

**CITY OF BATAVIA
SPECIAL BUSINESS MINUTES
JUNE 10, 2017**

The special business meeting of the City Council was held Monday, June 10, 2017 at 8:15 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, McGinnis, Canale, Bialkowski, Viele and Christian. Councilperson Tabelski was absent.

Council President Jankowski called the meeting to order at 8:15 PM immediately following the conference meeting.

The Council President assigned the regular agenda items.

* * *

#79-2017

**A RESOLUTION ESTABLISHING THE CITY OF BATAVIA’S INTENT TO SERVE AS
LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
 (“SEQR”) FOR THE DRAFT COMPREHENSIVE PLAN FOR THE CITY OF
BATAVIA, NEW YORK**

Motion of Councilperson Canale

WHEREAS, the City of Batavia has proposed a Draft Comprehensive Plan that was prepared with the assistance of Elan Planning & Design; and

WHEREAS, the City Council is authorized to adopt the Comprehensive Plan as a Comprehensive Plan, pursuant to General City Law §28-a; and

WHEREAS, the Genesee County Planning Board must review the Action, pursuant to General Municipal Law §239-m; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), and regulations adopted to implement SEQRA, the City must undertake an environmental review of the proposed action (“Action”) consisting of adoption of the Comprehensive Plan; and

WHEREAS, adoption of the Comprehensive Plan is a Type I action as defined by SEQRA, pursuant to 6 N.Y.C.R.R. §617.4(b)(1); and

WHEREAS, the New York State Energy and Development Authority is involved agency with regard to the Action;

NOW, THEREFORE, IT IS RESOLVED, the City Council has determined that the Action is a Type I action; and it is further

RESOLVED, that the City will undertake coordinated review of the Action and announces its intent to serve as Lead Agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b)(3); and it is further

RESOLVED, that the City has caused a full Environmental Assessment Form (“EAF”) for the Action to be prepared by Elan Planning & Design to evaluate the significance of potential environmental impact of the Action, which the City Council hereby accepts; and it is further

RESOLVED, that the City shall furnish the New York State Energy and Development Authority with a copy of the EAF and notify them of its intent to be designated as lead agency for the SEQRA review of the Action, and give them thirty (30) calendar days to consent to or object to that designation or they will be deemed to consent to that designation.

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

* * *

#80-2017
A RESOLUTION TO SCHEDULE A PUBLIC HEARING
FOR THE COMPREHENSIVE PLAN

Motion of Councilperson Christian

WHEREAS, the City of Batavia’s Comprehensive Plan Steering Committee has developed a Comprehensive Plan to guide the City’s development into the 21st century; and

WHEREAS, several public meetings were held to hear comments on each section of the Comprehensive Plan; and

WHEREAS, copies of the draft Comprehensive Plan are in the City Manager’s Office at City Hall, One Batavia City Centre, Batavia, New York.

NOW, THEREFORE, BE IT RESOLVED, that the City Council shall hold a public hearing on the proposed Comprehensive Plan to be held at City Hall, Council Board Room, One Batavia City Centre at 7:00 P.M. on August 14, 2017; and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least three days prior thereto.

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

* * *

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..."; and

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...".

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation...".

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 Christian and on roll call approved 8-0.

* * *

Meeting adjourned at 8:18 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**