

CITY OF BATAVIA BUSINESS MINUTES OCTOBER 11, 2022

The regular business meeting of the City Council was held Tuesday, October 11, 2022 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

Council President Jankowski called the meeting to order at 7:00 PM. Councilmember Schmidt led the Invocation and the Pledge of Allegiance.

The minutes from the September 2022 meetings and the August 2022 financials were approved.

The Council President assigned the regular agenda items.

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Communications

The Batavia Rotary submitted an application for a 5K on Saturday, October 29 from 5:15 to 6:15pm starting and ending at DeWitt Park. Council approved.

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Council President's Report

Council President Jankowski announced the next City Council Conference meeting to be held on Monday, October 24, 2022 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report at this time.

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City Manager's Report

Rachael Tabelski noted that the City Centre entryway design was almost complete and would be out for bid in the fall. She noted that the City was looking to host an indoor winter market on certain Saturdays through December. She explained that 6-month budget reviews were underway, the budget timeline was finished, and they would be issuing an RFP for the Bank St water project. She noted that they were still conducting the Headworks study and that it was a year-long study. Brett Frank, DPW Director, provided an update that 11 roads had been done this year, Richmond and Harvester were also working on sidewalks in addition to the roadwork, and did several other sidewalks over the summer.

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Committee Reports

None.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

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New Business

#88-2022

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN AGREEMENT WITH THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AND TOWN OF BATAVIA TO REPURPOSE A PORTION OF PAYMENT IN LIEU OF TAXES AND/OR HOST BENEFIT AGREEMENT RECEIPTS TO CAPITALIZE A REINVESTMENT FUND TO BE UTILIZED TO OFFSET EXTRAORDINARY EXPENSES RELATED TO REMEDIATION, REHABILITATION AND REDEVELOPMENT OF MARKET RATE HOUSING AND SINGLE FAMILY HOMES IN THE CITY OF BATAVIA.

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia (hereinafter referred to as the “CITY”), the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (hereinafter referred to as the “AGENCY”) and the Town of Batavia (hereinafter referred to as “TOWN”) want to facilitate the remediation, rehabilitation and redevelopment of real estate, targeting blighted and/or contaminated properties in the City, for use to promote and provide for new home construction and the rehabilitation and conversion of residential rental to single family homes, improve real estate conditions, expand tax base and improve neighborhood viability; and

WHEREAS, new housing projects and the conversion of rental properties to single family homes are encouraged to dramatically improve the area including but not limited to the remediation and redevelopment of contaminated property, elimination of blighting influence on the City’s housing area and desire to cause an increase in property values that will continue revitalization of downtown and support neighborhood stabilization; and

WHEREAS, the extraordinary expenses incurred for extension of infrastructure and increase to capacities pose an inhibiting threat to and prevent such housing projects from developing; therefore, public-private partnerships are necessary to motivate owners, investors and developers (hereafter referred to as “Project Investors”) to begin new housing projects within the City that will improve conditions; and

WHEREAS, the Parties agree that focusing on redevelopment and new construction of the City’s housing stock will result in elimination of blight, increase tax base, improve community conditions and cause overall positive economic benefit for the surrounding community; and

WHEREAS, through collective partnership and cooperation, the Parties are entering into this Agreement to Host Agreements (as hereinafter defined) from Project Investors to capitalize a certain housing and infrastructure improvement fund to be utilized for the undertaking of Project related infrastructure improvements and housing program related expenditures. These expenditures may include extraordinary development costs related to hazardous material abatement, remediation, flood hazard areas, demolition/rehabilitation of vacant residential structures that cause community and neighborhood blight.

WHEREAS, improvements may also include infrastructure modernization and improvements including all costs related to plan, design and construct streets, sidewalks, multi-modal, water, sewer, gas, electric, telecommunication enhancements, storm water management, and related green infrastructure including landscaping and streetscape improvements related to housing projects.

WHEREAS, other eligible uses of funds could be for the expansion of sewer capacity at Waste Water Treatment Plant for studies, engineering, construction and expansion, matching funds to secure other grant resources to further capitalize redevelopment projects and home rehabilitation, land assemblage, property acquisition and due diligence for projects, marketing expenses for existing programs such as 421-F, 485-R and Core Housing Owner Incentive Exemption (CHOICE), grants to support CHOICE program, (the “Infrastructure Improvements”); and

WHEREAS, In furtherance of the anticipated significant positive financial impacts within the City associated with a Project’s Infrastructure Improvements as related to the City’s Neighborhood Revitalization Strategy in: (i) creating new housing stock in the City, (ii) rehabilitating vacant and blighted buildings and properties, (iii) converting rental properties to single family homes within the City, and (iv) increasing property values and property tax revenue, and in recognition that City Housing Projects often have extraordinary expenses, the Payment In Lieu of Taxes and/or Host Benefit Agreements will be required to generate funds to be utilized by the Agency to pay for or reimburse costs incurred for Infrastructure Improvements, by and between the Agency and the proprietor of a Project, as described herein; and

WHEREAS, this is a local program in the City of Batavia to focus solely on new housing projects and the conversion of rental properties to single family homes.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia authorizes the City Council President to enter into the Batavia HOME FUND (BHF) Agreement with the COUNTY, AGENCY and TOWN.

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

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#89-2022

**A RESOLUTION TRANSFERRING FUNDS FROM UNASSIGNED FUND BALANCE
TO VARIOUS RESERVE FUNDS**

Motion of Councilmember Richmond

WHEREAS, pursuant to General Municipal Law 6-c and 6-j the City of Batavia has established various reserve funds; and

WHEREAS, the City of Batavia, for the fiscal year ending March 31, 2022, has assigned General Fund balance for funding various reserves; and

WHEREAS, the City has made significant strides in improving their equipment, infrastructure and buildings, by using capital improvement plans and vehicle replacement schedules; and

WHEREAS, the City is desirous to replace vehicles and equipment in each department based on replacement schedules; and

WHEREAS, the City has multiple facility projects, infrastructure and building projects that need to be addressed in the future; and

WHEREAS, the City wishes to continue to fund parking lot improvements; and

WHEREAS, the City will reserve funds for compensated absences, health care, and retirement reserves.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer, consistent with the City's Strategic Plan, the following amounts into the following reserves from the General Fund's assigned fund balance:

Police Equipment Reserve	\$ 125,000
Fire Reserves	\$ 31,000
Sidewalk Reserves	\$ 50,000
DPW Equipment Reserve	\$ 240,000
Facility Reserve	\$ 421,000
Parking Lot Reserve	\$ 50,000
Compensated Absence Reserve	\$ 50,000
Retirement Reserve	\$ 50,000
Health Care Reserve	\$ 50,000

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

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#90-2022

A RESOLUTION AUTHORIZING TRASFER OF FUNDS FROM CENTENNIAL CELEBRATION ACCOUNT TO WING DING ACCOUNT

Motion of Councilmember McGinnis

WHEREAS, the City of Batavia celebrated their centennial year in 2015; and

WHEREAS, the city of Batavia is looking to re-establish the Wing Ding Weekend as part of the Genesee County Airshow in the fall of 2023; and

WHEREAS, there is currently \$9,188 from Other Restricted Fund Balance Centennial Celebration, and

WHEREAS, the Centennial Committee has agreed to allow the City to transfer this money to use as seed money for the Wing Ding weekend.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the transfer of \$9,188 from Other Restricted Fund Balance Centennial Celebration to Other Restricted Fund Balance Wing Ding Weekend.

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

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#91-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR ENVIRONMENTAL
SERVICES FROM BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE
PLLC AND TURNKEY ENVIRONMENTAL RESTORATION LLC FOR THE CREEK
PARK AREA**

Motion of Councilmember Viele

WHEREAS, the cost to remediate and develop a brownfield site can be more expensive than a greenfield site, but the advantages are numerous including reducing urban sprawl, utilizing existing utilities and placing a non-contributing parcel at the edge of downtown into productive use; and

WHEREAS, the City of Batavia identified the Creek Park Area Site as a brownfield site in the 2014 Brownfield Opportunity Area (BOA) Study; and

WHEREAS, the City of Batavia has committed fund balance of \$15,000 for the environmental study of the Creek Park Area; and

WHEREAS, to help facilitate redevelopment, the City needs to understand if a portion of the site is eligible for the Brownfield Cleanup Program (BCP); and

WHEREAS, the City of Batavia would like to engage Benchmark Environmental Engineering & Science PLLC and TurnKey Environmental Restoration LLC, a professional service firm with a strong record of assisting municipalities and development companies in re-developing blighted brownfield sites, to prepare the limited Phase II Environmental Investigation on the Creek Park Area; and

WHEREAS, the total contract to Benchmark & TurnKey LLC is \$10,800 and Genesee County has pledged to pay 1/3 of the proposed cost.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorizes the City Council President to execute an agreement for environmental services for the Creek Park Area with Benchmark Environmental Engineering & Science PLLC and TurnKey Environmental Restoration LLC, and use Committed Fund Balance designated for Creek Park for the expense.

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

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#92-2022

A RESOLUTION AUTHORIZING AGREEMENT WITH GHD FOR ENGINEERING SERVICES FOR THE JACKSON STREET WATER SYSTEM IMPROVEMENT PROJECT

Motion of Councilmember Briggs

WHEREAS, The City of Batavia has been awarded a \$1,000,000 Community Development Block Grant (CDBG) for public infrastructure. The grant funds will be used to replace 4” and 6” lines on Jackson Street with a new 8” water main; and

WHEREAS, GHD, an engineering firm, will provide the City with the following scope of services: survey and design, bid phase services, construction administration phase services, and resident inspection phase services; and

WHEREAS, a request for proposals was issued, and a committee of City personnel selected GHD to perform the work out of seven (7) proposals that were received; and
WHEREAS, the cost of the contract is not to exceed \$218,225.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a contract for engineering services for the Jackson Street water system improvement project to GHD in the amount of not to exceed \$218,225.

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

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#93-2022

A RESOLUTION TO AMEND THE 2022-2023 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$3,000.00.

Motion of Councilmember Schmidt

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$ 4,900.00 for Award period October 1, 2022 through September 30, 2023 from the New York State Governor’s Traffic Safety Committee related to Car Seat Safety for increased child passenger safety and proper installation training of caregivers in an effort to reduce serious injury and death to children; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is authorized to make the following budget amendment to the 2022-2023 budgets effective 10/01/2022 to cover various Car Seat Program details and equipment purchases:

Increase revenue accounts:	
A.00.0000.0000 3389-211198	\$ 4,900.00
Increase expense accounts:	
A.05.3410.3410 299-211198	\$ 1,400.00
A.05.3410.3410 499-211198	\$ 3,000.00

Seconded by Councilmember Briggs and on roll call approved 8-0. Due to the errors in the amounts throughout the resolution, this will be brought forward to a future business meeting with corrected amounts and voted on again.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Viele

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 Councilmember Canale and on roll call approved 8-0. Council entered executive session at 7:18 PM and executive session ended at 7:29 PM.

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Meeting adjourned at 7:30 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**