

# **CITY OF BATAVIA BUSINESS MINUTES OCTOBER 10, 2017**

The regular business meeting of the City Council was held Tuesday, October 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, Councilpersons Pacino, Briggs, Canale, Bialkowski, Tabelski, Viele and Christian.

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

The minutes from the September 2017 meeting and the August 2017 financials were approved.

The Council President assigned the regular agenda items.

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## **Communications**

None.

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## **Council President's Report**

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, October 23, 2017 in the City Hall Council Board Room, 2<sup>nd</sup> 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 Laura Landers from Freed Maxick was there to present the audit report for the year ending 3/31/17. Ms. Landers noted that she met with the audit committee and reviewed the financial statements in detail with them on September 12<sup>th</sup>. She noted that an unmodified opinion was issued and the City had a single audit due to expenditures of federal awards exceeding \$750,000. Ms. Landers explained that expenditures exceeded revenue and it was due to a planned use of reserve funds. She noted that actual revenue was slightly lower than budgeted primarily due to sales tax revenue coming in low. Actual expenditures were less than budgeted. She noted that both water and sewer funds had operating surpluses at fiscal year-end and overall the City had positive results. She pointed out the City had good fund balances and were in a good financial position.

With regards to the announcement of the City receiving \$10 million from the Downtown Revitalization Initiative, Mr. Molino noted that he met with various state board members regarding selecting projects for which to spend the funds. He noted that the consultant selected to assist in the projects was LaBella and he needed to provide recommendations to the governor's office by February so it would be a quick turnaround. Mr. Molino explained that the steering committee would be appointed by the state, the Council President would be the co-chair and the steering committee should be appointed within the next two weeks. He noted that all meetings would be open to the public. Council President Jankowski noted that he took a walking tour of downtown with state representatives so they could get a feel for the area. Mr. Molino noted that he was going to make a presentation on the City's DRI award on Thursday morning along with other winners in the state.

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## **Committee Reports**

Councilperson Pacino noted that the BID wine walk was very successful.

Councilperson Tabelaiki announced the next GAM meeting would be held on October 19<sup>th</sup> and would be hosted by the Town of LeRoy.

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## **Public Comments**

None

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## **Council Responses to Public Comments**

None

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## **Unfinished Business**

Councilperson Bialkowski asked if there had been any progress regarding the pillars on Redfield and Council President Jankowski asked about the street sign for the autistic child. Mr. Molino noted that they would be discussed at the next conference meeting.

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### **#92-2017**

## **A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") AND DETERMINING SIGNIFICANCE OF THE COMPREHENSIVE PLAN UPDATE**

### **Motion of Councilperson Canale**

**WHEREAS**, the City of Batavia City Council is responsible for the preparation and adoption of the City of Batavia Comprehensive Plan Update, pursuant to General City Law Section 28-a; and

**WHEREAS**, City Council appointed a Steering Committee guide development of a fiscally, socially, and environmentally responsible Comprehensive Plan Update; and

**WHEREAS**, the Steering Committee held a Public Hearing on the Draft Comprehensive Plan Update on July 18, 2017 in which the public provided comment that has been taken into consideration before the completion of the Proposed Comprehensive Plan Update; and

**WHEREAS**, the City Council held a Public Hearing on the Draft Comprehensive Plan Update on August 14, 2017 in which the Council was provided a formal presentation on the Draft Comprehensive Plan, specific questions were addressed, and the public provided further comment; and

**WHEREAS**, on September 14, 2017 the City referred the Proposed Comprehensive Plan to the Genesee County Planning Board in accordance with Section 239-m of the New York State General Municipal Law and the County Planning Board approved the Proposed Comprehensive Plan; and

**WHEREAS**, the City Council has determined that the action is a Type I Action under the State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the City Council sent Notice of Intent to be Lead Agency to the Genesee County Planning Board and the New York State Energy Research and Development Agency (NYSERDA) as Involved Agencies under SEQRA for the Comprehensive Plan Update; and

**WHEREAS**, the City Council has reviewed and fully considered the proposed Comprehensive Plan Update and Part 1 of the Full Environmental Assessment Form (“EAF”); and

**WHEREAS**, the City Council has determined that the proposed Comprehensive Plan Update will not result in any large or important impacts and, therefore, is one which will not have a significant impact on the environment;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council Declares itself SEQRA Lead Agency as no other agency objects; and

**FURTHER RESOLVED**, the City Council hereby finds that the Comprehensive Plan Update will not have a significant impact on the environment and authorizes the filing of the Negative Declaration with this Resolution.

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

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**#93-2017**

**A RESOLUTION FOR BATAVIA COMPREHENSIVE PLAN ADOPTION**

**Motion of Councilperson McGinnis**

**WHEREAS**, the City of Batavia City Council is responsible for the preparation and adoption of the City of Batavia Comprehensive Plan, pursuant to General City Law Section 28-a; and

**WHEREAS**, the City’s existing 1997 Comprehensive Plan Update has been substantially implemented and does not reflect the community’s current vision and specific initiatives to help achieve that vision; and

**WHEREAS**, The City intends to continue to be proactive in dealing with regional and inter-municipal matters, strengthening the regional economy, protecting its natural resources, and planning for community needs; and

**WHEREAS**, City Council appointed a Steering Committee guide development of a fiscally, socially, and environmentally responsible Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan Steering Committee consulted with various boards including municipal committees and other representatives, County and City departments/agencies

and officials, surrounding municipalities, business groups, environmental and civic groups, as well as various Federal, State and regional organizations; and

**WHEREAS**, the Comprehensive Plan Steering Committee spoke with both local business owners and citizens, analyzed data trends, evaluated current national trends, and made recommendations that are responsive to Batavia's needs; and

**WHEREAS**, the Steering Committee held a Public Hearing on the Draft Comprehensive Plan on July 18, 2017 in which the public provided comment that has been taken into consideration before the completion of the Final Comprehensive Plan; and

**WHEREAS**, the City Council held a Public Hearing on the Draft Comprehensive Plan on August 14, 2017 in which the Council was provided a formal presentation on the Draft Comprehensive Plan, specific questions were addressed, and the public provided further comment; and

**WHEREAS**, on September 14, 2017 the City referred the Proposed Comprehensive Plan to the Genesee County Planning Board in accordance with Section 239-m of the New York State General Municipal Law and the County Planning Board approved the Proposed Comprehensive Plan; and

**WHEREAS**, the Final Comprehensive Plan has a Value Statement and Organizing Principles that reflect and advance the City's Mission and Vision Statements; and

**WHEREAS**, the Final Comprehensive Plan is a vision document which identifies the important positive attributes and components which define Batavia and provides a blueprint for the future; and

**WHEREAS**, the City of Batavia Comprehensive Plan will provide guidance to decision makers, residents, property owners and organizations through its Value Statement, Organizing Principles, Strategies and Recommendations relevant to the subject matters of the built and natural environments, economic revitalization, public facilities and services; and

**WHEREAS**, the members of the City Council have carefully and thoroughly reviewed the 2017 City of Batavia Comprehensive Plan as revised and is satisfied that it meets the needs of the City and requirements of applicable laws.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the 2017 City of Batavia Comprehensive Plan dated October 10, 2017 as an important planning tool which identifies a wide range of issues, initiatives, studies, projects and programs which can be undertaken by various entities in the short-term and the long-term.

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

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**#94-2017**

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE PROPERTIES AUCTIONED ON AUGUST 24, 2017**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City foreclosed on 29 Brooklyn Ave, 200 S Swan St, 1 Watson Ave, 46 Swan St, and 2 Willow St 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 properties; and

**WHEREAS**, a Public Real Estate Auction was held at Bontrager's Auction Center on August 24, 2017 at 6:00 p.m.; and

**WHEREAS**, the highest bids received for the auctioned properties are as follows:

	Property	Highest Bidder	Highest Bid
1)	29 Brooklyn Ave	Louie Kingsbury	\$4,000
2)	200 S Swan St	Geib Corporation	\$20,000
3)	1 Watson St	Justin & Yasmeen Calmes	\$13,500
4)	46 Swan St	Justin & Yasmeen Calmes	\$1,500
5)	2 Willow St	Robert Fritschi	\$19,000

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, that it discontinues the public use of said properties 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 bidders for all properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

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

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**#95-2017**  
**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR THE**  
**CITY MANAGER**

**Motion of Councilperson Pacino**

**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%, which will bring him to \$96,361 per year and hereby is enacted and retroactive to April 1, 2017.

**Seconded by Councilperson Tabelski and on roll call failed 5-4. Councilperson Tabelski, Pacino, Canale and Council President Jankowski were in favor of the resolution.**

Councilperson Bialkowski made a motion to table the vote until the next business meeting stating that the resolution must first be presented to Council before it can be voted on. Some Councilmembers noted that it had already been presented at a previous conference meeting so the vote could take place. Councilperson Briggs seconded the motion but on roll call, motion to table failed 6-3. Only Councilpersons Briggs, Pacino and Bialkowski voted to table the motion.

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**MOTION TO ENTER EXECUTIVE SESSION**

**Motion of Councilperson Pacino**

**WHEREAS**, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation..." and;

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

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**Meeting adjourned at 7:40 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**