

CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 9, 2013

The regular business meeting of the City Council was held Monday, September 9, 2013 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Buckley presiding.

Present were Council President Buckley and Councilpersons Pacino, Briggs, Cipollone, Canale, Doeringer, Hawley, Russell and Christian.

Council President Buckley called the meeting to order at 7:00 PM. Councilperson Christian led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the August meetings were approved.

The Council President assigned the regular agenda items.

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Communications

- a. Batavia Downs submitted liquor license applications for Fortuna's Restaurant, Home Stretch Grille and 34 Rush. There was no objection from the Police Department. Council approved
- b. Mancuso Restaurant & Bowling Lanes submitted notice of renewal of their liquor license for the Mancuso Bowling Center and TF Browns Restaurant. There was no objection from the Police Department. Council approved
- c. Batavia Rotary Club submitted an application for an Oktoberfest on Saturday, September 29th from 6:30 – 9:30 PM in the Alva Place parking lot. There will be beer and wine tasting, food and music. They plan to use 4 tents at the event. Council approved
- d. The YWCA of Genesee County requested to hold a Stiletto Walk on Tuesday, October 1st from 4:30 – 6:30 PM. The walk would begin at John Kennedy School and end at the YWCA to benefit domestic violence research. Council approved

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Council President's Report

A proclamation was made by Councilperson Hawley to Ed Schichtel who retired as a water treatment plant operator after 28-plus years of service and who possessed a 'can do' attitude and a loyal work ethic throughout his career.

Council President Buckley announced that the next regular City Council Conference Meeting would be held on Monday, September 23, 2013 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

None

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City Manager's Report

Mr. Molino turned the podium over to Marty MacDonald, City Church representative for Vibrant Batavia for an update. Mr. MacDonald noted that the committee was honored to partner with City Council and Management focusing on fostering pride in our City neighborhoods, promoting and enhancing City-wide celebrations. The committee is looking for community investment to move forward. Mr. MacDonald then introduced Eric VanDusen of NeighborWorks, a leading community development organization, now working in Batavia. Mr. VanDusen gave an overview of a program modeled in several places in the nation that focuses on socialization. He noted that many of the cities suffered from the problems that exist here: population loss, downsizing and urban disinvestment. Mr. VanDusen said that through this revitalization model they were able to stimulate significant amounts of private reinvestment in the neighborhoods they identified. He noted that the investment approach for neighborhoods requires fewer resources and produces sustainable results. Mr. VanDusen noted that the strategy is to turn good houses on good blocks into great houses on great blocks. He said that the keys to success were physical reinvestment, social reinvestment, image and branding. Mr. MacDonald then introduced Leanna DiRisio, a Batavia native, newly hired as Community Organizer. She said that her goal is to get people out of their houses and to get people talking. She said that she hoped that residents of each ward would attend their designated meetings and share their thoughts on how to improve city morale and get fun or productive activities going here. She noted that as a little incentive to attend and complete a short survey, the committee will draw a name to win a \$25 gift certificate at each of the 5 "coffee talk" events. Mr. MacDonald then showed Council the Vibrant Batavia logo, which was designed locally. He then highlighted on upcoming programs: Centennial Celebration committee recruitment, shopping set gift promotions, seasonal

publications and community art projects. He noted that the committee appreciates Council's investment of \$45,000.

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Committee Reports

None

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Public Comments

Jim Rosenbeck, 13 Lewis Avenue said he felt that the \$30,000 scheduled to be spent for the Center Street lot paving could be better spent in another area or saved. He said he felt that was no urgency with the lot but with the grant monies. He noted that he was worried that we would be setting standards for future dumpster enclosures. He asked that Jason Molino develop a long-term plan for dumpsters.

John Roach, 116 Grandview Terrace, noted that the original resolution to fund the paving for the Center Street lot included the dumpster enclosure was \$40,000 and now the fee is \$30,000. He wondered why it was \$10,000 less. He said he wondered why Council was moving the timeline up for paving the lot if the dumpster enclosure wasn't being done. He noted that he was worried that the dumpster project would get put off.

Lisa Whitehead, 20 Ellsworth Avenue, said that she didn't agree with the proposal to pave the lot at Center and School Street. She asked why the city was going to move up the project if they aren't going to do the enclosure. She said that the \$25,000 grant money could be used for another project like improving sidewalks throughout the City that everyone uses.

Jason Molino, City Manager, said that he would like to move forward with the \$30,000 milling and paving project. He noted that the grant is still in the works to help get that enclosure done. In the meantime, the parking lot is in such awful shape, it will be a much larger and more costly project if the City waits much longer. Jason Molino noted that \$35,000 was the lowest bid for the material and work. He said that it had been suggested that he consider a chain link fence but that it is not very aesthetically pleasing. If the City is going to invest \$25,000 from a state grant intended for physical improvements, it would be worth it to get the pricier fence. Councilperson Cipollone asked if the \$25,000 grant money was use or lose. He then asked if the VLT funds would go back to various contingency funds. Councilperson Canale said that he and Councilpersons Hawley and Pacino had been in discussions with the BID to partner and combine funds for the enclosure. He noted that the City would contribute the grant money and BID will ideally kick in the other \$10,000.

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Council Responses to Public Comments

None.

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Unfinished Business

None

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New Business

#69-2013

**RESOLUTION TO SUBMIT GRANT APPLICATIONS FOR YEAR 2013
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES**

Motion of Councilperson Hawley

WHEREAS, The City of Batavia Youth Bureau provides services to the City's Youth population; and

WHEREAS, the New York State Office of Children and Family Services offers annual matching funds to municipal Youth Bureaus for administrations, youth services , and summer recreation; and

WHEREAS, the City of Batavia is eligible to apply for \$17,453 in matching grant funds for the 2013 calendar year;

NOW THEREFORE, LET IT BE RESOLVED, that the Council of the City of Batavia hereby authorizes the City of Batavia Youth Bureau to submit annual applications for 2013 calendar year funds from the New York State Office of Children and Family Services.

Seconded by Councilperson Cipollone and on roll call approved unanimously.

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#70- 2013

RESOLUTION TO ACCEPT AND AUTHORIZE A BUDGET AMENDMENT

Motion of Councilperson Briggs

WHEREAS, the Batavia Youth Bureau has received grants from USTA and Junior Tennis Foundation in the amount of \$4,000; and

WHEREAS, the funding will enable the Youth Bureau to increase and expand tennis programming in 2013 through an AmeriCorps member and equipment; and

WHEREAS, to properly account for the expenditure of this money, budget amendments need 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 amendments to the 2013-2014 budget to cover the costs associated with Youth Bureau tennis programming that will be reimbursed by the USTA and JTF grants:

Effective September 9, 2013, amend the 2013-14 budget by adding Expenditure accounts:

7140.0401.1138	Supplies & Materials USTA	\$1,050.00
7140.0423.1138	Contract Services USTA	\$2,950.00

And adding Revenue account:

1.1.2089.1138	Other Culture & Rec	\$4,000.00
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Seconded by Councilperson Russell and on roll call approved unanimously.

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#71-2013

RESOLUTION ADOPTING THE GENESEE COUNTY ALL-HAZARD MITIGATION PLAN

Motion of Councilperson Cipollone

WHEREAS, Genesee County with the assistance from the Genesee/Finger Lakes Regional Planning Council, has gathered information and prepared the Genesee County All-Hazard Mitigation Plan ; and

WHEREAS, the Genesee County All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Genesee County Emergency Services Office and the Genesee / Finger Lakes Regional Planning Council co-hosted public meetings at the County Emergency Services facility on September 26, 2006 and March 28, 2007 to allow an opportunity for the public to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the City of Batavia reviewed the Plan and affirms that the Plan will be updated no less than every five years; and

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Batavia adopts the Genesee County All-Hazard Mitigation Plan as this jurisdiction's All-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Seconded by Councilperson Briggs and on roll call approved unanimously.

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**#72-2013
RESOLUTION TO ENTER INTO AN AGREEMENT WITH
TITAN DEVELOPMENT, INC.
FOR CITY SIDEWALK REPLACEMENT PROJECT - 2013**

Motion of Councilperson Canale

WHEREAS, a project for the replacement of approximately 7,900 linear feet of City sidewalks and handicap accessible ramps on portions of Richmond Ave., North St., Hutchins St., Tracy Ave. and Hart St.; and

WHEREAS, a competitive bid was made by Titan Development Inc., for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City Sidewalk Replacement Project - 2013; and

WHEREAS, Titan Development Inc. is the lowest responsible bidder (\$251,850.00);

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 Titan Development Inc. for sidewalk replacements.

Seconded by Councilperson Pacino and on the roll call approved unanimously.

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**#73-2013
RESOLUTION ACCEPTING PUBLIC DEDICATION OF THE EXTENSION OF THE
CEDAR STREET SEWER LINE AND PUMP STATION**

Motion of Councilperson Christian

WHEREAS, the Genesee Valley Agri-Business, LLC, hereinafter referred to as "GVAB", is the owner of 200 plus acres of property adjoining New York State Route 5 dedicated to agri-business and renewable energy referred to as the Genesee Valley Agri-Business Park (the "Agri-Business Park"); and

WHEREAS, “GVAB” is a limited liability company focused on agri-business development with its majority owner and managing member being the Genesee Gateway Local Development Corporation, hereinafter referred to as “GGLDC”; and

WHEREAS, the Genesee County Economic Development Center, hereinafter referred to as “GCEDC”, has marketed the Agri-Business Park as a one of a kind industrial development site that will take advantage of its geographical location to foster food production and renewable energy businesses; and

WHEREAS, on August 30, 2011 the City and GCEDC, GVAB and GGLDC, entered into an agreement to extend sanitary sewer service to the Genesee Valley Agri-Business Park; and

WHEREAS, the GVAB and GGLDC have constructed all of the infrastructure for the Genesee Valley Agri-Business Park and the construction of the sewer line extension generally consists of the following items: associated piping, valves and related equipment and new Cedar Street sanitary sewer pump station as depicted in the attached plans in Exhibit A; and

WHEREAS, the GCEDC, GVAB and GGLDC have requested that the City accept dedication of such portions of the sewer system as will be in the City right of way and integral to the City sewer system, namely the Cedar Street sewer line and pump station; and

WHEREAS, the City has inspected the installation of the 10 inch sewer line and pump station along Cedar Street to ensure that the sewer line and pump station were adequately designed and constructed; and

WHEREAS, all conditions in the August 2011 agreement that were required to be met prior to the offer of dedication have been satisfied; and

WHEREAS, the City has been provided with the record drawings and operation documents for the Cedar Street sewer line and pump station; and

WHEREAS, the new 10 inch sewer line and sanitary pump station along Cedar Street enhance and improve the capacity and operation of the City’s sanitary sewer system by reducing sewer flow congestion and capacity limitations that previously existed within the sewer system as well as providing additional flexibility for future growth and development within the City; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia determines it to be in the best interest of public health, safety, and welfare of the City of Batavia to accept dedication of the 10 inch sewer line and Cedar Street pump station and that for all the foregoing reasons acceptance of dedication will provide a benefit to the City of Batavia; and

NOW, BE IT FURTHER RESOLVED, that it is in the interests of the City of Batavia to accept dedication in order to ensure adequate maintenance of said line and pump station and maintain the integrity of the sewer service; and

NOW, BE IT FURTHER RESOLVED, the City of Batavia shall fully accept the dedication for public use of the 10 inch sewer line and new sanitary pump station described above and all associated appurtenances.

Seconded by Councilperson Russell and on roll call approved unanimously.

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#74-2013

RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE EASEMENTS WITH WARREN KLEIN and ALLISON SCHREIBER, GIFFORD ENTERPRISES, INC., GRAHAM MANUFACTURING Co., INC., COUNTY OF GENESEE, NEW YORK and OATKA MILK PRODUCTS COOPERATIVE, INCORPORATED FOR THE EXTENSION OF THE CEDAR STREET SEWER LINE

Motion of Councilperson Canale

WHEREAS, the Genesee Valley Agri-Business, LLC, hereinafter referred to as “GVAB”, is the owner of 200 plus acres of property adjoining New York State Route 5 dedicated to agri-business and renewable energy referred to as the Genesee Valley Agri-Business Park (the “Agri-Business Park”); and

WHEREAS, “GVAB” is a limited liability company focused on agri-business development with its majority owner and managing member being the Genesee Gateway Local Development Corporation, hereinafter referred to as “GGLDC”; and

WHEREAS, the Genesee County Economic Development Center, hereinafter referred to as “GCEDC”, has marketed the Agri-Business Park as a one of a kind industrial development site that will take advantage of its geographical location to foster food production and renewable energy businesses; and

WHEREAS, on August 30, 2011 the City and GCEDC, GVAB and GGLDC, entered into an agreement to extend sanitary sewer service to the Genesee Valley Agri-Business Park; and

WHEREAS, the GVAB and GGLDC has constructed all the infrastructure for the Genesee Valley Agri-Business Park and the construction of the sewer line extension generally consisting of the following items: associated piping, valves and related equipment; and

WHEREAS, GVAB and GGLDC have also constructed a new sanitary sewer pump station and related improvements attendant to the Agri-Business Park project; and

WHEREAS, GVAB and GGLDC have offered up dedication of the 10 inch sewer line and pump station to the City of Batavia; and

WHEREAS, the City requires a permanent easement for the purpose of construction,

reconstruction, maintenance, operation and use of a 10 inch wide force main line and pump station upon the properties of the afore-mentioned property owners; and

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 easements with Warren Klein and Allison Schreiber, Gifford Enterprises, Inc., Graham Manufacturing Co., Inc., County of Genesee, New York and Oatka Milk Products Cooperative, Incorporated.

Seconded by Councilperson Christian and on roll call approved unanimously.

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#75-2013

RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN EASEMENT WITH TOWN OF BATAVIA, NEW YORK FOR THE EXTENSION OF THE CEDAR STREET SEWER LINE

Motion of Councilperson Cipollone

WHEREAS, the Genesee Valley Agri-Business, LLC, hereinafter referred to as “GVAB”, is the owner of 200 plus acres of property adjoining New York State Route 5 dedicated to agri-business and renewable energy referred to as the Genesee Valley Agri-Business Park (the “Agri-Business Park”); and

WHEREAS, “GVAB” is a limited liability company focused on agri-business development with its majority owner and managing member being the Genesee Gateway Local Development Corporation, hereinafter referred to as “GGLDC”; and

WHEREAS, the Genesee County Economic Development Center, hereinafter referred to as “GCEDC”, has marketed the Agri-Business Park as a one of a kind industrial development site that will take advantage of its geographical location to foster food production and renewable energy businesses; and

WHEREAS, on August 30, 2011 the City and GCEDC, GVAB and GGLDC, entered into an agreement to extend sanitary sewer service to the Genesee Valley Agri-Business Park; and

WHEREAS, the GVAB and GGLDC has constructed all the infrastructure for the Genesee Valley Agri-Business Park and the construction of the sewer line extension generally consists of the following items: associated piping, valves and related equipment and new sanitary sewer pump station; and

WHEREAS, the Town of Batavia is requesting a permanent easement for the purpose of construction, reconstruction, maintenance, operation and use of a 10 inch wide force main line upon the property owned by the City of Batavia, New York under Cedar Street; and

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 easement with the Town of Batavia, New York.

Seconded by Councilperson Christian and on roll call approved unanimously.

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#76-2013

RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN EASEMENT WITH GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER FOR THE EXTENSION OF THE CEDAR STREET SEWER LINE

Motion of Councilperson Doeringer

WHEREAS, the Genesee Valley Agri-Business, LLC, hereinafter referred to as “GVAB”, is the owner of 200 plus acres of property adjoining New York State Route 5 dedicated to agri-business and renewable energy referred to as the Genesee Valley Agri-Business Park (the “Agri-Business Park”); and

WHEREAS, “GVAB” is a limited liability company focused on agri-business development with its majority owner and managing member being the Genesee Gateway Local Development Corporation, hereinafter referred to as “GGLDC”; and

WHEREAS, the Genesee County Economic Development Center, hereinafter referred to as “GCEDC”, has marketed the Agri-Business Park as a one of a kind industrial development site that will take advantage of its geographical location to foster food production and renewable energy businesses; and

WHEREAS, on August 30, 2011 the City and GCEDC, GVAB and GGLDC, entered into an agreement to extend sanitary sewer service to the Genesee Valley Agri-Business Park; and

WHEREAS, the GVAB and GGLDC has constructed all the infrastructure for the Genesee Valley Agri-Business Park and the construction of the sewer line extension generally consists of the following items: associated piping, valves and related equipment and new sanitary sewer pump station; and

WHEREAS, the GCEDC is requesting a permanent easement for the purpose of construction, reconstruction, maintenance, operation and use of a 8 inch wide force main line upon the property owned by the City of Batavia, New York along Cedar Street; and

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 easement with the Genesee County Economic Development Corporation.

Seconded by Councilperson Christian and on roll call approved unanimously.

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#77-2013

RESOLUTION TRANSFERRING \$30,000 TO THE GENERAL FUND PARKING LOTS BUDGET

Motion of Councilperson Hawley

WHEREAS, in 2012 the City Council established a reserve fund for Parking Lots and Sports Surfaces to assist in funding capital improvements for the reconstruction or improvement of City owned parking lots and sport surface; and

WHEREAS, the Department of Public Works evaluated said parking lots and sports surfaces and, as a result, developed a reasonable plan, the Parking Lots and Sports Surfaces Capital Plan, to protect this \$24 million dollar investment by prioritizing and costing out recommended treatments to prolong the life and preserve the usefulness of the parking lots and sports surfaces; and

WHEREAS, due to the current deteriorating condition of the School Street parking lot the Department of Public Works has recommended that the School Street parking lot be improved in the current fiscal year prior to its scheduled date in 2014; and

WHEREAS, the additional work for improving the parking lot is consistent with the City's adopted Parking Lot Capital Plan and will require a one-time expenditure of \$30,000 of additional funds to complete; and

WHEREAS, for the fiscal year ending March 31, 2014 the City of Batavia has received \$346,334 in Video Lottery Terminal (VLT) aid; and

WHEREAS, in prior years the City Council has authorized the use of VLT aid for debt service reduction, reserve fund contributions and capital projects;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia authorizes the transfer of \$30,000 of VLT aid to the General Fund Park Lots budget 001.5650.0423 to complete the capital project for resurfacing the Center Street parking lot; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Neighborhood Revitalization strategic priorities.

Seconded by Councilperson Pacino and on roll call approved unanimously.

Meeting adjourned at 7:50 PM.

Respectfully submitted,

**Aimslee M. Cassidy
Deputy Clerk-Treasurer**