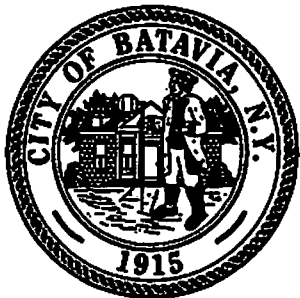


BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, July 11, 2016
Following Business Meeting**

AGENDA


- I. Call to Order
- II. Supplemental Agreement No.7 for the Summit Street Project
- III. 384e Fire Fighter Retired Benefits
- IV. Update on Local Law No. 3 of the Year 2016 Entitled Amending the Business Improvement District Plan
- V. Community Development Block Grant Application
- VI. Adjournment



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works 

Date: July 5, 2016

Subject: Summit Street Supplemental Agreement #7

New York State Department of Transportation has issued Supplemental Agreement #7 to the City of Batavia that confirms and authorizes Marchiselli funding for the design aspects of the Summit St project. The Supplemental Agreement is the formal contract authorizing reimbursement of funds for this project between the City and NYSDOT.

The Reconstruction of Summit Street is a Federal Highway Pass Thru Project administered through the New York State Department of Transportation. Marchiselli funding is a program that offers a 15% funding grant to the project through New York State, in addition to the 80% funding already approved through the Federal Highway program.

#-2016

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR SUPPLEMENTAL AGREEMENT 7
MARCHISELLI PORTION OF PE/DESIGN ASSOCIATED WITH THE RECONSTRUCTION
OF SUMMIT STREET FROM EAST MAIN STREET TO NORTH STREET**

Motion of Councilperson

WHEREAS, a project for the Reconstruction of Summit Street from East Main Street to North Street, City of Batavia, Genesee County, P.I.N. 475436 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the cost for PE/Design, R.O.W. Incidentals and Construction/CI/CS; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

IT IS FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$2,452,001 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

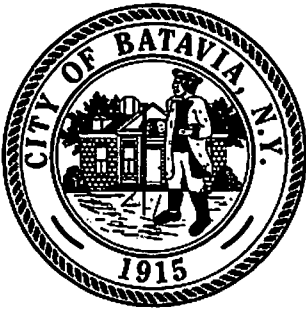
IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid and/or Marchiselli aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

IT IS FURTHER RESOLVED, that this resolution shall take effect immediately.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Dawn Fairbanks, Human Resource Specialist

Date: July 6, 2016

Subject: 384e Fire Fighter Retired Benefits

Through a memorandum of Agreement dated December 15, 2004 and signed by Matthew Coppler and the IAFF Union, the City committed to opening a one year window for entrance into the NY State Retirement System 384e benefit plan. Those fire fighters who are in 384d will be eligible for the 384e plan once the one year window is opened.

In order for the Retirement System to incorporate these employees into the appropriate retirement plan, City Council needs to enact the attached resolution.

Budget Impact: The estimated one time past service cost will be approximately \$27,441. In addition, the estimated annual cost for fiscal year 2016-17 will be approximately \$5,485.

Recommended Action: It is recommended by the City Manager that City Council approve the 384-e retirement benefit plan.

Supporting Documents:
1. Resolution

#-2016

**A RESOLUTION PROVIDING SECTION 384-e TO IAFF EMPLOYEES COVERED
BY SECTION 384-d OF THE NEW YORK STATE RETIREMENT AND
SOCIAL SECURITY LAW AND TO ADJUST THE FIRE DEPARTMENT BUDGET**

Motion of Councilperson

WHEREAS, a Memorandum of Agreement with the International Association of Fire Fighters (IAFF) provides a retirement benefit for those employees currently enrolled in the 384-d retirement plan; and

WHEREAS, the City and the IAFF Union agreed to provide the 384-e retirement benefit plan to those employees currently in the 384-d retirement plan; and

WHEREAS, pursuant to General Municipal Law 6-r, the City of Batavia has an established Retirement Contribution Reserve Fund for payment of retirement contributions pursuant to Sections 17 and 317 of the Retirement and Social Security Law; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has approximately \$433,895 of Retirement Contribution Reserve; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby elect to provide the additional pension benefits of Section 384-e of the Retirement and Social Security Law for any member of its Fire Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED, that this election shall become effective beginning on the 9th day of August, 2016 and end on the 8th day of August, 2017; and

BE IT FURTHERED RESOLVE, by the Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers effective August 9, 2016.

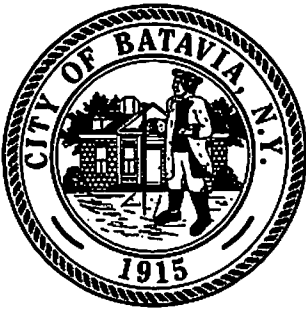
Increasing expenditure account:

Fire Department	001.3410.0801.2110	\$27,441
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Increasing revenue account:

Appropriated Retirement Contribution Reserve	001.3410.0511.2110	\$27,441
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**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager

Date: July 6, 2016

Subject: Business Improvement District Plan Amendments

At the June 27th Council meeting the City conducted a public hearing regarding Local Law No.3 of 2016 which is a local law to amend the Business Improvement District Plan. The week prior to the public hearing the City has discussions with legal counsel regarding the proposed amendments to the district plan. Coming from the discussion was a general agreement of the substance of issues and the desire to work cooperatively moving forward. This was a positive discussion, and we expected that following the public hearing and in upcoming weeks we will continue the dialogue to review these matters, after which if agreed upon changes to the proposed amendments are warranted, we would collectively support those changes.

To date the City has provided the BIDs legal counsel with the proposed district plan and are awaiting responses for further discussion.

At this time, we are hopeful that more collaborative and constructive discussions will follow, and that action on the proposed local law be put on the August 8th agenda for consideration to allow the City and BID to discuss the amendments further. This should provide sufficient time to review matters collectively and report back should any changes be warranted.

Please don't hesitate to contact me if you have any questions.

#-2016

**A RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2016 ENTITLED A LOCAL LAW
TO AMEND THE BUSINESS IMPROVEMENT DISTRICT PLAN**

Motion of Councilperson

WHEREAS, City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district; and

WHEREAS, a public hearing on this proposed Local Law was held on Monday, June 27, 2016 before this Council, pursuant to public notice duly published in **The Daily News**.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 3 of 2016 entitled **A Local Law to Amend the Business Improvement District Plan in the City of Batavia** accordance with Article 19-A of the General Municipal Law be and the same is hereby enacted by City Council of the City of Batavia, New York.

Seconded by Councilperson

And on roll call

LOCAL LAW NO. 3 OF THE YEAR 2016 CITY OF BATAVIA

A LOCAL LAW AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN

A LOCAL LAW amending the Business Improvement District Plan in the City of Batavia in accordance with Article 19-A of the General Municipal Law submitted to the City Clerk on June 9, 2016.

BE IT ENACTED by the City Council of the City of Batavia as follows:

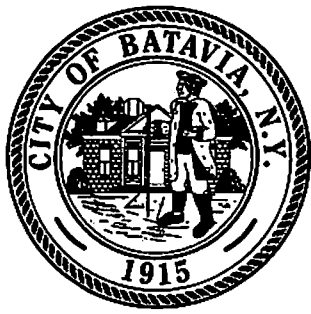
SECTION 1. The Downtown Business Improvement District established by Local Law No. 6 of 1997 adopted on November 24, 1997 and further outlined in Chapter 58 of the Code of the City of Batavia, and was amended by Local Law No. 3 of 2005 adopted on June 27, 2005 to include the Ellicott Street business area, the City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district.

SECTION 2. The provision of services within the district shall be pursuant to said amended district plan of the Downtown Batavia Business Improvement District (BID). All said services shall be in addition to, and not a substitution for required municipal services provided by the City of Batavia on a city-wide basis.

SECTION 3. To the extent not explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the Downtown Batavia Business Improvement District and the Batavia Business Improvement District Management Association. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this local law shall be controlling.

SECTION 4. Any additional amendments to the BID or the BID Plan shall be made in accordance with the provisions set forth in section 980-i of Article 19-A of the General Municipal Law.

SECTION 5. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager

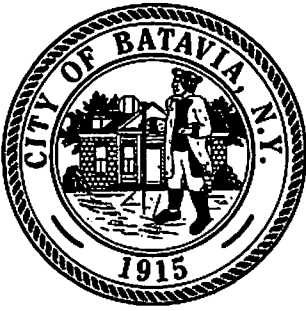
Date: July 6, 2016

Subject: Community Development Block Grant application

Background: As part of the 2016 Consolidated Funding Application (CFA) round, New York State is offering grants under the Community Development Block Grant (CDBG) which is administered by the NYS Office of Community Renewal. The total amount of funding statewide under the program is \$25 million. The CDBG program provides funding for small communities to undertake projects that create jobs, improve public infrastructure and facilities and planning initiatives. Any proposals must address an activity which, if implemented, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low- and moderate- income persons, or 2) the plan addresses a slum or blighted area in the community.

After reviewing potential projects in the City that best align with the City's Strategic Plan, it is recommended that the City pursue a planning grant to prepare a Citywide Stormwater Capital Improvement Plan. The City has already committed to improving and investing in our infrastructure and as a result has a State recognized water and sewer capital plan. In addition, the City's recent acceptance in the FEMA Community Rating System (CRS) program at a level 7 has demonstrated our commitment to mitigating the negative impacts of flooding as well as providing financial relief to our residents. Developing a well-balanced stormwater capital plan would continue both in instituting best practices for stormwater capital planning and maintenance as well as advancing our flood mitigation and planning efforts.

The CDBG grant program under the "Planning" category allows communities to apply for up to \$50,000 and the program will fund up to 95% of total project costs. Projects may consist of one of three activities: Market Studies, Preliminary Engineering Reports or Community Needs Assessment.



City of Batavia

It is recommended that the City apply for funding under this program to develop a Citywide Stormwater Capital Improvement Plan. This would include a comprehensive city-wide drainage study to evaluate the existing storm sewer system and provide recommendations for the implementation and maintenance of the existing storm sewer system.

This program requires a 5% local match; however it is recommended the City apply for the full \$50,000 with a \$50,000 match, as the project will be extensive including an entire review of the City's stormwater system. If awarded funding the City's match would come from existing fund balance or contingency accounts.

As part of the application process the City is required to conduct a public hearing providing the public an opportunity to comment regarding the City's potential project. In addition, the City is required to adopt a resolution to submit the application. Because there is only one City Council meeting in July it is recommended that the both resolutions, to set the public hearing and submit the application, be moved to the following business meeting (July 11th) for action. The public hearing would be set for July 20th at 5pm at City Hall and would be published in the newspaper of record prior to the hearing.

Recommendation: It is recommended that the City Council add the two resolutions for the project to the following business meeting for action. The public hearing would then be published, conducted and the application submitted by the July 29th deadline.

#80-2016

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE
INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) PROGRAM**

Motion of Councilperson

WHEREAS, it is the desire of the City of Batavia to submit applications for the New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involve holding one public hearing prior to submission of any 2016 CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, residents are invited to attend the hearing to assist the City in defining community development priorities; and

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia will hold a Public Hearing on the CDBG program at the City Hall, One Batavia City Centre, Batavia, NY at 5:00 p.m. on July 20, 2016; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the City of said Public Hearing.

**Seconded by Councilperson
and on roll call**

#81-2016
**A RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT
PLANNING APPLICATION**

Motion of Councilperson

WHEREAS, the City of Batavia would like to prepare a Citywide Stormwater Capital Improvement Plan that would benefit low to moderate income households; and

WHEREAS, the New York State Community Development Block Grant (CDBG) program provides funding for infrastructure planning; and

NOW THEREOFRE, BE IT RESOLVED, that the City Manager of the City of Batavia, New York, is hereby authorized as the official representative of the City of Batavia to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2016 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

**Seconded by Councilperson
and on roll call**