



BATAVIA CITY COUNCIL SPECIAL BUSINESS MEETING

Monday, September 26, 2022
Council Board Room at City Hall
(Following the Conference Meeting)

AGENDA

- I. Call to Order
- II. New Business
 - #82-2022 A Resolution To Increase The Fee For Bulk Septage Haulers
 - #83-2022 A Resolution Of The City Council Of The City Of Batavia Authorizing The Execution Of An Agreement For Architecture And Engineering For The Downtown Revitalization Initiative Project Jackson Square
 - #84-2022 Resolution To Authorize Acquisition Of National Grid Lights In The City Of Batavia Through The Execution Of A Purchase And Sale Agreement And Attachment Agreement
 - #85-2022 A Resolution To Declare SEQR Type II Action For Sale And Subsequent Replacement Of Street Lighting Facilities Within The City Of Batavia
 - #86-2022 A Resolution To Submit An Application For The Round 6 Re-Store NY Communities Initiative Municipal Grant Program
 - #87-2022 A Resolution To Support An Application For The Round 6 Restore NY Communities Initiatives Municipal Grant Program
- III. Executive Session...Employment Matters and Real Estate
- IV. Adjournment

#82-2022

A RESOLUTION TO INCREASE THE FEE FOR BULK SEPTAGE HAULERS

Motion of Councilmember

WHEREAS, The City of Batavia currently accepts waste from bulk septage haulers at the rate of \$0.04 per 1,000 gallons; and

WHEREAS, This is higher concentrated waste, this fee does not cover the treatment cost; and

WHEREAS, The City bases its charge on the septage haulers full tank capacity; and

WHEREAS, The rate should be increased to \$0.15 per 1,000 gallons;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to increase the rate of bulk waste hauled to the Wastewater Treatment Plant to \$0.15 per 1,000 gallons.

**Seconded by Councilmember
And on the roll call**

#83-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR ARCHITECTURE
AND ENGINEERING FOR THE DOWNTOWN REVITALIZATION INITIATIVE
PROJECT JACKSON SQUARE**

Motion of Councilmember

WHEREAS, the City of Batavia was awarded \$750,000 to complete an enhancement project at Jackson Square; and

WHEREAS, the City of Batavia would like to engage Architecture Unlimited LLC. to “re-engineer” the project after the project came in over bid twice with a previous architectural firm; and

WHEREAS, Architecture Unlimited is licensed architectural professional services firm that has completed projects on behalf of the City in the past including the Mall Roof I, Mall Roof II, the Police Roof, and is currently engaged with the City as the owner’s representative for the new police station; and

WHEREAS, specifically Architecture Unlimited, LLC. will seek to modify the scope and reduce the complexity of the original project to meet the City’s goals for the DRI construction project; and

WHEREAS, Architecture Unlimited, LLC. will create new construction documents based on the redesign effort for a new bidding initiative and provide construction administration services during construction; and

WHEREAS, the total contract to Architectural Unlimited, LLC. is \$87,400.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorizes the City Council President to execute an agreement for architectural and engineering services for Jackson Square with Architecture Unlimited, LLC.

**Seconded by Councilmember
and on the roll call**

#84-2022

**RESOLUTION TO AUTHORIZE ACQUISITION OF NATIONAL GRID LIGHTS IN
THE CITY OF BATAVIA THROUGH THE EXECUTION OF A PURCHASE AND SALE
AGREEMENT AND ATTACHMENT AGREEMENT**

Motion of Councilmember

WHEREAS, the City of Batavia is desirous to upgrade the lighting quality in the City of Batavia and is taking steps to replace all City owned street lights with LED (LED Phase I); and

WHEREAS, National Grid owns 948 street lights within the City, primarily in residential neighborhoods; and

WHEREAS, the City has the option to buy back or acquire the street lights from National Grid for approximately \$226,038 and work with the New York Power Authority to complete a full LED Street Light Conversion (LED Phase II); and

WHEREAS, by purchasing the lights from National Grid the City will own and maintain the lights, continue to pay National Grid for electric and delivery, but not operations and maintenance; and

WHEREAS, under the terms of the Purchase and Sale Agreement National Grid will agree to transfer ownership of the street lighting facilities, including luminaries, lamps, mast arms, the associated wiring, electrical connections and appurtenances, used to provide municipal lighting service to the City of Batavia; and

WHEREAS, until final closing National Grid is obligated and committed to ensuring safe and effective operation of the street lighting system until the sale transaction is complete, which includes the Company incurring on-going capital costs to maintain the system as well as address emergent issues as needed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia authorizes the City Council President to sign a Purchase and Sale Agreement (PSA) and an Attachment Agreement for the purchase of National Grid Street Lights in the City of Batavia.

**Second by Councilmember
and on roll call**

#85-2022

**A RESOLUTION TO DECLARE SEQR TYPE II ACTION FOR SALE AND
SUBSEQUENT REPLACEMENT OF STREET LIGHTING FACILITIES WITHIN THE
CITY OF BATAVIA**

Motion of Councilmember

WHEREAS, this notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law; and

WHEREAS, Niagara Mohawk Power Corporation d/b/a/ National Grid ("National Grid") and the City of Batavia, New York (the C/T/V) have entered into an Agreement for the Purchase and Sale of Street Lights; and

WHEREAS, under the terms of the Agreement, National Grid agreed to transfer ownership of the street lighting facilities, including luminaries, lamps, mast arms, the associated wiring, electrical connections and appurtenances, used to provide municipal lighting service to the C/T/V; and

WHEREAS, the transfer of ownership does not involve any new construction, changes in land use, or changes in the service provided to the public; and

WHEREAS, pursuant to Public Service Law Section 70, National Grid is required to notify the New York State Public Service Commission of the transfer.

WHEREAS, The City Council of the City of Batavia will act as lead agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the proposed action described below is a Type II action, pursuant to 6 NYCRR 617.5(c)(2), and will not have a significant adverse effect on the environment; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(2) this project is a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4.

NOW, THEREFORE, BE IT RESOLVED, that based on City Councils review, and in consideration of the criteria set forth in 6 NYCRR 617.5 identifying Type II Actions under SEQRA, the transfer of ownership of the street lights and connected replacement of existing luminaries, lamps, mast arms, the associated wiring, electrical connections and appurtenances is a Type II action under SEQR pursuant to 6 NYCRR Part 617.5(c)(2) and requires no further review.

**Second by Councilmember
and on roll call**

#86-2022

**RESOLUTION TO SUBMIT AN APPLICATION FOR THE ROUND 6 RESTORE
NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM**

Motion of Councilmember

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the sixth round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, cities with populations less than 40,000 can apply for up to \$2,000,000 in grant funding;

NOW THEREFORE, LET IT BE RESOLVED by the City of Batavia Council that it hereby authorizes submission of a Restore NY grant application not to exceed \$2,000,000 for the Carr's Reborn project in downtown Batavia.

BE IT FURTHER RESOLVED, that project meets the following objectives:

- (1) The project is consistent with the City of Batavia Comprehensive Plan, Downtown Revitalization Initiative (DRI) Strategic Investment Plan, and Brownfield Opportunity Area (BOA) Plan.
- (2) The proposed financing for the project is appropriate and committed.
- (3) The project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- (4) The project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

**Seconded by Councilmember
and on the roll call**

#87-2022

A RESOLUTION TO SUPPORT AN APPLICATION FOR THE ROUND 6 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

Motion of Councilmember

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the sixth round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, Counties submitting applications for communities with populations less than 40,000 can apply for up to \$2,000,000 in grant funding; and

WHEREAS, that project meets the following objectives:

- (1) The project is consistent with the City of Batavia Comprehensive Plan, Downtown Revitalization Initiative (DRI) Strategic Investment Plan, and Brownfield Opportunity Area (BOA) Plan.
- (2) The proposed financing for the project is appropriate and committed.
- (3) The project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- (4) The project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

NOW THEREFORE, LET IT BE RESOLVED, by the City of Batavia Council that it hereby supports the County of Genesee's Restore NY grant application not to exceed \$2,000,000 for the Healthy Living Campus project proposed by a partnership between the United Memorial Medical Center – Rochester Regional Health and the Genesee Livingston Orleans YMCA to demolish multiple properties.

**Seconded by Councilmember
and on the roll call**

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmembers

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..."and;

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 Councilmembers
and on roll call**