

# **CITY OF BATAVIA**

## **BUSINESS MINUTES**

### **MAY 9, 2022**

The regular business meeting of the City Council was held Monday, May 9, 2022 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 and Councilmembers Pacino, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski. Councilmember Viele was absent. In attendance from the City of Batavia were Jill Wiedrick, Chief Herberger, Assistant Chief Camp, and Dawn Fairbanks.

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

The minutes from the April 2022 meetings and the March 2022 financials were approved.

The Council President assigned the regular agenda items.

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#### **Council President's Report**

Council President Jankowski announced the next City Council Conference meeting to be held on Monday, May 23, 2022 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre

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#### **Communications**

An amendment to the O'Lacy's liquor license application was submitted and there were still no objections from the police department. Council approved.

The Old Hippies submitted an application for two concerts in Jackson Square. The first was for Friday, June 17<sup>th</sup> at 7:00pm and the second on Sunday, June 26<sup>th</sup> at 2:00pm. Council approved.

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### **City Attorney's Report**

Mr. Van Nest noted that he had nothing specific to report at this time but continued to work on a variety of matters.

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### **City Manager's Report**

Rachael Tabelski thanked Assistant City Manager Jill Wiedrick for her time and work with the City especially on the software project and wished her well at her new job. Mrs. Tabelski noted that milling and paving continued on Route 98 and hoped to be completed shortly. She noted that the Richmond/Harvester bids were opened that day and there would be a recommendation to Council at the May 23<sup>rd</sup> meeting. She stated that, if all went well, the project should be completed by the end of November. Mrs. Tabelski noted that she had received three responses for the business reuse of the Brisbane building and would review those. She stated that they were moving forward with the LED project and hope to be available within four to six months. She stated they would also look at purchasing the lights from National Grid so the City would own them all. She noted that May 19<sup>th</sup> was the United Way Day of Caring and May 30<sup>th</sup> was the Memorial Day parade.

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### **Committee Reports**

Councilmember Pacino noted that the annual breakfast for BID was well attended and they have a nice schedule of events upcoming. She also noted that GO ART would have their Genean Awards on May 28<sup>th</sup> at 6:00pm. Councilmember Bialkowski noted that, for the Memorial Day parade, if any veterans needed rides in the parade to just call him and he would coordinate that for them.

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### **Public Comments**

Linda Betties, 23 Cherry St, noted that she had some concerns about the lady who purchased the house next door as they have dirt biked and 4-wheelers and they are loud. She noted that the police have been called and they are not supposed to ride them anymore but they haven't stopped. She explained that she tried talking to her but that some people just want to be the problem and the lady stormed off. She asked how many times the police had to be called before they got a ticket and felt one warning was fair and then a ticket should be issued. Ms. Betties thought it was ridiculous that there was so much noise that the other neighbors couldn't sleep and she was concerned that the youngest son just got a BB gun.

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## **Council Responses to Public Comments**

Assistant Chief Camp noted that the police have spoken to the neighbor and there has been more police presence in that area. He noted they would look into it more. Councilmember Briggs noted that she had also gotten a lot of complaints so wanted to hear back from the police as well.

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## **Unfinished Business**

None.

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## **New Business**

**#36-2022**

### **A RESOLUTION TO ENTER INTO AN AGREEMENT WITH MARK CERRONE, INC. FOR CONSTRUCTION SERVICES FOR THE DRI ENHANCE JACKSON SQUARE PROJECT**

#### **Motion by Councilmember McGinnis**

**WHEREAS**, a Project for the enhancement of Jackson Square was approved for the Downtown Revitalization Initiative (DRI) in the City of Batavia; and

**WHEREAS**, a request for construction bids were released for a contractor to construct the project as specified in the project construction documents. The lowest responsible bidder is Mark Cerrone, Inc. of Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council approves the award of a contract for construction for the enhancement of Jackson Square to Mark Cerrone, Inc. of Niagara Falls in the amount of \$685,500.

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

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**#37-2022**

### **A RESOLUTION AUTHORIZING THE EXTENSION OF A BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT**

**Seconded by Councilmember Schmidt**

**WHEREAS**, the City Council of the City of Batavia approved a Revolving Loan Fund Grant for GO ART!, resolution #3-2020; and

**WHEREAS**, due to COVID-19 supply chain issues GO ART! has requested an extension of their project to complete repairs and improvements of their historic building located at 201 East Main St. Batavia, NY 14020; and

**WHEREAS**, after review, the Batavia Development Corporation recommends the extension of the grant.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia City Council approves granting \$20,000 to the project; and

**BE IT FURTHER RESOLVED** that the City of Batavia City Council authorize the City Council President to execute the Grant Agreement.

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

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**#38-2022**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES FOR ADMINISTRATIVE SERVICES FOR THE CBDG JACKSON STREET WATER PROJECT**

**Motion by Councilmember McGinnis**

**WHEREAS**, the City of Batavia is undertaking CBDG Project No. 82PW9421-01 (Batavia Jackson Street Improvement Project) and needs assistance with various administrative tasks related to the grant to include the creation of project implementation plan, environmental review activities, program management and oversight, advise on the establishment of required books, records and accounts for financial record keeping among other activities; and

**WHEREAS**, a request for proposals (RFP) was released for a professional firm to provide administrative services and LaBella Associates of Rochester, New York was selected after management review of the RFP responses.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council approves the award of a contract for Administrative Services in relation to the Jackson Street Water Project to LaBella Associates of Rochester, New York in the amount of \$23,500.

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

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**#39-2022**

**A RESOLUTION TO CONDUCT AN ENVIRONMENTAL REVIEW OF THE JACKSON STREET WATER PROJECT AND DESIGNATE THE CITY COUNCIL PRESIDENT AS THE CERTIFYING OFFICER**

**Seconded by Councilmember Briggs**

**WHEREAS**, the City of Batavia is undertaking a CDBG Project No. 82PW9421-01 (Batavia Jackson Street Improvements Project) and needs to pass a Certifying Officer Resolution; and

**WHEREAS**, that in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFP Part 58, the City Council of the City of Batavia announces its intent to conduct an environmental review of a project to replace 2,400 LF of existing waterlines and 3 existing fire hydrants and install 4 additional fire hydrants along Jackson Street from Chestnut street to Ellicott Street.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia will conduct an environmental review of the Jackson Street Water Project; and

**BE IT FURTHER RESOLVED**, that the City Council designates Eugene Jankowski, Jr., City Council President, as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 82PW9421-01.

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

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**#40-2022**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES FOR ADMINISTRATIVE SERVICES FOR THE NBRC BANK STREET WATER PROJECT**

**Motion by Councilmember Bialkowski**

**WHEREAS**, the City of Batavia is undertaking a NBRC grant funded Bank Street Water Improvements Project and needs assistance with various administrative tasks related to the grant to include the creation of project implementation plan, environmental review activities, program management and oversight, advise on the establishment of required books, records and accounts for financial record keeping among other activities; and

**WHEREAS**, a request for proposals (RFP) was released for a professional firm to provide administrative services and LaBella Associates of Rochester, New York was selected after management review of the RFP responses.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council approves the award of a contract for Administrative Services in relation to the Bank Street Water Project to LaBella Associates of Rochester, New York in the amount of \$8,000.

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

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**#41-2022  
RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/  
BOARDS**

**Motion of Councilmember Pacino**

**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:

**Youth Board**

Sonya Alwardt

December 31, 2024

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

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**#42-2022  
RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR  
THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilmember Schmidt**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 8, 2021; and

**WHEREAS**, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

**NOW THEREFORE, BE IT RESOLVED**, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

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

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**#43-2022**

**A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CORNELL COOPERATIVE EXTENSION OF GENESEE COUNTY AND THE CITY OF BATAVIA FOR THE OPERATION OF THE COMMUNITY GARDEN**

**Motion of Councilmember Canale**

**WHEREAS**, the City of Batavia is desirous of entering into a Memorandum of Understanding with Cornell Cooperative Extension of Genesee County, for the operation of the Community Garden; and

**WHEREAS**, the City of Batavia and Cornell Cooperative Extension of Genesee County are desirous to see the Community Garden to continue to grow; and

**WHEREAS**, the City of Batavia acknowledges the experience and ability that Cornell Cooperative Extension of Genesee County possesses in gardening and community leadership; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council President for the City of Batavia is hereby authorized to sign a Memorandum of Understanding with Cornell Cooperative Extension of Genesee County as attached hereto.

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

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**#44-2022**

**A RESOLUTION TO ACCEPT THE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT AWARD, TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE THE GRANT AGREEMENT**

**Motion of Councilmember Richmond**

**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 received a \$2,207,580 NYS Water Infrastructure Improvement (WIIA) grant to assist with multiple project in the Water Treatment Plant; and

**WHEREAS**, the City of Batavia was a co-applicant to the grant 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 execute the necessary grant documents to accept the funding award; and

**WHEREAS**, the County will fully fund the Water Treatment Plant projects 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 accepts the grant award and authorizes the City Council President to execute all necessary documents to receive the grant.

**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;

**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 Schmidt and on roll call approved 8-0.**

Council entered executive session at 7:35 PM and ended at 8:22 PM.

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**Meeting adjourned at 8:23 PM.**



**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**