

CITY OF BATAVIA BUSINESS MINUTES SEPTEMBER 14, 2015

The regular business meeting of the City Council was held Monday, September 14, 2015 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Hawley presiding.

Present were Council President Hawley and Councilpersons Pacino, Briggs, Canale, Doeringer, Jankowski, Deleo, and Christian. Councilperson Cipollone was absent.

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

The minutes from the August meetings and draft monthly financial statements from July were approved.

The Council President assigned the regular agenda items.

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Communications

The YWCA submitted an application for a Stiletto & Sneaker Run on Thursday, October 1, 2015 from 5:30 – 6:30pm on City sidewalks. Council approved.

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Council President's Report

Council President Hawley announced that the next regular City Council Conference Meeting would be held on Monday, September 28, 2015 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that they were working on a variety of matters but there was nothing specific to report.

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City Manager's Report

Mr. Molino noted that there was a community based deer management meeting at City Hall with the DEC last month that was well attended. He noted that he would provide more detail at the next meeting, they had discussed best practices, and it was very informative.

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Committee Reports

Councilperson Pacino noted that the Centennial Committee booklets were wonderful, there was a committee of Summit St residents that had been going great, and the BID was working on the Wine Walk that was coming up. She also noted that a bike rack project was going well.

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Public Comments

John Roach, 116 Grandview Ter, noted that there had been a lot of controversy over how the trees were trimmed on Oak and explained that National Grid had, at other locations, raised the lines above the trees instead of butchering them. He wondered if that had been considered on Oak St.

Jeanne Walton, YWCA Executive Director, noted that last year Council had declared the first Thursday of October as Healthy Relationships Day. She thanked Council for supporting the YWCA and noted that the Stiletto Walk and Harvest Supper would be on October 1st and Kick Stands Up would be on October 3rd.

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Council Responses to Public Comments

Mr. Molino noted that he had met with National Grid and they were going to take down the trees and replace them and there would be additional planting as well. He noted that pole replacement was a more costly option. Councilperson Deleo asked if there had been any discussion of burying the lines so we didn't have these issues. Mr. Molino noted that it wasn't practical from a space and financial standpoint. He noted that there were some that were currently underground.

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Unfinished Business

Councilperson Jankowski noted that he received the summary report from Vibrant Batavia but not the financial report. Mr. Molino noted that it was sent in July but he would send it again. Councilperson Jankowski noted that he received a complaint about a construction company who dumped construction debris related to the Jackson School bus loop project. He also asked about the status on the Chestnut Street traffic. Councilperson Jankowski requested the policy on the police camera as there were some privacy concerns. He noted that the NYCOM bulletin addressed body-worn cameras and wanted to see the Batavia Police Department's camera policy to make sure we were doing things right. He asked who was on the steering committee for the comprehensive plan. Mr. Molino noted that the planning board was appointed as the steering committee. Councilperson

Briggs wanted the police station task force on the next conference agenda. She noted that she'd received an e-mail to set up a time to discuss the issues with Mr. Molino and Julie Pacatte but suggested just discussing it all at the conference meeting. Councilperson Christian noted that the police needed to make sure people weren't making turns from the bike lane and that Hutchins St was having an ice cream social on September 16th. She also noted that she didn't care about the body camera and stationary camera issues because if you weren't doing anything wrong then there should be no problems. Councilperson Pacino explained that she would like to have the opportunity to ask her dumb questions before hand so it didn't take up time at the conference meeting. She noted that she wanted every policeman to have a body camera because she didn't think they were doing anything wrong. Councilperson Jankowski felt that discussions should be open because Council gets criticized for meeting privately.

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New Business

#73-2015

**A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH ERDMAN ANTHONY FOR ENGINEERING SERVICES
FOR THE CITY OF BATAVIA HEALTHY SCHOOLS CORRIDOR**

Motion by Councilperson Canale

WHEREAS, a Project for the Reconstruction of Sidewalks for Healthy Schools Corridor, P.I.N. 4755.93, is eligible for funding under Title 23 U.S. Code, as amended, that calls 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, and has previously entered into an Agreement with the New York State Department of Transportation (NYSDOT) for the City to administer this project, and

WHEREAS, a request for proposals were received for a consultant to perform the Engineering Services, and a committee of City and NYSDOT personnel selected Erdman Anthony to perform the work; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia approves the award of a contract for Engineering Services for the Reconstruction of Sidewalks for the Healthy Schools Corridor to Erdman Anthony for \$ 210,000 or as otherwise modified by New York State Department of Transportation.

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

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#74-2015
A RESOLUTION TO CLOSE-OUT CAPITAL PROJECTS

Motion of Councilperson Deleo

WHEREAS, the City of Batavia should periodically close capital projects which are completed; and

WHEREAS, the project completed at this time that requires official closing is listed as follows:
#0802 Economic Stimulus Project

WHEREAS, the City Council concurs with this list and directs to close out the specified capital project effective September 14, 2015; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the project listed above be closed.

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

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#75-2015
**A RESOLUTION TO USE FACILITY RESERVES FOR
YOUTH BUREAU FENCE REPAIR**

Motion of Councilperson Christian

WHEREAS, The City of Batavia approved in the 2015/20156 budget to use \$25,000 of facility reserve to repair the Youth Bureau roof; and

WHEREAS, the lowest bid for the Youth Bureau roof was \$9,113 therefore leaving a remainder of budgeted reserves in the amount of \$15,887; and

WHEREAS, the City of Batavia Youth Bureau's fence is in need of repair as their posts are rotting therefore not keeping the fence in an upright position and the fence's gate is in need of replacement. Such repairs are estimated to cost approximately \$5,000; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to use up to \$5,000 of budgeted reserves to repair the fence and fence gate at the Youth Bureau.

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

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#76-2015
A RESOLUTION TO APPOINT MEMBERS
TO VARIOUS CITY COMMITTEES/ BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the following appointments be made:

Board of Assessment Review

Ron Jackett

September 30, 2020

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

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#77-2015
A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN AN
AGREEMENT WITH ELAN PLANNING, DESIGN & LANDSCAPE ARCHITECTURE PLLC
TO PROVIDE CONSULTING SERVICES TO PREPARE AN UPDATE TO THE CITY
COMPREHENSIVE MASTER PLAN

Motion of Councilperson Doeringer

WHEREAS, The City of Batavia last updated its Comprehensive Plan in 1997 and, at 18 years old, it is out of date and many of the plan recommendations have been implemented; and

WHEREAS, significant changes have happened since the last plan: downtown redevelopment, Business Improvement District formation, zoning changes, State Route 5 reconstruction, water agreements, financial constraints and area economic development projects; and

WHEREAS, more projects and initiatives are planned for the future: Brownfield Opportunity Area Strategic Site redevelopment, construction of the Ellicott Trail, Vibrant Batavia efforts, neighborhood improvements, the Science Technology and Advanced Manufacturing project in Genesee County and others; and

WHEREAS, the Comprehensive Plan, completed in 1997, was based on New Urbanist principles, and many of its recommendations, were innovative because it included the basic tenets and policies of Leadership in Energy and Environmental Design Neighborhood Development (LEED ND), Smart Growth and the Congress for New Urbanism (CNU): sustainable, compact, mixed use development; downtown redevelopment; preservation of historic and natural resources; high quality design; use of existing infrastructure and re-purposing or re-use of existing buildings; and

WHEREAS, it is time to update for the City's Comprehensive Plan not only for the community to assess its current assets and liabilities, but to incorporate the most up to date principles of Leadership in

Energy and Environmental Design Neighborhood Development (LEED ND), Smart Growth and the Congress for New Urbanism (CNU) into the plan, as well as include elements for alternative energy, energy savings and green infrastructure which City leaders think are important for the City's future; and

WHEREAS, December 2014 the City received \$75,000 of grant funding from the Cleaner, Greener Communities (CGC) Program to prepare an update of the City's Comprehensive Plan and the grant requires a local match of \$25,000, for a total project cost of \$100,000; and

WHEREAS, the City Council designated the City Planning and Development Committee to act as the Steering Committee for the Comprehensive Plan update and that City staff assist the City Planning and Development Committee with preparing the updated Comprehensive Plan to include activities such as but not limited to, seeking proposals for and review and recommendation to City Council of a planning consultant to lead the planning process, data collection and analysis, community engagement and any additional activities related to and necessary for preparing an updated Comprehensive Plan; and

WHEREAS, the City issued a Request of Proposal (RFP) for planning services, received ten submittals and the Steering Committee reviewed and interviewed planning firms to lead the planning process; and

WHEREAS, Elan Planning, Design & Landscape Architecture PLLC has been recommended by the Steering Committee for the Comprehensive Plan Update project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia hereby authorizes the City Council President to execute a Professional Services Agreement with Elan Planning, Design & Landscape Architecture PLLC, for planning and consulting services not exceed \$100,000; and

BE IT FURTHER RESOLVED, that this initiative was identified in the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

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

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#78-2015

A RESOLUTION TO AMEND THE 2015-2016 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET TO REFLECT THE COMPREHENSIVE PLAN UPDATE PROJECT

Motion of Councilperson Pacino

WHEREAS, that City Council by Resolution #79-2014 committed funds for City's local match for the NYSERDA grant and other related activities to updating and implementing the City's Comprehensive Master Plan; and

WHEREAS, the City of Batavia has received a grant in the amount of \$75,000 from the New York State Energy Research and Development (NYSERDA) for updating the City's Comprehensive Master Plan; and

WHEREAS, to properly account for the receipt and expenditure of this money, a budget amendment needs to be made; and

NOW THEREFORE, BE IT RESOLVED, that the City Council authorizes \$25,000 of Committed Fund balance by Resolution #79-2014 to be utilized as the City’s local match for the above referenced NYSERDA grant for purposes of updating the City’s Comprehensive Master Plan; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments to the 2015-2016 budget effective September 14, 2015, to cover the revenues and expenditures associated with updating the City’s Comprehensive Plan:

Increase revenue account:

001.0001.915.0001 Appropriated Assigned F/B	\$25,000
001.0001.3902.1152 State Aid, Planning Studies	\$75,000

Increase expenditure account:

001.6460.0423.1152 Community Dev Contracted Services	\$100,000
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Seconded by Councilperson Briggs and on roll call approved 8-0.

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Meeting adjourned at 7:45 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**