



**BATAVIA CITY COUNCIL  
BUSINESS MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Tuesday, November 9, 2015  
7:00 PM**

**AGENDA**

- I. Call to Order
- II. Invocation – Councilperson Christian
- III. Pledge of Allegiance
- IV. Approval of October 2015 Minutes
- V. Approval of September 2015 Financials
- VI. Assignment of Agenda Items
- VII. Communications
  - a. Christmas in the City – December 4, 2015
- VIII. Council President Report
  - a. Announcement of the next regular City Council Conference Meeting to be held on Monday, November 23, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.
- IX. City Attorney's Report
- X. City Manager's Report
- XI. Committee Reports
- XII. Public Comments
- XIII. Council Responses to Public Comments
- XIV. Unfinished Business
- XV. New Business

#84-2015      A Resolution Transferring \$200,000 From Assigned Fund Balance  
To The Fire Capital Equipment Reserve Fund

- #85-2015      A Resolution Transferring \$50,000 from Assigned Fund Balance to the Public Works Capital Equipment Reserve Fund
- #86-2015      A Resolution Transferring \$100,000 from Assigned Fund Balance to the Dwyer Stadium Repair Reserve Fund
- #87-2015      A Resolution Transferring \$300,000 from Assigned Fund Balance to the Public Facilities Capital Reserve Fund
- #88-2015      A Resolution Transferring \$200,000 from Assigned Fund Balance to the Capital Sidewalk Reconstruction Reserve Fund
- #89-2015      A Resolution Transferring \$25,000 from Assigned Fund Balance to the Administrative Services Equipment and Software Reserve Fund
- #90-2015      A Resolution Transferring \$1,000,000 from Assigned Fund Balance to the Sewer Facility Reserve Fund
- #91-2015      A Resolution Transferring \$1,000,000 from Assigned Fund Balance to the Sewage Sludge Reserve Fund
- #92-2015      A Resolution to Amend the 2015-2016 Police Department Budget to Reflect the Receipt of a Police Traffic Services Grant
- #93-2015      A Resolution of the City Of Batavia Consenting to Transfer of Control of the Cable Franchisee
- #94-2015      A Resolution to Schedule a Public Meeting Regarding a New Police Facility
- #95-2015      A Resolution to Amend the 2015-16 Budget
- #96-2015      A Resolution Approving the Cancellation of Tax Liens for 301 Bank Street and 305 Bank Street Rear

XVI.      Adjournment

**GENERAL FUND**  
**CITY OF BATAVIA**  
**FOR PERIOD ENDED - September 30, 2015**

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %	Change \$
<b>Revenues</b>						
Real Property Taxes	\$ 5,070,713.00	\$ 5,041,556.33	99.42%	\$ 5,029,777.83	0.23%	\$ 11,779
Gain-Sale Tax Acquired Prop	\$ -	\$ 36,277.26		\$ 30,837.30	17.64%	\$ 5,440
Payments in Lieu of Tax	\$ 64,590.00	\$ 63,346.35	98.07%	\$ 61,032.68	3.79%	\$ 2,314
Interest & Pen. on Tax	\$ 175,000.00	\$ 47,186.83	26.96%	\$ 85,668.17	-44.92%	\$ (38,481)
Sales and Use Tax	\$ 6,150,000.00	\$ 1,523,643.73	24.77%	\$ 1,526,917.76	-0.21%	\$ (3,274)
Utility Gross Receipts Tax	\$ 210,000.00	\$ 102,777.16	48.94%	\$ 107,430.46	-4.33%	\$ (4,653)
Cable TV Franchise	\$ 210,000.00		0.00%			\$ -
Clerk/Treasurer Fees	\$ 32,000.00	\$ 15,123.36	47.26%	\$ 12,252.93	23.43%	\$ 2,870
Charges for tax redemption	\$ -	\$ 2,315.00		\$ 3,150.00	-26.51%	\$ (835)
Marriage Licenses	\$ 3,000.00	\$ 2,865.00	95.50%	\$ 2,600.00	10.19%	\$ 265
Other Gen Govern Dept Inc.	\$ 15,840.00	\$ 15,618.10	98.60%	\$ 15,845.54	-1.44%	\$ (227)
Police Fees	\$ 2,700.00	\$ 1,248.25	46.23%	\$ 1,400.00	-10.84%	\$ (152)
Dog Seizure Fees	\$ 600.00	\$ 300.00	50.00%	\$ 440.00	-31.82%	\$ (140)
Other public safety Dept Inc.	\$ -	\$ 15.00		\$ -		\$ 15
Vital Statistics Fees	\$ 33,000.00	\$ 18,552.00	56.22%	\$ 14,856.00	24.88%	\$ 3,696
Ambulance service revenue	\$ -			\$ 99.27	-100.00%	\$ (99)
Public Works Services	\$ 12,000.00	\$ 4,214.37	35.12%	\$ 5,327.03	-20.89%	\$ (1,113)
Fines & Forfeited Bail	\$ 108,108.00	\$ 63,274.50	58.53%	\$ 46,178.00	37.02%	\$ 17,097
Maintenance Fee - Ice Rink	\$ 35,630.00		0.00%			\$ -
Park User Fees	\$ 3,000.00	\$ 3,195.00	106.50%	\$ 2,075.00	53.98%	\$ 1,120
Special Recreat. Fac Charges	\$ 32,189.00		0.00%			\$ -
Other Culture & Rec income	\$ 3,000.00	\$ 2,000.00	66.67%	\$ 3,210.94	-37.71%	\$ (1,211)
Zoning Fees	\$ 1,500.00	\$ 500.00	33.33%	\$ 450.00	11.11%	\$ 50
Code Violation Charges	\$ 35,500.00	\$ 18,496.00	52.10%	\$ 30,307.25	-38.97%	\$ (11,811)
EMS Program	\$ 53,990.00	\$ (9,220.00)	-17.08%	\$ (2,288.00)	302.97%	\$ (6,932)
Interest and Earnings	\$ 5,000.00	\$ 900.07	18.00%	\$ 2,058.39	-56.27%	\$ (1,158)
Interest and Earnings Reserves	\$ -	\$ 2,518.78		\$ 568.21	343.28%	\$ 1,951
Rental of Real Property	\$ 46,000.00	\$ 42,897.76	93.26%	\$ 22,237.82	92.90%	\$ 20,660
Rental, other - facility usage	\$ 500.00	\$ 655.00	131.00%	\$ 410.00	59.76%	\$ 245
Business/Occup. Licenses	\$ 5,000.00	\$ 955.00	19.10%	\$ 1,590.00	-39.94%	\$ (635)
Games of Chance	\$ 100.00	\$ 20.00	20.00%	\$ 30.00	-33.33%	\$ (10)
Bingo Licenses	\$ 2,500.00	\$ 785.72	31.43%	\$ 582.29	34.94%	\$ 203
Dog Licenses	\$ 12,000.00	\$ 6,744.50	56.20%	\$ 6,738.50	0.09%	\$ 6
Licenses, Other	\$ 700.00	\$ 4,611.93	658.85%	\$ 3,274.06	40.86%	\$ 1,338
Bldg/Alter Permits	\$ 45,000.00	\$ 31,140.36	69.20%	\$ 15,724.50	98.04%	\$ 15,416
Street Opening Permits	\$ 10,000.00	\$ 4,360.00	43.60%	\$ 6,560.00	-33.54%	\$ (2,200)
Plumbing Permits	\$ 5,000.00	\$ 1,430.00	28.60%	\$ 1,868.00	-23.45%	\$ (438)
Permits, Other	\$ 5,000.00	\$ 5,350.00	107.00%	\$ 5,680.00	-5.81%	\$ (330)
Parking ticket fees	\$ 35,000.00	\$ 15,175.00	43.36%	\$ 13,025.00	16.51%	\$ 2,150
Forfeiture of Deposits	\$ 500.00	\$ 200.00	40.00%	\$ 275.00	-27.27%	\$ (75)
White Goods	\$ -					\$ -
Sale of Scrap/Excess Mat.	\$ 2,000.00	\$ 61.00	3.05%	\$ 4,789.80	-98.73%	\$ (4,729)
Minor Sales	\$ 1,300.00	\$ 320.02	24.62%	\$ 482.41	-33.66%	\$ (162)
Minor Sales - EMS Program	\$ -					\$ -
Sale of Real Property	\$ -					\$ -
Sale of Equipment	\$ -					\$ -
Insurance Recoveries	\$ -	\$ 46,115.77		\$ 38,837.27	18.74%	\$ 7,279
Other Comp for Loss	\$ -	\$ 14,009.66		\$ 256.10	5370.39%	\$ 13,754
Refund-Prior Year Exps	\$ -	\$ 1,031.00				\$ 1,031
Healthcare Premiums	\$ 74,370.00	\$ 18,074.57	24.30%	\$ 19,589.21	-7.73%	\$ (1,515)
Healthcare Revenue	\$ -	\$ 12,259.89		\$ 11,067.25	10.78%	\$ 1,193
Gifts and Donations	\$ -					\$ -
VLT	\$ 125,000.00	\$ 440,789.00	352.63%	\$ 440,789.00	0.00%	\$ -
Unclassified Revenue	\$ 1,000.00	\$ 7,054.14	705.41%	\$ 77.53	8998.59%	\$ 6,977
Reserve revenue	\$ -					\$ -
Per Capita State Aid	\$ 1,750,975.00	\$ 1,750,975.00	100.00%	\$ 1,750,975.00	0.00%	\$ -
Mortgage Tax	\$ 105,000.00	\$ 76,560.12	72.91%	\$ 57,776.71	32.51%	\$ 18,783
Real Property Tax Admin	\$ -			\$ 11,484.93	-100.00%	\$ (11,485)
State Aid - Record Mgmt	\$ 3,271.00	\$ 3,271.00	100.00%	\$ 15,518.00	-78.92%	\$ (12,247)
Rail Infrastructure Invest. Act	\$ -					\$ -
State Aid - Public Safety	\$ 64,251.31	\$ 9,845.27	15.32%	\$ 4,828.74	103.89%	\$ 5,017
Consolidate Highway (CHIPS)	\$ 201,800.00		0.00%	\$ 39,830.17	-100.00%	\$ (39,830)
State Aid - Transportation	\$ -	\$ -		\$ 28,228.82	-100.00%	\$ (28,229)
Recreation Program	\$ 19,217.00	\$ 3,442.00	17.91%	\$ 17,196.50	-79.98%	\$ (13,755)
Arterial Reimbursement	\$ 157,400.00		0.00%			\$ -
State Aid - Planning Studies	\$ 123,437.26	\$ 25,818.30	20.92%	\$ (16,599.26)	-255.54%	\$ 42,418
Assessment Parcel Reimb	\$ -					\$ -
Fed. Aid - Bullet Proof Vest	\$ 1,850.00		0.00%	\$ 2,324.86	-100.00%	\$ (2,325)
Fed Aid - Public Safety	\$ 100,000.00		0.00%	\$ 9,064.60	-100.00%	\$ (9,065)
Interfund Transfers	\$ 230,500.00		0.00%			\$ -
<b>TOTAL REVENUES</b>	<b>\$ 15,386,031.57</b>	<b>\$ 9,480,655.10</b>	<b>61.62%</b>	<b>\$ 9,494,707.57</b>	<b>-0.15%</b>	<b>\$ (14,052)</b>



**GENERAL FUND**  
**CITY OF BATAVIA**  
**FOR PERIOD ENDED - September 30, 2015**

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %	Change \$
<b>Expenses</b>						
City Council	\$ 51,700.00	\$ 19,477.62	37.67%	\$ 19,175.58	1.58%	\$ 302
City Manager	\$ 158,600.00	\$ 65,439.07	41.26%	\$ 74,072.17	-11.65%	\$ (8,633)
Finance	\$ 156,206.00	\$ 58,862.37	37.68%	\$ 71,540.28	-17.72%	\$ (12,678)
Administrative Services	\$ 316,602.97	\$ 206,715.11	65.29%	\$ 151,048.48	36.85%	\$ 55,667
Clerk-Treasurer	\$ 141,376.00	\$ 91,322.30	64.60%	\$ 70,125.44	30.23%	\$ 21,197
City Assessment	\$ 137,562.00	\$ 44,659.86	32.47%	\$ 64,493.62	-30.75%	\$ (19,834)
Legal Services	\$ 221,055.00	\$ 80,937.21	36.61%	\$ 102,732.87	-21.22%	\$ (21,796)
Personnel	\$ 130,605.20	\$ 50,916.48	38.99%	\$ 60,044.06	-15.20%	\$ (9,128)
Engineering	\$ 47,000.00	\$ 23,199.00	49.36%	\$ 12,422.68	86.75%	\$ 10,776
Elections	\$ 11,835.00	\$ 11,835.00	100.00%	\$ 34,735.00	-65.93%	\$ (22,900)
Public Works Admin	\$ 94,310.00	\$ 34,490.06	36.57%	\$ 34,082.29	1.20%	\$ 408
City Facilities	\$ 303,782.06	\$ 149,910.60	49.35%	\$ 84,333.33	77.76%	\$ 65,577
Information Systems	\$ 76,668.00	\$ 52,921.08	69.03%	\$ 105,272.17	-49.73%	\$ (52,351)
Contingency	\$ 230,000.00		0.00%			\$ -
Police	\$ 3,621,952.94	\$ 1,335,677.09	36.88%	\$ 1,351,633.54	-1.18%	\$ (15,956)
Fire	\$ 3,585,157.00	\$ 1,293,886.32	36.09%	\$ 1,324,261.08	-2.29%	\$ (30,375)
Control of Dogs	\$ 1,310.00	\$ 1,026.34	78.35%	\$ 836.26	22.73%	\$ 190
Inspection	\$ 289,131.85	\$ 114,100.38	39.46%	\$ 149,690.91	-23.78%	\$ (35,591)
Vital Statistics	\$ 18,330.00	\$ 6,476.74	35.33%	\$ 6,468.36	0.13%	\$ 8
Maintenance Admin	\$ 176,990.00	\$ 65,721.81	37.13%	\$ 71,450.51	-8.02%	\$ (5,729)
Street Maintenance	\$ 549,955.00	\$ 365,716.85	66.50%	\$ 378,761.39	-3.44%	\$ (13,045)
Public Works Garage	\$ 473,102.00	\$ 177,920.67	37.61%	\$ 146,762.54	21.23%	\$ 31,158
Snow Removal	\$ 514,583.94	\$ 104,269.09	20.26%	\$ 18,889.99	451.98%	\$ 85,379
Street Lights/Traf Signals	\$ 279,849.00	\$ 111,542.85	39.86%	\$ 111,504.56	0.03%	\$ 38
Sidewalk Repairs	\$ 338,558.00	\$ -	0.00%	\$ 14,047.85	-100.00%	\$ (14,048)
Parking Lots	\$ -	\$ -		\$ 1,261.43	-100.00%	\$ (1,261)
Community Development	\$ 120,600.00	\$ 30,330.03	25.15%	\$ 30,166.39	0.54%	\$ 164
Economic Development	\$ 11,988.00		0.00%	\$ 4,850.00	-100.00%	\$ (4,850)
Council on Arts	\$ 2,250.00	\$ 2,250.00	100.00%	\$ 2,250.00	0.00%	\$ -
Parks	\$ 580,426.67	\$ 272,303.19	46.91%	\$ 354,975.22	-23.29%	\$ (82,672)
Summer Recreation	\$ 68,659.68	\$ 50,433.05	73.45%	\$ 49,943.97	0.98%	\$ 489
Youth Services	\$ 185,325.00	\$ 71,788.52	38.74%	\$ 59,762.61	20.12%	\$ 12,026
Historic Preservation	\$ 2,395.00	\$ 241.63	10.09%	\$ 176.68	36.76%	\$ 65
Celebrations	\$ 14,570.00	\$ 6,223.02	42.71%	\$ 7,401.30	-15.92%	\$ (1,178)
Planning & Zoning Boards	\$ 3,200.00	\$ 1,231.78	38.49%	\$ 692.07	77.98%	\$ 540
Storm Sewers	\$ 208,419.25	\$ 75,172.98	36.07%	\$ 59,166.62	27.05%	\$ 16,006
Refuse & Recycling	\$ 62,430.00	\$ 12,197.53	19.54%	\$ 28,574.29	-57.31%	\$ (16,377)
Street Cleaning	\$ 117,180.00	\$ 24,217.91	20.67%	\$ 24,936.53	-2.88%	\$ (719)
Medical Insurance	\$ 1,658,640.00	\$ 864,674.37	52.13%	\$ 858,246.05	0.75%	\$ 6,428
Debt Service	\$ 643,846.00	\$ 280,761.17	43.61%	\$ 375,105.98	-25.15%	\$ (94,345)
Energy Lease	\$ 73,255.00		0.00%			\$ -
Transfer for capital projects	\$ 125,000.00	\$ 125,000.00	100.00%	\$ 125,000.00	0.00%	\$ -
Transfer to other funds	\$ 398,230.00	\$ 398,230.00	100.00%	\$ 378,940.00	5.09%	\$ 19,290
Capital Reserves	\$ 201,303.00	\$ 201,303.00	100.00%	\$ 478,599.00	-57.94%	\$ (277,296)
<b>TOTAL EXPENSES</b>	\$ 16,403,939.56	\$ 6,883,382.08	41.96%	\$ 7,298,433.10	-5.69%	\$ (415,051)
<b>Operating Income (Loss)</b>		\$ 2,597,273.02		\$ 2,196,274.47	18.26%	\$ 400,999

**WATER FUND**  
**CITY OF BATAVIA**  
**FOR PERIOD ENDED - September 30, 2015**

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
<b>Revenues</b>					
Metered Water Sales	\$ 2,396,204.00	\$ 887,573.85	37.04%	\$ 894,346.44	-0.76%
Bulk Water Sales	\$ 15,000.00	\$ 12,686.23	84.57%	\$ 12,441.79	1.96%
Water Service Charges	\$ 2,500.00	\$ 3,270.00	130.80%	\$ 1,669.99	95.81%
Capital improvement fee	\$ 116,762.00	\$ 59,256.94	50.75%	\$ 39,264.10	50.92%
Int/Pen-Water Rents	\$ 35,000.00	\$ 12,947.81	36.99%	\$ 11,665.32	10.99%
County Contract	\$ 1,347,170.00	\$ 324,240.00	24.07%	\$ 329,155.00	-1.49%
Other Govt - Walnut St Const	\$ -				
Interest and Earnings	\$ 1,000.00	\$ 1,290.68	129.07%	\$ 1,261.10	2.35%
Interest and Earnings-Reserve	\$ -	\$ 1,505.75		\$ 413.25	264.37%
State Aid - Rate study	\$ -				
State Aid - Planning	\$ -				
Rental of Real Property	\$ 550,000.00	\$ 137,500.00	25.00%	\$ 137,500.00	0.00%
Sale of scrap	\$ -			\$ 2,827.58	-100.00%
Other compensation for loss	\$ -	\$ 3,799.22			
Insurance recoveries	\$ -				
Healthcare premiums	\$ 8,100.00		0.00%		
Healthcare revenue	\$ -	\$ 1,212.98		\$ 1,077.81	12.54%
Grants from Local Governments	\$ -	\$ 10,160.00		\$ -	
Unclassified revenue	\$ 5,000.00	\$ 2,272.74	45.45%	\$ 2,061.29	10.26%
Reserve revenue	\$ -	\$ 142,507.11			
Interfund transfers	\$ -				
<b>Total Revenue</b>	<b>\$ 4,476,736.00</b>	<b>\$ 1,600,223.31</b>	<b>35.75%</b>	<b>\$ 1,433,683.67</b>	<b>11.62%</b>
<b>Expenses</b>					
Contingency	\$ 18,489.00		0.00%		0.00%
Water Admin	\$ 2,322,892.14	\$ 625,453.20	26.93%	\$ 604,412.99	3.48%
Pump Station & Filtration	\$ 1,584,266.63	\$ 498,848.21	31.49%	\$ 467,049.96	6.81%
Water Distribution	\$ 357,250.00	\$ 168,946.07	47.29%	\$ 131,143.09	28.83%
Medical Insurance	\$ 172,910.00	\$ 78,292.94	45.28%	\$ 73,709.33	6.22%
Debt Service bonds	\$ 29,695.00	\$ 1,934.82	6.52%	\$ 2,356.14	-17.88%
Energy lease	\$ 17,481.00		0.00%		
Transfer for capital projects	\$ -	\$ 60,421.11		\$ -	
Transfer to Other Funds	\$ 279,070.00	\$ 54,070.00	19.38%	\$ 51,460.00	5.07%
Capital Reserves	\$ 82,086.00	\$ 82,086.00	100.00%	\$ 58,300.00	40.80%
<b>Total Expense</b>	<b>\$ 4,864,139.77</b>	<b>\$ 1,570,052.35</b>	<b>32.28%</b>	<b>\$ 1,388,431.51</b>	<b>13.08%</b>
<b>Operating Income (Loss)</b>		<b>\$ 30,170.96</b>		<b>\$45,252.16</b>	<b>-33.33%</b>

**Consumption**

\*consumption in 1,000 gallons

	2015	Difference	2014	Difference	2013	Difference
April	68,893	14.34%	60,255	-2.56%	61,837	2.43%
May	20,338	22.24%	16,638	-16.37%	19,894	-4.81%
June	21,102	2.19%	20,649	4.18%	19,821	-9.13%
July	70,939	4.61%	67,810	0.85%	67,240	-10.36%
August	21,623	3.00%	20,993	-6.42%	22,434	-5.81%
Sept	22,223	0.62%	22,085	-3.66%	22,923	-8.17%
Oct*	83,891	9.00%	76,963	-12.35%	87,803	-26.06%
Nov		-100.00%	21,574	-6.76%	23,137	-4.80%
Dec		-100.00%	21,477	-4.43%	22,473	-2.45%
Jan*		-100.00%	75,713	1.62%	74,507	-8.21%
Feb		-100.00%	20,758	-22.53%	26,795	12.78%
March		-100.00%	22,267	0.86%	22,077	-2.28%
<b>Total</b>	<b>309,009</b>	<b>-30.90%</b>	<b>447,182</b>	<b>-5.05%</b>	<b>470,941</b>	<b>-9.52%</b>

**SEWER FUND  
CITY OF BATAVIA  
FOR PERIOD ENDED - September 30, 2015**

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
<b>Revenues</b>					
Sewer Rents	\$ 2,466,509.00	\$ 1,111,853.25	45.08%	\$ 1,119,025.31	-0.64%
Sewer Surcharge	\$ -	\$ 43,653.86		\$ 27,900.15	56.46%
Int/Pen-Sewer Rents	\$ 25,000.00	\$ 7,976.27	31.91%	\$ 7,563.53	5.46%
Interest and earnings	\$ 1,280.00	\$ 11,301.16	882.90%	\$ 1,008.86	1020.19%
Interest & Earnings Cap. Rsv	\$ -	\$ 777.90		\$ 182.61	325.99%
Healthcare premiums	\$ 1,600.00		0.00%		
Healthcare revenue	\$ -	\$ 1,101.44		\$ 998.94	10.26%
Unclassified revenue	\$ 70,000.00	\$ 164,248.43	234.64%	\$ 59,997.95	173.76%
Interfund transfers	\$ -				
Reserve revenue	\$ -	\$ 120,500.00			
<b>Total Revenues</b>	<b>\$ 2,564,389.00</b>	<b>\$ 1,461,412.31</b>	<b>56.99%</b>	<b>\$ 1,216,677.35</b>	<b>20.12%</b>
<b>Expenses</b>					
Contingency	\$ 28,000.00		0.00%		0.00%
Wastewater Admin	\$ 301,343.57	\$ 104,396.33	34.64%	\$ 113,537.79	-8.05%
Sanitary Sewers	\$ 389,655.00	\$ 122,191.47	31.36%	\$ 98,587.18	23.94%
Wastewater Treatment	\$ 877,853.74	\$ 306,286.59	34.89%	\$ 338,101.24	-9.41%
Medical Insurance	\$ 156,380.00	\$ 69,518.38	44.45%	\$ 67,547.57	2.92%
Debt Service	\$ 188,528.00	\$ 3,708.70	1.97%	\$ 5,515.68	-32.76%
Energy lease	\$ 7,251.00		0.00%		
Transfer to Other Funds	\$ 574,330.00	\$ 39,330.00	6.85%	\$ 37,430.00	5.08%
Transfers for Capital projects	\$ -				
Capital Reserves	\$ 120,500.00	\$ 120,500.00	100.00%	\$ 120,500.00	0.00%
<b>Total Expenses</b>	<b>\$ 2,643,841.31</b>	<b>\$ 765,931.47</b>	<b>28.97%</b>	<b>\$ 781,219.46</b>	<b>-1.96%</b>
<b>Operating Income (Loss)</b>		<b>\$ 695,480.84</b>		<b>\$ 435,457.89</b>	<b>59.71%</b>

**Consumption**

\*consumption in 1,000 gallons

	2015	Difference	2014	Difference	2013
April	105,899	17.73%	89,954	-4.78%	94,469
May	56,263	4.28%	53,952	11.96%	48,189
June	20,897	1.95%	20,497	4.17%	19,677
July	108,610	5.57%	102,880	5.70%	97,334
Aug	60,763	3.70%	58,595	5.90%	55,333
Sept	22,148	0.59%	22,017	-3.65%	22,851
Oct *	118,568	8.66%	109,123	-1.18%	110,430
Nov		-100.00%	61,673	3.69%	59,481
Dec		-100.00%	21,399	-4.47%	22,400
Jan *		-100.00%	113,840	-1.29%	115,332
Feb		-100.00%	55,705	-3.78%	57,892
March		-100.00%	22,119	0.77%	21,950
<b>Total</b>	<b>493,148</b>	<b>-32.61%</b>	<b>731,754</b>	<b>0.88%</b>	<b>725,338</b>



**WORKERS COMPENSATION FUND**  
**CITY OF BATAVIA**  
**FOR PERIOD ENDED - September 30, 2015**

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
<b><u>Revenues</u></b>					
Workers Compensation	\$ 467,260.00	\$ 467,260.00	100.00%	\$ 444,830.00	5.04%
Interest and earnings	\$ -	\$ 23.64		\$ 50.10	-52.81%
Interest and earnings - Cap Rsrvs	\$ -	\$ 152.09		\$ 37.24	308.40%
Refund of prior year expenses	\$ -	\$ 74.95		\$ -	
Insurance Recoveries	\$ 64,040.00		0.00%		
Reserve revenue	\$ 30,000.00	\$ 24,370.00	81.23%		
<b>Total Revenues</b>	<b>\$ 561,300.00</b>	<b>\$ 491,880.68</b>	<b>87.63%</b>	<b>\$ 444,917.34</b>	<b>10.56%</b>
Contractual Expense	\$ 561,300.00	\$ 292,523.84	52.12%	\$ 240,660.07	21.55%
<b>Total Expenses</b>	<b>\$ 561,300.00</b>	<b>\$ 292,523.84</b>	<b>52.12%</b>	<b>\$ 240,660.07</b>	<b>21.55%</b>
<b>Operating Income/(Loss)</b>		<b>\$ 199,356.84</b>		<b>\$ 204,257.27</b>	<b>-2.40%</b>

**Christmas in the City**

Estimated costs for the police department are \$542. There are no additional costs for any departments.





City of Batavia  
Batavia, New York 14020  
(585) 345-6300

Official Use Only:

2015-32  
Event Application #

Event Application Fee - \$25.00 (non-refundable)  
(A separate permit must be issued for each item requested)

Batavia Business Improvement District Management Association, Inc.  
Name of Rental / Sponsor / Organization

Christmas in the City  
Type / Name of Event

Friday, December 4, 2015  
Date(s) & Time(s) of Event

Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

Laurel Oltramari

Primary Contact Name

BID, 200 East Main Street #10, Batavia

Primary Contact Address

LOLTRAMARI@DowntownBataviaMI.com

E-Mail Address

585-344-0700

Home Phone #

Cell Phone #

Other #

John Roche

Secondary Contact Name

8 Center Street Batavia

Secondary Contact Address

adamiller2@verizon.net

E-Mail Address

585-343-0548

Home Phone #

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Laurel Oltramari

Contact Name

585-344-0900

Home Phone #

585-261-0431

Cell Phone #

Other #

Location of your event: Downtown Batavia / Main Street

Please provide details of your event: The Christmas in the City holiday parade will be on Main Street starting from Jefferson Ave to Bent Street. Horse & Wagon rides will go around the Jackson block starting at the Center Street parking lot. A holiday trolley will bring people to HLOM and back to the Service lot parking lot.

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:

Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐

Will you be providing alcohol to your group? Yes ☐ No ☒

Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate WILL BE required with Liquor Legal.

Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

Who will be applying to the NYS Liquor Authority for the permit to sell?

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.

\*\*If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance.\*\*

**EVENT INFORMATION (required):**

12/4/15 Horse + Wagon 5:00pm 9:00pm  
Set-Up Date Start Time Set-Up Time Tear Down Date  
12/4/15 Parade 7:00pm 7:45pm → police monitors traffic control  
Set-Up Date Start Time Set-Up Time Tear Down Date  
**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

<u>12/4/15</u> <small>Date</small>	<u>Horse + Wagon</u> <small>Start Time</small>	<u>5-9pm</u> <small>End Time</small>	<u>500</u> <small>Estimated Crowd Size</small>	<u>0</u> <small># of Vendors / Displays</small>
<u>12/4/15</u> <small>Date</small>	<u>Trolley</u> <small>Start Time</small>	<u>5-7pm</u> <small>End Time</small>		
<u>12/4/15</u> <small>Date</small>	<u>Parade</u> <small>Start Time</small>	<u>7-7:45pm</u> <small>End Time</small>	<u>500-700</u> <small>Estimated Crowd Size</small>	<u>0</u> <small># of Vendors / Displays</small>

**WILL THE EVENT INCLUDE:**

Parade: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)  
 Run or Walk: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)  
 Music: Yes ☐ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)  
 Street Closure(s): Yes ☐ No ☐ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)  
 Other: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)  
 Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

Name of Company Providing Above: \_\_\_\_\_ Company Contact/Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Music: Live Group ☐ Recorded/DJ ☐  
 Name of Company Providing Above: \_\_\_\_\_ Company Contact/Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Address, Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

**CITY SERVICES SUPPORT:**

City Code 66-15, D-2 The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

**ELECTRIC:**

Will electric be needed for the event? Yes ☐ No ☒

What will you be providing electric to? \_\_\_\_\_

Will generators be used? Yes ☐ No ☒  
 If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) \_\_\_\_\_ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

**TENTS/CANOPIES:**

Will Tents/Canopies or other membrane structures be erected at event?  
Will a bounce house or other air supported structures be erected at event?

Yes ☐ No ☒  
Yes ☐ No ☒

Please list size(s) of Tents/Canopies or other temporary structures erected.

**ANCHORING INTO PAVEMENT IS PROHIBITED!**

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

**STREET CLOSURE(S):**

**ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE**

Will street(s) need to be closed for the event? Yes ☒ No ☐ Reason:

List Street(s) and Cross Street(s) that will be affected:

<u>Main Street (Temporary)</u>	<u>T Jefferson</u>	<u>&amp;</u>	<u>Cart</u>
<small>Street to be closed</small>		<small>Cross Streets</small>	
	<u>Bank</u>	<u>&amp;</u>	<u>Center</u>
<small>Street to be closed</small>		<small>Cross Streets</small>	
	<u>Jackson</u>	<u>&amp;</u>	
<small>Street to be closed</small>		<small>Cross Streets</small>	
		<u>&amp;</u>	
<small>Street to be closed</small>		<small>Cross Streets</small>	

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? (see attached)

Will traffic cones be requested from the City? Yes ☐ No ☐ How Many?

(Drop off locations of requested items must be identified on the site drawing)

**BANNERS / SIGNS OR OTHER DECORATIONS ARE NOT TO BE ATTACHED  
TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY**

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)

Police Dept. (Robb Yeager, Asst. Chief of Police) has agreed to block traffic  
temporarily for the parade.

**POLICE**

Will City Police Officers be requested for the event? Yes ☒ No ☐

**FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS  
and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.**



**PLEASE NOTE:**

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City.
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If the event is approved, a Certificate of Liability Insurance naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

**Hold Harmless Agreement**

Batavia B.I.D., the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

10/2/15  
Date:

Batavia Business Improvement District  
Name of Event Sponsor:

Laurie L. O'Hramar  
Authorized Signature, Title

Laurie L. O'Hramar, Executive Director  
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

10/2/15  
Date:

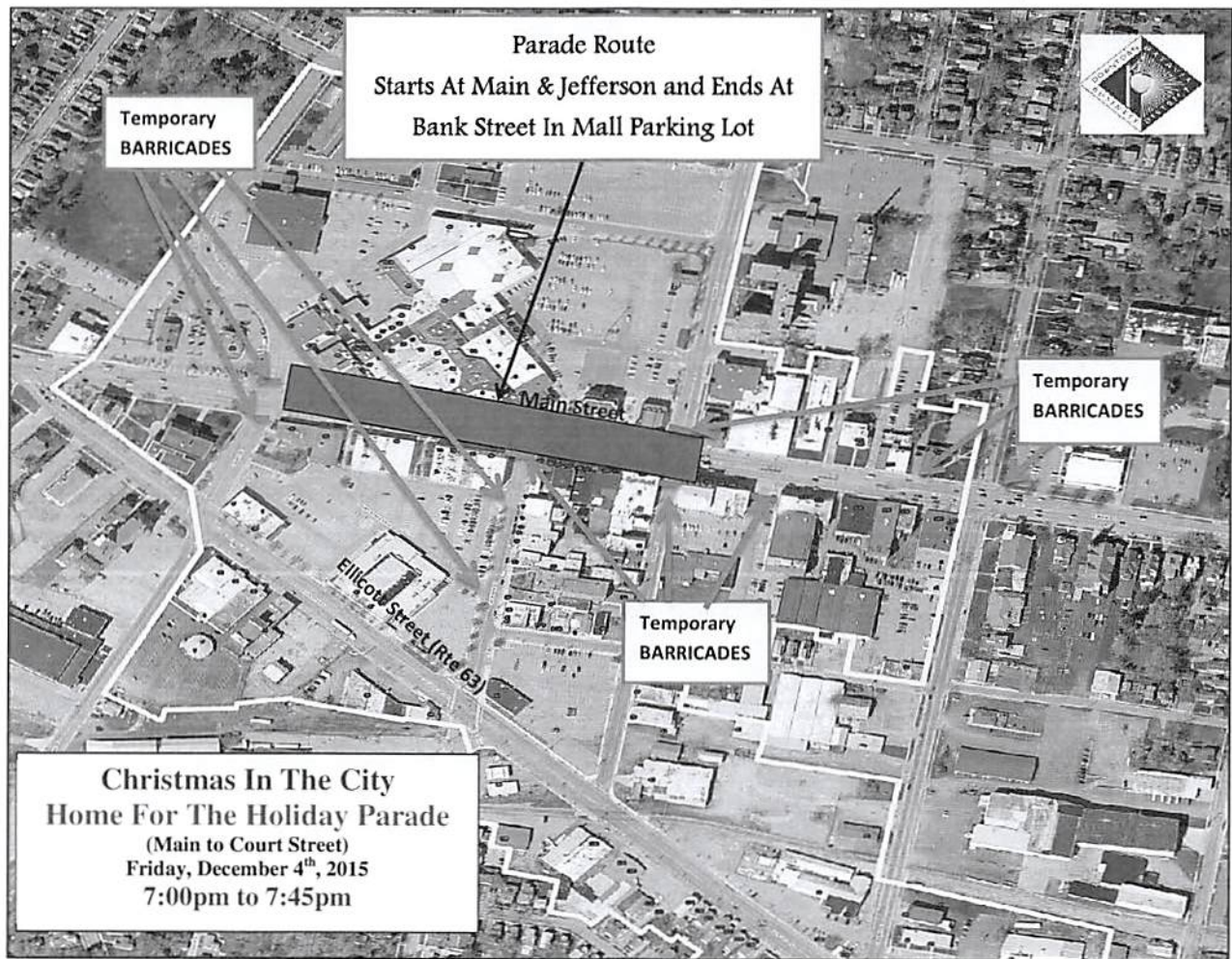
Laurie L. O'Hramar  
Signature of Applicant

Please forward this application to:

City Clerk's Office  
Attention: Events Applications Department  
One Batavia City Centre  
Batavia, New York 14020



**BATAVIA BUSINESS IMPROVEMENT DISTRICT**  
LOCATION of TEMPORARY BARRICADES - CHRISTMAS IN THE CITY 2015



**BATAVIA BUSINESS IMPROVEMENT DISTRICT**  
**CHRISTMAS IN THE CITY 2015**

**Parade Begins at Jefferson**

Parade Groups Will  
Organize behind City  
Centre & enter street on  
Jefferson

**Parade Route**  
**Starts At Main & Jefferson – Ends At**  
**Bank Street**



**Parade Ends at Main & Bank Streets.**

**Groups to Disassemble**  
**In Bank Street Mall**  
**Parking Lot**

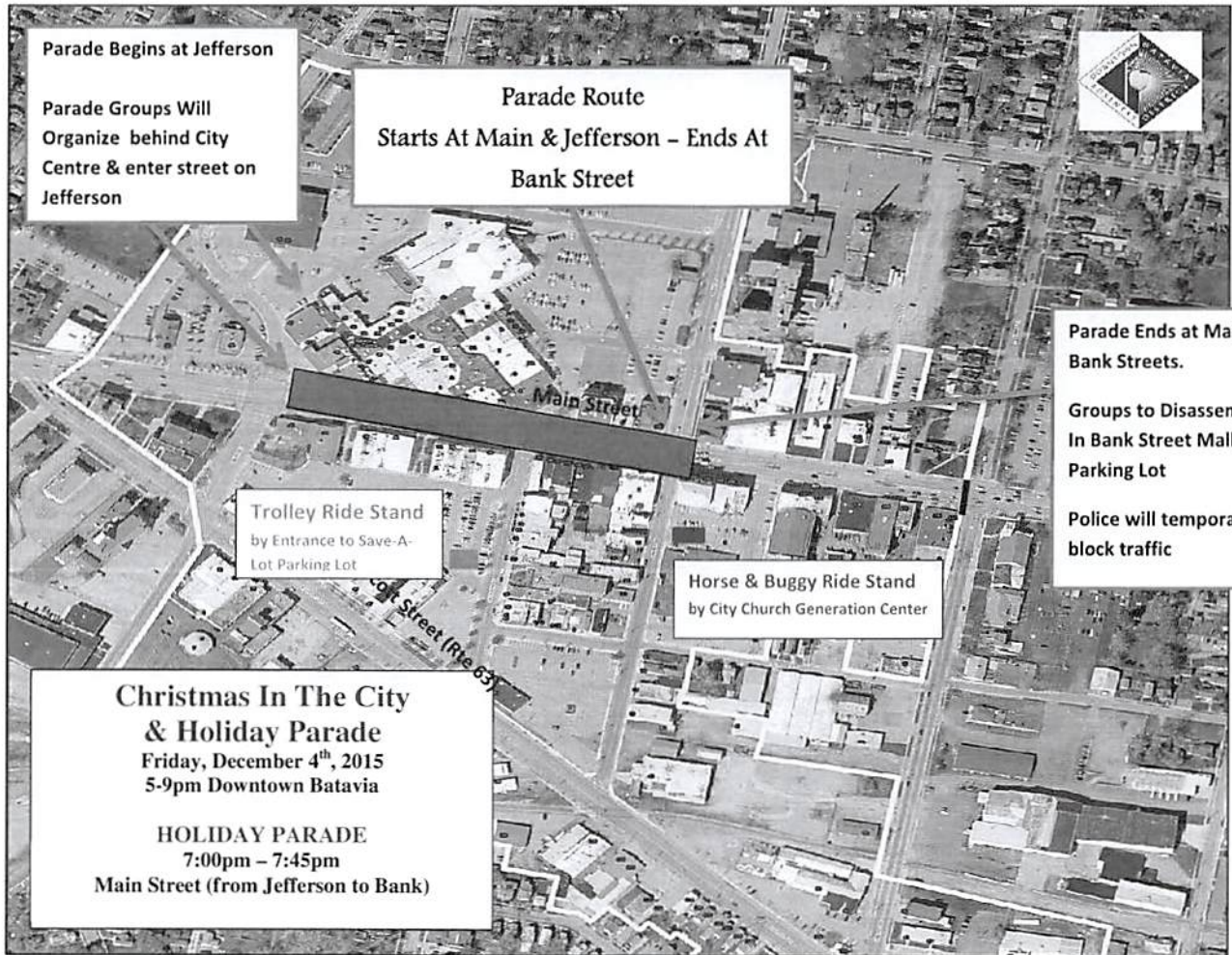
**Police will temporarily**  
**block traffic**

**Trolley Ride Stand**  
by Entrance to Save-A-  
Lot Parking Lot

**Horse & Buggy Ride Stand**  
by City Church Generation Center

**Christmas In The City**  
**& Holiday Parade**  
Friday, December 4<sup>th</sup>, 2015  
5-9pm Downtown Batavia

**HOLIDAY PARADE**  
7:00pm – 7:45pm  
Main Street (from Jefferson to Bank)





**#84-2015**

**A RESOLUTION TRANSFERRING \$200,000 FROM ASSIGNED FUND BALANCE TO  
THE FIRE CAPITAL EQUIPMENT RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, the City of Batavia recently purchased a new fire engine/pumper to replace Engine 14 which was 22 years old and said purchase was done exclusively with reserve funds; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 has a fire engine/pumper (Engine 12) which is 13 years old and a ladder truck (Ladder 15) which is 20 years old; and

**WHEREAS**, the Fire Department is presently conducting a vehicle needs analysis on existing apparatus that will be used to determine what is needed for the Fire Department to be efficient and effective in the future; and

**WHEREAS**, within the next several years the City will be faced with replacing or refurbishing Engine 12 or Ladder 15; and

**WHEREAS**, the City Council is desirous of transferring \$200,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for fire equipment to assist with future equipment replacement and improvements; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby transfer \$200,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well Managed City.

**Seconded by  
and on roll call**

**#85-2015**

**A RESOLUTION TRANSFERRING \$50,000 FROM ASSIGNED FUND BALANCE TO  
THE PUBLIC WORKS CAPITAL EQUIPMENT RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, since the development of the Equipment Replacement Plan (ERP) in 2011 the City has replaced 20 pieces public works equipment, valued at over \$2 million.

**WHEREAS**, the City has made significant strides in improving the fleet over the past several years, however for the fiscal year ending March 31, 2015 the remaining fleet remains in poor shape, very old and is fully depreciated; and

**WHEREAS**, the City Council is desirous of transferring \$50,000 of assigned General Fund balance to the Capital Equipment Reserve Fund for public works equipment to assist with future equipment replacement and improvements; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby transfer \$50,000 from the assigned General Fund balance to the Capital Equipment Reserve Fund; and

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well Managed City strategic priority.

**Seconded by  
and on roll call**



**#86-2015**

**A RESOLUTION TRANSFERRING \$100,000 FROM ASSIGNED FUND BALANCE TO  
THE DWYER STADIUM REPAIR RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-d the City of Batavia has an established Dwyer Stadium Repair Reserve Fund; and

**WHEREAS**, the reserve fund was established for the purpose of replacing or making major repairs to capital improvements and equipment for Dwyer Stadium; and

**WHEREAS**, it has been nearly 20 years since major capital improvements have been made to Dwyer Stadium; and

**WHEREAS**, in 2015 a 5-year capital plan was developed with the current operator of the stadium and was adopted by City Council with the 2015/16 budget; and

**WHEREAS**, the most significant expenditure (over \$200,000) on the capital plan is a roof replacement for the main building and dugouts, and with consistent contributions to the Dwyer Stadium reserve fund, most of the improvements can be completed within the adopted capital plan

**WHEREAS**, the City Council is desirous of transferring \$100,000 of assigned General Fund balance to the Dwyer Stadium Repair Reserve Fund to make future repairs and improvements to Dwyer Stadium; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby transfer \$100,000 from assigned General Fund balance to the Dwyer Stadium Repair Reserve.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Dwyer Stadium Repair Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Steward of City's Physical Assets strategic priorities.

**Seconded by  
and on roll call**

**#87-2015**

**A RESOLUTION TRANSFERRING \$300,000 FROM ASSIGNED FUND BALANCE TO  
THE PUBLIC FACILITIES CAPITAL RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Public Facilities Capital Reserve Fund for purposes of construction, re-construction, repair or replacement of public facilities; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, with any building, regular maintenance and capital improvements are necessary in order to preserve the functionality of a building and avoid significant or possible catastrophic repairs due to neglect and that consistent improvements to City facilities will be ongoing and reserve funds will be necessary to absorb any planned or emergency improvements in the future; and

**WHEREAS**, the City has conducted a space needs assessment of the Police Department and received a recommendation from a citizen appointed Task Force on next steps for replacing the Police Station and other City facilities remain in disrepair and are in need of improvements. As part of the City's strategic plan, City staff has been preparing a list of improvements for the Bureau of Maintenance and Fire Station that will then be incorporated into a capital plan along with other City facility improvements for future years and presented as part of the 2016/2017 budget; and

**WHEREAS**, in preparation of these upcoming expenditures City Council has committed funding to the Public Facilities Capital Reserve Fund over the past four years, and continuing with additional commitment of reserve funding will provide the City with greater financial capacity to handle future improvements; and

**WHEREAS**, the City Council is desirous of transferring \$300,000 of assigned General Fund balance to the Public Facilities Capital Reserve Fund to assist with future construction, replacement and improvements of public facilities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$300,000 from the assigned General Fund balance to the Public Facilities Capital Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Public Facilities Capital Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Stewards of City's Physical Assets strategic priorities.

**Seconded by**  
**and on roll call**

**#88-2015**

**RESOLUTION TRANSFERRING \$200,000 FROM ASSIGNED FUND BALANCE TO  
THE CAPITAL SIDEWALK RECONSTRUCTION RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Sidewalk Reconstruction Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2014 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 has approximately 60,770 linear feet of sidewalk, or 16% of the City's sidewalk network, that needs to be replaced within the City limits; and

**WHEREAS**, in 2014 the City received a Transportation Alternatives Program (TAP) grant for \$720,657 to complete approximately 12,300 linear feet of sidewalk improvements along pedestrian routes to City schools and the grant requires a local match of \$240,000; and

**WHEREAS**, the City Council is desirous of transferring \$200,000 of assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund to assist with future replacement and improvements of City sidewalks; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$200,000 from the assigned General Fund balance to the Capital Sidewalk Reconstruction Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Capital Sidewalk Reconstruction Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Stewards of the City's Physical Assets strategic priorities.

**Seconded by** ✓

**On roll call**



**#89-2015**

**A RESOLUTION TRANSFERRING \$25,000 FROM ASSIGNED FUND BALANCE TO THE ADMINISTRATIVE SERVICES EQUIPMENT AND SOFTWARE RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Administrative Services Equipment and Software Reserve Fund; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned General Fund balance for funding various reserves; and

**WHEREAS**, in March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City's information technology and records management needs to include, but not limited to, replacing antiquated software utilized by the City, some more than 30 years old and operating on a Disk Operating System (DOS) platform; and

**WHEREAS**, the City is currently beginning a tax collection, utility billing and payroll upgrade of the existing system and in upcoming years will be looking to upgrade all financial software including accounts payable, accounts receivable and general ledger; and

**WHEREAS**, considering these upgrades are similar to capital purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$25,000 from the assigned General Fund balance to the Administrative Services Equipment and Software Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Administrative Services Equipment and Software Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

**Seconded by  
and on roll call**



**#90-2015**

**A RESOLUTION TRANSFERRING \$1,000,000 FROM ASSIGNED FUND BALANCE  
TO THE SEWER FACILITY RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to General Municipal Law the City of Batavia has an established Sewer Facility Reserve Fund for purposes of improving the sewer plan and sewer facilities; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned fund balance; and

**WHEREAS**, the Sewer Facility Reserve Fund was created in 1963 and encompasses a broad scope of sewer infrastructure improvements, to include but not limited to, sewer line replacements, sewer lining, sewer plant upgrades and general sewer facility and collection system upgrades; and

**WHEREAS**, in 2014 the City negotiated and executed an unprecedented sale of sewer capacity to the Town of Batavia, selling 500,000 gallons per day (gd) of sewer capacity for just over \$2,000,000; and

**WHEREAS**, in 2014 the City Council adopted a comprehensive 10-year \$22 million water and sewer capital infrastructure plan. Included in this plan was an evaluation of the City water and sewer infrastructure needs, rating and ranking of infrastructure priorities and funding mechanisms based on projected costs and estimated revenues sources determined by water consumption and sewer volume trends. Also part of this plan were projected water and sewer rates for the next 10 years; and

**WHEREAS**, the City Council is desirous of transferring \$1,000,000 of assigned fund balance to the Sewer Facility Reserve Fund to assist with future construction, replacement and improvements of the City's wastewater systems as identified in the adopted capital infrastructure plan over the next ten years; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$1,000,000 from the assigned fund balance to the Sewer Facility Reserve Fund.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Sewer Facility Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Stewards of City's Assets strategic priorities.

**Seconded by  
and on roll call**

**#91-2015**

**A RESOLUTION TRANSFERRING \$1,000,000 FROM ASSIGNED FUND BALANCE  
TO THE SEWAGE SLUDGE RESERVE FUND**

**Motion of Councilperson**

**WHEREAS**, pursuant to Article 2 of the General Municipal Law the City of Batavia has an established Sewage Sludge Reserve Fund for purposes of paying for the cost and disposal of sewage sludge by either the construction of a public facility or for the removal, hauling and disposal at a landfill or other disposal facility; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2015 had assigned fund balance; and

**WHEREAS**, the Sewage Sludge Reserve was created in 1996 for purposes of building capital for the removal of sewage sludge from the City's sewer plant; and

**WHEREAS**, in 2014 the City negotiated and executed an unprecedented sale of sewer capacity to the Town of Batavia, selling 500,000 gallons per day (gd) of sewer capacity for just over \$2,000,000; and

**WHEREAS**, in 2014 the City Council adopted a comprehensive 10-year \$22 million water and sewer capital infrastructure plan. Included in this plan was an evaluation of the City water and sewer infrastructure needs, rating and ranking of infrastructure priorities and funding mechanisms based on projected costs and estimated revenues sources determined by water consumption and sewer volume trends. Also part of this plan were projected water and sewer rates for the next 10 years; and

**WHEREAS**, in March 9, 2015 City Council authorized the Sludge Removal Project for Secondary Pond No. 1 and the estimated cost of the project is \$2.3 million and expected to be completed by the end of 2016; and

**WHEREAS**, the City Council is desirous of transferring \$1,000,000 assigned fund balance to the Sewage Sludge Reserve for purposes of building capital for the removal of sewage sludge from the City's sewer plant; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$1,000,000 from the assigned fund balance to the Sewage Sludge Reserve.

**BE IT FURTHER RESOLVED**, that the transfer of funds to the Sewage Sludge Reserve is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City and Stewards of City's Assets strategic priorities.

**Seconded by  
and on roll call**

**#92-2015**

**A RESOLUTION TO AMEND THE 2015-2016 POLICE DEPARTMENT BUDGET TO  
REFLECT THE RECEIPT OF A POLICE TRAFFIC SERVICES GRANT**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Police Department has received a grant in the amount of \$11,000 from the New York State Governor's Traffic Safety Committee to participate in the statewide Police Traffic Services Program. The goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; 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 be and hereby is authorized to make the following budget amendment to the 2015-2016 budget effective November 9<sup>th</sup>, 2016 to cover various traffic enforcement details card equipment purchases:

Increase expenditure accounts:

001.3120.0101.1151	\$	10,218.30
001.3120.0802.1151	\$	781.70

Increase revenue accounts:

001.0001.0389.1151	\$	11,000.00
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**Seconded by Councilperson  
and on roll call**



**#93-2015**

**A RESOLUTION OF THE CITY OF BATAVIA CONSENTING TO  
TRANSFER OF CONTROL OF THE CABLE FRANCHISEE**

**Motion of Councilperson**

**WHEREAS**, Time Warner Cable Northeast LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to operate and maintain a cable system to serve the City of Batavia, NY (the "Franchise Authority"); and

**WHEREAS**, on May 23, 2015, Charter Communications, Inc. ("Charter Communications") along with its subsidiary CCH I, LLC ("New Charter") entered into agreements with Time Warner Cable Inc. ("TWC") (the ultimate parent company of Franchisee), Advance/Newhouse Partnership ("A/N"), and Liberty Broadband Corporation ("Liberty") in order to merge with TWC, the ultimate parent of the Franchisee (the "Transaction"); and

**WHEREAS**, TWC will merge into a subsidiary of New Charter; and

**WHEREAS**, Charter Communications will merge with a subsidiary of New Charter, and New Charter will assume the name Charter Communications, Inc. ("Charter"); and

**WHEREAS**, the ultimate control of Franchisee will transfer to Charter; and

**WHEREAS**, the Franchise Authority and Charter do not agree whether approval of the Transaction by the Franchise Authority is required; and

**WHEREAS**, Charter has filed an informational FCC Form 394 with the Franchise Authority (the "Application") requesting approval of the transfer of control; and

**WHEREAS**, the Franchise Authority has considered the Application and approves of the Transaction; and

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** The Franchise Authority consents to the Transaction and to the corporate reorganization described in the Application.

**SECTION 2.** The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the change of control of the Franchisee to Charter has been duly and validly taken.

**SECTION 3.** Charter or Franchisee may (a) assign, transfer, or transfer control of its assets, including the Franchise, provided that such assignment, transfer, or transfer of control is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter's assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or any of Charter's affiliates.



**SECTION 4.** After the closing date of the Transaction (the "Closing Date"), Franchisee shall remain bound by the lawful terms, conditions, responsibilities, obligations, liabilities, and rights contained in the Franchise, including any and all pre-closing non-compliance issues identified after the Closing Date, until the Franchise is either renewed, not renewed or terminated by the Franchise Authority pursuant to federal law and regulations.

**SECTION 5.** This Resolution shall have the force of a continuing agreement with Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Charter.

**SECTION 6.** Franchise Authority does not, as a result of the transfer of control, or by virtue of this Resolution, waive, release or otherwise limit its rights with respect to any failure by Franchisee to comply with any and all of the terms and conditions of the Franchise prior to the Closing Date.

**SECTION 7.** Franchise Authority's consent to the transfer of control arising from the Transaction is contingent upon the parties to the Transaction obtaining all other necessary and applicable federal governmental approvals, permits, and authorizations, and is further contingent upon Charter signing a Certificate of Acceptance of this Resolution.

**SECTION 8.** This Resolution shall take effect immediately.

**Seconded by  
and on roll call**

**#94-2015**  
**A RESOLUTION TO SCHEDULE A PUBLIC MEETING**  
**REGARDING A NEW POLICE FACILITY**

**Motion of Councilperson**

**WHEREAS**, it is the desire of the City Council to have a public meeting for the residents regarding a new police facility; and

**WHEREAS**, the process involves holding a public meeting to provide residents with time to review information from the Police Facility Task Force and for the residents to provide feedback to the City Council; and

**WHEREAS**, residents are invited to attend the meeting and provide feedback to City Council to assist the City in defining priorities and opportunities for the police facility location; and

**NOW THEREFORE, BE IT RESOLVED**, that the City of Batavia will hold a public meeting at City Hall, One Batavia City Centre, Council Board Room, Batavia, New York at 7:00 p.m. on Monday, November 23, 2015; and

**BE IT FURTHER RESOLVED**, that the City Clerk publish or cause to be published a public meeting in the official newspaper of the City.

**Seconded by Councilperson**  
**and on roll call**

**#95-2015**  
**A RESOLUTION TO AMEND THE 2015-16 BUDGET**

**Motion by Councilperson**

**WHEREAS**, pursuant to General Municipal Law 6-n, the City of Batavia has an established Liability and Casualty Reserve fund; and

**WHEREAS**, the City of Batavia is self-insured for a \$25,000 life insurance benefit for certain employee groups; and

**WHEREAS**, the City Council is desirous of expending funds from the Appropriated Reserve/Insurance Reserve Account for payment of a \$25,000 life insurance benefit for the unfortunate death of a City of Batavia employee on July 31, 2015; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia hereby authorize the City Manager to make the following 2015-2016 budget amendment effective November 9, 2015:

Increasing expenditure account:

Life Insurance/Insurance Reserve	001.1430.0808.2104	\$25,000
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Increasing revenue account:

Appropriated Reserve/Insurance Reserve	001.0001.0211.2104	\$25,000
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**Seconded by Councilperson  
and on roll call**





To: Honorable City Council

From: Jason Molino, City Manager

Date: November 3, 2015

Subject: Cancellation of Tax Liens for 301 Bank Street and 305 Bank Street Rear

## **Background**

When preparing the City's 2014/15 financial statements delinquent taxes and deferred revenue were thoroughly reviewed to ensure they were properly represented in the City's financial statements. As a result, two properties the City is not likely to receive back taxes or take title via foreclosure are 301 Bank Street and 305 Bank Street Rear due to confirmed environmental contamination at both parcels. Currently both properties are being addressed in the New York State Superfund Site Program and are awaiting clean-up and remediation by the State of New York. Both sites were originally accepted into the State Environmental Restoration Program (ERP) by the City of Batavia in 2005, however due to the extent of environmental contamination both parcels need to be remediated under Superfund. It is estimated that the cleanup costs will exceed \$8-\$10 million.

While both properties have been abandoned for over a decade and the assessed values have been lowered since environmental contamination has been discovered, both continue to generate an annual tax bill until such time all prior tax liens are paid in full or the City takes title via foreclosure. Considering neither option is likely until the State has completed the environmental remediation of both sites, it is recommended that the City Council remove both properties from the foreclosure process, cancel all tax liens from the City's deferred revenue and make them tax exempt. This will discontinue additional tax liens from being filed against the property, but most importantly will remove the properties from the foreclosure process not to place further burden on City resources during foreclosure proceedings. This will also remove the liability of delinquent taxes from the City's financial statements.

When the State completes the environmental remediation the City Council can place both properties back on the tax roll and, to the extent outstanding taxes accrue, the City can commence the foreclosure process to take title to both properties. If taxes are outstanding, the foreclosure would start over taking approximately three years to complete. 301 Bank Street and 305 Bank Street Rear have \$70,183.96 and \$6,120.45 in existing tax liens respectively.

When researching this option City staff consulted with Genesee County Real Property and the Treasurer's Office as the County Legislature has taken similar action when faced with foreclosing on environmentally contaminated property. The City Attorney was also consulted.

### **Recommendation**

While this is not a routine action by City Council, when considering significant risk and liability of taking title to the property without environmental remediation and the City's inability to collect back taxes, it is recommended that the City Council cancel the tax liens against 301 Bank Street Rear and 305 Bank Street and make them tax exempt until such time both properties have been remediated. It is also recommended that the action be retro-active to March 1, 2015 so that the properties can be removed for the upcoming tax roll.

### **Supporting Documents**

1. A Resolution Approving the Cancellation of Tax Liens for 301 Bank Street and 305 Bank Street Rear

**#96-2015**

**A RESOLUTION APPROVING THE CANCELLATION OF TAX LIENS FOR 301  
BANK STREET AND 305 BANK STREET REAR**

**Motion of Councilperson**

**WHEREAS**, Article 11 of the Real Property Tax Law (RPTL) substantially revised the enforcement of the collection of delinquent real property taxes as well as established a procedure for the withdraw of and/or cancellation of tax lien pursuant to Section 1138 of the RPTL; and

**WHEREAS**, parcels addressed at 301 Bank Street (SBL No. 71.019-1-12) and 305 Bank Street Rear (SBL No. 71.019-1-15), formerly known as the Batavia Iron and Metals Co. Inc., were used to reclaim iron, metal and wire materials for sale to recycling and manufacturing firms; and

**WHEREAS**, both parcels were accepted into the New York State Environmental Restoration Program (ERP) administered by the New York State Department of Environmental Conservation (DEC), and

**WHEREAS**, after performance of a comprehensive site investigation on the parcels under the ERP program, significant environmental contamination has been identified at both parcels, and

**WHEREAS**, DEC has placed the Batavia Iron and Metals Site into the New York State Superfund Program as Site No. 819018 and identified the need for significant environmental remediation at both properties,

**WHEREAS**, the two parcels have been in in rem foreclosure for past tax years but have been withdrawn from foreclosure and is currently in the pending foreclosure proceeding for tax year 2014, and

**WHEREAS**, foreclosure of the City's outstanding tax liens against the two parcels poses significant liability risk to the City if it took title to the parcels prior to remediation of the site under New York State and Federal environmental laws, and

**WHEREAS**, existing environmental liability associated with the two parcels makes the parcels unmarketable until the parcels are remediated, but the City would have to continue to carry outstanding taxes and penalties on its ledgers, and

**WHEREAS**, the environmental contamination and statutory liability for any prospective purchaser of the properties makes the existing tax liens against the two parcels substantially unenforceable, and

**WHEREAS**, it is the recommendation of the City Manager that those properties be withdrawn from the pending foreclosure action and the existing tax liens canceled, and



**WHEREAS**, it is further recommended by the City Manager that these properties be declared tax exempt due to the inability to enforce tax liens through foreclosure and sale until such time as DEC completes remediation of the properties.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council finds the existing tax liens and all related charges for 301 Bank Street (SBL No. 71.019-1-12) and 305 Bank Street Rear (SBL No. 71.19-1-15) to be unenforceable as there is no practical method to enforce the liens and therefore effective March 1, 2015 are cancelled pursuant to RPTL Section 1138; and

**BE IT FURTHER RESOLVED**, that the a copy of this resolution shall be filed with the Enforcing Officer and the Enforcing Officer shall file a Certificate of Cancellation with the Genesee County Clerk's Office, and

**BE IT FURTHER RESOLVED**, the City Council finds that future tax liens against the two parcels are found to be impractical and lacking in any enforcement mechanism until DEC completes remediation of the two parcels; and

**BE IT FURTHER RESOLVED**, the City Council declares that 301 Bank Street (SBL No. 71.019-1-12) and 305 Bank Street Rear (SBL No. 71.019-1-15) are declared tax exempt until such time both parcels are fully remediated by DEC or City Council shall otherwise determine that the parcels be placed back on the City's tax rolls, and

**BE IT FURTHER RESOLVED** that the Enforcing Officer shall issue a Certificate of Prospective Cancellation and file copies with the Assessor's Office and the Genesee County Director of Real Property Tax Services.

**Seconded by Councilperson  
and on roll call**