

CITY OF BATAVIA BUSINESS MINUTES JANUARY 10, 2022

The regular business meeting of the City Council was held Monday, January 10, 2022 at 7:20 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding. The meeting was held immediately following the special conference meeting.

Present were Council President Jankowski and Councilmembers Viele, Briggs, McGinnis, Schmidt, Pacino, Canale, and Bialkowski. Councilmembers Karas and Bialkowski as absent.

Council President Jankowski called the meeting to order at 7:20 PM.

The minutes from the December 2021 meetings and the November 2021 financials were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

Mr. Van Nest noted that they continued to work on the same basic suite of matters but there was nothing specific to report.

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City Manager's Report

Fiscal Year 22/23 Budget Presentation: Mrs. Tabelski presented the 2022/2023 budget noting that copies of the budget had been previously delivered to Council at their homes for their review. She discussed the City's current position and acknowledged staff for their help. Mrs. Tabelski noted that the City had achieved and exceeded their goal of \$100 million of investment by 2022 with \$134 million and that the budget strives to meet the needs of the City. She discussed national and state trends, reviewed budget highlights, and announced the proposed tax rate was a decrease of 8%. She noted that the City continues to tax the lowest of the three taxing districts and went on to review budgeted revenue, assessed value, fund balance, reserves and expenses. Mrs. Tabelski discussed debt and personnel costs and showed a chart of the strategic plan to be reviewed during the budget work sessions.

Police Reform Update Presentation: Chief Heubusch presented a police reform plan update noting that the stakeholder group was formed in Fall 2020. He noted that they met in 2020 and 2021, reviewed the action items including training, community policing,

implementation of Crime Watch, and officer wellness. He discussed each of these items specifically and provided the highlights of each.

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Committee Reports

Councilmember Pacino noted that GoArt had a room dedicated as the Owen Library in December of 2021.

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Unfinished Business

None.

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New Business

#3-2022

A RESOLUTION TO TERMINATE THE LEASE WITH POK-A-DOT

Motion of Councilmember Canale

WHEREAS, the City of Batavia entered into a lease agreement on May 30th 1965 with Phillip Pastore, Jr. and Joseph Marone, co-owners and co-proprietors of the POK-A-DOT Refreshment Stand to lease real property located in the City's Right of Way on Ellicott Street for \$40 per month; and

WHEREAS, the City is desirous of terminating the lease agreement upon the request of the current owners of the POK-A-DOT; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President be and is hereby authorized to sign a termination of lease agreement as attached on behalf of the City of Batavia.

Seconded by Councilmember McGinnis and on roll call approved 7-0.

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#4-2022

A RESOLUTION TO AMEND THE 2021-2022 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT IN THE AMOUNT OF \$28,681 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

Motion of Councilmember McGinnis

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$28,681 from THE 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 January 11, 2022 amend the 2021-22 budget:

Increase expenditure accounts

A.04.3120.3120 199-100001	\$ 21,400.00
A.04.3120.3120.299-100001	\$ 481.00
A.04.3120.3120.499.100001	\$ 6800.00
Increase revenue accounts	
A.00.0000.0000 3389-100001	\$ 28,681.00

Seconded by Councilmember Viale and on roll call approved 7-0.

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#5-2022

A RESOLUTION TO AMEND THE 2021-22 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT

Motion of Councilmember Viale

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$2,439.41 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise tested various locations to evaluate the effectiveness of New York State’s suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made.

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 effective January 11, 2022 to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:

A.04.3120.3120 199-100004	\$ 2,439.21
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Increase revenue accounts:
A.00.0000.0000 4389-100004 \$ 2,439.21

Seconded by Councilmember Briggs and on roll call approved 7-0.

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#6-2022

A RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA AND TO SCHEDULE A PUBLIC HEARING

Motion of Councilmember Briggs

BE IT RESOLVED that a proposed Ordinance entitled “AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED that the City Council hold a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, January 24, 2022; and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto.

Seconded by Councilmember Canale and roll call approved 7-0.

ORDINANCE #1-2022

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA

SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES 1T 145 PEARL STREET FROM A P-1 DISTRICT TO A R-2 DISTRICT.

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Batavia, County of Genesee, and State of New York, and distinguished by being part of Village Lot #62, bounded as follows:

BEGINNING at the intersection of the south bounds of Pearl Street with the northwesterly bounds of a road laid out by N.K. Cone, Surveyor for Harry Wilber; being the northeast corner of

land conveyed October 10, 1925 by deed recorded in Liber 257 of Deeds at page 563; thence southwesterly along the southerly bounds of Pearl Street 159 feet to the northeast corner of land conveyed to Theodore Yasses and wife by deed recorded in Liber 305 of Deeds at page 356; thence southerly on the easterly bounds of the land so conveyed to Yasses 118.1 feet to the northerly bounds of the Conhocton Grade so called; thence southeasterly on the northerly bounds of said Grade 34.4 feet to the northwesterly bounds of said road laid out by N.K. Cone, Surveyor, thence northeasterly on said bounds 180.1 feet plus or minus to the place of beginning. Containing land, more or less.

SECTION 2. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES AT 147 PEARL STREET FROM A P-1 DISTRICT TO A R-2 DISTRICT.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, bounded and described as follows:

BEGINNING at a point located on the southerly bounds of Pearl Street, a distance of 159.0 feet from the west line of an 8' Right of Way along the westerly line of lands now or formerly owned by Wilber and Carrie Van De Bogart, as conveyed in Genesee County Clerk's Office in Liber 259 of Deeds at page 546;

Thence South 12° 38' East a distance of 118.10 feet to a point being located on the north line of Cohocton Grade;

Thence North 85° 19' West, a distance of 94.30 feet to a point, said point being located on the east line of lands now or formerly owned by Theodore and Josephine Yasses as conveyed in Genesee County Clerk's Office in Liber 300 of Deeds at page 421;

Thence North 12° 38' West along the easterly line of Yasses lands, a distance of 90.03 feet to a point, said point also being located on the southerly line of Pearl Street;

Thence North 77° 22' East along the southerly line of Pearl Street, a distance of 90.03 feet to a point, said point being the point or place of beginning.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

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#7-2022

A RESOLUTION TO AMEND THE 2021-2022 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF ADDITIONAL STOP-DWI GRANT FUNDS IN THE AMOUNT OF \$2,700 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

