

BATAVIA CITY COUNCIL SPECIAL CONFERENCE MEETING

City Hall - Council Board Room One Batavia City Centre Monday, June 13, 2022 at 7:00 p.m.

AGENDA

- I. Call to Order
- II. Invocation Councilmember Canale
- III. Pledge of Allegiance
- IV. K-9 Committed Fund Balance ***
- V. Regulating Animals in The City of Batavia ***
- VI. Budget Amendment Resolution ***
- VII. Adjournment

***Move to Tonight's Business Agenda



Phone: 585-345-6313

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Fax: 585-343-9221



Memorandum

To: Rachael Tabelski, City Manager

From: Lisa Neary, Deputy Director of Finance

Date: June 2, 2022

Subject: K-9 Committed Fund Balance

On August 12, 2019, City council authorized the City to establish a K-9 program including allowing for the receipt of donations and aid to fund the program. In June of 2020, Council agreed at the recommendation of the City's audit firm, to create a K-9 program Committed Fund Balance to keep donations received for the program, net of expenses, in a separate fund to be used solely for funding the program.

For the fiscal year ending 3/31/22, the City received \$12,813.42 in donations and expensed \$2,781.24 in the K-9 program, thus there is excess donations of \$10,032.18 to be added to of the K-9 Committed Fund Balance. The balance of the K-9 Committed Fund Balance at 3/31/21 was \$4,092.03; therefore the K-9 Committed Fund Balance will have a balance of \$14,124.21 at 3/31/22.

Attached please find a resolution supporting this action. This would be effective March 31, 2022. I'm available at any time if you have any questions.

- 2022

A RESOLUTION TO AUTHORIZE THE USE OF K-9 COMMITTED FUND BALANCE

Motion of Councilmember

WHEREAS, the Council for the City of Batavia authorized on August 12, 2019 the establishment of a Police Department K-9 program and authorized the receiving of donations and aid in funding the program; and

WHEREAS, the City of Batavia received \$12,813.42 in donations for the K-9 program in the fiscal year ending 3/31/2022; and

WHEREAS, the City of Batavia had \$2,781.24 in expenses for the K-9 program in the fiscal year ending 3/31/2022; and

WHEREAS, the K-9 Committed Fund balance had a balance at 3/31/21 of \$4,092.03.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, effective 3/31/22, does authorize increasing the K-9 committed fund balance by the excess donations of \$10,032.18 (\$12,813.42 less \$2,781.24) for future use in running the K-9 program.

Seconded by Councilmember and on roll call





Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: May 31, 2022

Subject: Restriction on Animals and Fowl – Local Law

In response to the request from City Council to research potential restrictions on animals and fowl in the City of Batavia I am submitting a resolution that would add restriction in §190-42 Miscellaneous Regulations of the City of Batavia Municipal Code.

After researching other City's restrictions and regulations, I believe that regulating animals is a common practice in cities. City's by their nature have property that is in close proximity and by limiting animals in neighborhoods we may reduce some neighbor issues and complaints to the Police Department.

The City's of Geneva, Canandaigua, Jamestown, Elmira and Lockport all have code restrictions on animals in a variety of forms. With help from the Code Enforcement Office and the City Attorney attached is the proposed restrictions to animals for City Council to consider.

As written the regulations would restrict persons from owning bringing into, possessing, keeping, harboring or feeding farm animals, cloven hoofed animals, equine, or fowl (ducks, turkey, geese) including but not limited to cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's, mules or any other farm animal or wild animal within the City limits.

With the following exceptions:

- 1. Chickens may be kept as long that they penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
- 2. Harborage, including transport to and from race tracks and all associated grounds.
- 3. Special events with the approval of an event application.
- 4. Animals in transit through the City.

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5. Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.

As New York Consolidated Laws, General City Law - GCL § 27 provides City Council with the authority to refer matters to the Planning and Development Committee, I recommend that Council refer this proposed local law change to the City of Batavia Planning and Development Committee for review and recommendation at tonight's Business meeting.

#-2022

A RESOLUTION REFERRING THE PROPOSED RESTRICTIONS ON ANIMAL AND FOWL, AN ADDITION TO § 190-42 MISCELLANEOUS REGULATIONS OF THE CITY OF BATAVIA MUNICIPAL CODE

Motion of Councilmember

WHEREAS, the City Council is desirous of reviewing the Batavia Municipal Code, Section §190-42 Miscellaneous Regulations; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law - GCL § 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby request that the City Planning and Development Committee review restriction on animals and fowl, § 190-42 Miscellaneous Regulations of the City of Batavia Municipal Code.

Seconded by Councilmember and on roll call



City of Batavia Department of Public Works Bureau of Inspections

One Batavia City Centre, Batavia, New York 14020

(585)-345-6345

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§ 190-42 Miscellaneous regulations.

- A. Rear dwelling. No building in the rear of a principal building on the same lot shall be used for residence purposes, except that an accessory building may house domestic employees of the occupants of the principal building.
- <u>B.</u> Location of certain activities. Other provisions of this chapter notwithstanding, the following uses or activities shall not be permitted within 200 feet of any residential district:
- (1) Garage or shop for painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise or fumes or odors.
- (2) Junkyard, animal hospital, kennel or place for the boarding of animals.
- <u>C.</u> Access of business, commercial, or industrial use. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residential district for the servicing of a commercial or industrial use located in a commercial or industrial district, except with special permission of the City Planning Board.
- D. More than one building on a lot. When there is more than one principal building on a lot in any district, the space between such buildings shall be no less than the sum of the side yards required, or the sum of the rear and the front yards, as the case may be and minimum lot area requirements shall apply to each structure.
- E. Mobile homes. The use of a mobile home for dwelling purposes in any district over 48 hours, whether on wheels or otherwise supported, is prohibited except as provided herein. Upon application, the Code Enforcement Officer may issue a temporary permit for the use of a mobile home for dwelling purposes for a period not to exceed two months in any twelvementh period, or issue a permit for a period of 12 months, which shall not be renewed, for the occupancy of a mobile home during construction of a permanent dwelling for the occupant.
- <u>F.</u> Parking lots. Parking lots may be allowed in Residential R-2 and R-3 Districts upon compliance with the following conditions and procedures:
- (1) Application for a parking lot in an R-2 or R-3 District shall be made to the Code Enforcement Officer and the application shall be accompanied by a fee as set by resolution of the City Council. It shall be reviewed by the Code Enforcement Officer and forwarded by him or her within 30 days to the Planning Board for its consideration. If the application is thereafter

approved, the Planning Board shall note its approval on the application and return it to the Code Enforcement Officer who shall then issue a permit and upon the completion of all the conditions required, the Code Enforcement Officer shall issue a certificate of compliance. [Amended 4-22-1991; 3-13-1995; 6-25-2001 by L.L. No. 1-2001]

- (2) The lot shall be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm submitting an application as aforesaid, and such person or firm shall be responsible for the maintenance of the lot and ensuring compliance with the provisions hereof.
- (3) No charge shall be made for parking on the lot.
- (4) The lot shall not be used for sales, repair work or servicing of any kind.
- (5) Entrance to or exit from the lot shall be located so as to do the least harm to the residential district and reasonable time limits for the use of such lot may be established.
- (6) No advertising sign or material shall be located on the lot.
- (7) All parking shall be back of the front yard as defined in this chapter, and no motor vehicles shall be parked within 10 feet of any property line.
- (8) The parking area shall have a fence at least six feet high around the perimeter of the lot, and curbs with bumper tire barriers shall be installed at all parking spaces.
- (9) All lighting shall be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a residential district.
- (10) The surface of the parking area and the approaches and exits thereto shall be composed of at least two inches of stone treated with asphaltic road oil or such other surfacing as may be required by the Planning Board and shall be smoothly graded and adequately drained.
- (11) The Planning Board may require such other conditions as may be deemed necessary to safeguard the health, safety and general welfare of the public and to minimize possible detrimental effects of the parking lot on adjacent property. Editor's Note: Original Subsection 12, amended 3-13-1995, which immediately followed this section, was repealed 10-14-1997.
- <u>G.</u> Landscaping regulations.
- (1) Landscaping consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans submitted and approved by the Planning Board. Buffer planting as defined in this chapter shall include an area of at least 10 feet in depth provided along the side and rear property lines of all commercial and industrial districts or uses including parking lots permitted in Subsection F of this section, so as to provide protection to adjacent properties where such lot lines abut Residential Districts or uses.

- (2) In addition to such buffer planting, the owner of the commercial or industrial property shall erect on the buffer area a fence six feet in height for the purpose of protecting the residential property from litter, debris and light glare and such other nuisances that would disturb peaceful possession.
- (3) Such fence shall contain no more than 25% open space. The responsibility for maintenance of the commercial or industrial property referred to herein shall be the shared responsibility of the owners of the property and any other tenants who may be in possession thereof.
- (4) Such fencing referred to above shall be located only as shown on the site plan approved by the Planning Board.

H. Restriction on Animals and Fowl.

- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese), or feral cats within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limit.

Exceptions:

- (a) Chickens may be kept as long that they penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
- (b) Harborage, including transport to and from race tracks and all associated grounds.
- (c) Special events with the approval of an event application.
- (d) Animals in transit through the City.
- (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.

D. No person shall permit an accumulation of animal and/or fowl feces on any property resulting in a foul odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition and may facilitate the spread of disease or which endangers the public comfort and repose.

#-2022

A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS FOR 2021/2022 FISCAL YEAR

Motion of Councilmember

WHEREAS, in order to close out the 2021-2022 fiscal year budget certain budget transfers and amendments need to be made:

WHEREAS, the City of Batavia experienced expenses over budget in General Fund areas including legal, community and economic development, clerk-treasurer, assessment, information services and engineering services in the 21/22 fiscal year; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the City Manager to utilize contingency as shown below; and

BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments:

Effective March 31, 2022 amend the 2021-22 budget by increasing expenditure accounts:

A.01.1420 437	Legal Professional Fees	\$ 6,513.81
A.01.6460 400	Community Dev Other Expense	\$ 11,140.59
A.01.6460 423	Community Dev Contract Srvc	\$ 2,953.40
A.01.6989 400	Economic Dev Other Expense	\$ 45,215.82
A.02.1325 400	Clerk-Treasurer Other Expense	\$ 4,790.48
A.02.1355 430	Assessment Supplies	\$ 803.67
A.02.1680 423	Information Services – Contract Services	\$ 13,801.59
A.03.1440 437	Engineering Professional Fees	\$ 6,928.98

by decreasing expense account:

001.1990.0500.0000 General Fund Contingency \$ 92,148.34

Seconded by Councilmember and on roll call

#-2022

A RESOLUTION TO DECLARE LEAD AGENCY STATUS FOR THE JACKSON STREET WATER PROJECT

Motion of Councilmember

WHEREAS, the City of Batavia is undertaking a CDBG Project No. 82PW9421-01 (Batavia Jackson Street Improvements Project); and

WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council of the City of Batavia will serve as Lead Agency to conduct an environmental review of the proposed watermain improvements along Jackson Street between Ellicott Street and Chestnut Street; and

WHEREAS, The proposed project involves the replacement of existing 4-inch and 6-inch diameter waterlines with approximately 2,400 linear feet of 8-inch diameter waterlines and three fire hydrants and the installation of four additional fire hydrants.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia will serve as Lead agency for the Jackson Street Water Project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia has determined that the proposed action is an Unlisted Action as defined under SEQR; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia, with assistance from LaBella Associated DPC, will notify the Involved Agencies of its intent to act as Lead Agency for this project and will provide them with a copy of the completed Part 1 of the Short Environmental From for review during the 30-day comment period.

Second by Councilmember and on roll call

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

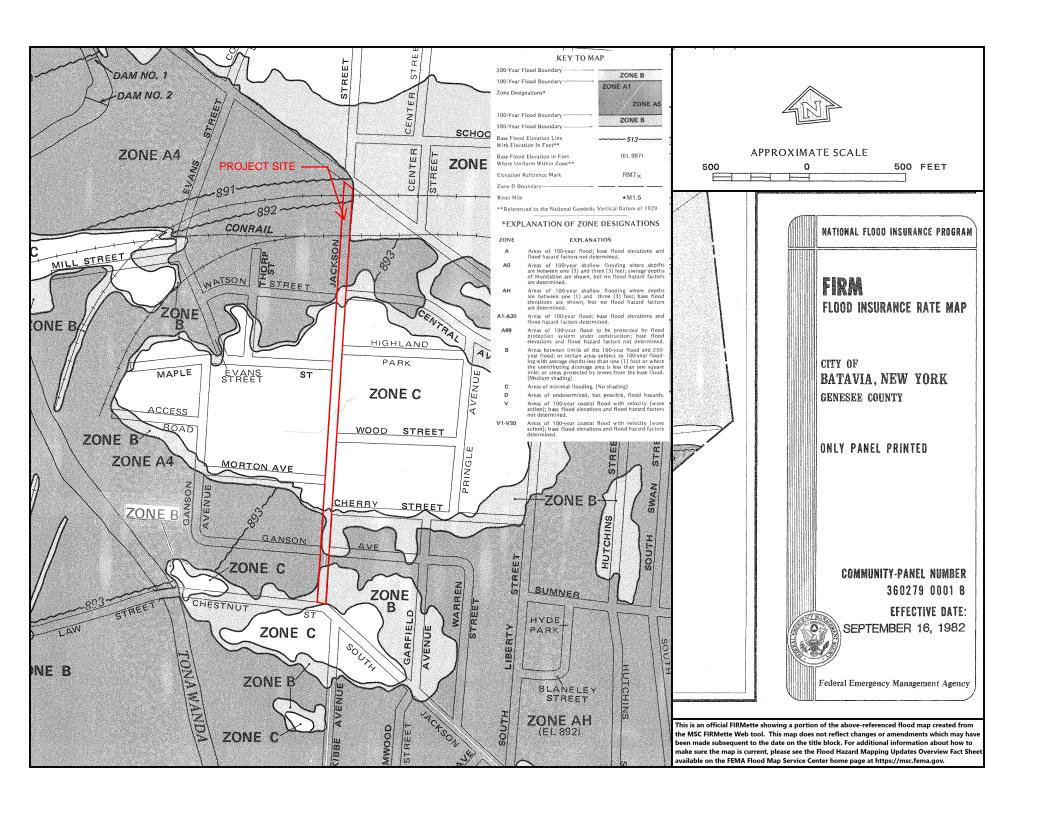
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Jackson Street Water System Improvements				
Project Location (describe, and attach a location map):				
Jackson Street (from Ellicott Street to Chestnut Street), Batavia, NY				
Brief Description of Proposed Action:				
The City of Batavia proposes to complete watermain improvements along Jackson Street bet project involves the replacement of existing 4-inch and 6-inch diameter waterlines with approand three fire hydrants and the installation of four additional fire hydrants. The project will approximately Renewal (OCR).	eximately 2,400 linear feet of 8	8-inch diameter waterlines		
Name of Applicant or Sponsor:	Telephone: (585) 345-6300			
City of Batavia, Rachael Tabelski	E-Mail: rtabelski@batavianewyork.com			
Address:				
One Batavia City Center				
City/PO: State:		Zip Code:		
Batavia	NY	14020		
1. Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation?	al law, ordinance,	NO YES		
If Yes, attach a narrative description of the intent of the proposed action and the e	environmental resources th	nat 🔽 🗀		
may be affected in the municipality and proceed to Part 2. If no, continue to ques				
		NO YES		
If Yes, list agency(s) name and permit or approval: NYSDEC, NYSDOH, NYSOCR, SHPO (consultation), THPO (consultation)				
 a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 	+/-0.3 acres +/-0.3 acres N/A acres (Road and	I right-of-way)		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban Rural (non-agriculture) Industrial Commercia	al 🗹 Residential (subu	rban)		
Forest Agriculture Aquatic Other(Spec	cify):			
Parkland				

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5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?		'	
	b. Consistent with the adopted comprehensive plan?		✓	
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
0.	is the proposed action consistent with the predominant character of the existing built of natural fandscape:			/
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	es, identify:		\	
				ш
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	b. Are public transportation services available at or near the site of the proposed action?		V	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			✓
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If th	e proposed action will exceed requirements, describe design features and technologies:			~
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			~
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment:			
The p	The proposed project does not involve wastewater treatment.		'	
	12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district		NO	YES
Con	which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the			~
23 Ja buildii	State Register of Historic Places? 23 Jackson Street - Eligible commercial building (adjacent to the right-of-way); 113 & 123-125 Jackson Street - Eligible residential buildings (adjacent to the right-of-way) b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			~
	13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO 🗸	YES
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		V	
If Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional		
☐ Wetland		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?		
16. Is the project site located in the 100-year flood plan?	NO	YES
		✓
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		YES
a. Will storm water discharges flow to adjacent properties?		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	~	
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
11 Tes, explain the purpose and size of the impoundment.	'	
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:	✓	
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
Brownfield Cleanup Program No. C819023 located at 56-70 Ellicott Street (adjacent west). Petroleum contamination has been documented in soil and groundwater. USTs are present and require removal. An approved interim remedial measures work plan for removal of contaminated soils and USTs began in November 2021 and will continue through Spring 2022.		~
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: City of Batavia (Rachael Tabelski) Date:		
Signature:Title: City Manager		



FORM 2-3A CERTIFICATION OF SEQRA CLASSIFICATION

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