

# **CITY OF BATAVIA BUSINESS MINUTES AUGUST 14, 2023**

The regular business meeting of the City Council was held Monday, August 14, 2023 at 7:41 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, Twichell, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski.

Council President Jankowski called the meeting to order at 7:41 PM immediately following the conference meeting.

The financials from June 2023 and the minutes from July 2023 were approved.

The Council President assigned the regular agenda items.

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## **City Attorney's Report**

Mr. Van Nest noted there was nothing specific to report but there were a couple items for executive session.

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## **City Manager's Report**

Mrs. Tabelski introduced Rebecca McGee, the new HR Director, and noted that she is doing a wonderful job at her new position. She noted that a complaint had been made about traffic lights so she was working with the Town about that area near the Thruway. Mrs. Tabelski explained that, with regards to the police station, the City got a BABA waiver and hoped to be go out to bid soon on the police station. She noted that the earliest activity would be December 2023.

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## **Old Business**

None.

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**New Business**

**#79-2023**

**A RESOLUTION APPOINTING THE PART-TIME CITY COURT JUDGE**

**Motion of Councilmember Richmond**

**WHEREAS**, Section 2104 of the Uniform City Court Act provides for the appointment of a City Court Judge who, in the temporary absence or inability of the City Judge, shall exercise all power of said Judge, and

**WHEREAS**, Section 2104(e)(1) (ii) and Section 2104(b)(3) of the Uniform City Court Act provides that the City Court Judge shall be appointed by Council and serve for a six (6) year term, and

**WHEREAS**, Andrea R. Clattenburg will be appointed to this position on August 14, 2023 to fill a term and this term as City Court Judge is due to expire on December 31, 2026.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that, Andrea R. Clattenburg, a resident attorney, possessing the necessary qualifications, is hereby appointed to the position of City Court Judge, for a six year term commencing on August 14, 2023 and expiring on December 31, 2026, with all of the powers and authority granted by Local and State Law.

**Seconded by Councilmember Schmidt and on roll call approved 8-1. Councilmember Canale abstained.**

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**#80-2023**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THOMPSON BUILDS, 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 Thompson Builds, Inc. of Churchville.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council approves the award of a contract for construction for the enhancement of Jackson Square to Thompson Builds, Inc. of Churchville in the amount of \$277,750.

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

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**#81-2023**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH BLUE HERON  
CONSTRUCTION FOR CONSTRUCTION SERVICES FOR THE JACKSON STREET  
WATER PROJECT**

**Motion of Councilmember Briggs**

**WHEREAS**, The Council of the City of Batavia authorized a project for the replacement of a water main on Jackson Street from Ellicott Street to Chestnut Street; and

**WHEREAS**, a request for construction bids was released for a contractor to construct the project as specified in the project construction documents. The lowest responsible bidder is Blue Heron Construction of Jordan, New York.

**NOW, THEREFORE, BE IT RESOLVED**, be it resolved that City Council approves the award of a contract for construction for the Jackson Street Water Project to Blue Heron Construction of Jordan, New York in the amount of \$1,353,000.

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

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**#82-2023**

**RESOLUTION TO ENTER INTO AN AGREEMENT WITH RAMSEY  
CONSTRUCTORS INC. FOR CITY SIDEWALK CONSTRUCTION PROJECT - 2023**

**Motion of Councilmember Twichell**

**WHEREAS**, a project for the replacement of approximately 5,150 linear feet of City sidewalks and handicap accessible ramps on portions of Fairmont Avenue, Hart Street, Madison Avenue, and Norris Avenue; and

**WHEREAS**, a competitive bid was made by Ramsey Constructors Inc. of Lakeville, NY for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project – 2023-24; and

**WHEREAS**, Ramsey Constructors Inc. of Lakeville, NY is the lowest responsible bidder (\$477,885).

**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 an agreement with Ramsey Constructors Inc. for sidewalk replacements.

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

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**#83-2023**

**RESOLUTION TO CREATE A POSITION OF POLICE OFFICER**

**Motion of Councilmember Richmond**

**WHEREAS**, the City of Batavia is desirous of enhancing the Police Neighborhood Enforcement Team (NET) with the addition of a new Police Officer; and

**WHEREAS**, the Police Officer position and staffing will be analyzed by the Police Chief and City Manager as well as the Division of Criminal Justice Services (DCJS) over the next 18 months to determine the long-term need of the position; and

**WHEREAS**, the position of Police Officer is a current title in the Police Benevolent Association (PBA) Contract and starting salary effective April 1, 2023 is \$57,521.

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

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

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**#84-2023**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO MAKE AMENDMENTS TO THE FY 23/24 BUDGET**

**Motion of Councilmember Viele**

**WHEREAS**, to enhance staffing on the City of Batavia Neighborhood Enforcement Teams (NET) and to better address guns, drugs and neighborhood issues the City Council of the City of Batavia commits funds and resources to law enforcement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby authorize the City Manager to utilize VLT funds 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:

Amend the 2023-24 budget by:

Increasing expenditure accounts:

A.04.3120.3121 100	Police Salary-NET	\$86,000
A.04.3120.3121 102	Police Holiday- NET	\$3,200
A.04.3120.3121 801	Police Retirement- NET	\$21,000
A.04.3120.3121 802	Social Security/FICA	\$6,800
A.04.3120.3121 200	Equipment	\$120,000
A.04.3120.3121 201	Small Equipment	\$35,000
Increasing revenue account:		
A.00.0000.0000 3014	VLТ	\$272,000

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

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**#85-2023**

**RESOLUTION TO SUBMIT A 2023 NYS DEC URBAN AND COMMUNITY FORESTRY GRANT PROGRAM ROUND 16 - TREE MAINTENANCE AND TREE PLANTING GRANT APPLICATION**

**Motion of Councilmember McGinnis**

**WHEREAS**, the City of Batavia desires to apply for \$75,000 in financial assistance through the 2023 NYS DEC Urban and Community Forestry Grant Program Round 16 - Tree Maintenance and Tree Planting grant program; and

**WHEREAS**, the City of Batavia would like to hire a tree maintenance professional to conduct tree removal and trimmings at Centennial Park;

**WHEREAS**, the proposed funding will contribute to ongoing tree maintenance and safety efforts; and

**WHEREAS**, a minimum of 25% of the project costs must be matched for this project, through either cash or in-kind services.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia approves and endorses the 2023 NYS DEC Urban and Community Forestry Grant Program Round 16 - Tree Maintenance and Tree Planting grant application.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia understands that this is a reimbursement grant program and that they are prepared and committed to pay the \$108,950 up front and to be reimbursed the \$75,000 following successful completion of the project.

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

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**#86-2023**

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF A PORTION OF 6 ALVA PLACE**

**Motion of Councilperson Bialkowski**

**WHEREAS**, Batavia Showtime Inc., has offered the city of Batavia \$1,466.00 to purchase a portion of 6 Alva Place currently owned by the City of Batavia; and

**WHEREAS**, Batavia Showtime Inc., a New York corporation located in Batavia, New York owns multiple business and properties including a theater and overhead marquee located at 6 Alva Place; and

**WHEREAS**, Batavia Showtime Inc., is looking to help develop parcels in the Batavia City Center Mall for future uses.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that it discontinues the public use of this property and authorizes the City Council President to sign a Purchase Agreement, and any other related documents, with Batavia Showtime Inc., to sell said properties for \$1,466.

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

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**#87-2023**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH STC CONSTRUCTION, INC. FOR CONSTRUCTION SERVICES FOR THE WATER TREATMENT PLANT PRIORITY IMPROVEMENTS PROJECT**

**Motion of Councilmember Canale**

**WHEREAS**, The Council of the City of Batavia authorized a project for The Water Treatment Plant Improvement Project; and

**WHEREAS**, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder is STC Construction, Inc. of Springville, New York

**NOW, THEREFORE, BE IT RESOLVED**, that City Council approves the award of a contract for construction for the Water Treatment Plant Improvement Project to STC Construction, Inc. of Springville, New York in the amount of \$2,365,000.

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

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## MOTION TO ENTER EXECUTIVE SESSION

### Motion of Councilmember Viele

**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...”.

**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...”.

**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...”.

**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 Twichell and on roll call approved 9-0. Council entered executive session at 7:55 PM and ended at 8:15 PM.**

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**Meeting adjourned at 8:18 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**