

CITY OF BATAVIA BUSINESS MINUTES DECEMBER 11, 2017

The regular business meeting of the City Council was held Monday, December 11, 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 Briggs, Canale, Bialkowski, Tabelski, Viele and Christian. Councilperson Pacino was absent.

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

The minutes from the November 2017 meetings and the October 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 business and reorganizational meeting would be held Monday, January 8, 2018 at 7:00pm 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 the next DRI meeting would be on December 14th at 4:30 – 6:00pm then a public workshop would be from 6:00 – 9:00pm. He noted that the meeting would be an interactive work session to come up with a list of ideas. He explained that the RFI submittals were due on December 18th.

Lindsey Luft addressed vacant and zombie homes. She noted that the state enacted legislation in 2016 requiring vacant properties to be put on a registry. Ms. Luft explained that at the local level we had a program called Operation Keep Our Homes and were awarded \$66,000 through a LISC grant. She identified what the funds were used for, discussed the zombie task force that was created, and noted how they were working on revisions of three sections of the code related to zombie homes. Ms. Luft discussed the database that was created to identify zombie homes based on input from various city departments. She demonstrated how the software works, applied filters based on different parameters and narrowed her example from 5,453 total parcels to a manageable number. That new number of homes would then be visited in person to confirm vacancy. Then the process could be redone with new parameters. She explained that the information is updated quarterly but would like it to be live in the future. She then identified the next steps that will be taken with regards to the program. Councilperson Christian asked why we aren't working with the mortgage companies to keep people from being able to buy homes they can't afford. Mr. Molino noted that we don't have the ability to influence the banks but the atmosphere in the industry has changed so hopefully will get better. Mr. Molino explained that Ms. Luft has been working with the City as an intern since May 2017 and has done great work.

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Committee Reports

None.

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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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#109-2017

**A RESOLUTION TO CONTRACT FOR INTERMUNICIPAL CITY COURT
PROSECUTORIAL SERVICES WITH GENESEE COUNTY**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia has contracted with Genesee County for the past several years for City Court Prosecutorial Services; and

WHEREAS, the Contract between the City and County for these services will be valid from January 1, 2018 through December 31, 2019; and

WHEREAS, the City is desirous of continuing with the Inter-Municipal City Court Prosecutorial Services Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Inter-Municipal City Court Prosecutorial Services Agreement between the City of Batavia and Genesee County.

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

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#110-2017

**A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO
REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF
\$18,981 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR
DRIVING WHILE ABILITY IMPAIRED BY DRUGS**

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$18,981 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS, TRAINING 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 2017-2018 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective December 11, 2017 amend the 2017-18 budget:

Increase expenditure accounts		
001.3120.0101.1172	\$	16,000.00
001.3120.0431.1172	\$	481.00
001.3120.0201.1172	\$	1,500.00
001.3120.0435.1172	\$	1,000.00
Increase revenue accounts		
1.1.3389.1172	\$	18,981.00

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

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#111-2017

A RESOLUTION TO AMEND THE 2017-2018 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$2400.00

Motion of Councilperson Christian

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$ 2,400.00 for Award period October 1, 2017 through September 30, 2018 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 2017-2018 budgets effective November 27, 2017 to cover various Car Seat Program details, equipment purchases:

Increase revenue accounts:		
001.0001.3389.1173		\$2,400.00
Increase expense accounts:		
001.3410.0201.1173		\$1,400.00

Increase expense accounts: \$ 900.00
001.3410.0435.1173

Increase expense accounts: \$ 100.00
001.3410.0401.1173

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

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#112-2017

A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Board of Assessment Review

Robert Gerace September 30, 2022

Historic Preservation Commission

Connie Boyd December 31, 2020

Community Garden

RaeAnn Engler December 31, 2021

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

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#113-2017

**A RESOLUTION AUTHORIZING AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR
PRELIMINARY ENGINEERING AND DESIGN FOR THE
CITY OF BATAVIA, HIGHWAY PREVENTIVE MAINTENANCE (SIX STREETS)**

Motion of Councilperson Tabelski

WHEREAS, a project for the preventive maintenance of six streets Clinton Street from Routes 5/33 to City Line, East Avenue from Clinton Street to Ross Street, Liberty Street from NYS Route 63 to NYS Route 5/33, South Liberty Street from South Jackson Street to NYS Route 63, Swan Street from NYS Route 63 to NYS Route 5/33, and Vine Street from NYS Route 5/33 to Bank Street, City of Batavia, Genesee County, P.I.N. 4761.16 (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 Preliminary Engineering and Design; 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 and Design for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$264,050 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 McGinnis and on roll call approved 8-0.

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#114-2017
A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
ENERGYMARK, LLC. FOR THE PURCHASE OF NATURAL GAS

Motion of Councilperson Viele

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of Natural Gas for 2018-2020; and

WHEREAS, One (1) bid was received on December 6, 2017, and EnergyMark, LLC. was the lowest responsible bidder at \$3.36 per dekatherm, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a contract is hereby awarded to EnergyMark, LLC. for the purchase of natural gas for city buildings.

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

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#115-2017
A RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH
DECEMBER 31, 2018

Motion of Councilperson McGinnis

WHEREAS, the Batavia City Council, pursuant to the City Charter, is required to schedule regular Council meetings through the standard resolution process; and

WHEREAS, City Council historically meets on the second and fourth Monday of each month except during the months of July, August and December where the Council meets only on the second Monday; and

WHEREAS, City Council must designate the specific location and time of meetings on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby designates the Council Board Room located at City Hall, One Batavia City Centre, as the regular meeting place for the scheduled Council meetings through December 31, 2018; and

BE IT FURTHER RESOLVED, that the City Council shall meet at 7:00 p.m. at the City Council Board Room on the designated dates as outlined on Attachment "A" through December 31, 2018.

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

2018 City of Batavia Council Meetings

January 8, 2018 (Organizational)

January 8, 2018 (Business)

January 22, 2018 (Conference)

February 12, 2018 (Business)

February 26, 2018 (Conference)

March 12, 2018 (Business)

March 26, 2018 (Conference)

April 9, 2018 (Business)

April 23, 2018 (Conference)

May 14, 2018 (Business)

Tuesday, May 29, 2018 (Conference)

June 11, 2018 (Business)

June 25, 2018 (Conference)

July 9, 2018 (Business and Conference)

August 13, 2018 (Business and Conference)

September 10, 2018 (Business)

September 24, 2018 (Conference)

Tuesday, October 9, 2018 (Business)

October 22, 2018 (Conference)

Tuesday, November 13, 2018 (Business)

November 26, 2018 (Conference)

December 10, 2018 (Business and Conference)

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Councilperson Bialkowski wished everyone a joyous holiday season.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Tabelski

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...”and;

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...”.

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 8-0.

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Meeting adjourned at 7:42 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**