

# **CITY OF BATAVIA BUSINESS MINUTES JUNE 13, 2022**

The regular business meeting of the City Council was held Monday, June 13, 2022 at 7:32 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Viele, Pacino, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski. In attendance from the City of Batavia were Chief Heubusch, Chief Herberger, Brett Frank, and Dawn Fairbanks.

Council President Jankowski called the meeting to order at 7:32 PM immediately following the special conference meeting.

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

The Council President assigned the regular agenda items.

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## **Communications**

Everpresent Church submitted an application for a family fun day on Saturday, July 16<sup>th</sup> from 11:00am – 3:00pm in the parking lot outside their property at the City Centre. Council approved.

Just Kings submitted an application for Juneteenth in Austin Park on Saturday, June 18<sup>th</sup> from 1:00 – 7:00pm. Council approved.

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## **Council President's Report**

Council President Jankowski announced the next City Council Conference meeting to be held on Monday, June 27, 2022 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre. He also noted that he went to see the Brothers At Odds play about the Brisbane family and it was worth going to see. He noted the next show was June 15<sup>th</sup>.

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## **City Attorney's Report**

Ms. Compitello, representative for City Attorney, noted that she had nothing specific to report at that time.

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## **City Manager's Report**

Rachael Tabelski welcomed Tammy Hathaway as the new BDC Director and Shannon Maute as the new BID Director. She noted that Ms. Hathaway is well known around the community and Ms. Maute has a great working relationship with the City.

Chief Heubusch noted that, in light of the mass violence across the country, they would be holding public training sessions on threats. He noted that the police department had been in discussions with the school about adding another school resource officer and the school board was going to consider the addition.

Mrs. Tabelski, along with Michael Ficarella, reviewed the new water bills that are out in the City as a result of the new water billing system. They noted that there were no new charges on the bill but the bill now breaks out each charge individually and is very transparent so one knows exactly what makes up their balance. Councilmember Bialkowski noted that there had been a question about the sewer meter because they had never seen that before and it was explained that the charge for the meters is broken out between the water and the sewer but there is no physical sewer meter. Mrs. Tabelski also thanked Teri Dean from the finance department noting that none of this would have been possible without her.

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## **Committee Reports**

Councilmember Pacino noted that GO ART! was having a Ramble on July 2<sup>nd</sup> and the BID was having an Italian festival on August 20<sup>th</sup> and soap box derby on August 27<sup>th</sup>.

Councilmember Briggs noted that she and Councilmember McGinnis attended the Batavia Police Community Night and there would be another on August 9<sup>th</sup> at 5:30pm at St. Anthony's.

Councilmember Bialkowski noted that Bob Gray wanted to make sure to give credit to Mrs. Tabelski for the ice rink naming rights event stating that everyone had a positive comment to add. He noted that \$700 was donated to the David McCarthy Memorial Foundation from the event. He also noted that he received a thank you letter from the state nursing home for the flowers they brought for Memorial Day.

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## **Public Comments**

None.

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### **Council Responses to Public Comments**

None.

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### **Unfinished Business**

Councilmember Canale asked Council if he could continue to pursue solutions to the Oak St situation that had been discussed at an earlier meeting. Council was still OK with him looking into this and seeking assistance from others as well. He also asked where things stood with the deer issue as things had been relatively quiet until recently. Mrs. Tabelski noted that no landowners had signed up to allow hunting on their land so right now only City employees could hunt on City land but Assistant Chief Camp was going to follow up with the landowners. Chief Heubusch noted that he had an officer interested if extra permits could be obtained. Mrs. Tabelski mentioned the deterrent methods listed on our website to help protect gardens. She also suggested the Genesee County Traffic Safety Committee might be a place submit ideas regarding Oak St.

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### **Presentation on LED Street Light Phase II – City Manager**

Mrs. Tabelski noted that the City was moving forward with the LED streetlight conversion, would be partnering with NYPA, and gave a Power Point presentation. She reviewed the benefits of the project, showed the life span of LED lights compared to other types, and showed where in the City the lights would be replaced. She noted this would be happening in the next few months. Mrs. Tabelski also reviewed the National Grid light inventory along with the financials if the City were to purchase those lights as well which is considered Phase II. She noted we would be buying the lights, not the poles, and asked Council to move this item to a future conference meeting to discuss further if it was something they wanted to possibly pursue.

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### **New Business**

**#47-2022**

**A RESOLUTION TO AMEND THE 2022-23 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT**

### **Motion of Councilmember Canale**

**WHEREAS**, the City of Batavia Police Department has received a grant in the amount of \$5,700 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 2022-2023 budget effective June 13, 2022 to cover personnel expenses incurred during Red Team Exercise CTZ 10.

Increase expenditure accounts:  
A.04.3120.3120 199-100004           \$     5,700.00

Increase revenue accounts:  
A.00.0000.0000 4389-100004       \$     5,700.00

**Seconded by Councilmember Pacino and on roll call approved 9-0.**

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**#48-2022**

**A RESOLUTION TO EXECUTE THE 2022 FUNDING AGREEMENT BETWEEN  
GENESEE COUNTY AND CITY OF BATAVIA FOR REIMBURSEMENT OF FUNDS  
RELATED TO YOUTH BUREAU PROGRAMMING**

**Motion of Councilmember McGinnis**

**WHEREAS**, the City of Batavia Youth Bureau, applied for the funding from Genesee County Youth Bureau for the Youth Development Program (YDP) funding to support the Liberty Center for Youth and Summer Recreation Program for the 2022 funding year, and

**WHEREAS**, the City of Batavia was awarded \$14,978 in funding, subject to availability of state aid.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia authorizes the Council President to execute the funding agreement between Genesee County and the City of Batavia for reimbursement of funds related to youth bureau programming

**Seconded by Councilmember Richmond and on roll call approved 9-0.**

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**#49-2022**  
**RESOLUTION TO CREATE A POSITION OF ORDINANCE ENFORCEMENT OFFICER**

**Motion of Councilmember Pacino**

**WHEREAS**, the City of Batavia is desirous of improving the ascetics of neighborhoods around the City and seeks to do so by creating a full-time Ordinance Enforcement Officer; and

**WHEREAS**, the Ordinance Enforcement Officer will be out in neighborhoods inspecting property for code violations, abandoned vehicles, violations of weeds, trash, and other nuisance ordinances; and

**WHEREAS**, The Ordinance Enforcement Officer will work with residents to help them understand violations and ordinance issues, but will also cite properties that are non-compliant; and

**WHEREAS**, the position of Ordinance Enforcement Officer title in the current CSEA contract with a salary schedule in grade VIII.

**NOW, THEREFORE, BE IT RESOVLED**, that the Council of the City of Batavia hereby authorizes the creation of said position.

**Seconded by Councilmember Canale and on roll call approved 9-0.**

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**#50-2022**  
**A RESOLUTION TO ENTER INTO AN INTER MUNICIPAL AGREEMENT WITH GENESEE COUNTY PLANNING BOARD EXEMPTING CERTAIN MINOR LAND USE ACTIONS FROM GENESEE COUNTY PLANNING BOARD REVIEW**

**Motion of Councilmember Richmond**

**WHEREAS**, the City of Batavia is required to refer certain land use actions to the Genesee County Planning Board; and

**WHEREAS**, in accordance with New York State General Municipal Law, Article 12-B, Section 239-m.3. (c) of the Laws of 1991, the Genesee County Planning Board is authorized to voluntarily enter into agreements with Cities, Towns, and Villages regarding certain proposed land use actions that are of local, rather than inter-community or County-wide concern, and therefore are not subject to referral to the Genesee County Planning Board as would otherwise be required by Section 239-m and n.; and

**WHEREAS**, it is the intent of this Agreement to eliminate the need for County review of certain actions as defined herein which do not have significant inter-community or County-wide impacts.; and

**WHEREAS**, the Inter Municipal Agreement lists 14 actions exempt from County Planning Board review, however the City of Batavia can still submit applications for optional reviews and recommendation.

**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 Planning Board to exempt certain minor land use actions.

**Seconded by Councilmember Viele and on roll call approved 9-0.**

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**#51-2022**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH MCJ Construction LLC  
FOR THE REPLACEMENT OF FILTER MEDIA PROJECT**

**Motion of Councilmember Viele**

**WHEREAS**, the City of Batavia has solicited bids for the replacement of filter media at the Water Treatment Plant; and

**WHEREAS**, Bids were opened on May 25, 2022 and MCJ Construction LLC from 777 Bunker Hill Road, Mayfield, NY 12117 was the lowest responsible bidder in the amount of \$597,500.00 for the replacement of filter media; and

**WHEREAS**, project engineering services will continue to be provided by GHD of Buffalo New York; and

**WHEREAS**, the City of Batavia authorized \$900,000 from water reserves via resolution #14-2022 for the Filter Media Project; and

**WHEREAS**, the County will fully fund the Water Treatment Plant projects in cash with quarterly reimbursements as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City.

**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 FILTER MEDIA PROJECT with MCJ Construction LLC.

**Seconded by Councilmember Canale and on roll call approved 9-0.**

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**#52-2022**

**A RESOLUTION TO AUTHORIZE THE USE OF K-9 COMMITTED FUND BALANCE**

**Motion of Councilmember Bialkowski**

**WHEREAS**, the Council for the City of Batavia authorized on August 12, 2019 the establishment of a Police Department K-9 program and authorized the receiving of donations and aid in funding the program; and

**WHEREAS**, the City of Batavia received \$12,813.42 in donations for the K-9 program in the fiscal year ending 3/31/2022; and

**WHEREAS**, the City of Batavia had \$2,781.24 in expenses for the K-9 program in the fiscal year ending 3/31/2022; and

**WHEREAS**, the K-9 Committed Fund balance had a balance at 3/31/21 of \$4,092.03.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, effective 3/31/22, does authorize increasing the K-9 committed fund balance by the excess donations of \$10,032.18 (\$12,813.42 less \$2,781.24) for future use in running the K-9 program.

**Seconded by Councilmember Schmidt and on roll call approved 9-0.**

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**#53-2022**

**A RESOLUTION REFERRING THE PROPOSED RESTRICTIONS ON ANIMAL AND FOWL, AN ADDITION TO § 190-42 MISCELLANEOUS REGULATIONS OF THE CITY OF BATAVIA MUNICIPAL CODE**

**Motion of Councilmember Viele**

**WHEREAS**, the City Council is desirous of reviewing the Batavia Municipal Code, Section §190-42 Miscellaneous Regulations; and

**WHEREAS**, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

**WHEREAS**, General City Law - GCL § 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia hereby request that the City Planning and Development Committee review restriction on animals and fowl, § 190-42 Miscellaneous Regulations of the City of Batavia Municipal Code.

**Seconded by Councilmember Briggs and on roll call approved 8-1. Councilmember Bialkowski voted no.**

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**#54-2022**

**A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS FOR 2021/2022 FISCAL YEAR**

**Motion of Councilmember Schmidt**

**WHEREAS**, in order to close out the 2021-2022 fiscal year budget certain budget transfers and amendments need to be made:

**WHEREAS**, the City of Batavia experienced expenses over budget in General Fund areas including legal, community and economic development, clerk-treasurer, assessment, information services and engineering services in the 21/22 fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby authorize the City Manager to utilize contingency as shown below; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments:

Effective March 31, 2022 amend the 2021-22 budget by increasing expenditure accounts:

A.01.1420 437	Legal Professional Fees	\$ 6,513.81
A.01.6460 400	Community Dev Other Expense	\$ 11,140.59
A.01.6460 423	Community Dev Contract Srvc	\$ 2,953.40
A.01.6989 400	Economic Dev Other Expense	\$ 45,215.82
A.02.1325 400	Clerk-Treasurer Other Expense	\$ 4,790.48
A.02.1355 430	Assessment Supplies	\$ 803.67
A.02.1680 423	Information Services – Contract Services	\$ 13,801.59
A.03.1440 437	Engineering Professional Fees	\$ 6,928.98

by decreasing expense account:

001.1990.0500.0000	General Fund Contingency	\$ 92,148.34
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**Seconded by Councilmember Canale and on roll call approved 9-0.**



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**#55-2022**

**A RESOLUTION TO DECLARE LEAD AGENCY STATUS FOR THE JACKSON STREET WATER PROJECT**

**Motion of Councilmember Briggs**

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

**WHEREAS**, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council of the City of Batavia will serve as Lead Agency to conduct an environmental review of the proposed watermain improvements along Jackson Street between Ellicott Street and Chestnut Street; and

**WHEREAS**, The proposed project involves the replacement of existing 4-inch and 6-inch diameter waterlines with approximately 2,400 linear feet of 8-inch diameter waterlines and three fire hydrants and the installation of four additional fire hydrants.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia will serve as Lead agency for the Jackson Street Water Project; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia has determined that the proposed action is an Unlisted Action as defined under SEQR; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia, with assistance from LaBella Associated DPC, will notify the Involved Agencies of its intent to act as Lead Agency for this project and will provide them with a copy of the completed Part 1 of the Short Environmental Form for review during the 30-day comment period.

**Second by Councilmember McGinnis and on roll call approved 9-0.**

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**Meeting adjourned at 8:30 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**