approved 8-0.

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#77-2017

**A RESOLUTION AUTHORIZING AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR
PRELIMINARY ENGINEERING, DESIGN AND RIGHT OF WAY FOR THE
CITY OF BATAVIA PEDESTRIAN WAY IMPROVEMENTS PROJECT**

Motion of Councilperson Bialkowski

WHEREAS, a project for the reconstruction of approximately 12,000 LF of sidewalk for State Street on both sides from Washington Ave to Richmond Ave, East side of State Street from Hart Street to MacArthur Drive, Washington Avenue on both sides from State Street to Bank Street, the East side of Bank Street from Washington Avenue to North Street and the West side from North Street to Denio Street, and Richmond Avenue on the South side from Ellicott Avenue to State Street, City of Batavia, Genesee County, P.I.N. 4761.00 (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 75% Federal funds and 25% 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 Preliminary Engineering, Design and Right of Way Acquisitions and 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 Preliminary Engineering, Design and Right of Way for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$181,000 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 McGinnis and on roll call approved 8-0.

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#78-2017

**A RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC INFRASTRUCTURE APPLICATION**

Motion by Councilperson Christian

WHEREAS, the City of Batavia would like to submit an application for infrastructure improvements on Brooklyn Avenue that would benefit low to moderate income households; and

WHEREAS, the New York State Community Development Block Grant (CDBG) program provides funding for infrastructure improvements.

NOW THEREFORE, 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 2017 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 Pacino and on roll call approved 8-0.

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Meeting adjourned at 7:47 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**