

CITY OF BATAVIA BUSINESS MINUTES JANUARY 9, 2023

The regular business meeting of the City Council was held Monday, January 9, 2023 at 7:47 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, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski. Councilmember Pacino was absent.

Council President Jankowski called the meeting to order at 7:47 PM immediately following the special conference meeting.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Communications

None.

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Council President's Report

Council President Jankowski announced the next City Council Conference meeting to be held on Monday, January 23, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.

Amazon Fire HD Tablets for City Council – Councilmember Bialkowski – Councilmember Bialkowski noted that he wasn't aware of these and was concerned that decisions were made without asking Council. Council President Jankowski noted that it was discussed during talks of the IT and new software but just wasn't sure if it was going to be tablets or laptops. Mr. Fix noted that it will be a slow roll out and will do training

with Council. Council President Jankowski noted that, just like the e-mail, Council does what the City does so we will go with the tablets. Mr. Fix stated that the City wouldn't move forward solely utilizing the tablets until everybody is ready. Mrs. Tabela noted that this would be a time saver because it is time consuming to print the entire agenda packets and have them hand delivered by the police department. Councilmember Richmond noted that when he was on the Planning and Development Committee, they had tablets and everything was right there. He wondered if this would be the same for the Council information. Mr. Fix noted it would be the agendas and any supporting documents and it could get more sophisticated as we are able to move forward. Councilmember Schmidt noted that she would like to be able to take notes on it so they didn't need to have paper. Councilmember Viele felt they had to start somewhere so let's start with these. Councilmember Bialkowski felt that maybe all of this could have been avoided if it had been discussed with Council as to what they wanted first.

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Public Hearing for Restore NY

Motion by Councilmember Canale to open the public hearing, seconded by Councilmember Viele and on roll call, approved 8-0. Public hearing open.

There were no speakers.

Motion by Councilmember Canale to close the public hearing, seconded by Councilmember Viele and on roll call, approved 8-0. Public hearing closed.

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The minutes from the December 2022 meetings and the November 2022 financials were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report.

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City Manager's Report

Mrs. Tabela noted that the City obtained congressional direct spending of \$2.5 million for building of the police station. She noted that she would come back with a financial plan once the City goes out to bid.

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Committee Reports

None.

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Unfinished Business

None.

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New Business

#1-2023

RESOLUTION TO SUBMIT AN APPLICATION FOR THE ROUND 7 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

Motion of Councilmember Richmond

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the seventh round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, cities with populations less than 40,000 can apply for up to \$2,000,000 in grant funding;

NOW THEREFORE, LET IT BE RESOLVED by the City of Batavia Council that it hereby authorizes submission of a Restore NY grant application not to exceed \$2,000,000 for the Carr's Reborn project in downtown Batavia.

BE IT FURTHER RESOLVED, that the City Manager of the City of Batavia, Genesee County, New York, is hereby authorized as the official representative of the City of Batavia to execute and submit the Restore NY application, all understandings and assurances contained

therein, and is also hereby authorized to execute any grant agreements or documentation to implement the grant.

BE IT FURTHER RESOLVED, that project meets the following objectives:

- (1) The project is consistent with the City of Batavia Comprehensive Plan, Downtown Revitalization Initiative (DRI) Strategic Investment Plan, and Brownfield Opportunity Area (BOA) Plan.
- (2) The proposed financing for the project is appropriate and committed.
- (3) The project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- (4) The project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

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

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#2-2023

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE POLICE BENEVOLANT ASSOCIATION (PBA)**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia and the PBA have had collective bargaining sessions; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on December 19, 2022 the PBA Union secured the necessary votes to ratify the tentative agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

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

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#3-2023

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A BILL OF
SALE ON BEHALF OF THE CITY OF BATAVIA WITH CAN-USA SPORTS, LLC.**

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia purchased several pieces of equipment for use at Dwyer Stadium by the Penn League; and

WHEREAS, The New York Penn League has been disbanded and a new operator, CAN-USA Sports, LLC. is operating at Dwyer Stadium and running the Batavia Muckdogs in the Perfect Game Collegiate Baseball; and

WHEREAS, CAN-USA Sports, LLC. is willing to purchase a 2015 John Deere 4X2 Gator (Gator), a 2009 Jacobson LF 1880 2X4 (Ride on Reel Mower), a 2012 John Deere 1200 Hydro (Bunker Rake), and a 2010 Toro Groundsmaster 1000 (Walk Behind Reel Mower) for use at the field; and

WHEREAS, The City of Batavia is willing to sell these items to the operator.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it authorizes the City Manager to sign a Bill of Sale to sell this equipment.

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

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#4-2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE CITY MANAGER TO AMEND THE FY2/23 BUDGET FOR THE
ACQUISITION OF EQUIPMENT FOR THE POLICE DEPARTMENT**

Motion of Councilmember Canale

WHEREAS, the City Council of the City of Batavia has determined that operational equipment for the Police Department needs to be purchased and replaced; and

WHEREAS, Video Lottery Terminal (VLT) funds (\$440,789) were received by the City of Batavia after being reinstated by the State Legislature into the New York State final budget; and

WHEREAS, these funds are considered a windfall to the City as they were not budgeted for and should only be used on one-time purchases and to cover end-of year overruns; and

WHEREAS, \$100,000 of VLT funds will be used to purchase essential equipment including department-issued firearms, patrol rifles, community speed display signs and street surveillance cameras.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorize the City Manager to recognize VLT revenue and amend the FY22/23 budget as follows:

Increase Revenue:

A.00.0000.0000 3014	State Aid, VLT/Tribal Compact Monies	\$100,000
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Increase Expense:

A.04.3120.3120 201

Police Small Equipment

\$100,000

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Viele

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 8:08 PM and ended at 8:33 PM.

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Meeting adjourned at 8:341PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**