CITY OF BATAVIA BUSINESS MINUTES NOVEMBER 8, 2021

The regular business meeting of the City Council was held Monday, November 8, 2021 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

Council President Jankowski called the meeting to order at 7:03 PM immediately following the special conference meeting.

The minutes from the October 2021 meetings and the September 2021 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 that the next City Council Conference Meeting would be held on Monday, November 22^{nd} at 7:00 p.m. at City Hall, Council Board Room, 2^{nd} Floor.

Council President Jankowski noted that he attended the Genesee Symphony Orchestra and was blown away and very impressed.

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City Attorney's Report

Mr. Van Nest noted that there was nothing specific to report at this time.

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City Manager's Report

Mrs. Tabelski noted that the ice rink front doors had been replaced, parks winterized, and the roof project would be completed soon. She noted that Jackson Square construction bids would be opened this week, leaf collection was underway, and Summit Lubricants donated trees to the City. Mrs. Tabelski noted that a resolution would be coming for a BAN for design and engineering for the new police station, we have begun budget planning, and the utility billing software is supposed to start in January. Councilmember Canale asked where we were on the naming rights for the ice rink. Mrs. Tabelski noted some proposals had been received and would be brought to Council after review. Councilmember Canale asked for an update on the parking outside the football stadium. Mrs. Tabelski noted that overtime had been authorized for parking enforcement so we would be able to monitor that area. Councilmember Christian asked why we were down three police officers. Mrs. Tabelski noted a number of reasons including pay, benefits, and being closer to home.

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Committee Reports

Councilmember Pacino noted that the BID Christmas in the City would be on December 4th and they were looking for people to be in the parade. She noted they were also having a wreath contest and hoped to have downtown wi-fi by Christmas.

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Public Comments

John Roach, 116 Grandview Terr, sent an e-mail noting the the 6th ward Councilmember would be leaving her seat and Council would need to make a temporary appointment to fill her vacancy until next year's election. He noted that the Charter states the appointment must be from the same party as the person leaving but her case was unusual because she was elected as a Democrat but since changed her affiliation to Republican. He asked which party should replace her. He felt the intent of the Charter was the affiliation at the time of taking office should be the one to make the temporary appointment.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

#81-2021

A RESOLUTION TO AMEND AND ADD FEES TO THE CITY OF BATAVIA FEE SCHEDULE

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia has established various fees for permits and licenses; and

WHEREAS, City Council desires to add or amend various fees to compensate for the cost of the inspection and processing of those permits and licenses;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it adopts and amends various fees as listed in Attachment A;

BE IT FURTHER RESOLVED, that said fees become effective January 1, 2022.

Seconded by Councilmember McGinnis and on roll call approved 7-1. Councilmember Christian voted no.

Discussion – Councilmember Bialkowski noted that he reviewed the fees with Assistant City Manager Wiedrick and understands that it's more of an equalization of fees.

Attachment A

City of Batavia Bureau of Inspections Fee Schedule (effective January 1, 2022)

Building Permit Fees

Construction, additions, alterations and renovation:

Flat rate fees:

Roofing permit fees- Residential (1 and 2 fam.) garages, sheds, porches	\$35.00
Residential (1 and 2 fam.) dwellings (including porch and garage)	\$65.00
Window replacement (residential) -	\$45.00
Exterior door replacement (residential)-	\$45.00
Driveways and parking space (residential)-	\$55.00
Siding permit-	\$65.00
Fence permit-	\$65.00
Utility sheds and similar small structures used for storage-	\$65.00
Pool permits (above or in-ground)-	\$65.00
Central air conditioners	\$65.00
Electric generator system (residential)-	\$65.00
Heating system replacement-	\$65.00
Solid fuel or gas fired device (fireplace or stove)	\$65.00
123	11/08/2021

Telecommunication t	tower-	\$500.00
Telecommunication a	antenna (each)-	\$500.00
Tank installation	(< 1,000 gal.)-	\$100.00
Tank installation	(1,000-5,000 gal.)-	\$150.00
Tank installation	(5,000 + gal.)-	\$200.00
Tank removal-		\$100.00
Fuel pump nozzles	(each)-	\$50.00

^{****} All fees will be tripled for work started prior to the issuance of a required permit ****

Required electrical inspections are to be performed by City of Batavia approved agencies at the applicant's expense.

Miscellaneous

Demolition permit (S	\$0-5,000 of contract value)	\$100.00
Demolition permit (> \$5,000 of contract value) \$100.00 plus	\$10.00
per \$1,000, or portion	thereof, over	
Demolition of private ac	ccessory garages (1 and 2 family)	\$35.00
Dumpster permit (tempo	orary residential, requires a demo permit)	\$35.00
Rooming house renewal	l fee	\$150.00
Home occupation permi	t (one-time fee)	\$100.00
Parking lot permit (R-2	2 and R-3 zoning use districts)	\$200.00
Unlicensed vehicle, car	repair permit (30 days, once per year)	\$50.00

Street obstruction permit (30 days)- \$2.50 per lin. ft. of frontage with a min. charge of \$75.00

(Approval of Director of Public Works required for all obstruction permits)

Truss fee (buildings containing truss type construction) \$50.00

The following percentage is used to calculate all building permit fees not listed in the flat rate fee schedule.

.012 (1.20 %) per project valuation, minimum fee of \$35.00.

Values used to Calculate Construction Cost

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Renovation of existing: \$30.00 per square foot New construction: \$55.00 per square foot

Residential- (owner performing work)

Garages, porches, decks: \$25.00 per square foot Renovation of existing: \$30.00 per square foot New construction: \$80.00 per square foot

When a contractor is performing work, the value is identified on a fully signed contract detailing the entirety of the proposal.

Engineering Cost Recovery

Type of zoning class	Fee deposit
R-1, R-2, R-3, R-1A	\$500.00 per lot or living unit
C-1, C-2, C-3	\$2,500.00 per bldg. or struct.
I-1, I-2, I-3	\$2,500.00 per bldg. or struct.
Planned dev. dist.	\$2,500.00 per bldg. or struct.

In addition to the engineering deposit and fee schedule, where the City incurs addition engineering, administrative and legal costs pursuant to the State Environmental Quality Review Act, the City shall recover the actual costs for preparing or reviewing all EIS or DEIS, including costs for scoping, when the City is the lead agency and requires a DEIS or EIS.

The fee for nonresidential construction projects shall not exceed 1/2% of the total project cost. The total project cost shall be the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and materials as determined with reference to a current construction cost data publication in common usage, such as Building Construction Cost Data by Means. All costs shall include any legal expenses, engineering and administrative costs according to contract that are incurred by the City.

The fee for residential projects shall not exceed 2 % of the total cost, as estimated by the developer and verified by the City. The total cost shall be the cost of land, plus the cost of all site improvements required, not including the cost of the buildings and structures.

Certificate of Occupancy, Certificate of Compliance

Cert. of Occ. inspection, R-1 (hotels, motels, etc; transient) Cert. of Occ. inspection, R-2 (apt. houses, dormitories, etc.) Cert. of Occ. inspection, R-3 and 1 and 2 family dwellings Cert. of Occ. inspection, R-4 (residential care/assisted living) Cert. of Occ. inspection, Non-residential	\$25.00 per unit \$25.00 per unit \$50.00 \$25.00 per unit \$75.00 (up to 25,000 sq.') \$100.00 (25,000-50,000 sq.') \$175.00 (50,000 sq.' +)
Cert. of Compliance inspection C of O, C of C, and occupancy posting replacements Occupancy posting inspection for public assembly space Temporary/Conditional Cert. of Occ.	\$50.00 (commercial tenancies) \$25.00 (each) \$50.00 (each space) \$50.00
Temporary/Conditional Cert. of Compliance	\$50.00

Sign Permit Fees

Temporary portable sign (60 days)	\$30.00
< 25 sf	\$45.00
25 - 34.99 sf	\$55.00
35 - 44.99 sf	\$65.00
45 - 54.99 sf	\$75.00
55 - 64.99 sf	\$85.00
65 - 74.99 sf	\$95.00
75 - 84.99 sf	\$105.00
85 - 94.99 sf	\$115.00
95 - 104.99 sf	\$125.00
105 – 114.99 sf	\$135.00
115 – 124.99 sf	\$145.00
125 – 134.99 sf	\$155.00
135 – 144.99 sf	\$165.00
145 – 154.99 sf	\$175.00
155 – 164.99 sf	\$185.00

Zoning

Zoning Verification Letter	\$50.00
Site plan review fee-	\$250.00
Appeal to zoning board-	\$100.00 (comm.)
	\$50.00 (res.)
Zoning map change-	\$200.00
Special use permit- (review and approval of PDC)	\$150.00

Land Subdivision

Subdivision fee- Major Preliminary plat application Final plat application	\$200.00 \$250.00
Subdivision fee- Minor Lands in a residential district Lands in a district other than residential	\$200.00 \$250.00
Subdivision fee- Lot division Lands in a residential district Lands in a district other than residential	\$100.00 \$150.00

Plumbing fees and permits

Filing fee- 1 & 2 family dwellings (plus applicable fees below)	\$45.00
Filing fee- All others (plus applicable fees below)	\$75.00
126	11/08/2021

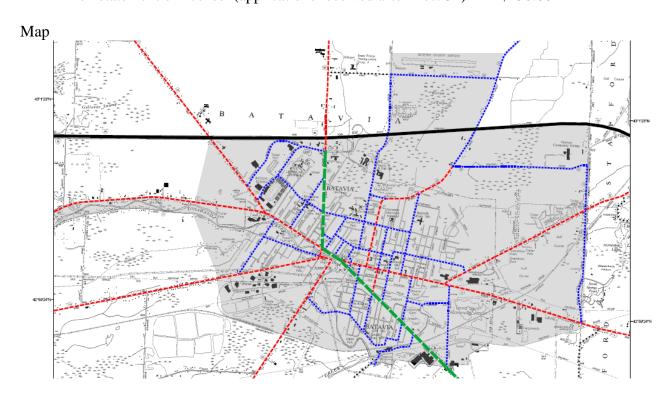
Basic fixtures 1-100 (each) Basic fixtures 101-200 (each) Basic fixtures over 200 (each)	\$5.00 \$4.00 \$3.00
<4" diameter sewer/drain (per 100' or portion thereof) 4" to <6" diameter sewer/drain (per 100' or portion thereof) 6" to <8" diameter sewer/drain (per 100' or portion thereof) 8" to <10" diameter sewer/drain (per 100' or portion thereof) 10" to <12" diameter sewer/drain (per 100' or portion thereof) Over 12" diameter sewer/drain (per 100' or portion thereof)	\$6.00 \$10.00 \$16.00 \$25.00 \$35.00 \$45.00
Repair/replace water service Water supply repair or replacement Back flow prevention device Back flow prevention device 2" and over Irrigation system	\$20.00 \$10.00 \$20.00 \$40.00 \$20.00
Hot water heater (50 gal. or less) Hot water heater (over 50 gal.) Hot water heaters (all commercial) Tankless Residential Water Heater	\$15.00 \$20.00 \$50.00 \$20.00
Dishwashers – Non-portable Commercial (each) Catch basins/yard drains (each) Garbage disposals (commercial – each) Repair laterals Bubbler Sump pump installation Foundation water proofing/drainage (existing foundations) Grease trap	\$30.00 \$25.00 \$30.00 \$15.00 \$20.00 \$15.00 \$20.00 \$65.00
5/8" – ¾" meter replacement 1" meter replacement 1 ½" meter replacement 2" meter replacement ½" to ¾" meter testing 1 and 1 ½" meter testing Temporary meter	\$175.00 \$250.00 \$375.00 \$500.00 \$75.00 \$100.00 \$50.00
Water service disconnection at main Sewer service disconnection (sanitary or storm) Water service abandonment deposit (BMC 184-31 B) Main streets (principal arterial and arterial) Secondary streets (collector) Side streets (local)	\$50.00 \$50.00 \$6,250 \$3,000 \$2,250 11/08/2021

*Please reference attached map for street classification

***Plumbing features not specifically listed will be assessed as a "Basic fixture"

Contractor Licensing

Plumber exam review fee	\$150.00
First year license fee	\$200.00
Annual license renewal (applications received prior to Jan. 1)	\$125.00 (per year)
Reinstatement of license (applications received after Dec. 31)	\$250.00



#82-2021 A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF BATAVIA TO MAINTAIN 31 STREET LIGHTS ON PARK ROAD

Motion of Councilmember Canale

WHEREAS, The Town of Batavia would like the City to enter into an agreement to maintain 31 streetlights on Park Road in the Town of Batavia; and

WHEREAS, The Town of Batavia does not have the equipment or personnel to maintain street lights; and

WHEREAS, The Town would pay the City for all work at a rate of time and material;

NOW,THERFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to enter into an agreement with the Town of Batavia to maintain 31 street lights on Park Road.

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

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#83-2021

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF BATAVIA TO MAINTAIN A TRAFFICCONTROL DEVICE AT ROUTE 98 AND FEDERAL DRIVE

Motion of Councilmember Christian

WHEREAS, The Town of Batavia would like the City to enter into an agreement to maintain a traffic control device on Oak Orchard Road (RT 98) in the Town of Batavia; and

WHEREAS, The Town of Batavia does not have the equipment or personnel to maintain traffic control devices; and

WHEREAS, The Town would pay the City for all work at a rate of time and material;

NOW,THERFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to enter into an agreement with the Town of Batavia to maintain a traffic control device on Oak Orchard Road and Federal Drive in the Town of Batavia.

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

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#84-2021 A RESOLUTION TO CONTRACT FOR PROSECUTORIAL SERVICES WITH GENESEE COUNTY

Motion of Councilmember McGinnis

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

WHEREAS, the Contract between the City and County for these services expires December 31, 2021; 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 Councilmember Briggs and on roll call approved 8-0.

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#85-20271

RESOLUTION TO AMEND THE BUDGET BY TRANSFERRING FUNDS FROM THE CONTINGENCY AND RESERVE ACCOUNTS

Motion by Councilmember Pacino

WHEREAS, the City of Batavia has experienced an increase in litigation expenses that might be in excess of the adopted budget; and

WHEREAS, the City of Batavia has experienced an increase in information technology costs related to the City's new software implementation; and

WHEREAS, the City of Batavia has experienced expenses this year for the fiber internet connectivity project as the project was not finalized completely in FY20/21; and

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established Administrative Services Equipment and Software Reserve fund for payment of administrative equipment and software, which as of September 30, 2021 has an approximate balance of \$497,617; and

WHEREAS, the City of Batavia has experienced an increase cost in engineering fees in the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use \$3,500 of Administrative Equipment Reserves and make the following budget transfers, effective November 8, 2021:

Increasing expense accounts:		
Legal Services Labor Counsel	A.01.1420 405	\$ 15,000
Legal Services Professional Fees	A.01.1420 437	\$ 15,000
Information Technology	A.02.1680 423	\$ 12,000
Public Works Engineering	A.03.1440 437	\$ 25,000
Information Services Equipment – Rsrvs	A.02.1620 200-2112	\$ 3,500
Decreasing expense accounts:		
Contingency	A.01.1989 500	\$ 42,000
Public Works Admin Salary	A.03.1490 100	\$ 25,000

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

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#86-2021

A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL

Motion of Councilmember Viele

WHEREAS, the Department of Maintenance has declared the equipment listed below surplus and as part of the equipment replacement plan; and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal by auction or trade. All proceeds from the surplus of equipment shall be applied to the purchase of replacement equipment;

- Rapid View camera 285813
- Rapid View tractor 283009
- Rapid View controller 287949
- Rapid View reel 287276
- Rapid View cable 287396

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

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#87-2021

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH GROVE ROOFING SERVICES FOR THE POLICE STATION FLAT ROOF REPLACEMENT PROJECT AND AMEND THE FISCAL YEAR 21/22 BUDGET

Motion of Councilperson Canale

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established Facility Reserve Fund which has a current balance of approximately \$1,169,209; and

WHEREAS, the City of Batavia has solicited bids for the replacement of the flat roof sections of the police station; and

WHEREAS, Bids were opened on October 29, 2021 and Grove Roofing Services from 131 Reading Street, Buffalo, NY was the lowest responsible bidder in the amount of \$102,890.00 for the Police Station Flat Roof Replacement; and

WHEREAS, Construction management services will continue to be provided by Architecture Unlimited of Clarence New York, as well as adding a contingency to the project, the City anticipates the total cost of the project cost will be \$25,000; and

WHEREAS, the City of Batavia authorized \$100,000 from facility reserves via resolution #49-2021 for the police station flat roof project; and

WHEREAS, the city needs to increase the project cost by \$25,000 through appropriate approvals and transfers of funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute the agreement for the "Police Station Flat Roof Replacement" with Grove Roofing Services.

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia to authorize the City Manager to amend the fiscal year 21/22 budget by increasing the accounts as follows:

Revenue A.00.0000.0000 0511.2106 Facility Reserves \$ 25,000

Expense A.01.9950 0900.2106 Transfers out Facilities Reserve \$ 25,000

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

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#88-2021

A RESOLUTION TO SUPPORT THE SUBMISSION OF A WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION AND TO UNDERTAKE CRITICAL PROJECTS AT THE WATER TREATMENT PLANT

Motion of Councilmember Viele

WHEREAS, the City of Batavia has provided the operation and maintenance of the Batavia Water Treatment Plant to Genesee County since 2001 through an Operation and Maintenance Agreement; and

WHEREAS, the City as the operator of the Water Plant manages, operates and maintains the facility so that water transmitted from the plant meets or exceeds the minimum drinking water standards as established by the United States Environmental Protections Agency and the New York State Department of Health; and

WHEREAS, the City of Batavia has identified an estimated \$3,400,000 in construction 132 11/08/2021

related improvements and investments that are needed to continue to operate the water plant that include: replacement of filter media, replace 3MGD low lift pump with a 5MGD pump, replace 30 year old precipitators and associated framing, mixing system and motor, replace and rehabilitate the lime and ferric sulfate systems to improve reliability, rehabilitate well A, improve secondary backwash pumping system for all 12 filters, facility repairs (roof, tunnel, and brick work, facade), as well as electrical and HVAC ventilation system improvements, and replace the existing transformers that power the controls and SCADA system; and

WHEREAS, the City of Batavia is eligible to apply for Water Infrastructure Improvement Act (WIIA) grant and is doing so with the full authorization and support of Genesee County partnering as an applicant; and

WHEREAS, The City of Batavia will act as the lead grant applicant and the County will be the co-applicant; and

WHEREAS, the County will fully fund the Water Treatment Plant projects in cash on a quarterly reimbursement base to the City of Batavia as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City; and

WHEREAS, this action is a Type II Action under SEQR.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia City Council supports the submission of a grant application to the Water Infrastructure Improvement Act grant and the undertaking of the listed improvement projects.

BE IT FURTHER RESOLVED, that the City of Batavia has found that the action is a Type II Action under SEQR and requires no further review.

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

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#89-2021

A RESOLUTION TO ENTER INTO AN INTER MUNICIPAL AGREEMENT WITH GENESEE COUNTY TO APPLY FOR A WATER INFRASTRUCTURE IMPROVEMENT GRANT

Motion of Councilmember Briggs

WHEREAS, the City of Batavia has provided the operation and maintenance of the Batavia Water Treatment Plant to Genesee County since 2001 through an Operation and Maintenance Agreement; and

WHEREAS, the City as the operator of the Water Plant manages, operates and maintains the facility so that water transmitted from the plant meets or exceeds the minimum drinking water standards as established by the United States Environmental Protections Agency and the New York State Department of Health; and

WHEREAS, the City of Batavia has identified an estimated \$3,400,000 in construction related improvements and investments, exclusive of legal, administrative and engineering costs, that are needed to continue to operate the water plant; and

WHEREAS, the City of Batavia is eligible to apply for Water Infrastructure Improvement Act (WIIA) grant and is doing so with the full authorization and support of Genesee County partnering as an applicant; and

WHEREAS, The City of Batavia will act as the lead grant applicant and the County will be the co-applicant; and

WHEREAS, the County will fully fund the Water Treatment Plant projects in cash on a quarterly reimbursement base to the City of Batavia as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia City Council supports authorizes the City Council President to execute the intermunicipal agreement between the City and Genesee County to jointly apply for a water infrastructure improvement grant.

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law..." 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..."

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 8-0. Council entered executive session at 7:36 PM and ended at 7:50 PM.

Meeting adjourned at 7:51 PM.

Respectfully submitted,

Heidi J Parker Clerk-Treasurer