

CITY OF BATAVIA BUSINESS MINUTES DECEMBER 14, 2015

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

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

Council President Pro Tem Canale called the meeting to order at 7:00 PM. Council President Pro Tem Canale led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the November meetings and draft monthly financial statements from October and November were approved.

The Council President Pro Tem assigned the regular agenda items.

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Communications

Rincon Colombiano Inc. submitted a liquor license application. There were no objections from the police department. Council approved.

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Council President Pro Tem's Report

Council President Pro Tem Canale announced that the City Council Organizational Meeting would be held on Monday, January 4, 2016 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 there was nothing specific to report.

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City Manager's Report

Mr. Molino noted that there was nothing to specific to report.

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Committee Reports

Councilperson Pacino noted that Christmas in the City was a smashing success, it was coordinated in conjunction with the City Centennial Committee and the time capsule was put in place. Councilperson Jankowski asked what happened to the desk and plaque that was in the front of City Hall. Mr. Molino noted that the desk was discarded and the plaque would be rehung.

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Public Comments

Guy Clark, 111 Cedar St, noted that he was the owner of Cedar St Rentals, had been in business almost 24 years and wanted antiquated zoning laws changed to be able to use a digital signs that can change their message more than once every 24 hours. He would like the script to change every 10 seconds. He noted that the new sign would be on the premise, not a road sign, and studies show that the sign wouldn't be a distraction to drivers. Mr. Clark referenced several studies to support this claim and also noted that he checked with the City police and Sheriff's department and there were no reports of accidents related to signs. He explained that digital signs were not even listed as a top 10 reason for accidents. He asked for a variance until an updated law could be made and asked Council to support that change.

John Roach, 116 Grandview Terr, noted that earlier in the year, National Grid had trimmed trees and essentially butchered them and he wondered the status of that situation.

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Council Responses to Public Comments

Councilperson Jankowski suggested putting the issue on the conference agenda to accommodate small businesses. He felt that 24 hours seemed an extreme amount of time for a sign to change and felt it would be a simple change. Councilperson Briggs asked if the planning board was looking into the change. Mr. Molino noted it was a very complex issue, it may take a lot of time and it was part of zoning revision. He noted that the planning board would review the language and come up with revisions. Councilperson Jankowski asked if we were already allowing signs and they are already up, couldn't discussion just be about the changing of the message. Councilperson Cipollone felt it was at least worth a conversation and maybe just a timing issue. Councilperson Pacino noted that UMMC had a sign but it only changes once a day but agreed Council could at least talk about it. Mr. Van Nest suggested it be referred to the planning board for a recommendation and noted that discussion could become very complicated because technology had changed dramatically over the years. Councilperson Jankowski noted that he just wanted to discuss the time limit for changing of messages and asked that it be on the next conference agenda.

Mr. Molino noted that he was in communication with National Grid and was trying to schedule a meeting with them.

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Unfinished Business

Council President Pro Tem Canale noted that Council President Hawley asked him to put out a large thank you to the Centennial Committee, especially Beth Kemp, and the BID for all of the hard work they did over the past centennial year. He noted specifically that the parade during Christmas in the City was an excellent success.

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Councilperson Pacino noted that the Council was losing three members; Councilpersons Doeringer, Cipollone, and Deleo. She presented each of them with a plaque for their service and willingness to raise questions and couldn't thank them enough for their time. Council President Pro Tem Canale stated that they were all valuable assets to the Council and would be sorely missed. Councilperson Cipollone noted that it was an honor to serve on Council and serving the fourth ward had been a pleasure.

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New Business

#97-2015

**A RESOLUTION AUTHORIZING APPOINTMENT OF ADMINISTRATIVE,
FINANCIAL, AND TRUST SERVICES FOR THE EMPLOYEE
DEFERRED COMPENSATION PLAN**

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia Employee Deferred Compensation Plan Committee (the "Committee") has solicited Requests for Proposal for administrative, financial, and trustee services for the next five (5) year period; and

WHEREAS, the Committee has reviewed and analyzed proposals; and

WHEREAS, after careful review, the Committee selected and recommends Mass Mutual Financial Group (457 Plan Service Group) for Administration and Financial Services, and Reliance Trust Company for Trustee Services of the Employee Deferred Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that Mass Mutual Financial Group (457 Plan Service Group) be appointed for Administrative and Financial Services and Reliance Trust Company for Trustee Services related to the City of Batavia Employee Deferred Compensation Plan; and

BE IT FURTHER RESOLVED, that the City Council President be, and hereby is, authorized and directed to execute any and all necessary documents in relation to the City of Batavia Employee Deferred Compensation Plan.

Seconded by Councilperson Briggs and on roll call approved 6-0. Councilperson Jankowski abstained.

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#98-2015
A RESOLUTION TO AMEND THE BUDGET BY TRANSFERRING FUNDS FROM THE CONTINGENCY BUDGET

Motion by Councilperson Deleo

WHEREAS, the City of Batavia has experienced an increase in tax foreclosures thereby increasing tax foreclosure expenses over and above the adopted budget; and

WHEREAS, the Summit Street Reconstruction Project requires the removal of trees prior to construction beginning which will occur in this fiscal year and has not been budgeted for in the capital project; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfer:

Effective December 14, 2015, the following transfer is hereby approved:

Increasing accounts:

Tax Foreclosure expense	001.1325.0472	\$ 20,000.00
Summit Street Reconstruction Project	030.7110.0443.0901	\$ 15,000.00

Decreasing account:

Contingency	001.1990.0500	\$ 35,000.00
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Seconded by Councilperson Doeringer and on roll call approved 7-0.

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#99-2015
A RESOLUTION TO TRANSFER \$150,000 OF VIDEO LOTTERY TERMINAL STATE COMPACT MONEY TO THE SIDEWALK RECONSTRUCTION RESERVE FUND TO ASSIST WITH THE COMPLETION OF THE TRANSPORTATION ALTERNATIVE PROGRAM (TAP) – HEALTHY SCHOOLS CORRIDOR SIDEWALK PROJECT

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia in 2014 received a Transportation Alternatives Program (TAP) Grant of \$720,657 to complete approximately 12,300 linear feet of sidewalk improvements along pedestrian routes to City schools; and

WHEREAS, the project requires a local cash match from the City of \$192,200; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 received state assistance (“VLT” compact money) as an eligible City in which a video lottery gaming facility is located, in the amount of \$440,789; and

WHEREAS, the City of Batavia has found it financially prudent to utilize VLT compact money for non-reoccurring expenses such as, but not limited to capital projects, capital equipment and debt service reduction; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer VLT compact money revenue of \$150,000 to the Sidewalk Reconstruction Reserve Fund to assist with the TAP Health Schools Corridor Sidewalk Project; and

BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Sidewalk Reconstruction Reserve Fund is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Well-Managed City and Stewards of the City’s Physical Assets strategic priorities.

Seconded by Councilperson Deleo and on roll call approved 7-0.

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#100-2015

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN AGREEMENT WITH THE COUNTY OF GENESEE, SCHOOL DISTRICT OF BATAVIA, GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AND BATAVIA DEVELOPMENT CORPORATION TO REPURPOSE A PORTION OF PAYMENT IN LIEU OF TAXES RECEIPTS TO CAPITALIZE A REINVESTMENT FUND TO BE UTILIZED TO OFFSET EXTRAORDINARY EXPENSES RELATED TO ECONOMIC DEVELOPMENT AND BROWNFIELD REDEVELOPMENT CONSISTENT WITH THE CITY’S BOA PLAN

Motion of Councilperson Doeringer

WHEREAS, the City of Batavia (hereinafter referred to as the “CITY”), the County of Genesee (hereinafter referred to as the “COUNTY”), the School District of Batavia (hereinafter referred to as the “SCHOOL”), the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (hereinafter referred to as the “AGENCY”) and the Batavia Development Corporation (hereinafter referred to as “CORPORATION”) want to facilitate the remediation, rehabilitation and redevelopment of real estate, targeting blighted and/or contaminated properties in the City, for use by private retail, commercial, mixed use residential and/or industrial businesses in order to promote and provide for additional and maximum employment opportunities, improved real estate conditions, expand the tax base, increase business activity and improve neighborhood vitality; and

WHEREAS, on June 9, 2014 the City Council of the City of Batavia accepted the BOA plan to advance and support the redevelopment of strategic sites in the BOA believing a catalytic area-wide reinvestment is necessary; and

WHEREAS, on April 9, 2015 the Secretary of State for the State of New York designated the City of Batavia’s BOA pursuant to the General Municipal Law, Article 18-C, Section 970-r (4) and (5), giving priority status for grants and additional potential Brownfield Cleanup Program tax credit incentives to spur economic development; and

WHEREAS, the 366 acre BOA includes underutilized, vacant and abandoned properties and brownfields that are located in a distressed area of the City that has confirmed or suspected environmental contamination and cause significant blight on the City's downtown urban core and surrounding neighborhoods; and

WHEREAS, two of the City's six census tracts qualify as "highly distressed area" as defined under Section 854(18) of the General Municipal Law in that they have (i) a poverty rate of at least 20% for the year, and (ii) an unemployment rate of at least 1.25% times the statewide unemployment rate per most recent data that further authorizes the AGENCY to consider inducing all retail, commercial and/or mixed-use projects in the City; and

WHEREAS, the SCHOOL reports over 53% of its student population qualifies for free or reduced priced meals per the National School Lunch Program (NSLP); and

WHEREAS, economic development projects are encouraged to dramatically improve the area including but not limited to the remediation and redevelopment of the contaminated property, elimination of blighting influence on the City's downtown area and desire to cause an increase in property values that will continue revitalization of downtown and support neighborhood stabilization; and

WHEREAS, the extraordinary expenses incurred for brownfield redevelopment pose an inhibiting threat to and prevent such projects from developing; therefore, public-private partnerships are necessary to motivate owners, investors and developers to begin new projects within the City that will improve conditions; and

WHEREAS, the CITY, COUNTY, SCHOOL, AGENCY and CORPORATION agree that focusing on targeted redevelopment of the City's BOA will result in elimination of blight, increase tax base, increase/retain employment within the City and cause overall positive economic benefit for the surrounding community; and

WHEREAS, through collective partnership and cooperation, the CITY, COUNTY, SCHOOL, AGENCY and CORPORATION are entering into this Agreement to repurpose a portion of the City, County and School Payment In Lieu Of Taxes receipts to capitalize a reinvestment fund to be utilized to offset extraordinary expenses related to economic development and brownfield redevelopment consistent with the City's BOA plan; and

WHEREAS, this is a local program in Genesee County to focus solely on brownfield redevelopment, adaptive re-use and infill projects; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia authorizes the City Council President to enter into the Batavia Pathway To Prosperity Capital And Reinvestment Fund (BP²) Agreement with the COUNTY, SCHOOL, AGENCY and CORPORATION.

Second by Councilperson Pacino and on roll call approved 7-0.

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#101-2015
A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY
COMMITTEES/ BOARDS

Motion of Councilperson Briggs

WHEREAS, certain vacancies exist on various City Committees/Boards.

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

Youth Board

David Twichell

December 31, 2018

Seconded by Councilperson Deleo and on roll call approved 7-0.

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Meeting adjourned at 7:40 PM.

Respectfully submitted,

Heidi J. Parker
Clerk-Treasurer