

CITY OF BATAVIA BUSINESS MINUTES OCTOBER 11, 2016

The regular business meeting of the City Council was held Tuesday, October 11, 2016 at 7:23 PM immediately following the Special Conference Meeting in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Pro Tem Viele presiding.

Present were Councilpersons Hawley, Pacino, Briggs, Canale, McGinnis, Viele, Tabelski and Christian.

Council President Pro Tem Viele called the meeting to order at 7:23 PM.

The minutes from the September meetings and the August financials were approved.

The Council President Pro Tem assigned the regular agenda items.

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Communications

None.

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Council President's Report

Council President Pro Tem Viele announced the next regular City Council Conference Meeting to be held on Monday, October 24, 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 they continued to work on a variety of matters including code enforcement, general litigation, real estate transfers, agreements and tax foreclosures.

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City Manager's Report

Mr. Molino noted that members of the steering committee for the comprehensive plan were in attendance to provide an update. Matt Gray, Duane Preston and Bob Knipe addressed the Council. They noted that Elan was the project consultant and had presented to Council on September 6, 2016. They noted that the last comprehensive plan was done in 1997 and this one kicked off in October 2015. They explained that a draft vision statement had been defined, three sets of goals were identified (sustainable, dynamic and prosperous), and the next step was to identify specific goals for each basket from information gathered from the public earlier.

Mr. Molino noted that the City had received a grant for \$66,500 for Operation Keep Our Homes, he was working with Mrs. Difante on this, and the purpose was trying to prevent homes from becoming vacant. He explained they were looking to hire a graduate assistant to collect data on vacant homes to be able to track that information. He noted it was a 2-year grant and a total of 76 municipalities had received funding. Councilperson Christian suggested sending a message to the state to reduce taxes so people could afford to stay in their homes.

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Committee Reports

None.

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Public Comments

John Roach, 116 Grandview Terrace, wanted to ask how the franchise agreement was coming with Empire for cable.

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Council Responses to Public Comments

Mr. Molino noted that the public service commission reviews the agreement so we were just waiting to hear from them.

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Unfinished Business

Councilperson Christian noted that the underpass on Ellicott St was crumbling and asked Mr. Molino to contact the railroad about fixing it.

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New Business

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#89-2016

A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO THE POLICE CAPITAL EQUIPMENT RESERVE FUND

Motion of Councilperson Christian

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, Police department equipment such as tazers and body cameras are in need of whole sale replacement and as technology regularly changes, making smaller annual investments are not necessarily the most cost effective option. In addition, having all police officers wearing similar and interchangeable equipment is preferred for law enforcement operations; and

WHEREAS, it is expected that next year, 2017/18, the department would like to outfit all officers with body cameras, as a result whole sale purchasing of the camera provides lower costs per unit, better warranty and additional accessories; and

WHEREAS, the City Council is desirous of transferring \$50,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for police equipment to assist with future equipment replacement and improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City.

Second by Councilperson Hawley and on roll call approved 8-0.

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#90-2016

**A RESOLUTION TRANSFERRING \$150,000 FROM ASSIGNED FUND BALANCE TO
THE FIRE CAPITAL EQUIPMENT RESERVE FUND**

Motion of Councilperson Briggs

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, the City of Batavia in 2012 replaced Engine 14 (22 years old) and in 2016 replaced Ladder 15 (23 years old) utilizing reserve funds; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has a fire engine/pumper (Engine 12) which is 14 years; and

WHEREAS, the department is in need of replacing its current self-contained breathing apparatus (SCBA) and as technology changes and having all firefighters wearing interchangeable equipment is ideal for firefighter operations. The City currently has 25 SCBA units; and

WHEREAS, within the next five years the City will be faced with replacing or refurbishing Engine 12 and 25 SCBA units; and

WHEREAS, the City Council is desirous of transferring \$150,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for fire equipment to assist with future equipment replacement and improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$150,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City.

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

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#91-2016

A RESOLUTION TRANSFERRING \$200,000 FROM ASSIGNED FUND BALANCE TO THE PUBLIC WORKS CAPITAL EQUIPMENT RESERVE FUND

Motion of Councilperson McGinnis

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2015 had assigned General Fund balance for funding various reserves; and

WHEREAS, since the development of the Equipment Replacement Plan (ERP) in 2011 the City has replaced 20 pieces public works equipment, valued at over \$2.5 million; and

WHEREAS, the City has made significant strides in improving the fleet over the past several years, however for the fiscal year ending March 31, 2016 the remaining fleet remains in poor shape, very old and is fully depreciated; and

WHEREAS, by 2021 the ERP outlines replacing two loaders, a single axle dump truck with plow and several additional light and medium duty pieces of equipment, estimated at over \$800,000. The average age of this equipment today is 22 years old; and

WHEREAS, the City Council is desirous of transferring \$200,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for public works equipment to assist with future equipment replacement and improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$200,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

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

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#92-2016

A RESOLUTION TRANSFERRING \$125,000 FROM ASSIGNED FUND BALANCE TO THE DWYER STADIUM REPAIR RESERVE FUND

Motion of Councilperson Hawley

WHEREAS, pursuant to General Municipal Law 6-d the City of Batavia has an established Dwyer Stadium Repair Reserve Fund; and

WHEREAS, the reserve fund was established for the purpose of replacing or making major repairs to capital improvements and equipment for Dwyer Stadium; and

WHEREAS, it has been nearly 20 years since major capital improvements have been made to Dwyer Stadium; and

WHEREAS, in 2015 a 5-year capital plan was developed with the current operator of the stadium and was adopted by City Council with the 2015/16 budget; and

WHEREAS, the most significant expenditure (over \$200,000) on the capital plan is a roof replacement for the main building and dugouts, and with consistent contributions to the Dwyer Stadium reserve fund, most of the improvements can be completed within the adopted capital plan

WHEREAS, the City Council is desirous of transferring \$125,000 of assigned General Fund balance to the Dwyer Stadium Repair Reserve Fund to make future repairs and improvements to Dwyer Stadium; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby transfer \$125,000 from assigned General Fund balance to the Dwyer Stadium Repair Reserve.

BE IT FURTHER RESOLVED, that the transfer of funds to the Dwyer Stadium Repair Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Steward of City's Physical Assets strategic priorities.

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

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#93-2016

A RESOLUTION TRANSFERRING \$400,000 FROM ASSIGNED FUND BALANCE TO THE PUBLIC FACILITIES CAPITAL RESERVE FUND

Motion of Councilperson Tabela

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Public Facilities Capital Reserve Fund for purposes of construction, re-construction, repair or replacement of public facilities; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, with any building, regular maintenance and capital improvements are necessary in order to preserve the functionality of a building and avoid significant or possible catastrophic repairs due to neglect and that consistent improvements to City facilities will be ongoing and reserve funds will be necessary to absorb any planned or emergency improvements in the future; and

WHEREAS, the City has conducted a space needs assessment of the Police Department and is currently reviewing options for an improved police station. While the City Council is yet to make a final determination for a renovation or replacement of the current Police facility, other City facilities remain in disrepair and are in need of improvements; and

WHEREAS, City staff has been working with City engineers to prepare a list of improvements for the Bureau of Maintenance and Fire Station. The capital plan for BOM and the Fire Station is still in being finalized however, once completed the improvements will then be incorporated into a capital plan along with other City facility improvements for future years and presented as part of the 2017/2018 budget; and

WHEREAS, in preparation of these upcoming expenditures City Council has committed funding to the Public Facilities Capital Reserve Fund over the past four years, and continuing with additional commitment of reserve funding will provide the City with greater financial capacity to handle future improvements; and

WHEREAS, the City Council is desirous of transferring \$400,000 of assigned General Fund balance to the Public Facilities Capital Reserve Fund to assist with future construction, replacement and improvements of public facilities; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$400,000 from the assigned General Fund balance to the Public Facilities Capital Reserve Fund.

BE IT FURTHER RESOLVED, that the transfer of funds to the Public Facilities Capital 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 City's Physical Assets strategic priorities.

Second by Councilperson McGinnis and on roll call approved 8-0.

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#94-2016

A RESOLUTION TRANSFERRING \$150,000 FROM ASSIGNED FUND BALANCE TO THE CAPITAL SIDEWALK RECONSTRUCTION RESERVE FUND

Motion of Councilperson Pacino

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Sidewalk Reconstruction Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has approximately 59,206 linear feet of sidewalk, or 15.3% of the City's sidewalk network, that needs to be replaced within the City limits estimated to cost approximately \$2.36 million; and

WHEREAS, in 2014 the City received a Transportation Alternatives Program (TAP) grant for \$720,657 to complete approximately 12,300 linear feet of sidewalk improvements along pedestrian routes to City schools and the grant requires a local match of \$240,000; and

WHEREAS, the City Council is desirous of transferring \$150,000 of assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund to assist with future replacement and improvements of City sidewalks; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$150,000 from the assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund.

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.

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

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#95-2016

A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO THE ADMINISTRATIVE SERVICES EQUIPMENT AND SOFTWARE RESERVE FUND

Motion of Councilperson Briggs

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Administrative Services Equipment and Software Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, in March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City's information technology and records management needs to include, but not limited to, replacing antiquated software utilized by the City, some more than 30 years old and operating on a Disk Operating System (DOS) platform; and

WHEREAS, the City is currently beginning a tax collection, utility billing and payroll upgrade of the existing system and in upcoming years will be looking to upgrade all financial software including accounts payable, accounts receivable and general ledger as well as code enforcement software; and

WHEREAS, considering these upgrades are similar to capital purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Administrative Services Equipment and Software Reserve Fund.

BE IT FURTHER RESOLVED, that the transfer of funds to the Administrative Services Equipment and Software Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

Second by Councilperson Hawley and on roll call approved 8-0.

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#96-2016

A RESOLUTION TRANSFERRING \$75,000 FROM ASSIGNED FUND BALANCE TO THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND

Motion of Councilperson Canale

WHEREAS, pursuant to General Municipal Law 6-p the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to an employee upon termination of the employee's service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 had assigned General Fund balance for funding various reserves; and

WHEREAS, since 2011 the City has paid out over \$800,000 in compensated absence pay outs due to over forty retirements/terminations; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has \$2.68 million of compensated absence liability; and

WHEREAS, the City Council is desirous of transferring \$75,000 of assigned General Fund balance to the Employee Benefit Accrued Liability Reserve Fund to assist with expenditures due to accrued employee benefits due to an employee upon termination of the employee's service; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$75,000 from the assigned General Fund balance to the Employee Benefit Accrued Liability Reserve Fund; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to the Employee Benefit Accrued Liability Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

Second by Councilperson McGinnis and on roll call approved 8-0.

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#97-2016

**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS
CITY COMMITTEES/ BOARDS**

Motion of Councilperson Hawley

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

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

Historic Preservation Commission

Ellen Schulte

December 31, 2017

Deer Management Committee

RaeAnn Engler

December 31, 2018

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

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#98-2016

**A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO SIGN
LEASE AGREEMENT WITH DENT NEUROLOGIC INSTITUTE**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia and Dent Neurologic Institute are desirous of entering into a Lease Agreement regarding operation of business at 35 City Centre, Batavia, New York; and

WHEREAS, the City Manager has negotiated an acceptable lease with Dent Neurologic Institute; and

WHEREAS, the City attorney has reviewed and approved the lease agreement and agrees this may continue for approval; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized to execute a lease agreement with Dent Neurologic for space at 35 City Centre, which has been reviewed and is satisfactory to the City Attorney's office.

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

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#99-2016

**A RESOLUTION TO SUBMIT A TRANSPORTATION ALTERNATIVES PROGRAM
GRANT AND TO PROVIDE A COST SHARE**

Motion of Councilperson Tabelski

WHEREAS, the New York State Department of Transportation is offering funding under the Transportation Alternatives Program (TAP) for alternative transportation projects; and

WHEREAS, the project to provide safe alternative transportation connections between United Memorial Medical Center, Batavia Downtown Corridor, Batavia school properties, NYS School for The Blind, and three public parks qualifies under the TAP funding program; and

WHEREAS, the City of Batavia’s Pedestrian Way Improvements project is a high priority for the City;

NOW THEREFORE, BE IT RESOLVED, the City Council enthusiastically supports the submission of the TAP grant application by the City Manager;

BE IT FURTHER RESOLVED, the City hereby commits to providing 25 percent of the costs to design and construct the Pedestrian Way Improvements Project.

Seconded by Councilperson Briggs and on roll call approved 7-1. Councilperson Christian voted no stating the reason because there was not one sidewalk in the 6th ward.

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#100-2016

A RESOLUTION FOR APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT FOR SLUDGE REMOVAL PROJECT

Motion of Councilperson Canale

WHEREAS, on May 24, 2016 the City of Batavia City Council awarded the contract to Environmental Solutions (US) Ltd. to remove alum sludge from one of the secondary ponds S-1 at the Wastewater Treatment Plant; and,

WHEREAS, the original contract price was \$1,290,700; and,

WHEREAS, it was determined that the contract award was \$800,000 under budget and a change order in the amount of \$400,000 would allow for additional removal of the alum sludge in the secondary ponds S-1; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Batavia that Change Order No. 1 to the contract with Environmental Solutions (US) Ltd. for alum sludge removal at the Wastewater Treatment Plant, in the amount of \$400,000, is hereby approved.

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

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#101-2016
A RESOLUTION TO SUPPORT THE TRANSFORMATIONAL
ELLICOTT STATION PHASE I REDEVELOPMENT PROPOSED IN THE
CITY OF BATAVIA BROWNFIELD OPPORTUNITY AREA

Motion of Councilperson Briggs

WHEREAS, the City of Batavia, in 2009, applied for and competed for a New York State Brownfield Opportunity Area (BOA) central business corridor planning grant from the New York State Department of State (DOS); and

WHEREAS, the City of Batavia, in 2012, was selected by DOS to receive a \$265,000 BOA planning grant for the City of Batavia central business corridor; and

WHEREAS, as part of the BOA planning process, the BOA Step 2: Nomination Plan provided an in-depth and thorough description of the central business corridor, including an economic and market trends analysis of existing conditions, opportunities, and reuse potential for properties located in the BOA with an emphasis on the identification and reuse potential of five strategic sites in Batavia that are considered catalysts for City-wide revitalization; and

WHEREAS, the City Council of the City of Batavia adopted the proposed BOA central business corridor plan in June 2014 and thereafter, the City of Batavia received designated BOA status for the central business corridor by the DOS in April 2015; and

WHEREAS, the City of Batavia has, by resolution, tasked the Batavia Development Corporation to implement the BOA plan; and

WHEREAS, both the City of Batavia and the Batavia Development Corporation have vigorously pursued implementation of the BOA plan and taken several actions to acquire BOA strategic sites to implement the BOA plan, eliminate blight, and encourage private investment and job creation; and

WHEREAS, related thereto, the City of Batavia obtained an in rem default foreclosure judgement on one of the BOA strategic sites located at 40-52 Ellicott Street (the “BOA Property”) and conveyed the BOA Property to the Batavia Development Corporation for purposes of implementing the BOA plan; and

WHEREAS, the Batavia Development Corporation, confirmed the presence of contamination potentially adversely affecting the public health at the BOA Property; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) Brownfield Cleanup Program (BCP) provides owners of contaminated real property, who enroll

such a property into the BCP, with certain liability protections and tax credits in return for remediating such a site under the supervision of the DEC; and

WHEREAS, to better position the BOA Property for re-use and new investment, to fast-track remediation and redevelopment of the BOA Property, and to eliminate the environmental unknowns associated with the BOA Property while securing liability relief and tax credits for future environmental remediation, the Batavia Development Corporation proactively applied for the BOA Property to be accepted into the BCP; and

WHEREAS, the DEC accepted the BOA Property into the BCP in June of 2015; and

WHEREAS, immediately upon acceptance of the BOA Property into the BCP, the Batavia Development Corporation broadly advertised for its redevelopment through a formal Request for Proposal (RFP) process and hosted tours of the site; and

WHEREAS, Savarino Companies submitted a \$17MM redevelopment plan and proforma for the BOA Property in alignment with the BOA central business corridor plan and RFP requirements for the BOA Property consisting of a mixed-use commercial and residential project that will remediate legacy environmental contamination and protect public health and that is anticipated to create upwards of 145 temporary jobs and approximately 160 permanent jobs, introduce quality downtown housing, employ people from the high poverty neighborhoods, and secure high quality tenants (the “Ellicott Station Project”); and

WHEREAS, the Batavia Development Corporation selected Savarino Companies as the preferred developer for the BOA Property based on its demonstrated brownfield clean-up experience, recognition for quality adaptive re-use projects, and new construction success, in addition to, proven unique workforce development initiatives recruiting and training unemployed workers from highly distressed neighborhoods; and

WHEREAS, the data obtained from and planning associated with the BOA central business corridor plan and planning effort as paid for by the DOS BOA grant were required and essential elements to the City of Batavia and the Batavia Development Corporation efforts to initiate brownfield remediation and redevelopment efforts within the City of Batavia; and

WHEREAS, the City of Batavia is on the cusp of successfully implementing the Ellicott Station Project, being the City of Batavia’s first BOA project, on one of the strategic sites located within the BOA central business corridor plan – the BOA Property, as described above; and

WHEREAS, to ensure successful implementation of the BOA central business corridor plan and, as equally important, to ensure the successful remediation and redevelopment of the BOA Property and the Ellicott Station Project, the City Manager of the City of Batavia, the Executive Director of the Batavia Development Corporation, and principals from Savarino Companies met with Empire State Development (ESD) leadership in October 2015 to identify financial assistance that could be available for the BOA Property; and

WHEREAS, ESD’s recommended approach was to phase the Ellicott Station Project in order to better compete for, and apply for, a “Consolidated Funding Application (CFA)” to New York State to access an Empire State Development Capital Grant for purposes of providing financial assistance to the Ellicott Station Project that will ensure the City of Batavia is able to implement the first remediation and redevelopment of a strategic site located within the City of Batavia BOA central business corridor plan; and

WHEREAS, prior to CFA submission, in a local effort to generate funds to support public infrastructure improvements and extraordinary redevelopment costs required for successful implementation of strategic site redevelopment within the City of Batavia BOA central business corridor plan, the City of Batavia, the City of Batavia Central School District, and the County of Genesee (collectively, the “Taxing Jurisdictions”) agreed to pool resources creating the “*Batavia Pathway to Prosperity*”, which is a local PILOT increment financing (PIF) program created through an inter-municipal agreement between the Taxing Jurisdictions, the Batavia Development Corporation and the Genesee County Economic Development Center (GCEDC) established to invest PIF funds into the City’s BOA central business corridor plan district, the County’s most distressed area, representing the first program of its kind in New York State where all local taxing jurisdictions are participating in such an effort to implement a BOA plan; and

WHEREAS, in June of 2016, the City of Batavia and its *Pathway to Prosperity* partners applied for Governor Cuomo’s \$10MM Downtown Revitalization Initiative featuring the Ellicott Station Project and the redevelopment of the BOA Property and although becoming a regional finalist for this award, the City of Batavia as the second largest City in the Region was not awarded the \$10MM funds; and

WHEREAS, in July 2016, the Batavia Development Corporation submitted CFA Application #67491 Ellicott Station Project 2016 and an Anti-Poverty Statement to the Finger Lakes Regional Economic Development Council (the “REDC”) identifying, in accordance with ESD’s recommended phasing approach, the Ellicott Station Project Phase I as a downtown \$7.8MM BOA community development project that involves remediation, adaptive reuse and new construction at the BOA Property requesting a minimum ESD Capital grant of \$1.9MM; and

WHEREAS, the REDC has recognized Ellicott Station as having a regional impact and listed it as a “Five-year Pipeline Initiative” within its 2016 Progress Report & Recommended Priority Projects; and

WHEREAS, the City of Batavia, in October 2016 also applied to ESD on behalf of the Ellicott Station Project, to the Restore NY program for a \$500K grant designed to revitalize urban centers, induce commercial investment and improve the municipal housing stock; and

WHEREAS, the DOS BOA planning commitment and funding related thereto was the catalyst behind all of the aforementioned activities that, as of today, have resulted in the imminent remediation of a public health hazard and associated approximately \$17MM redevelopment and adaptive reuse of a blighted BOA strategic site in the City of Batavia; and

WHEREAS, beyond the use of BOA planning grant money, and to obtain the return on the DOS BOA planning grant money investment, redevelopment of BOA strategic sites within the City of Batavia requires creative commitments of additional funding to be obtained by use of PIF, CFA, and Restore NY, all as described herein; and

WHEREAS, the CFA capital grant as well as the Restore NY grant, totaling approximately \$2.4MM are necessary to advance the Phase I component of the Ellicott Station Project and will be matched by substantial private equity investment and significant local resources through the *Batavia Pathway to Prosperity* program; and

WHEREAS, the City of Batavia, the Batavia Development Corporation, the *Batavia Pathway to Prosperity* partners, and more importantly, the residents of the City of Batavia, have spent seven years, since 2009, implementing the BOA planning process, establishing a community based BOA plan through significant public input, believing that the BOA planning effort would be more than just a plan, and have backed up their “more than just a plan” expectations by committing over seven years of City of Batavia and Batavia Development Corporation staff time and funding to finally make redevelopment and investment happen in the City of Batavia; and

WHEREAS, the City of Batavia City Council commends the residents of the City of Batavia for their on-going seven year commitment to the successful implementation of the DOS BOA plan and to recognize the tireless efforts of the Batavia Development Corporation and its *Batavia Pathway to Prosperity* partners and their seven year commitment and effort to comply with the DOS BOA planning initiative and to bring the DOS BOA plan to life by bringing about private investment and BOA strategic site remediation and redevelopment; and

WHEREAS, the City of Batavia City Council desires to encourage Empire State Development to award the CFA Grant and Restore NY Grant for the Phase I component of the Ellicott Station Project, said funds being critical to implementing, and to be combined with Savarino Company funds and *Batavia Pathway to Prosperity* funds, to implement and undertake, the DOS BOA plan and the Phase I component of the Ellicott Station Project; and

NOW THEREFORE, LET IT BE RESOLVED, that the City of Batavia City Council applauds the DOS BOA effort to date and recognizes that implementation of the DOS BOA plan is threatened and will not otherwise occur unless certain CFA-Empire State Development and Restore NY grants can be obtained to be used as match money to implement the Ellicott Station Project; and

BE IT FURTHER RESOLVED, that the City of Batavia City Council encourages New York State agencies, collectively, to partner with the City of Batavia and its Taxing Jurisdictions to consider the Ellicott Station Phase I Project as a transformational initiative in the Finger Lakes Region that will:

- Decisively and finally assist in implementing the DOS sponsored City of Batavia BOA initiatives, thereby leveraging significant local and private investment, and over seven years of planning and strategizing efforts, to protect the public health and create new jobs and new investment

- Facilitate an extraordinary multi-million dollar investment into a City of Batavia census tract having more than 30% of its residents living in poverty and nearly 7% unemployed
- Create critical mass and propel revitalization of the City’s historic mixed-use downtown, a commercial district with three State Routes intersecting experiencing more than 35,000 vehicles per day as a regional hub for commerce and services
- Complement significant public and private downtown investments nearby at Tompkins/Bank of Castile headquarters, Masonic Lodge rehabilitation, Carr’s Warehouse adaptive reuse and soon underway, renovations to the former Newberry building; and

BE IT FURTHER RESOLVED, that the City of Batavia City Council respectfully requests ESD and REDC to award the CFA Grant and Restore NY Grant for the Phase I component of the Ellicott Station Project to ensure the already expended DOS BOA planning grant money can be fully leveraged to bring about the vision, the environmental remediation, the private sector investment, and the new job creation as proposed and expected to be created by, the DOS BOA plan.

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

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#102-2016

**A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO SIGN
A DEMOLITION REIMBURSEMENT AGREEMENT WITH WELLS FARGO**

Motion of Councilperson Pacino

WHEREAS, the City of Batavia and Wells Fargo are desirous of entering into a Code Enforcement and Building Demolition Agreement for 23 Columbia Avenue, (SBL# 84.043-1-35) in the City in Batavia, New York; and

WHEREAS, the residential structure on the property consists of a single family dwelling and the structure is an unsafe structure under Batavia Municipal Code (“BMC”) Section 55-2 and New York State Property Maintenance Code (“PMC”) Sections 107.1.2 and 107.1.3; and

WHEREAS, The City, through duly authorized New York State Code Enforcement Official (“CEO”), has inspected the structure and on April 23, 2015 issued a Notice of Unsafe Building and condemnation Order under BMC Section 55-5(C) and PMC Section 107.1.2 and 107.1.3, and the Notice requires the structure to be demolished within thirty (30) days; and

WHEREAS, Section 55-5(C)(3) of the BMC provides that a mortgagee or other party with interest in the property may perform the demolition upon receipt of the Notice within thirty (30) days; and

WHEREAS, the City Manager has negotiated an acceptable reimbursement agreement with Wells Fargo; and

WHEREAS, the City Attorney has reviewed and approved the reimbursement agreement;
and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized to execute a reimbursement agreement with Wells Fargo.

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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 Councilperson Briggs and on roll call approved 8-0.

* * *

Meeting adjourned at 7:53 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**