

**CITY OF BATAVIA
SPECIAL BUSINESS MINUTES
OCTOBER 25, 2021**

The special business meeting of the City Council was held Monday, October 25, 2021 at 7:55 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding. The meeting was held immediately following the conference meeting.

Present were Council President Jankowski and Councilmembers Pacino, Briggs, Canale, Christian, McGinnis, Karas, and Bialkowski. Councilmember Viele was absent.

Council President Jankowski called the meeting to order at 7:55 PM.

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New Business

#78-2021

A RESOLUTION TO AMEND THE 2021-2022 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF \$7,500 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS DURING SPECIFIED HIGH VISIBILITY ENGAGEMENT CAMPAIGN PERIODS

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$7,500 from T E GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS; 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 2021-2022 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective October 29, 2021 amend the 2021-22 budget:

Increase expenditure accounts	
A.04.3120.3120 199-100002	\$ 7,500.00

Increase revenue accounts

A.00.0000.0000 3389-100002

\$ 7,500.00

Seconded by Councilmember McGinnis and on roll call approved 8-0.

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#79-2021

A RESOLUTION TO EXECUTE A EMPIRE STATE DEVELOPMENT RESTORE NEW YORK GRANT FOR THE ELLICOTT STATION PROJECT AND AMEND THE 2021-22 BUDGET

Motion of Councilmember Canale

WHEREAS, the City of Batavia would like to accept a \$500,000 Empire State Development Restore New York grant for the Ellicott Station project; and

WHEREAS, the grant funding will be used for demolition, rehabilitation, and adaptive re-use of existing building on the site; and

WHEREAS, the grant is a pass through grant awarded to the City of Batavia after a successful application was approved for funding under Round 4 of the Restore Program in January 2017; and

WHEREAS, \$500,000 will be used specifically for the renovation of a former factory/electric building; and

WHEREAS, The City of Batavia has previously been successful in executing a Restore NY grant in 2011 working with the Batavia Industrial Center/Harvester on a \$1.5 million rehabilitation of space on Masse Drive.

NOW, THEREFORE BE IT RESOLVED, that the City of Batavia City Council hereby authorize the City Council President of the City of Batavia, to accept and execute the grant agreement provided by Empire State Development on behalf of the City; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the City Manager is hereby authorized to amend the 2021-22 budget as set forth below.

Effective October 25, 2021 amend the general fund budget:

Increase expenditure account

Expense: A.01.6460 423 Project 191170 Community Development – Contract service \$500,000

Increase revenue accounts

Revenue: A.00.0000.0000 3097 State Aid – Capital Projects \$500,000

Seconded by Councilmember Pacino and on roll call approved 8-0.

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#80-2021

A RESOLUTION APPROVING THE EXECUTION OF AN UNDERTAKING AGREEMENT BETWEEN THE CITY OF BATAVIA AND SAVARINO COMPANIES LLC FOR A RESTORE NEW YORK GRANT TO BENEFIT THE ELLICOTT STATION PROJECT

Motion of Councilmember Karas

WHEREAS, the City has entered into a grant disbursement agreement with the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) for a grant of up to \$500,000 for the Ellicott Station Restore IV Project located at 40-52 and 56-70 Ellicott Street, in the City of Batavia which is to consist of the redevelopment, repurposing and adaptive reuse of a former construction yard, power company service facility and adjacent properties as part of the City’s Master and Brownfield opportunity plan; and

WHEREAS, Savarino Companies requested that the City apply to ESD for financial assistance for the benefit of the Company in connection with the Project; and

WHEREAS, Savarino Companies has agreed to undertake the Project rehabilitate an iconic downtown building, build new housing, and cleanup an existing brownfield site; and

WHEREAS, the funds payable pursuant to the City pursuant to the Grant Agreement will be disbursed for the benefit of Company solely to pay the costs of undertaking and completing the Project by Savarino Companies; and

WHEREAS, as a condition for the City entering into the Grant Agreement, the City is requiring Savarino Companies to enter into this Undertaking Agreement to assume a portion or all of the obligations of the City under the Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City of Batavia Council hereby authorizes the Council President to execute an Undertaking Agreement with Savarino Companies LLC to access up to \$500,000 for approved and verified costs associated with improvements to this property and in compliance with the Restore New York Grant Disbursement Agreement.

Seconded by Councilmember Briggs and on roll call approved 8-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Pacino

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...”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)(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;

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 Councilmember Christian and on roll call approved 8-0.
Council entered executive session at 8:00 PM and ended at 8:26 PM.

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Meeting adjourned at 8:27 PM.

Respectfully submitted,

Heidi J Parker
Clerk-Treasurer