

CITY OF BATAVIA

BUSINESS MINUTES

SEPTEMBER 13, 2021

The regular business meeting of the City Council was held Monday, September 13, 2021 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Pacino, Briggs, Canale, Christian, McGinnis, Bialkowski, and Viele. Councilmember Karas was absent.

Council President Jankowski called the meeting to order at 7:52 PM immediately following the special conference meeting.

The minutes from the August 2021 meetings and the July 2021 financials were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

Mr. Van Nest noted that they were able to have a code docket this month and going forward so happy to be able to move ahead with the code violations.

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City Manager's Report

Mrs. Tabelski noted that the mall roof work was still ongoing but was met with some delays as well. She noted that the airheader system was finalized and waiting for the ponds to right themselves. She gave a census update noting our number didn't decline as much as had been projected. She noted that she had been meeting with the people from the ice rink about trying to find funding for projects for the ice rink outside the City's budgeted amounts. She discussed the ARPA funding and noted that a presentation would be coming on how we could spend those funds. She noted that the 6-month spending projections were coming up with the City departments, police station bonding was getting started and she introduced Jill Wiedrick as the new Assistant City Manager and Brett Frank as the new BDC executive director.

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Committee Reports

Councilmember Pacino noted that the BID was getting ready for their wine walk and that it helps all businesses downtown by bringing people in. She noted that GoArt was having their

celebrity bartender nights again and asked Council to volunteer.

Councilmember Bialkowski noted that the City had attended the 9/11 ceremony and it was a nice turnout.

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Unfinished Business

Councilmember Christian discussed Assemblyman Hawley's bill to separate from NYC and suggested discussing it at the next conference agenda.

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#58-2021

A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") FOR AN AMENDMENT TO THE ZONING MAP FOR RE-ZONING 211 AND 211 ½ EAST MAIN STREET FROM A P-2 PLANNED DEVELOPMENT DISTRICT TO A C-3 COMMERCIAL DISTRICT AND DETERMINING SIGNIFICANCE UNDER SEQR

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia has proposed to amend the zoning map to rezone land located at 211 and 211 and ½ East Main Street from P-2 Planned Development District to C-3 Commercial District; and

WHEREAS, the amendment of the City's zoning map with respect to the foregoing parcels is an Unlisted Action under SEQR; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

WHEREAS, a Environmental Assessment Form has been completed for the Action, a copy of which is attached hereto as Schedule A; and

WHEREAS, the City Council has carefully reviewed the potential environmental impacts of the proposed action against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts required by SEQR.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR 617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City's zoning map; and

BE IT FURTHER RESOLVED, that the City Council having reviewed a completed Environmental Assessment Form and accompanying narrative which is part of the record of this

Action and having considered the environmental impacts of the proposed action against the criteria in 6 NYCRR 617.7(c), finds that the proposed action will not result in any significant adverse environmental impact; and

BE IT FUTHER RESOLVED, the City Council does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

Seconded by Councilmember McGinnis and on roll call approved 8-0.

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#63-2021

A RESOLUTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF CITY OF BATAVIA

Motion of Councilmember Viele

BE IT RESOLVED that a proposed Ordinance entitled “AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND ZONING MAP OF THE CITY OF BATAVIA” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED that the City Council held a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, August 9, 2021; and

BE IT FURTHER RESOLVED that the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto; and

BE IT FURTHER RESOLVED that the City Council Adopts Ordinance #2-2021 entitled an Ordinance Amending Chapter 190 Entitled “Zoning” of the City of Batavia Municipal Code to amend the zoning map of the City of Batavia.

Seconded by Councilmember Canale and roll call approved 8-0.

ORDINANCE #2-2021

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA

SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES FROM A P-2 DISTRICT TO A C-3 DISTRICT.

All that tract or parcel of land situate in the City of Batavia, County of Genesee, State of New York, being

part of Original Village Lot 26 and further described as follows.

Beginning at a point in the north bounds of East Main Street, said point being 78.29 feet westerly from the intersection of the north bounds of East Main Street with the west bounds of Wiard Street; thence

- 1) N 79°-59'-40" W along the north bounds of East Main Street, a distance of 106.00 feet to a point; thence
- 2) N 09°-55'-45" E partially along the east bounds of lands conveyed to the Young Men's Christian Association, as recorded in liber 220 of deeds at page 154, a distance of 300.30 feet to a point; thence
- 3) S 80°-36'-49" E a distance of 106.42 feet to a point; thence
- 4) S 10°-00'-30" W a distance of 301.45 feet to the point of beginning.

Containing 0.734 acre.

SECTION 2. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES FROM A P-2 DISTRICT TO A C-3 DISTRICT.

All that tract or parcel of land situate in the City of Batavia, County of Genesee, State of New York, being part of Original Village Lots 26 & 28 and further described as follows.

Beginning at a point in the west bounds of Wiard Street, said point being 341.45 feet northerly from the intersection of the west bounds of Wiard Street with the north bounds of East Main Street; thence the following 3 courses being along the west bounds of Wiard Street.

- 1) N 10°-00'-30" E a distance of 8.35 feet to a point; thence
- 2) N 79°-59'-30" W a distance of 4.00 feet to a point; thence
- 3) N 10°-00'-30" E a distance of 169.13 feet to a point; thence
- 4) N 79°-59'-30" W a distance of 89.00 feet to a point; thence
- 5) N 10°-00'-30" E a distance of 179.66 feet to a point; thence
- 6) S 79°-57'-20" E a distance of 15.00 feet to a point; thence
- 7) N 10°-00'-30" E a distance of 24.00 feet to a point; thence
- 8) N 79°-57'-20" W a distance of 108.39 feet to a point; thence
- 9) S 09°-55'-53" W a distance of 152.33 feet to a point; thence
- 10) S 08°-34'-45" W a distance of 95.00 feet to a point; thence the following 5 courses being along

the faces of the brick walls on the eastern side of the multistory hospital building.

- 11) S 09°-57'-21" W a distance of 5.95 feet to a point; thence
- 12) S 80°-02'-39" E a distance of 7.07 feet to a point; thence
- 13) S 09°-57'-21" W a distance of 20.30 feet to a point; thence
- 14) N 80°-02'-39" W a distance of 7.07 feet to a point; thence
- 15) S 09°-57'-21" W a distance of 31.47 feet to a point; thence
- 16) S 10°-45'-27" W a distance of 76.38 feet to a point; thence
- 17) S 09°-55'-45" W a distance of 40.95 feet to a point; thence
- 18) S 80°-36'-49" E a distance of 106.42 feet to a point; thence
- 19) N 10°-00'-30" E a distance of 40.00 feet to a point; thence
- 20) S 79°-59'-40" E a distance of 78.29 feet to the point of beginning.

Containing 1.274 acres.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

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#64-2021

A RESOLUTION ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

Motion of Councilmember Pacino

WHEREAS, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council conducted an environmental review of the State's Downtown Revitalization Initiative program to enhance Jackson Square and make it a year-round event venue; and

WHEREAS, the project is located in the Jackson alley between Jackson and Center Streets in Downtown Batavia. Project components include decorative pavement, interpretive signage, a new permanent stage, catenary lighting and upgraded stormwater infrastructure; and

WHEREAS, the City Council has determined that the proposed action is an "Unlisted

Action” under SEQR; and

WHEREAS, the City Council has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

NOW THEREFORE BE IT RESOLVED, the City Council now desires to make its determination of significance in accordance with the SEQRA regulations at 6 NYCRR §617.7.

BE IT FURTHER RESOLVED, the City Council declares that, based on the Environmental Record which has been prepared, the Project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project.

Seconded by Councilmember Briggs and on roll call approved 8-0.

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#65-2021

**A RESOLUTION TO APPROVE THE MODIFIED AND RESTATED
SALES TAX ALLOCATION AGREEMENT BETWEEN THE CITY OF BATAVIA
AND COUNTY OF GENESEE**

Motion of Councilperson Christian

WHEREAS, the City of Batavia and the County of Genesee entered into a “Amended and Restated Sales Tax Allocation Agreement between the County of Genesee and the City of Batavia” (hereinafter “Amended and Restated Agreement), dated October 29, 2019, and

WHEREAS, the County of Genesee desires to modify this Amended and Restated Agreement to add provisions to allow sales tax allocations to the towns and villages located outside of the City Batavia, and

WHEREAS, the terms and conditions pertaining to the City of Batavia will remain the same, and thereby, the City of Batavia has no objections to the proposed modifications, and

WHEREAS, the parties hereto wish to enter into a new Modified Agreement pursuant to Subdivision (c) of Section 1262 of the Tax Law of the State of New York, a copy of which is attached hereto, for a term that shall end on December 31, 2059, which is the date, which the current Amended and Restated Agreement terminates.

NOW, THEREFORE, BE IT RESOLVED, that the City Council President of the City of Batavia is hereby authorized and directed to execute on behalf of the City the “Modified Amended and Restated Sales Tax Allocation Agreement Between the County of Genesee and the City of Batavia”, for a term ending on December 31, 2059.

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

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#66-2021

**A RESOLUTION AUTHORIZING INSTALLATION OF STREET LIGHT ON
HIGHLAND PARK**

Motion of Councilmember Briggs

WHEREAS, the City Council desires to improve lighting on Highland Park and it has been determined that the installation of an additional light is needed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby authorizes and directs National Grid to install a 150 watt LED fixture on a pole to be determined on Highland Park.

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

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67-2021

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH BAILEY ELECTRIC
MOTOR AND PUMP SUPPLY, INC FOR REPLACEMENT OF A VFD AT THE WATER
TREATMENT PLANT**

Motion of Councilmember Bialkowski

WHEREAS, the City has solicited bids for the Water Treatment Plant (WTP) High Service Pump VFD control, that is funded by the operational budget; and

WHEREAS, a competitive bid was made by Bailey Electric Motor and Pump Supply, Inc. of Corfu, New York for the replacement of a VFD on the high service pump as specified in the contract document titled Bid Submittal VFD Replacement City Water Treatment Plant; and

WHEREAS, Bailey Electric Motor and Pump Supply, Inc. is the lowest responsible bidder at \$23,878.00; and

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 execute an agreement with Bailey Electric Motor and Pump Supply, Inc. in the amount of \$23,878.00 for the replacement of a VFD for the high service pump at the WTP.

MAY IT BE FURTHER RESOLVED, by City Council of the City of Batavia authorize the City Manager to amend the current budget by:

Increasing revenue account EW.00.0000.0000.2440 by \$23,878.00
Increasing the expense account EW.03.8320.200 by \$23,878.00

Seconded by councilmember Viele 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)(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;

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...” 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 Councilperson Viele and on roll call approved 8-0. Council entered executive session at 8:09 PM and ended at 8:20 PM.

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Meeting adjourned at 8:21 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**