

BATAVIA CITY COUNCIL CONFERENCE MEETING

**(Special Business Meeting
Following Conference Meeting)**

**City Hall - Council Board Room
One Batavia City Centre
Monday, February 22, 2016 at 7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Viele
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Batavia Concert Band
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, March 14, 2016 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
 - b. Proclamation – Eric Volk, Retiree
- VIII. Public Hearing
 - a. An Ordinance Adopting the 2016-2017 Budget and Determining the Amount of Tax to be Levied on all Real Property for the 2016-2017 Fiscal Year.
 - b. A Local Law Amending Section 184-41 (A), (B), (C), And (O) of the Batavia Municipal Code to Establish New Water Rates, Meter Fees and a Capital Improvement Fee.
- IX. Ellicott Trail Project
- X. Residential Redevelopment Inhibited Property Exemption – 485-r, RPTL
- XI. Ice Arena Lease
- XII. Auction of Foreclosed Properties
- XIII. Administrative Reserve Re-appropriation

- XIV. Purchasing Manual Adoption
- XV. Transfer from Employee Accrued Liability Reserve
- XVI. Transfer of Funds to Parking Lot Reserve
- XVII. DPW Bids – Minnow Harvesting, Washington/State Street Sewer, Chemical Bids
- XVIII. Summit Street Supplemental Agreement #6
- XIX. Competitive Bids for Water Rescue Equipment
- XX. Discussion Police Facility
- XXI. Adjournment

Batavia Concert Band

Estimated cost for the Bureau of Maintenance is \$1,117. There are no additional costs for any departments.



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

Official Use Only:

2016-5

Event Application #: _____

DATE: 01/29/2016

TIME: 14:10:03

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

GENERAL RECEIPT

RECEIPT TYPE: 2570

RECEIPT # 985743

AMOUNT PAID: ----

20.00

Batavia Concert Band

Name of Renter / Sponsor / Organization:

Concerts in the Park

Type / Name of Event

7-8:45 pm hrs. 6/29 → 8/01/16

Date(s) & Time(s) of Event

Profit ☐

Non-Profit ☒

CONTACT INFORMATION:

Bob Knipe

Primary Contact Name

bobknipe@hotmail.com

E-Mail Address

343 5991

Home Phone #

Primary Contact Address

585 590 6457

Cell Phone #

Other #

Danielle Perry

Secondary Contact Name

d.perry13@gmail.com

E-Mail Address

Secondary Contact Address

585 300 9019

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Bob Knipe

Contact Name

343 5991

Home Phone #

590 6457

Cell Phone #

Other #

Location of your event:

Centennial Park, Batavia

Please provide details of your event:

Free public Concerts in the Park

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):

See attached 6:15pm 8:45pm 8:45pm
 Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

See attached 7:00pm 8:15pm 200-300 1
 Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

 Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

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 ☐

Batavia Concert Band Bob Knipe or Danielle Pomy 585 313 591
 Name of Company Providing Above: Company Contact/Representative Phone #
PO Box 1705, Batavia NY 14021-1705
 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? PA system, electric keyboard

* Need access to power on pole, So. side Centennial Park, opposite Lewis Ave.

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?

Yes ☐ No ☒

Will a bounce house or other air supported structures be erected at event?

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:

| | | | |
|---------------------|-------|---------------|-------|
| Street to be closed | _____ | & | _____ |
| | | Cross Streets | |
| Street to be closed | _____ | & | _____ |
| | | Cross Streets | |
| Street to be closed | _____ | & | _____ |
| | | Cross Streets | |
| Street to be closed | _____ | & | _____ |
| | | Cross Streets | |

Will street barricades be requested from the City? Yes ☐ No ☒ How Many? _____

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)

Delivery of 50 chairs by 6:20 pm; p.u. @ 8:45 pm on concert days.

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.

*Note: Rain Venue is Genesee Community College.
City DPH will be notified prior to 3:00pm on
concert days if venue is changed.*

Thanks.

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. **Applications should be submitted at least 30 days in advance.**
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 approved, a Certificate of Liability Insurance of at least \$1,000,000 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 Concert Band, 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 Batavia Concert Band (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.

1/29/16
Date:

Batavia Concert Band
Name of Event Sponsor:
[Signature] Operations Mgr.
Authorized Signature, Title
Bob Knipe
Name - Printed or Typed

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

1/29/16
Date:

[Signature]
Signature of Applicant

Please forward this application to:

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

Dates for Batavia Concert Band -Summer 2016

Free Public Concerts in the Park – Centennial Park, Batavia

50 chairs needed unless otherwise noted

Wednesdays 6:20 chair delivery (concerts run 7:00-8:45pm)

- June 29
- July 6
- July 13
- July 20
- July 27
- Aug. 3
- Aug. 10

Other:

- July 4~ Picnic in the Park, 12:00 noon, main stage (Ellicott Ave. side) (Arrangements made by GOART!)

ORDINANCE #001-2016
AN ORDINANCE ADOPTING THE 2016-2017 BUDGET AND DETERMINING THE
AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2016-2017
FISCAL YEAR

BE IT ENACTED, by the Council of the City of Batavia, New York:

SECTION 1. The proposed Budget for 2016-2017, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 15, 2016, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2016-2017 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, and Workers' Compensation Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2016-2017.

SECTION 2. The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2016-2017 is \$5,111,384.

SECTION 3. The sum of \$5,111,384 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2016-2017, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2016-2017.

SECTION 4. The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

SECTION 5. The budget summaries, as filed in the Clerk-Treasurer's Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

SECTION 6. This Ordinance shall become effective April 1, 2016.

Budget Summaries

General Fund

| | |
|-------------------------------------|-------------------------|
| General Fund - Capital Reserves | \$ 146,265.00 |
| City Council | \$ 51,700.00 |
| City Manager | \$ 180,430.00 |
| Finance | \$ 138,610.00 |
| Administrative Services | \$ 329,050.00 |
| Clerk/Treasurer | \$ 134,000.00 |
| City Assessment | \$ 145,952.00 |
| Legal Services | \$ 219,800.00 |
| Personnel | \$ 487,860.00 |
| Engineering | \$ 32,000.00 |
| Elections | \$ 18,210.00 |
| Public Works Administration | \$ 104,860.00 |
| City Facilities | \$ 359,670.00 |
| Information Systems | \$ 79,575.00 |
| General Fund - Contingency | \$ 250,000.00 |
| Police | \$ 4,018,010.00 |
| Fire | \$ 3,894,092.00 |
| Control of Dogs | \$ 1,310.00 |
| Inspection | \$ 342,130.00 |
| Vital Statistics | \$ 19,040.00 |
| Maintenance Administration | \$ 198,350.00 |
| Street Maintenance | \$ 811,395.00 |
| Public Works Garage | \$ 497,222.00 |
| Snow Removal | \$ 617,039.00 |
| Street Lights & Traffic Signals | \$ 281,140.00 |
| Sidewalk Repairs | \$ 259,990.00 |
| Parking Lots | \$ 35,200.00 |
| Community Development | \$ 20,000.00 |
| Council on Arts | \$ 2,250.00 |
| Parks | \$ 675,070.00 |
| Summer Recreation | \$ 69,195.00 |
| Youth Services | \$ 169,165.00 |
| Historic Preservation | \$ 2,100.00 |
| Community Celebrations | \$ 14,870.00 |
| Planning & Zoning Boards | \$ 3,200.00 |
| Storm Sewer | \$ 238,320.00 |
| Refuse & Recycling | \$ 58,680.00 |
| Street Cleaning | \$ 331,790.00 |
| Medical Insurance | \$ 10,070.00 |
| General Fund - Debt Service/Bonds | \$ 512,575.00 |
| General Fund – BAN | \$.00 |
| Install Pur Debt - Municipal Lease | \$ 35,843.00 |
| Gen. Fund – Debt Svc-Energy Lease | \$ 75,475.00 |
| Gen. Fund – Other Gov't Debt | \$ 96,027.00 |
| General Fund - Transfer/Other Funds | \$ 322,090.00 |
| TOTAL | \$ 16,289,620.00 |

**Water, Wastewater &
Workers Comp Funds****PROPOSED
2016/17**

| | |
|--------------------------------------|-------------------------|
| Water Administration | \$ 2,408,170.00 |
| Pump Station & Filtration | \$ 1,284,370.00 |
| Water Distribution | \$ 431,160.00 |
| Water Fund – Medical Insurance | \$ 1,000.00 |
| Water Fund Contingency | \$ 15,000.00 |
| Water Fund - Debt Service/Bonds | \$ 25,800.00 |
| Install Pur Debt – Municipal Lease | \$ 4,031.00 |
| Water Fund– Debt Svc-Energy Lease | \$ 18,010.00 |
| Water Fund – Transfers for Cap Proj | \$ 700,000.00 |
| Water Fund - Transfer to Other Funds | \$ 243,740.00 |
| Water Fund - Reserve | \$ 140,939.00 |
| Water Fund – Debt Service - BAN | \$ 3,300.00 |
| TOTAL | \$ 5,275,520.00 |
| <hr/> | |
| Wastewater Administration | \$ 329,620.00 |
| Sanitary Sewers | \$ 476,030.00 |
| Wastewater Treatment | \$ 835,840.00 |
| WW Fund Contingency | \$ 15,000.00 |
| WW Fund – Medical Insurance | \$ 1,010.00 |
| WW Fund - Debt Service/Bonds | \$ 163,059.00 |
| WW Fund – Debt Service/BAN | \$ 37,200.00 |
| WW Fund - Debt Svc-Energy Lease | \$ 7,471.00 |
| Install Pur Debt – Municipal Lease | \$ 29,028.00 |
| WW Fund – Transfer to Other Funds | \$ 31,810.00 |
| WW Fund – Transfer for Capital Proj | \$ 562,000.00 |
| WW Fund - Reserve | \$ 730,000.00 |
| TOTAL | \$ 3,218,068.00 |
| <hr/> | |
| Workers' Compensation | \$ 322,640.00 |
| TOTAL | \$ 322,640.00 |
| <hr/> | |
| TOTAL | \$ 25,105,848.00 |

**LOCAL LAW NO. 1 OF THE YEAR 2016
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE
CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A
CAPITAL IMPROVEMENT FEE**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. § 184-41. Water rates.

A. Water Rates

City – Water – Quarterly Schedule

\$4.78 [\$4.95] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

\$6.14 [\$6.35] per 1,000 gallons

B. Bulk rate at water plant fill station: \$6.40 [\$6.63] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2015~~
~~as billed on and after June 1, 2015~~ [April 1, 2016 as billed on and after June 1, 2016].

C. Quarterly meter service and availability charge for meters:

| Type | Size in Inches | Quarterly Fee |
|-------------|-----------------------|--------------------------------|
| Disc | 5/8 | \$9.32 [\$9.64] |
| Disc | 3/4 | \$11.79 [\$12.20] |
| Disc | 1 | \$12.42 [\$12.85] |
| Disc | 1 ½ | \$21.10 [\$21.84] |
| Disc | 2 | \$29.30 [\$30.33] |
| Compound | 2 | \$24.82 [\$25.69] |
| Compound | 3 | \$94.40 [\$97.71] |
| Compound | 4 | \$150.26 [\$155.52] |
| Compound | 6 | \$226.99 [\$234.93] |
| Turbo | 3 | \$55.86 [\$57.81] |
| Turbo | 4 | \$94.40 [\$97.71] |
| Fireline | 4 | \$94.40 [\$97.71] |
| Fireline | 6 | \$150.26 [\$155.52] |

| | | |
|----------|----|--------------------------------|
| Fireline | 8 | \$209.46 [\$216.79] |
| Fireline | 10 | \$273.53 [\$283.10] |

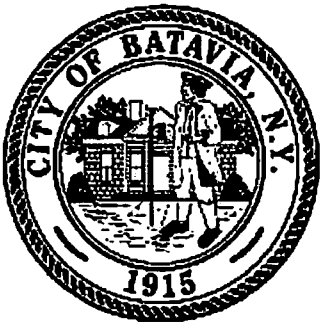
All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

| Type | Size in Inches | Quarterly Fee |
|----------|----------------|--------------------------------|
| Disc | 5/8 | \$4.50 [\$4.95] |
| Disc | ¾ | \$5.70 [\$6.27] |
| Disc | 1 | \$6.00 [\$6.60] |
| Disc | 1 ½ | \$10.20 [\$11.22] |
| Disc | 2 | \$14.16 [\$15.58] |
| Compound | 2 | \$12.00 [\$13.20] |
| Compound | 3 | \$45.63 [\$50.19] |
| Compound | 4 | \$72.63 [\$79.89] |
| Compound | 6 | \$109.73 [\$120.70] |
| Turbo | 3 | \$27.00 [\$29.70] |
| Turbo | 4 | \$45.63 [\$50.19] |
| Fireline | 4 | \$45.63 [\$50.19] |
| Fireline | 6 | \$72.63 [\$79.89] |
| Fireline | 8 | \$101.25 [\$111.38] |
| Fireline | 10 | \$132.23 [\$145.45] |

Deletions designated by ~~strikeout~~

Additions designated as [brackets]



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager

Date: February 17, 2016

Subject: Transportation Enhancement Program (TEP) Grant – Ellicott Trail Project

Background: In 2013 the Town applied for a TEP grant, with the as City co-applicant, for funds to support a pedestrian and bicycle trail that would connect the eastern and western edges of the Town with the City's central corridor. In 2014 the Town received \$1,024,500 from the federally funded TEP program to support the trail, with a local match of \$341,500 to be split equally between the City and Town. The proposed trail, which has been named the Ellicott Trail, is a 4.6 mile multi-modal pedestrian and bicyclist trail will connect commercial, industrial and residential areas in the City and Town of Batavia. The new trail will provide an internal bicycle and pedestrian route through the City and Town, including off-road sections, that will provide more efficient and safer travel options for travelers. The Ellicott Trail will be the first pedestrian and bicycle trial within Genesee County that connects major activity centers.

The total project cost is \$1,366,000. The TEP grant will cover \$1,024,500 and the project requires a local match of \$341,500 to complete the project. The City and Town will split the local match and expect to utilize our workforces to make up approximately \$90,000 of the local match. The remaining \$250,000 of the local match will be needed for the construction project. The City can pay our local share by utilizing unassigned fund balance, VLT aid or future surpluses, however because the project is not expected to completed until 2017 the funding source does not need to be identified or appropriated until later this year.

Over the past year a Steering Committee consisting of Town and City staff and members of the community have been meeting to prepare the preliminary design of the project which was completed in August 2015. Prior to moving forward with the final design, an inter-municipal agreement between the City and Town is required to demonstrate our commitment to the local share as well as intentions to take ownership of the trail once completed. Attached is a draft inter-municipal agreement that outlines the Town and City relationship for completing the project.

Recommendation: It is recommended that the City Council execute the inter-municipal agreement with the Town to complete the Ellicott Trail. As the project develops further, a more detailed understanding of the in-kind match versus cash requirements will be determined, after which, the staff will recommend to City Council the funding source for the City's cash match for the project. The City

and Town will also be applying for additional grant funds this spring and summer to offset our local match further.

Supporting Documents:

1. A resolution to enter into an inter-municipal agreement for design, construction and inspection cost sharing for the Ellicott Trail Project
2. Draft agreement with Town of Batavia

#-2016

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE
AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF BATAVIA AND
THE TOWN OF BATAVIA FOR DESIGN, CONSTRUCTION AND INSPECTION
COST SHARING OF THE ELlicOTT TRAIL PROJECT**

Motion of Councilperson

WHEREAS, the Town of Batavia, in cooperation with the City of Batavia, applied and received a \$1,024,500 grant from the New York State Department of Transportation Transportation Enhancements Program (TEP); and

WHEREAS, the proposed trail, which has been named the Ellicott Trail, is a 4.6 mile multi-modal pedestrian and bicyclist trail will connect commercial, industrial and residential areas in the City and Town of Batavia; and

WHEREAS, the new trail will provide an internal bicycle and pedestrian route through the City and Town, including off-road sections, that will provide more efficient and safer travel options for travelers, and the trail will be the first pedestrian and bicycle trail within Genesee County that connects major activity centers; and

WHEREAS, the total project cost is estimated to be \$1,366,000.00, of which the TEP grant will cover \$1,024,500.00 and the project requires a local match of \$341,500.00 to be shared equally between the City and Town; and

WHEREAS, an inter-municipal agreement that outlines the Town and City relationship is required for completing the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to hereby authorize the City Council President to sign an Intermunicipal Agreement between the City of Batavia and Town of Batavia for the design, construction and inspection cost sharing for the Ellicott Trail Project.

**Seconded by Councilperson
and on roll call**

**ELLICOTT TRAIL PROJECT AGREEMENT
FOR DESIGN, CONSTRUCTION AND INSPECTION COST SHARING**

THIS AGREEMENT, made the _____ day of _____, 2016, by and between the **TOWN OF BATAVIA**, a municipal corporation of the State of New York, with offices located at Town Hall, 3833 West Main St., Rd., Batavia, New York, (hereinafter "Town"), and the **CITY OF BATAVIA**, a municipal corporation of the State of New York, with offices located at City Hall, One Batavia City Centre, Batavia, New York, (hereinafter "City"), also jointly referred to hereinafter as "Municipalities".

WITNESSETH

WHEREAS, the Town and the City have proposed to construct a trail system beginning at Pearl Street Road in the City of Batavia and thence running easterly for a distance of approximately 4.6 miles and ending at the eastern terminus of the Seven Springs Road in the Town of Batavia, to be known as the Ellicott Trail Project, (hereinafter "Project"), and

WHEREAS, the Town as the lead Municipality and Sponsor of the Project has applied to and received federal funding pursuant to the Transportation Enhancement Program, (hereinafter "Program"), and

WHEREAS, pursuant to the terms and conditions of this Program, the Municipalities are responsible to initially pay for the cost and expenses of the Project, with the Federal funding to be reimbursed to the Municipalities for seventy five percent (75%) of these costs, as set forth upon **SCHEDULE A**, annexed hereto and made a part hereof, and

WHEREAS, the Town has paid the entire local share for the preliminary engineering for the project, and

WHEREAS, both the Town and City must now determine their full commitment to the Project, and

WHEREAS, it is now necessary to contract for preparation of the Project Final Design, Construction and Inspection, and

WHEREAS, the Municipalities intend to equally share the local share cost for the Engineering, Construction and Inspection of the Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. The Town as the Project Sponsor shall undertake the duties as set forth herein, including arranging for and entering into a Contract for the preparation of the Project final design documents, Construction and Inspection and thereafter monitoring the progress of this process.

2. The Town and City will each pay one-half of the local share of the engineering, construction and inspection of the Project, estimated as set forth in **SCHEDULE A**, to be the sum of \$170,750.00 (cash or in-kind services).

3. The Town will initially pay all costs and expenses relating to the Engineering, Construction and Inspection and thereafter submit the required documentation to receive Federal reimbursement pursuant to the terms and conditions of the Project.

4. Within 15 days of payments by the Town of all of the costs and expenses for the Engineering, Construction and Inspection of the Project the Town and City shall review the total costs for the Project to include all in-kind and cash payments related to the Project to determine the Town and City one-half local share responsibility. Within 30 days thereafter, the City will pay the Town one-half of the local share.

5. The Town and the City shall negotiate in good faith to reach an agreement for the use of any Town and/or City personnel or equipment for in-kind services in lieu of cash.

6. At the completion of the project it's agreed that the City will own and maintain the portion of the trail within the City limits and the Town will own and maintain the portion of the trail within the Town.

IN WITNESS WHEREOF the parties have last signed this Agreement the day and year first written above.

TOWN OF BATAVIA

(SEAL)

By: Gregory H. Post, Supervisor

CITY OF BATAVIA

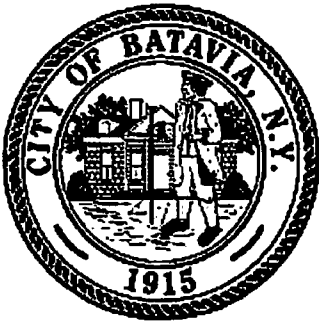
(SEAL)

By: Eugene Jankowski Jr.,
Batavia City Council President

Schedule A


Ellicott Trail Cost Breakdown

| | Total | Federal | Local | Local Share breakdown | | Remarks |
|--------------------|-------------|-------------|-----------|-----------------------|-----------|-------------------------------------------------------------|
| | | | | Town | City | |
| Preliminary Design | \$69,000 | \$51,750 | \$17,250 | \$8,625 | \$8,625 | Local Share already paid by Town |
| Final Design | \$159,000 | \$119,250 | \$39,750 | \$19,875 | \$19,875 | Could use Town or City personel & equipment in lieu of cash |
| Construction | \$982,000 | \$736,500 | \$245,500 | \$122,750 | \$122,750 | Could use Town or City personel & equipment in lieu of cash |
| Inspection | \$156,000 | \$117,000 | \$39,000 | \$19,500 | \$19,500 | Could use Town or City personel & equipment in lieu of cash |
| | | | | | | |
| Total | \$1,366,000 | \$1,024,500 | \$341,500 | \$170,750 | \$170,750 | |



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 17, 2016

Subject: Residential Redevelopment Inhibited Property Exemption – 485-r

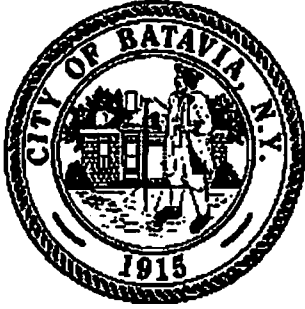
Background: In October 2015, the Governor signed into law the City's home rule request to develop a property tax exemption targeting vacant and abandoned houses, also known as Real Property Tax Law (RPLT) 485-r Residential Redevelopment Inhibited Property Exemption. In order to enact the exemption the City Council must pass a local law recognizing the exemption. Once the City Council adopts the local law, the Genesee County Legislature and the Batavia City School District can do the same.

Attached is a summary memo that was provided to the Genesee County Legislature and Batavia City School District explaining the exemption. The Genesee County Ways and Means Committee has reviewed the exemption and will be setting a public hearing for the local law once the City adopts the exemption. I will be presenting the exemption to the School District for consideration on February 23rd.

Recommendation: It is recommended that the City Council set the public hearing for the March 28th Council meeting and proceed with adoption at the April 11th meeting.


Supporting Documents:

1. Memo to Genesee Legislature and Batavia City School District
2. Draft resolution for public hearing and local law



City of Batavia

To: Honorable Genesee County Legislature
Honorable Batavia City School District Board of Education

From: Jason Molino, City Manager 

CC: Honorable City Council
Jay Gsell, County Manager
Kevin Andrews, Director of Real Property/Deputy Treasurer
Chris Daily, Batavia City School Superintendent
Scott Rozanski, Business Administrator

Date: January 28, 2016

Subject: **Residential Redevelopment Inhibited Property Exemption – 485-r, RPTL**

Background: As you are well aware, vacant and abandoned properties are an epidemic in New York's municipalities and dealing with these distressed properties can be an expensive, time-consuming task for local officials. These properties strain the resources of municipalities such as police, fire and public works departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life of remaining residents.

The City of Batavia has determined that most of the vacant and abandoned properties within its boundaries are single family residences and that the annual impact of the properties include, but are not limited to \$25,000 in delinquent property taxes, \$20,000 in lost water and sewer revenue, \$10,000 in City staff time, \$11,300 in unpaid fees and fines per property and over \$500,000 in lost resident retail buying power. In addition, between 2009-2014 the average assessed value for a single family home increased 1.8%, however, the average assessed value for a vacant/abandoned home decreased 5.1%.

In response to this epidemic, in April 2015 the City Council introduced home rule legislation to provide a property tax exemption for owner-occupied, single family home owners who take on the burden and challenge of redeveloping a vacant or abandoned property. Because redeveloping abandoned properties many times requires a level of investment that outpaces the value of the property once redeveloped, there is little incentive to invest in a property that will be paying higher taxes but not yielding the return on the initial investment. The proposed legislation (A.7570 & S.5196) would provide tax relief for interested residents willing to take on redeveloping abandoned properties by exempting the increase in assessed value for the redevelopment of abandoned properties into owner-occupied single family residences. In return this can provide a means for greater investment into

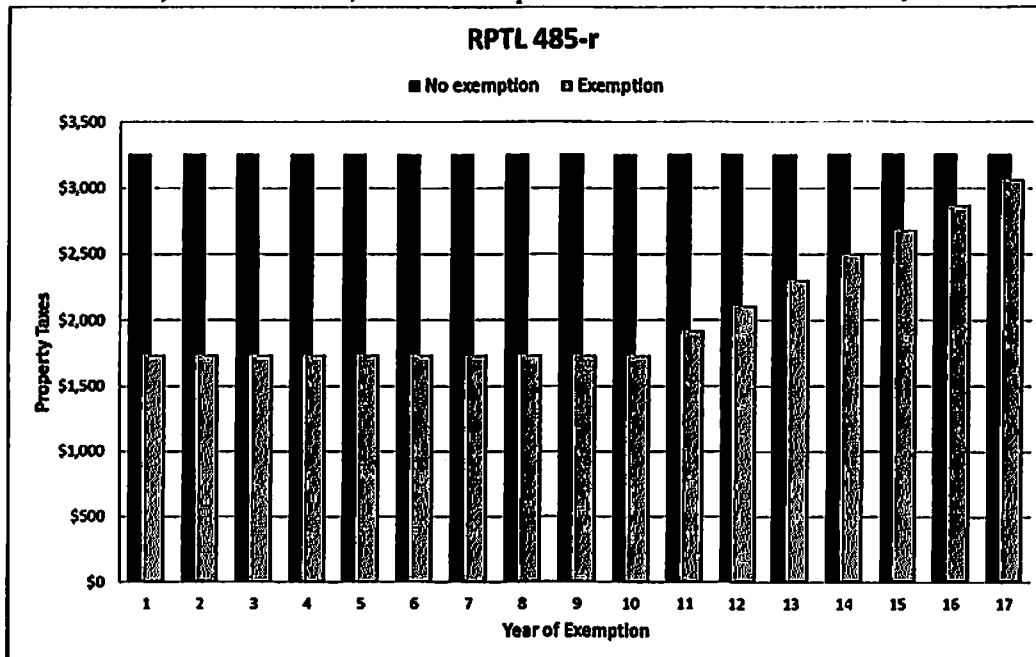
abandoned properties, without a significant property tax burden and transform highly distressed properties, many times tax delinquent, into functioning reuses.

In summary the proposed legislation provides for the following:

- Defines a vacant or abandoned property consistent with acquiring title to the property pursuant to Real Property Actions and Proceedings Law Article 19-A and acquiring title to the property via foreclosure for unpaid tax pursuant to Article 11 of the Real Property Tax Law, or that the property has outstanding code violations that the cost to remedy the violations or demolish would exceed the value of the property.
- The property upon completion of redevelopment must be an owner-occupied single family home and the property owner must verify annually that they are the owner-occupier of the home to continue receiving the exemption. If the property is no longer owner-occupied and a single family home, the exemption ceases.
- The exemption period is determined by the total cost of the redevelopment divided by the increase in taxes to be paid due to the redevelopment. The exemption cannot exceed 25 years.
- The exemption is transferable and runs with the land if the property remains owner-occupied and a single family home.

The exemption does not assist rental or income properties. However, a property can be redeveloped by one owner and sold to another, and still be eligible for the exemption. Lastly, the exemption can last up to 25 years, providing a financial tool equal to the length of a traditional residential mortgage.

The attached spreadsheet is an example of how the exemption would be applied. The chart below demonstrates the impact of the exemption versus no exemption for a redevelopment project where a home assessed at \$40,000 after a \$60,000 redevelopment would be assessed at \$75,000.



Under the exemption, all taxing jurisdictions would still receive property taxes on the base value of \$40,000 however the increased assessed value would be exempt for the exemption period. Under the above scenario, the total amount of exemption would equal \$20,500 over the 17 year exemption.

Currently there are 60-70 properties in the City of Batavia that may qualify for this exemption if adopted. Because one abandoned/distressed property can strain city resources, depreciate property values, reduce property tax revenue and degrade the quality of life of remaining residents, this exemption can have a meaningful impact on a street or neighborhood with only a small number of properties participating. Furthermore,

Summary: In October 2015, Governor Cuomo signed the legislation into law and Batavia became the first community in New York State to provide property tax exemption, targeting vacant and abandoned single-family homes that are transferable to future owners.

The City of Batavia is requesting that the Genesee County Legislature and the Batavia City School District Board of Education take the necessary actions to adopt the local option for RPTL 485-r to assist City property owners with residential redevelopment and reinvestment.

Thank you again for your consideration. Should you have any further questions please do not hesitate to contact me.

Supporting Documents:

1. RPLT 485-r exemption worksheet
2. Real Property Tax Law (RPTL) 485-r
3. Department of Taxation & Finance, Assessors Manual, Volume 4, Exemption Administration

Redevelopment Inhibited Property Exemption
RPTL 485-r

| | |
|------------------------------|--------------|
| Base Assessed Value | \$ 40,000.00 |
| Total Cost of redevelopment | \$ 60,000.00 |
| Redevelopment Assessed Value | \$ 75,000.00 |

Added Value

| | |
|--------------|-------------------------------------------------------------------------|
| \$ 60,000.00 | Total Cost of redevelopment |
| \$ 35,000.00 | Increase in assessed value (redevelopment assessment - base assessment) |
| \$ 25,000.00 | Gap Financing |

Exemption Period

| | |
|-----------------|----------|
| City tax rate | \$ 9.21 |
| County tax rate | \$ 9.86 |
| School tax rate | \$ 24.33 |

| | |
|----------------|----------|
| Total tax rate | \$ 43.40 |
|----------------|----------|

| | |
|------------------------------------|-------------|
| Base assessed value taxes | \$ 1,736.00 |
| Redevelopment assessed value taxes | \$ 3,255.00 |

| | |
|-------------------|-------------|
| Increase in taxes | \$ 1,519.00 |
|-------------------|-------------|

Exemption Period = years

required the cell input
 will be automatically filled

Exemption period is rounded up to the nearest year.

City, County and School district continue to receive taxes on base assessment of the base assessed value

STATE OF NEW YORK

7570--A

2015-2016 Regular Sessions

IN ASSEMBLY

May 19, 2015

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to authorizing a residential redevelopment inhibited property exemption in certain cities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The real property tax law is amended by adding a new
2 section 485-r to read as follows:
3 § 485-r. Residential redevelopment inhibited property exemption;
4 certain cities. 1. As used in this section, the following terms shall
5 have the following meanings:
6 (a) "Redevelopment inhibited property" shall mean a residential prop-
7 erty that has been neglected or abandoned because of the local economic
8 conditions and/or conditions on the property that inhibit such property
9 from being redeveloped by the private sector. Redevelopment inhibited
10 property shall not include land that is undeveloped.
11 (b) "Gap financing costs" shall mean the total cost of the property's
12 redevelopment as approved by the city minus the increase in the full
13 valuation of the property upon completion of the redevelopment.
14 (c) "Base assessment" shall mean the assessed value of the property on
15 the day the city designates the property as redevelopment inhibited.
16 (d) "Increased assessment" shall mean the assessed value of the prop-
17 erty as determined by the assessor upon completion of the redevelopment.
18 (e) "Incremental increase in annual property taxes" shall mean the
19 taxes based on the increased assessment minus the taxes based on the
20 base assessment.
21 (f) "City" shall mean cities with a population of not less than
22 fifteen thousand two hundred fifty and not more than fifteen thousand

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10793-03-5

A. 7570--A

2

1 five hundred as determined by the federal decennial census for the year
2 two thousand ten.

3 2. A city may, by local law, provide for the exemption of real proper-
4 ty from taxation as provided in this section. Subsequent to the adoption
5 of such local law, the county in which such city is located may after a
6 public hearing and by local law, and any school district, all or part of
7 which is located in such city, may, by resolution, exempt such property
8 from its taxation in the same manner and to the same extent as the city
9 has done.

10 3. A city shall designate any property within the city boundaries as a
11 redevelopment inhibited property if one or more of the following are
12 met:

13 (a) the city has acquired title to the property pursuant to article
14 nineteen-A of the real property actions and proceedings law; or

15 (b) the property has been continuously vacant for a period of at least
16 three years; or

17 (c) the city has acquired title to the property via foreclosure for
18 unpaid taxes pursuant to article eleven of this chapter; or

19 (d) the property has outstanding zoning, housing, or uniform code
20 violations and the cost of remedying the violations exceeds the proper-
21 ty's value.

22 4. (a) Upon the adoption of such local law, redevelopment inhibited
23 property shall be exempt from taxation and special ad valorem levies to
24 the extent of any increase in value attributable to demolition, alter-
25 ation, rehabilitation, or remediation pursuant to the following require-
26 ments:

27 (i) the demolition, alterations, rehabilitation, and/or remediation
28 shall be permitted by the city's bureau of inspection such that building
29 or plumbing permits issued and said demolition, alterations, rehabili-
30 tation, and/or remediation shall have met all necessary approvals per
31 the applicable New York state uniform fire prevention and building code,
32 the city's municipal code and the city's bureau of inspection upon
33 completion; and

34 (ii) the property for which the exemption is sought shall be an
35 owner-occupied one-family residence; and

36 (iii) the owner of such property shall file annually an affidavit of
37 residency with the assessor of the city on or before the appropriate
38 taxable status date of such city, confirming continued owner-occupancy
39 of the property; and

40 (iv) the redevelopment inhibited property is exempt from taxation and
41 special ad valorem levies attributable to the increased assessment minus
42 the taxes and special ad valorem levies imposed on the base assessment.
43 Such exemption shall not apply to special assessments.

44 (b) In the event the property granted an exemption pursuant to this
45 section ceases to be owner-occupied and/or the affidavit of residency is
46 not filed annually for the approved exemption period, the exemption
47 granted pursuant to this section shall cease.

48 (c) In the event the property granted an exemption pursuant to this
49 section ceases to be a one-family dwelling, the exemption granted pursu-
50 ant to this section shall cease.

51 (d) In the event the owner of the property is convicted of a violation
52 or misdemeanor pursuant to New York state uniform fire prevention and
53 building code or the city's municipal code, the exemption granted pursu-
54 ant to this section shall cease.

55 5. (a) Such redevelopment inhibited property shall be exempt for a
56 period equal to the gap financing costs divided by the incremental

A. 7570--A

3

1 increase in annual property taxes resulting from such redevelopment. The
2 exemption period shall be rounded up to the nearest whole number and
3 shall not exceed twenty-five years.

4 (b) The extent of such exemption shall decrease the last eight years
5 of the exemption period by twelve and one-half percent of the increase
6 in assessment due to the redevelopment equaling a zero percent exemption
7 on the final year of the exemption period.

8 6. (a) Such exemption shall be granted only upon application by the
9 owner of such building for the residential redevelopment inhibited prop-
10 erty exemption, on a form prescribed by the city. Such application must
11 be filed with the assessor of the city on or before the appropriate
12 taxable status date of such city. The application must be filed with the
13 assessor of the city within three years from the date of completing the
14 demolition, alterations, rehabilitation, and/or remediation.

15 (b) The owner filing for such exemption shall not be required to be
16 the owner responsible for completing the demolition, alterations, reha-
17 bilitation, and/or remediation.

18 (c) If the assessor is satisfied that the applicant is entitled to an
19 exemption pursuant to this section, he or she shall approve the applica-
20 tion and such real property shall thereafter be exempt from taxation and
21 special ad valorem levies by the city commencing with the assessment
22 roll prepared after the taxable status date referred to in this subdivi-
23 sion. The assessed value of any exemption granted pursuant to this
24 section shall be entered by the assessor of the city on the assessment
25 roll with the taxable property, with the amount of the exemption shown
26 in a separate column.

27 (d) Once granted, the residential redevelopment inhibited property
28 exemption runs with the land for the exemption period pursuant to this
29 section.

30 § 2. This act shall take effect immediately.

Department of Taxation & Finance

Assessor's Manual, Volume 4, Exemption Administration

Exemption Administration Manual - Part 1 Residential - Other Than Multiple Dwellings

Section 4.01 - RPTL Section 485-r

Redevelopment of Inhibited Property In The City of Batavia

Exemption Code(s): 4435_ **Year Originally Enacted:** 2015

Related Statutes: None

SUMMARY: To the extent allowed by local option, one-family, owner-occupied, residential property designated as redevelopment inhibited property by the city and which is located in a city with a population of not less than 15,250 and not more than 15,500 as determined by the 2010 federal census shall be exempt from city taxation to the extent of any increase in value attributable to demolition, alteration, rehabilitation, and or remediation that has been permitted by the city and meets all applicable state and local fire prevention and building codes upon completion. The exemption shall be for a period equal to the gap financing cost divided by the incremental increase in property taxes resulting from redevelopment. The exemption may not exceed 25 years and decreases by 12.5% each year for the last eight years of the exemption with the final year having an exemption of 0%. Subsequent to adoption of the local law by the city, the county in which the city is located and any school district in which all or part of the city is located, may, by adoption of a local law or, in the case of a school district, a resolution, exempt such property in the same manner and to the same extent as the city. The owner of the property must annually file an affidavit of residency with the Assessor on or before Taxable Status Date. The exemption shall cease if the property ceases to be owner-occupied or a one-family dwelling. The exemption shall also cease if the owner fails to timely file the annual affidavit of residency or is convicted of a violation or misdemeanor pursuant to state or local fire prevention or building codes.

A. ELIGIBILITY REQUIREMENTS:

1. **Ownership Requirements:** None
2. **Property Location Requirements:** The property must be located in a city with a population of not less than 15,250 and not more than 15,500 as determined by the 2010 federal census. Only the City of Batavia in Genesee County meets this requirement.
3. **Property Use Requirements:** The property must be an owner-occupied single family dwelling.

4. **Certification by State or Local Government:** The property must be designated as a redevelopment inhibited property by the city. The city shall designate property as such if it meets one or more of the following conditions:
- The city has acquired title to the property pursuant to a special proceeding to convey title to abandoned property (Real Property Actions and Proceedings Article 19-A)
 - The property has been continually vacant for at least three years
 - The city has acquired title to the property via tax foreclosure (RPTL Article 11)
 - The property has outstanding zoning, housing, or uniform code violations and the cost of remedying the violations exceeds the property's value

All demolition, alterations, rehabilitation, and/or remediation must be permitted by the city's bureau of inspection and must meet all NYS and local fire and building codes upon completion.

5. **Required Construction Start Date or Other Time Requirement:** The owner of the property must first apply for the exemption within 3 years of the date of completing the demolition, alteration, rehabilitation, and/or remediation. The owner of the property must annually file an affidavit of residency with the assessor on or before taxable status date

- B. **LOCAL OPTION:** Yes. A city meeting the population requirements may choose whether or not to offer the exemption. The option to exercise must be exercised by the city through the adoption of a local law. Subsequent to adoption of the local law by the city, the county in which the city is located and any school district of which all or part of the city is located, may, by adoption of a local law or, in the case of a school district, a resolution, exempt such property in the same manner and to the same extent as the city.

C. **LIMITATION ON EXEMPTION:**

| | General Municipal Taxes | School District Taxes | Special Ad Valorem Levies | Special Assessments |
|-----------------------------------------------------------------------------|----------------------------------------|--------------------------------------|----------------------------------------------|--------------------------------|
| 1. Amount | Yes* | Yes* | Yes* | No exemption allowed |
| 2. Duration | Up to 25 years | Up to 25 years | Up to 25 years | No exemption allowed |
| 3. Taxing Jurisdiction a. County or County Special Districts | Ex* | NA | Ex* | Tax |

| | | | | |
|---------------------------------------------|----------------------|----------------------------|------------|------------|
| b. City | Ex* | NA | NA | Tax |
| c. Town or Town Special District | Tax | NA | Tax | Tax |
| d. Village | Tax | NA | NA | Tax |
| e. School District | NA | Ex* | NA | NA |
| Ex - Exempt | Tax - Taxable | NA - Not Applicable | | |

* If allowed by local option. See Local Option below.

D. PAYMENTS IN LIEU OF TAXES: None required.

E. CALCULATION OF EXEMPTION:

1. The length of the exemption is determined by using the gap financing costs (the total cost of redevelopment as approved by the city minus the increase in full valuation upon completion) and dividing it by the incremental increase in property taxes (the taxes based upon the new assessment minus the taxes based upon the assessment on the day the property was classified as redevelopment inhibited). The length of the exemption may not exceed twenty five years.

The amount of the exemption is calculated by using the following percentages of the increase in assessed value attributable to the redevelopment of the property:

| Year of Exemption | Percentage of Exemption Base |
|------------------------------|-----------------------------------------|
| First Years Up to 17 | 100 |
| Last 8 Years | |
| 1 | 87.5 |
| 2 | 75 |
| 3 | 62.5 |
| 4 | 50 |
| 5 | 37.5 |
| 6 | 25 |
| 7 | 12.5 |

2. **Special Ad Valorem Levies and Special Assessments:** Special ad valorem levies are calculated in the same manner as general municipal and school district taxes above. No exemption from special assessments is allowed.

F. CODING OF EXEMPTION ON ASSESSMENT ROLL:

Code

44333

Description of Alternative Codes Possible :Redevelopment of Inhibited Property In Certain Cities

Assessment Roll Section(s): Taxable (RPS Section 1).

NOTE: This code should not be used to identify property that is exempt under any of the statutes listed under Similar Exemptions below. For coding of such property, see the Exemption Profile for the statute that applies.

- G. **FILING REQUIREMENTS (Owner or Occupant of Property):** Initial application for the exemption should be made using a form prescribed by the city. The property owner must annually file an affidavit of residency on or before Taxable Status Date.
- H. **REPORTING REQUIREMENTS (Assessor):** None.

I. **SIMILAR EXEMPTIONS:** None

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Please send general questions or comments to Orpts Solutions Center.

Updated January 14, 2016

##-2016

**A RESOLUTION INTRODUCING A LOCAL LAW AMENDING CHAPTER 166
ENTITLED "TAXATION" OF THE CODE OF THE CITY OF BATAVIA AND
PROVIDING FOR PUBLIC NOTICE AND HEARING**

Motion of Councilperson

BE IT RESOLVED, that Local Law No. 2 of the Year 2016 entitled A Local Law to Amend §166 of the Code 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 Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law at the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 o'clock p.m. on Monday, March 14, 2016; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

**Seconded by Councilperson
And on roll call**

Local Law No. 2 of the Year 2016
City of Batavia

A LOCAL LAW TO AMEND §166 OF THE CODE OF THE CITY OF BATAVIA

Be it enacted, by the City Council of the City of Batavia, New York, as follows:

Chapter 166 Taxation

[ARTICLE IX

Exemption for Residential Redevelopment Inhibited Property

§ 166-41. Exemption Established.

Residential buildings that are reconstructed, altered or improved, pursuant to § 485-r of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

§ 166-42. Definitions.

REDEVELOPMENT INHIBITED PROPERTY - A residential property that been neglected or abandoned because of the local economic conditions and/or conditions on the property that inhibit the property from being redeveloped by the private sector. Land that is undeveloped may not be designated as redevelopment inhibited property.

GAP FINANCING COSTS - The total cost of the property's redevelopment as approved by the local government minus the increase in the full valuation of the property upon completion of the redevelopment.

EXEMPTION PERIOD - The "gap financing costs" divided by the "incremental increase in annual property taxes" resulting from the redevelopment. The "exemption period" is rounded up to the nearest whole number and may not exceed twenty-five years.

BASE ASSESSMENT - The assessed value of the property on the day the City of Batavia designates the property as redevelopment inhibited.

INCREASED ASSESSMENT - The assessed value of the property as is determined by the assessor upon completion of the redevelopment.

INCREMENTAL INCREASE IN PROPERTY TAXES - The taxation based on the "increased assessment" minus the taxation based on the "base assessment".

§ 166-43. Designating redevelopment inhibited property.

A. The City of Batavia shall designate any property within the City boundaries as a redevelopment inhibited property if one or more of the following are met:

- (1) The City has acquired title to the property pursuant to Real Property Actions and Proceedings Law Article 19-A; or**
- (2) The property has been continuously vacant for a period of at least three years; or**
- (3) The City has acquired title to the property via foreclosure for unpaid tax pursuant to Article 11 of the Real Property Tax Law; or**
- (4) The property has outstanding zoning, housing, or Uniform Code violations and the cost of remedying the violations exceeds the property's value.**

§ 166-44. Eligibility for Exemption.

A. Redevelopment inhibited property is exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to demolition, alteration, or rehabilitation, or remediation pursuant to the following procedure:

- (1) The demolition, alterations, rehabilitation, and/or remediation shall be permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permits issued and said demolition, alterations, rehabilitation, and/or remediation shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the City of Batavia Bureau of Inspection upon completion; and**
- (2) The property for which the exemption is sought must be a owner-occupied one-family residence; and**
- (3) The owner of such property must file an Affidavit of Residency with the Assessor of the City of Batavia on or before the taxable status date of March 1, confirming continued owner-occupancy of the property; and**
- (4) Redevelopment inhibited property is exempt from taxation and special ad valorem levies attributable to the increased assessment minus the taxes and special ad valorem levies imposed on the base assessment.**

B. In the event the property granted an exemption pursuant to this article ceases to be owner-occupied and/or the Affidavit of Residency is not filed annually for the approved exemption period, the exemption granted pursuant to this article shall cease.

C. In the event the property granted an exemption pursuant to this article ceases to be a one-family dwelling, the exemption granted pursuant to this article shall cease.

- D. In the event the owner of the property is convicted of a violation or misdemeanor pursuant to New York State Uniform Fire Prevention and Building Code or the Batavia Municipal Code, the exemption granted pursuant to this article shall cease.**

§ 166-45. Exemption Period.

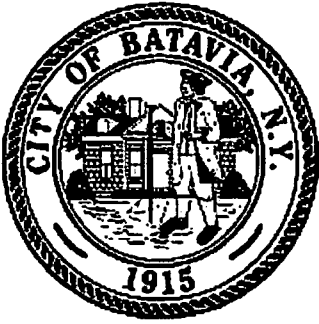
- A. The exemption period will equal the gap financing costs divided by the incremental increase in annual property taxes resulting from the redevelopment. The exemption period is rounded up to the nearest whole number and may not exceed twenty-five years.**
- B. The extent of such exemption shall decrease the last eight (8) years of the exemption period by 12 1/2% of the increase in assessment due to the redevelopment equaling 0% exemption on the final year of the exemption period.**

§ 166-46. Application for Exemption.

- A. Such exemption shall be granted only upon application by the owner of such building for the redevelopment inhibited property exemption, on a form prescribed by the City. The application must be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. The application must be filed with the Assessor of the City of Batavia within three years from the date of completing the demolition, alterations, rehabilitation, and/or remediation.**
- B. The owner filing such exemption does not have to be the owner responsible for completing the demolition, alterations, rehabilitation, and/or remediation.**
- C. Once granted, the residential redevelopment inhibited property tax exemption runs with the land for the exemption period pursuant to this article.**


§ 166-47. When Effective.

This article shall take effect immediately.



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 18, 2016

Subject: Ice Rink Lease Agreement

In November 2015 City Council was advised that the City's operating lease for the ice arena expires March 31, 2016. As result, the City will have to go through a procurement process to enter into a new lease for operations. In December 2015 the City issued a Request for Proposals/Qualifications (RFP/Q) for interested operators and received two submittals.

Staff has reviewed both submittals and it is recommended that the City engage in a 5 year lease, with a 5 year renewal option with Firland Management the current operator. A 5 year lease with 5 year renewal option is ideal as it allows the City to negotiate terms of the lease in five year increments providing flexibility to amend or change lease terms within reasonable time frames if needed, as well as giving the tenant a longer term commitment to make investments in the facility.

Attached please find the recommended Ice Rink Lease Agreement for the next five year period. The lease agreement will remain mostly unchanged with the exception of the term and annual lease payment. The proposed increase in the annual lease payments for the next 5 years starting 2016/2017 is \$20,000, \$20,000, \$22,500, \$25,000 and \$25,000 over the next five years. After which the City can revisit the annual lease payments prior to renewing the lease for another five years. The term of the agreement is from April 1, 2016 to March 31, 2021 with a five year renewal option expiring March 31, 2026.

As mentioned in earlier budget work sessions, all annual lease payment are put into the City's ice arena reserve for future capital improvements.

Recommendation: It is recommended that City Council approve the proposed operating agreement.

Supporting Documents

- 1) Ice Rink Lease Agreement
- 2) Resolution



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager

Date: November 17, 2015

Subject: Ice Arena Lease

Background: On March 31, 2016 the City's operating lease for the ice arena expires. The City first entered into a five year operating lease with Firland Management following a Request for Proposal process in 2006. The City then renewed the lease agreement for another five years in May 2011. The current lease agreement covers the operator's responsibilities for maintenance of the facility, small capital expenses, programming/ice rental, liability for personal injury or property and facility pricing. The City is responsible for all major capital expenditures with the exception of the purchase of the zamboni. In exchange for operating the facility, the City receives several considerations including an annual lease payment, annual maintenance fee and capital improvement fee.

The annual lease payment has increased over the past five years starting at \$15,000 in 2012 and increased to \$20,000 in 2016. These lease payments are put into the City's Ice Arena Capital Improvement Reserve Fund to be used only for future capital improvements to the ice arena.

The City receives an annual maintenance fee that reimburses the City for an annual maintenance contract related to the arena's refrigeration system. The annual maintenance fee is approximately \$7,200 which is accounted for in the City's general fund.

Lastly the City receives a capital improvement fee that offsets existing debt service in the general fund from an energy performance contract from 2006 that did substantial improvements to all City facilities including the arena. Because the City does not pay utilities to operate the facility, the City does not realize any energy savings achieved from the 2006 improvements. As a result the operator pays the City a capital improvement fee which is representative of the energy savings achieved from the improvements. The capital improvement fee has increased over the past five years starting at \$25,260 in 2012 and increased to \$28,430 in 2016. The general fund debt service related to the energy performance contract is approximately \$75,000 annually, which expires in 2021.

In total this year the City will receive annual payments of approximately \$55,000 from the rink operator that offset City debt service and maintenance costs, as well as build the City's reserve fund.

To date Firland Management has done an excellent job managing and meeting their annual maintenance obligations for the facility. In addition, after 10 years the City will have received over

Office of the City Manager
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com

\$500,000 in payments from Firland Management over for Capital/Service contract, lease payments and zamboni payments.

Recommendation: While Firland Management has been a good community partner and has maintained and operated the facility well over the past 10 years, the current lease is set to expire in March 2016 and does not have further renewal options. As such the City will have to go through a procurement process to enter into a new lease for operations. It is recommended that the City issue a Request for Proposals/Qualifications (RFP/Q) for interested operators. RFP/Q submittals would be evaluated on, but not limited to, experience related to management and operation of similar types of facilities, planned operations and financial capability. The RFP/Q would be issued in December 2015, all submittals reviewed in January/February and a recommendation to City Council in February/March 2016.

If you have any questions please feel free to contact me.

ICE RINK LEASE AGREEMENT

THIS AGREEMENT is made this _____, 2016 by and between the CITY OF BATAVIA, a municipal corporation (herein after City) and FIRLAND MANAGEMENT, LLC the corporation formed for the operation of the activities set forth in this agreement (herein after Tenant).

PREAMBLE

The intent of this agreement is to provide for the maximum year-round public use of the City of Batavia's ice arena for recreational and sport activities at reasonable and affordable prices. In this regard, the City desires through the lease to continue to provide a high-quality ice skating facility to serve the general public through both open public skating and ice rental to organized sports groups such as the Genesee Amateur Hockey Association. Moreover, the City desires to expand recreational and sports opportunities to the general public by making programming available during the spring and summer months when ice skating is not being offered.

A. FINANCIAL CONSIDERATIONS

1. Tenant shall pay for 100% of all utilities billed to the facility including gas, electric, water and sewer. The City shall be responsible for 0.00%. The City will bill the Tenant monthly for its share of utilities, and the Tenant shall pay the monthly utility bill within 30 days of receipt. The cost allocation presently in effect between the neighboring fire headquarters and the facility for utilities for gas is enumerated in Appendix A.

2. The tenant shall pay the City an annual lease payment of the following:

| | | |
|----|---------------|----------|
| 1) | March 1, 2017 | \$20,000 |
| 2) | March 1, 2018 | \$20,000 |
| 3) | March 1, 2019 | \$22,500 |
| 4) | March 1, 2020 | \$25,000 |
| 5) | March 1, 2021 | \$25,000 |

3. Capital Improvement Fee. The Tenant shall be responsible for paying an annual Capital Improvement Fee as stated in Appendix A.

4. The Tenant and City shall be relieved of the responsibility to perform under the terms of this agreement due to matters and events beyond reasonable control of the Tenant due to acts of God (force majeure).

B. MAINTENANCE OF FACILITY

1. As Landlord of the building, the City is responsible for all repairs and maintenance of the premises except for those items listed in Appendix B and shall maintain them in reasonably good condition, normal wear and tear expected. The Tenant is specifically responsible for those items

as listed in attached Appendix B. The Tenant will maintain a maintenance log developed by the City of all maintenance activities, which shall be available to the City upon its request.

Under no circumstances will the City be responsible for repairs or replacements due to the Tenant's negligent operation, maintenance or repair of the facility or equipment.

2. The City will contract with a qualified Company for an annual service contract for the ice making system. The contract will provide for a total of 5 to 6 service and preventive maintenance calls including start-up and shut-down. Such contract shall remain in force during the term of this agreement and shall become a part of this contract. The Tenant will pay the City for the cost for the service contract on March 1st of every year. The service contract may be subject to change in cost, in which case the Tenant shall be responsible for any adjusted service changes.

3. There shall be no physical alteration to the facility by the Tenant without prior written approval of the City and the City will have the right to specify which service vendors are acceptable to the City. The City may require the Tenant to provide written plans and specifications, including engineering plans stamped by a New York licensed Engineer for any alteration to the facility.

4. The Tenant shall not undertake any activity which may harm the surface of the ice or rink floor.

5. The Tenant shall be responsible for maintaining the Zamboni machine by using a qualified mechanic for such maintenance. The mechanic shall be approved by the City in writing in advance to service. Tenant shall maintain a log book acceptable and available to the City of all repair and maintenance activities regarding the Zamboni machine.

6. The Tenant is responsible for mowing the grass around the facility, while the City will continue to be responsible for snow removal from the parking lot at the current level of such service. If such level of service is not satisfactory to the Tenant, the Tenant may, at its own expense, supplement or replace the snow removal service of the City. Tenant will be responsible for shoveling the walk from the parking lot to the doors of the facility and will be responsible for keeping said area free from snow, ice and debris.

7. The Tenant shall be responsible for annually painting the interior wall surfaces of the building on an agreed-upon schedule and plan such that all specified areas shall be painted every five years. This requirement is limited to the following areas: locker rooms, restrooms, office areas, lobby and entry way, and concession areas. The Tenant shall provide the City with color schemes for the City's approval in advance of painting.

8. The Tenant is responsible for notifying the City of maintenance obligations, which are the responsibility of the City. The City shall respond in a timely manner and in no event shall it be longer than 72 hours.

9. In the event that capital expenditures or replacement of major items are necessary, the Tenant shall notify the City of those needs in a timely manner for budget consideration. On an annual

basis, the City and Tenant shall meet and tour the facility and review the building for maintenance and budgetary needs. The City is financially responsible for everything that is not included in Appendix B.

10. In addition to the Tenant's responsibility set forth in Section B. Maintenance of Facility of this agreement, the City and Tenant agree to jointly develop a three year Capital Improvement Plan (CIP) for the facility that may include capital expenditures, improvements, replacements and enhancements of major items under the City's responsibility. The City and Tenant recognize that the CIP is a financial tool for planning and budgeting purposes, however the CIP is not binding to the City or Tenant in any way.

11. If the Tenant desires to use City owned equipment (zamboni, ice edger, etc.) outside the City ice arena, the Tenant shall need prior approval from the City.

C. TENANT CAPITAL EXPENSES

1. The Tenant purchased and installed a new ice skate sharper by September 1, 2017. The cost of the ice skate sharper was the sole cost of the Tenant. The Tenant accepts all responsibility for maintaining the ice skate sharpener. At the end of this Contract the ice skate sharpener shall be turned over to the City in working condition.

2. The Tenant shall continue to pay the City annual principal costs debt service related to the zamboni machine. The Tenant has two remaining payments to the City on March 1, 2017 is \$12,188.87 and March 1, 2018 is \$11,776.68. The Tenant shall maintain the zamboni at its own expense, and at the end of this Contract the zamboni shall be turned over to the City in working condition.

D. PERFORMANCE

1. The City reserves the right to inspect the premises and Tenant's operation at any time and will have a key to the facility. Tenant shall retain the right to have a representative present at all inspections. The City agrees that the Tenant shall have the right to change the locks provided the City is supplied a key. Deficiencies will be brought to the attention of the Tenant in writing and must be addressed within a timely manner and in no event shall it be longer than 72 hours. Failure of the Tenant to address such deficiencies in a timely manner will result in the City using the cash bond described above to correct such deficiencies or in terminating the franchise after providing the Tenant with a 30 day advance written notice of such intention to terminate.

2. Tenant shall comply with all federal, state, and local governmental laws, rules and regulations and shall operate and maintain ice arena facility so as to insure the health and safety of patrons. Capital expenses necessitated due to governmental mandates or regulations shall be borne by the City.

3. All other aspects of the operating procedures, scheduling and price structures used in connection with the facility shall be the sole decision of the Tenant, provided such items shall not be in conflict with any of the specific provisions contained elsewhere in this agreement.

E. PROGRAMMING

1. The Tenant will maintain the current schedule and number of hours for public skate, skate and shoot, and figure skating lessons as identified in Appendix C. Any changes are subject to advance written approval of the City, which will not unreasonably withhold its approval.
2. Tenant will provide summer recreation / sports programs. The type and extent of the summer programming will be substantially similar to the type and extent of the summer programming identified in Appendix D.
3. Tenant agrees not to hold any event which does not comply with the spirit of the agreement. If a question arises as to the appropriateness of an event, the parties will meet and review the situation.

F. LIABILITY FOR PERSONAL INJURY OR PROPERTY

1. Tenant shall maintain a \$2 million dollar liability insurance policy (Occurrence basis) and \$2 million dollar umbrella policy with the City named as an additional insured, throughout the term of this agreement applicable only to the operation of the ice arena facility. The Tenant shall provide the City with an insurance certificate prior to taking possession of the ice rink. Tenant shall provide an insurance certificate to the City upon any change in insurance carrier by the Tenant. The City shall be provided with 30 days written notice prior to cancellation of said insurance policy. The failure to keep the City named as an additional named insured is grounds for an immediate termination of this Contract.
2. All City equipment, fixtures and property used for operation of the ice arena shall be used at the sole risk of the Tenant.
3. The City will provide fire insurance and extended coverage for the facility at its own expense. The City will be responsible for the replacement of all items under a covered loss. Firland Management will be named as an additional insured on any City insurance policies relating specifically to the ice arena.
4. The Tenant will defend, indemnify and hold the City harmless against any claim, loss, liability, damage, suit, charge, attorney's fees, judgments or expenses made against the City by any third party due to the negligence of the Tenant, its agents, employees or contractors regarding in the Tenant's operation of the ice rink.

G. GAHA.

Tenant will guarantee GAHA at least 900 hours of ice time per hockey season. GAHA must notify Tenant of the total number of hours of ice time needed for any upcoming hockey season by July 1st of any year during which this agreement is in effect. After GAHA submits its ice time requirements, GAHA may cancel ice time and not be liable for payment subject to the following conditions:

1. GAHA must give two weeks advance written notice to the Tenant.

2. No more than five hours per week may be canceled and no more than a total of 30 hours per season may be canceled.
3. If GAHA relinquishes the use of any of the 900 guaranteed hours, Tenant is under no obligation to provide such relinquished hours in subsequent seasons.
4. Tenant shall receive all revenue from dasher board advertising, but such advertising will not be offensive and will be in conformity to community standards. Tenant agrees to allow GAHA to erect an 8' X 16' "sponsor board" at a mutually agreeable location only.
5. GAHA shall not be permitted to assign or sublet any of its fee time to others without the written permission of Tenant.

H. FRANCHISE CANCELLATION AND ASSIGNMENT

The Tenant may terminate this agreement on March 31, 2021 or annually by providing the City with advance 12 months written notice.

The City may terminate this agreement at any time under the following conditions:

1. **NEGLECT OF FACILITY.** In the event that written deficiencies in maintenance or operation have not been addressed (with corrective action scheduled) by the Tenant within 30 days after written notification by the City.
2. **EXCESS PRICING.** Tenant's pricing policies shall not exceed comparable pricing charged by privately run facilities within a 50 mile radius.
3. **PROGRAMMING REDUCTION.** The Tenant generally agrees to use the facility to the same extent as outlined in Appendix C.
4. **OPERATIONAL CHANGE.** In the event the City chooses to run the operations as a City function, a 6-month written notice of cancellation shall be provided to the Tenant. In the event of cancellation prior to the end of the term, the City shall reimburse the tenant for capital improvements made to the facility during the term of the agreement. The reimbursement shall be established by dividing the cost of the improvement, by the life of the improvement (based on a standard depreciation schedule), times the years remaining on the agreement. Further, the Tenant may not assign this franchise to any other party without the advance written approval of the City.

I. TERM OF CONTRACT

The term of this contract is for five years from April 1, 2016 to March 31, 2021, with option to renew the lease for another five year term starting April 1, 2021 to March 31, 2026 upon mutual agreement of the City and Tenant. The City and Tenant agree to begin negotiations for the renewal of the lease no later than April 1, 2025 and agree to negotiate in good faith.

J. GOVERNING LAW

This Contract shall be governed by the laws of the State of New York and any lawsuit commenced by either party regarding this Contract shall be brought in Genesee County, New York.

K. ENTIRE AGREEMENT

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto and contains all of the covenants and agreements between the parties in any manner whatsoever. Each party to this Agreement acknowledges that no representation, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this agreement shall be valid or binding on either party, except that any other written agreement dated concurrent with or after this Agreement shall be valid as between the signing parties thereto.

L. MODIFICATION

Any modification of this Agreement will be effective only if it is in writing and signed by both parties.

M. WAIVER

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

N. PARTIAL INVALIDITY

If any provision in this Agreement is held by a court of competent jurisdiction of being invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

CITY OF BATAVIA

By: _____

Date:

Eugene Jankowski, Jr., City Council President
CITY OF BATAVIA, NEW YORK

By: _____

Date:

James Cain, President
FIRLAND MANAGEMENT, LLC

DRAFT

APPENDIX A

A. Electric

Tenant is 100% responsible for electric bill of ice rink.

B. Gas

Because the Ice rink and Fire Station are not separately metered the City will bill the Tenant for gas usage on a monthly basis. The Tenant will be responsible for 25% of the gas bill. In addition, the Tenant is 100% responsible for the gas bill for the bleacher heaters which is separately metered.

C. Capital Improvement Fee

Payment due March 1st of each year.

| | |
|------|--------------|
| 2017 | \$ 29,283.02 |
| 2018 | \$ 30,161.52 |
| 2019 | \$ 31,066.36 |
| 2020 | \$ 31,998.35 |
| 2021 | \$ 32,958.30 |

APPENDIX B

MAINTENANCE RESPONSIBILITY OF TENANT

1. Dasher Boards
2. Glass
3. Bleachers
4. Lights (replace bulbs, replace broken shields, ballasts)
5. Ceiling tiles
6. Windows
7. All Doors (interior and exterior)
8. Benches and Tables
9. Sinks, Toilets, Urinals and Partitions
10. Mirrors
11. Shower Heads
12. Cabinetry
13. Fire Extinguishers
14. Lockers
15. Scoreboards
16. Sound System
17. Facilities Owned by Tenant
18. Overhead Garage Doors

The City shall be responsible for all other maintenance not listed in the agreement or above.

APPENDIX C

PUBLIC SKATING SCHEDULE

| | | |
|--------------|------------|--------------------|
| Weekdays | (M-F) | 11:30 AM - 1:00 PM |
| Evenings | (W, F, SA) | 7:15 PM - 8:45 PM |
| Weekend Days | Sat. | 3:15 PM - 4:45 PM |
| | Sun. | 1:15 PM - 2:45 PM |

FIGURE SKATING LESSONS

10 week session early fall until Christmas

10 week session after New Years until Easter

SKATE AND SHOOT

Filled in empty slots

NOTE:

Public skate is canceled because of

1. GAHA Tournament
2. High School Tournaments

APPENDIX D

SPRING / SUMMER ACTIVITIES:

- Public roller blading / roller skating
- Youth roller hockey
- 1)Adult floor / roller hockey
- 2)Parks programs roller blading / roller skating
- 3)Dog show
- 4)Circus
- 5)State wrestling tournaments
- 6)Gladiator challenge
- 7)Skate board / roller blade stunt team
- 8)Public skate boarding
- 9)Batavia High School gym classes
- 10)Roller blade / skate board safety team
- 11)Rain site for Batavia Youth Center / Parks Program
- 12)Baseball / Softball practices
- 13)Gun Show

DRAFT

#-2016
A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO SIGN
ICE RINK LEASE AGREEMENT

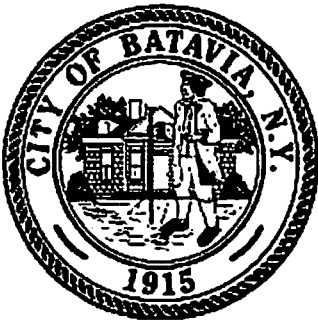
Motion of Councilperson

WHEREAS, the City of Batavia and Firland Management are desirous of entering into an Ice Rink Lease Agreement regarding operation of activities at the City of Batavia Ice Arena; and

WHEREAS, the City Manager has negotiated an acceptable contract with Firland Management; and


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia that the Council President be and he hereby is authorized to execute an Ice Rink Lease Agreement whereby Firland Management will operate activities at the City of Batavia Ice Arena.

Seconded by Councilperson
and on roll call



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 17, 2016

Subject: Foreclosed properties

Below is a list of each property address, type of property, delinquent taxes, charges and fees against the property and assessed value. It is recommended that the City move six (6) properties to public auction, as well as two (2) properties from the prior year (Hutchins Pl.).

Public Auction Properties

| Address | Property Type | Assessed Value | <u>Past Taxes, fees and Charges</u> |
|---------------------------|--------------------------|----------------|-------------------------------------|
| Bank St | Residential Land | \$1,000.00 | \$263.02 |
| 2 Batavia City Centre | Regional Shopping Center | \$50,000.00 | \$18,186.86 |
| 35 Batavia City Centre | Regional Shopping Center | \$353,300.00 | \$111,617.75 |
| 39 Batavia City Centre | Regional Shopping Center | \$40,000.00 | \$10,089.15 |
| Evergreen Rear | Residential Land | \$1,000.00 | \$263.02 |
| 28 Franklin St Rear | Residential Vacant Land | \$500.00 | \$424.43 |
| 116 Swan Street | Single Family | \$53,000.00 | \$18,375.09 |
| 109 Walnut Street | Single Family | \$52,000.00 | \$13,774.31 |
| 26-28 & 30 Hutchins Place | Vacant Land | \$17,421.00 | \$35,000.00 |

Adjacent property owners to the above reference vacant land have been notified of the property auction and if purchased, the adjacent owner will be required to merge the property with their existing property. 26-28 and 30 Hutchins are adjacent parcels and will be auctioned as one property because combined they provide a viable building lot. Also, 2, 35 and 39 Batavia City Centre will be auctioned as one property due to the existing business being in contiguous parcels.

With all property sales, under the BMC, Chapter 66-9 (D) the City reserves the right to decline to sell any parcel of land or property to any individual which the City determines not to qualify as a responsible property owner. Similar to prior years the staff will provide to City Council the history of potential buyers who have any prior BMC violations as a property owner in the City, property address contacts with Batavia PD and any delinquent taxes.

Single Family Homes

The City also foreclosed on two (2) single family homes; 116 Swan Street and 109 Walnut Street. It is recommended that one property be transferred to the Habitat for Humanities and one property be transferred to Neighbor Works Rochester, both to be rehabilitated into owner-occupied single family homes.

116 Swan Street. The property has been vacant since at least March 2009, which was the last water meeting reading at the property. The property has significant code violations and deterioration. Consistent with the City's Strategic Plan it is recommended that the City move forward with the sale transfer 116 Swan St. in accordance with the City's Residential Re-Development Land Use Plan. Because the property has been vacant for seven years and has significant deterioration, it is recommended the City dispose of the property to Habitat for a minimal cost for \$2,500. In doing so, City Council would have to authorize the sale by resolution at an upcoming Council meeting. It is recommended that Habitat be granted 12 months after property transfer to complete each redevelopment as the condition of the properties are extreme and substandard.

As you know, over the past eight years Habitat has rehabilitated seven single family homes in the City (on streets, Central, State, South Spruce, North, Harvester, Raymond, Columbia, McKinney). The average assessed value of properties prior to Habitat's renovations was \$49,520. After Habitat's renovations and location of families into each property the average assessed value has increased to \$68,400. This is an average increase of 38% in assessed values due to Habitat's dedicated and diligent work in renovating homes.

109 Walnut Street. Currently the City Manager's Office is working with Neighbor Work's Rochester to develop a proposal for City Council to consider that will include a redevelopment of the property. The proposal should be ready for discussion at the March 28th Council meeting.

Renovated homes and new families add considerable benefits to the street and neighborhoods they are located on, and greatly contribute to the City's neighborhood revitalization efforts. Also, in the current and proposed Strategic Plan, one performance measurement is to improve housing quality by assisting with the completion of residential homes annually. Transferring these properties for redevelopment will assist in meeting these objectives.

Supporting Documents:

1. A resolution discontinuing public use of the 116 Swan Street
2. Draft sale contract for 116 Swan Street

#-2016

A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 116 SWAN STREET WITH BATAVIA HOUSING AUTHORITY

Motion of Councilperson

WHEREAS, the City foreclosed on 116 Swan Street (SBL # 84.074-1-6) for non-payment of property taxes; and

WHEREAS, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

WHEREAS, the Batavia Housing Authority has agreed to assist and partner with the City of Batavia with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 116 Swan Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

**Seconded by Councilperson
and on roll call**

PURCHASE AND SALE CONTRACT

This Agreement made this ____ day of _____, 2016 by and between the CITY OF BATAVIA, a municipal corporation with offices at One Batavia City Centre, Batavia, New York 14020 (the "Seller") and BATAVIA HOUSING AUTHORITY, a corporation with offices at 400 East Main Street, Batavia, New York 14020 (the "Purchaser").

The Seller agrees to sell and the Purchaser agrees to purchase the Property stated below under the terms and conditions stated herein:

1. Property Description:

A parcel of land commonly known as 416 Swan Street, City of Batavia, County of Genesee, State of New York; SBL # 84.074-1-6 (see attached tax parcel map). The dimensions are approximately 41 feet by 123 feet for an area of approximately 5,043 square feet. The site is located inside of the 100-year Flood Zone. The structure on this parcel is designated as a 2 story residence with approximately 1,029 square feet of space.

2. Purchase Price:

The purchase price shall be One Thousand Dollars (\$2,500). Pursuant to the terms of this agreement, the full amount of the purchase price shall be paid within forty-five (45) days after the final acceptance of the offer by the City Council.

3. Title Documents:

Seller shall provide the following documents in connection with the sale:

Deed.

Seller shall deliver to Purchaser at closing a properly signed and notarized Quit Claim Deed.

The Deed shall contain language that title to the property and all improvements thereto shall automatically revert to the City and the City will retain the full purchase price if the property is not redeveloped in accordance with the City of Batavia Residential Landuse Redevelopment Plan within twelve (12) months of delivery of the deed by the City to the Purchaser.

4. Marketability of Title.

The deed and other documents delivered by Seller to Purchaser shall be sufficient to convey good and insurable title in fee simple to the Property free and clear of all liens and encumbrances. However, Purchaser agrees accept the property "as-is" and to accept title to the Property subject to any and all restrictive covenants of record common to the tract or subdivision of which the Property is a part, and subject to existing zoning. Purchaser also agrees to accept title to the Property subject to public utility easements along lot lines, provided the easements do not interfere with any buildings now on the Property.

5. Closing Date, Place and Possession

Transfer of title shall take place at the Genesee County Clerk's office on or before 45 days after the date this transfer is approved by City Council. Purchaser shall obtain possession of the Property at the time of closing.

6. Post-Closing Matters.

In the event that BHA transfers the Property to a third-party, the Seller shall be entitled to reimbursement in the amount of \$2,500, along with any transfer costs. Upon BHA's transfer of the Property, BHA shall promptly pay the City of Batavia said funds. This obligation shall survive closing and transfer of the deed.

7. Recording Costs, Mortgage Tax, Transfer Taxes and Closing Adjustments.

Seller shall pay any and all real property transfer taxes and filing fees. Seller shall pay for the recording of the deed and the mortgage and the entire mortgage tax, if any. Purchaser shall bear the cost of any studies, plans and fees required by the City of Batavia, County of Genesee and/or the State of New York.

The following, if applicable, will be prorated and adjusted between Seller and Purchaser as of the date of closing: any real property taxes and/or assessments, water charges, pure water charges, sewer charges, and current common charges or assessments, if any.

8. Zoning.

Seller represents that the Property is located in the City of Batavia Residential District-2 (R-2).

9. Risk of Loss.

Seller shall assume any risk of loss or damage to the Property by fire or other casualty until the transfer of title. If damage to the Property by fire or other such casualty occurs prior to transfer, Purchaser may cancel this contract without any further liability to Seller and Purchaser's deposit shall be returned. If Purchaser does not cancel the contract but elects to close, then Seller shall transfer to Purchaser any insurance proceeds or Seller's claim to insurance proceeds payable for such damage.

10. Responsibility of Persons Under the Contract; Assignability.

If more than one person signs this contract as Purchaser, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by Purchaser in this contract. If more than one person signs this contract as Seller, each person or any party who takes over that person's legal position will be fully responsible for keeping the promises made by Seller. However, this contract is personal to the parties and may not be assigned by either party without the other's written consent.

11. Entire Contract.

This contract, when signed by both Purchaser and Seller will be the complete contract between the Purchaser and Seller concerning the purchase and sale of the Property. No verbal agreements or promises will be binding.

12. Notices.

All notices under this contract shall be deemed delivered upon receipt. Any notices relating to this contract may be given by and to the attorneys for the parties.

Counsel for Seller shall be:

Underberg & Kessler LLP
Attn: George S. VanNest, Esq.
50 Fountain Plaza
Suite 320
Buffalo, New York 14202

Counsel for Purchaser shall be:

Kevin D. Earl, Esq.
Oshlag, Saleh & Earl
216 East Main Street
Suite 20
Batavia, New York 14020

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date set forth below.

Dated: _____, 2015

SELLER:

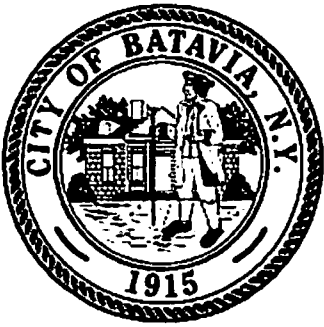
CITY OF BATAVIA

PURCHASER:

BATAVIA HOUSING AUTHORITY

By: _____

Brooks Hawley
City Council President



City of Batavia

TO: Jason Molino, City Manager
Gretchen DiFante, Assistant City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: February 2, 2016

RE: Re-appropriation of administrative reserve funds

The City Council approved, in the 2015/2016 budget, the use of \$36,874 in administrative reserve funds to upgrade and convert the City's KVS utility billing, payroll and tax collection software. Soon after our contract was signed for this conversion, KVS/Springbrook was acquired by Accela Software Solutions which brought about a sizeable delay in our project. The approved appropriation expires with the end of our fiscal year and prior to the completion of the conversion, with only \$9,204.50 reserve funds paid out to date.

The Bureau of Finance is seeking permission of City Council to re-appropriate the remaining balance, \$27,669.50, in the fiscal year 2016/2017 to cover the cost of the continued conversion process.

Attached please find the resolution supporting this action to be presented to City Council at the conference meeting dated February 22, 2016. Please let me know if you have any questions.

#-2016

**A RESOLUTION TO RE-APPROPRIATE ADMINISTRATIVE RESERVE FUNDS FOR
KVS/SPRINGBROOK (NOW ACCELA) UTILITY BILLING, PAYROLL, TAX
COLLECTION SOFTWARE CONVERSION**

Motion of Councilperson

WHEREAS, The City of Batavia approved in the 2015/2016 budget to use \$36,874 of administrative reserve to upgrade and convert the City's KVS utility billing, payroll and tax collection software; and

WHEREAS, KVS was acquired by Accela Software Solutions in April, 2015; and

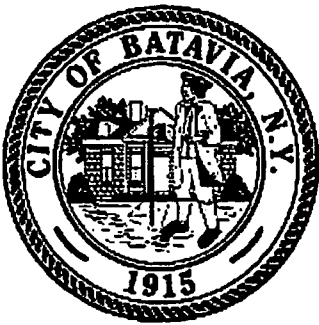
WHEREAS, the aforementioned acquisition created a sizeable delay in the process of converting and upgrading the City of Batavia's software therefore, as a result, the approved appropriation will expire at the fiscal year end, prior to the completion of the conversion; and

WHEREAS, \$9,204.50 of the approved appropriation has been expended in the 2015/2016 fiscal year; and

WHEREAS, the Bureau of Finance is requesting permission to re-appropriate \$27,669.50 in the 2016/2017 fiscal year, to cover the cost of the continued conversion process; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Bureau of Finance has permission to re-appropriate \$27,669.50 of administrative reserve funding to continue the conversion process of the City's utility billing, payroll and tax collection software in the fiscal year ending March 31, 2017.

**Seconded by Councilperson
and on roll call**



City of Batavia

TO: Jason Molino, City Manager
Gretchen DiFante, Assistant City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: February 2, 2016

RE: Purchasing Manual

As required by General Municipal Law §104-b(4), the City's Purchasing Manual must be reviewed by City Council annually. This helps ensure that procedures are current and appropriate to meet the changing needs of the City of Batavia. A procurement policy and procedures manual generally ensures that competition is sought in a reasonable and cost effective manner for procurements below the bidding thresholds and for other contracts exempt from bidding.

I am enclosing the City's Purchasing Manual which has no changes from the prior year.

#-2016
A RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL
FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilperson

WHEREAS, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

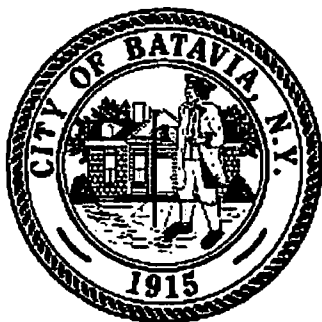
WHEREAS, the City Council last adopted its Purchasing Manual on March 9, 2016; and

WHEREAS, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

WHEREAS, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

Seconded by Councilperson
and on roll call



City of Batavia

TO: Jason Molino, City Manager
Gretchen DiFante, Assistant City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: February 4, 2016

RE: Transfer from Employee Accrued Liability Reserve

In March of 2010, the City Council established an Employee Benefit Accrued Liability reserve to assist with cash payments for accumulated or accrued leave time due to City employees upon retirement or termination.

The City has experienced eight retirements/terminations within the General Fund from April 1, 2015 through February 1, 2016, equaling \$30,634.80 of accrued leave payments. The current balance of the Employee Benefit Accrued Liability reserve is approximately \$38,310. It is recommended that City Council transfer \$30,634.80 from the Employee Benefit Accrued Liability reserve to the appropriate budget lines to account for these payouts so they do not negatively affect this year's budget.

The City Council's foresight to recognize future liabilities and demonstrate financial prudence in supporting this reserve fund over the past five years has prevented the City from being overwhelmed by one-time retirement expenses and avoiding a deficit operations. As the City Council has in the past, it is recommended that future one-time revenues and surpluses be considered to build the Employee Benefit Accrued Liability reserve for future expenses.

Attached please find the resolution for presentation to City Council at the February 22, 2016 conference meeting.

#-2016

**A RESOLUTION TRANSFERRING FROM THE EMPLOYEE BENEFIT ACCRUED
LIABILITY RESERVE AND TO AMEND THE BUDGET**

Motion of Councilperson

WHEREAS, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees' service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has approximately \$38,310.00 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 will have had employee retirements/terminations from General Fund employment with payable accrued employee benefits totaling \$30,634.80; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers:

Effective March 31, 2016, the following transfers are hereby approved:

Increasing expenditure accounts:

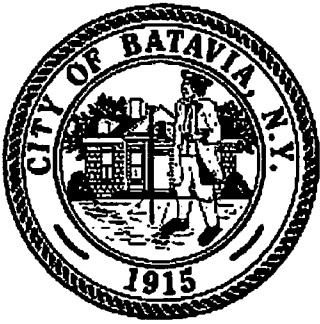
| | | |
|--------------------|---------------|-------------|
| Police Department | 001.3120.0100 | \$7,606.78 |
| | 001.3120.0200 | \$2,301.84 |
| Fire Department | 001.3410.0101 | \$1,678.17 |
| | 001.3410.0104 | \$ (604.49) |
| | 001.3410.0102 | \$3,389.14 |
| Public Works Admin | 001.1490.0100 | \$5,280.29 |
| Bureau of Maint. | 001.5010.0100 | \$3,697.11 |
| | 001.5010.0103 | \$ 695.07 |
| | 001.5110.0103 | \$ 402.33 |
| | 001.5142.0103 | \$ 219.45 |
| | 001.7110.0100 | \$4,999.87 |
| | 001.7110.0103 | \$ 603.49 |
| | 001.7550.0103 | \$ 9.14 |
| | 001.8140.0103 | \$ 201.16 |
| | 001.8170.0103 | \$ 155.45 |

Increasing revenue account:

Appropriated Employee Benefit
Accrued Liability Reserve

001.0001.0511.2109 \$30,634.80

**Seconded by Councilperson
and on roll call**



City of Batavia

TO: Jason Molino, City Manager
Gretchen DiFante, Assistant City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: February 4, 2016

RE: Transfer of funds to parking lot reserve

In preparation of the City's fiscal year end, annual the City transfers dumpster permit revenue and parking permit revenue received through the fiscal year into the parking lot reserve to assist with future replacement and improvements to the City's parking lots.

Attached please find a resolution supporting this action to be presented to City Council at the February 22, 2016 conference meeting. This will ensure transfer of funds to the parking lot reserve prior to the end of the fiscal year. Please let me know if you have any questions.

#-2016
**A RESOLUTION TRANSFERRING \$2,050 TO THE PARKING LOT
CAPITAL RESERVE FUND**

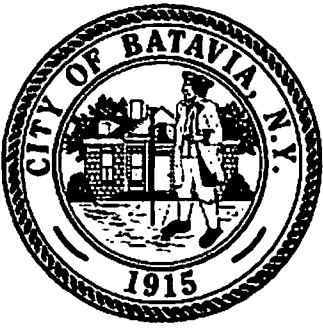
Motion of Councilperson

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

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 received parking and dumpster permit revenue in the amount of \$2,050 and is desirous of transferring said \$2,050 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$2,050 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

**Seconded by Councilperson
and on roll call**



Memo

Date: February 10, 2016

To: Honorable City Council

From: Matt Worth, Director of Public Works

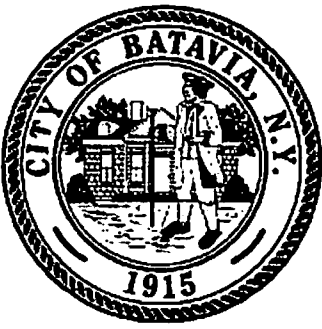
Subject: Minnow Harvesting Contract

The Bureau of Water and Wastewater issued a request for bids on February 12, 2016 for harvesting fat head minnows at the Wastewater Treatment Plant during the 2016-2017, 2017-2018, 2018-2019 fiscal years. The minnows are used as a form of insect control at the facility. The contract generates revenues, as the minnows are harvested to be used as commercial bait, as well as helping to keep the on-site minnow population healthy by controlling the size of the population.

Bids are scheduled to be opened on February 26, 2016 at which time they will be reviewed and verified by staff. The highest responsible bidder will be recommended for award at the March 14th business meeting.

Department of Public Works
Bureau of Inspection
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6325
Phone: 585-345-6345
Fax: 585-343-1385
www.batavianewyork.com



Memo

Date: February 10, 2016

To: Honorable City Council

From: Matt Worth, Director of Public Works

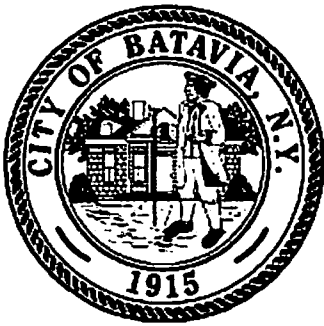
Subject: Washington and Jefferson Avenue – State Street Sewer Improvements

The Department of Public Works advertised a request for bids on February 8, 2016 for the installation of a new sewer main on Washington Avenue from Ross Street to Jefferson Avenue and Jefferson Avenue from Washington Avenue south approximately 300 feet. In addition, this contract includes the replacement of a sewer siphon on State Street just north of Lewis Place as well as the replacement of some of the residential water services. A public informational meeting was held on February 10th to answer questions from the property owners in this neighborhood, as it relates to the project.

Bids are scheduled to be opened on March 1, 2016 at which time they will be reviewed and verified by GHD consulting engineers and by City staff. The lowest responsible bidder will be recommended for award at the March 14th business meeting.

Department of Public Works
Bureau of Inspection
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6325
Phone: 585-345-6345
Fax: 585-343-1385
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Memo

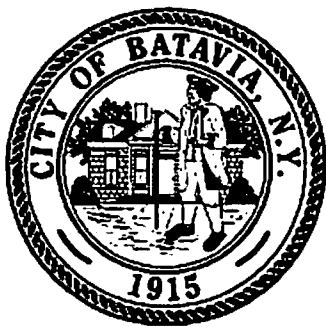
Date: February 10, 2016
To: Honorable City Council
From: Matt Worth, Director of Public Works
Subject: Chemical Bids

The Bureau of Water and Wastewater issued a request for bids on February 12, 2016 for chemicals to be used at the Water Filtration Plant and Wastewater Treatment Plant during the 2016-2017 fiscal year. The chemicals are used in various aspects of the treatment processes at these facilities.

Bids are scheduled to be opened on February 26, 2016 at which time they will be reviewed and verified by staff. The lowest responsible bidders will be recommended for award at the March 14th business meeting.

Department of Public Works
Bureau of Inspection
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6325
Phone: 585-345-6345
Fax: 585-343-1385
www.batavianewyork.com



Memo

Date: February 10, 2016

To: Honorable City Council

From: Matt Worth, Director of Public Works

Subject: Summit Street Reconstruction Project Supplemental Agreement #6

New York State Department of Transportation has issued Supplemental Agreement #6 to the City of Batavia that confirms and authorizes the funding for the construction aspects of the Summit Street Project. The Supplemental Agreement is the formal contract authorizing reimbursement of funds for this project between the City and NYSDOT.

The Reconstruction of Summit Street is a Federal Highway Pass Thru Project administered through the New York State Department of Transportation.

#-2016

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, R.O.W. INCIDENTALS,
AND CONSTRUCTION/CI/CS ASSOCIATED WITH THE RECONSTRUCTION OF
SUMMIT STREET FROM EAST MAIN STREET TO NORTH STREET**

Motion of Councilperson

WHEREAS, a project for the Reconstruction of Summit Street from East Main Street to North Street, City of Batavia, Genesee County, P.I.N. 475436 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the cost for PE/Design, R.O.W. Incidentals and Construction/CI/CS; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced project is approved; and

IT IS FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

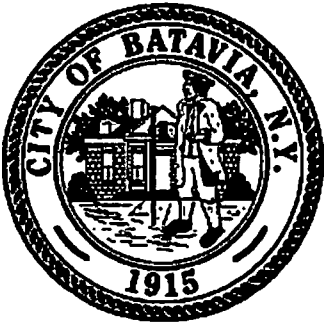
IT IS FURTHER RESOLVED, that the sum of \$2,452,001 is hereby appropriated and made available to cover the cost of participation in the above phase of the project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the City Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid and/or Marchiselli aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal aid and State aid eligible project costs and all project costs within appropriations therefore that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

IT IS FURTHER RESOLVED, that this resolution shall take effect immediately.
Seconded by Councilperson
and on roll call



City of Batavia

To: Jason Molino, City Manager
From: Daniel G. Herberger, Interim Fire Chief
Date: February 19, 2016
Subject: Competitive Bids for Water Rescue Equipment

Attached are three separate competitive bid proposals for the water rescue grant the Fire Department received last year. Sealed bids were received and opened in accordance of the City of Batavia purchasing manual on February 17, 2016 at 1 p.m. I recommend that bid number FD 16-01 and FD 16-03 be awarded to the lowest bidder, Dival Safety & Supplies. I recommend bid number FD 16-02 be awarded to Dival Safety & Supplies.

The bids were crafted as a per package unit price and the amount of packages to be purchase are broke out as well. The bid breakdown is listed below.

| | | |
|----------------|-----------------------|----------------|
| Bid # FD 16-01 | \$ 1,572.00 x 8 units | = \$ 12,580.00 |
| Bid # FD 16-02 | \$ 949.55 x 6 units | = \$ 5,697.30 |
| Bid # FD 16-03 | \$ 59.85 x 200 units | = \$ 11,970.00 |

Fire Department
18 Evans Street
Batavia, New York 14020



Phone: 585-345-6375
Fax: 585-345-5639
www.batavianewyork.com

#-2016

**A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE SWIFT
WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT**

Motion of Councilperson

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of swift water rescue personal protective equipment used for water rescue operations; and

WHEREAS, three (3) companies submitted bids, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder hereinafter identified.

| Company Name | Bid Amount |
|----------------------------------|-------------------|
| First Out Rescue Equipment | \$13,587.60 |
| FF1 Professional Safety Services | \$13,800.00 |
| DiVal Safety & Supplies | \$12,580.00 |

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

#-2016

**A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE ICE
WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT**

Motion of Councilperson

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of ice water rescue personal protective equipment used for water rescue operations; and

WHEREAS, three (3) companies submitted bids, however one (1) bidder submitted an incomplete bid package, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder hereinafter identified.

| Company Name | Bid Amount |
|----------------------------------|-------------------|
| FF1 Professional Safety Services | \$6,360.00 |
| DiVal Safety & Supplies | \$5,697.30 |

Seconded by a Councilperson.

#-2016

**A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE SHORE
BASED WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT**

Motion of Councilperson

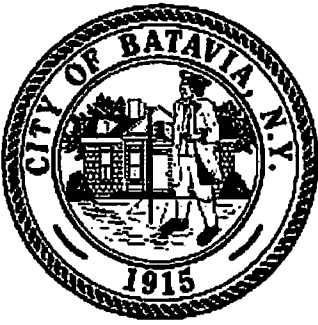
WHEREAS, the City has advertised for competitive, sealed bids for the purchase of shore based water rescue personal protective equipment used for water / ice rescue operations; and

WHEREAS, three (3) companies submitted bids, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder hereinafter identified.


| Company Name | Bid Amount |
|----------------------------------|-------------|
| First Out Rescue Equipment | \$22,350.00 |
| FF1 Professional Safety Services | \$26,800.00 |
| DiVal Safety & Supplies | \$11,970.00 |

Seconded by a Councilperson.



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 18, 2016

Subject: Police Facility Costs

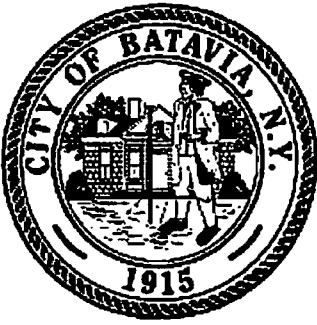
Attached please find a memo to the Police Facility Task Force dated July 23, 2015 regarding debt service and financing options for a new facility at the 35 Swan Street location.

Also attached is a listing of Federal and State grants that was provided to the Task Force regarding programs that were applicable to any of the potential sites they reviewed. Most relevant to the 35 Swan Street location is New York State Energy Research and Development Authority (NYSERD), Green Innovation Grant Program (GIGP), Community Development Block Grant (CDBG) and US Environmental Protection Agency (EPA) Brownfield and Revitalization Clean Up Grant. While the City is eligible to apply for these grants they are competitively awarded. The above referenced financing options do not include the receipt of grant funds.

Other Facilities


City Council requested that the cost for a new facility be reviewed with respect to other facilities of similar nature in the area.

In 2013, the Town of Lancaster built a new 26,000 sf. police and court facility. The construction cost was approximately \$9 million or \$346 psf. Recently the Town of Greece, NY authorized a bond not to exceed \$9 million, or \$321 psf, for a new 28,000 sf. police station. In comparison, the City's estimated construction cost for a 17,900 sq. ft. new build is \$5.37 million or \$300 psf. While Lancaster and Greece are larger projects and have some differences in services, they do provide an understanding the City's cost per square foot is within the same range as other projects. It should be noted that these figures only include the construction cost of the buildings. They do not include possible site preparation costs, acquisition costs, environmental remediation costs or design and contingency costs as they can vary from project to project. When preparing the space needs assessment the staff spent considerable time with the consultants reviewing cost estimates to ensure they could best reflect projected costs with the information available based on the City's needs.



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 18, 2016

Subject: Police Facility Discussion

Background: Attached please find multiple documents related to the research and work that has been completed by the staff, consultants and Police Facility Task Force regarding the review of the existing police station. Also, the space needs assessment/feasibility study and Task Force recommendations are currently posted on the City's website.

In summary, the City has followed the correct path to understanding the needs of new/improved police facilities.

In the fall 2013 and throughout 2014 the City engaged with a public safety consulting team (specializing in public safety building assessments, design and construction) to complete a space needs assessment to determine the expected space needs for the department to function properly. Included with the space needs assessment was a thorough review of the existing facility and challenges related to the current physical state, space needs now and future needs of the police department. A review of over a dozen sites and locations for a new facility were considered and six possible recommendations for a new facility and/or full renovation of the existing facility along with detailed project cost estimates were included in the final report. The cost estimates included design, construction, environmental remediation, property acquisition and contingency estimates. This process took approximately one year and included a staff leadership team as well as staff throughout the department to provide valuable input to understand functional requirements and needs of a facility.

Following the space needs assessment, City Council formed a Citizen Task Force to review the needs assessment and make a recommendation to City Council with respect to a preferred option and location for a police facility. The task force reviewed all recommended sites from the needs assessment as well as two additional sites. From this review process the Task Force recommended the Swan Street location for a new facility to be built. This process took approximately ten months to complete and included open meetings for the public to attend as well as a public comment period prior to making a formal recommendation to the City Council.

Once the recommendation was received, City Council held another public meeting for comments regarding the Task Force recommendation. Following this meeting, City Council requested that Genesee County be approached to determine if there was interest in jointly studying a consolidation of the City police department with the Genesee County Sheriff's Office. Shortly following this request, City Council decided not to proceed with a consolidation study and instead continue discussions regarding improved facilities for the police department.

Discussion: The following questions are intended to assist City Council with next steps in this process to begin to narrow the focus of discussion in making a decision.

1. Does City Council want to keep the existing police department at current law enforcement service levels?
 - a. If the answer to this question is no, then further discussion is needed with respect to define or determine new service levels prior to any facility discussions.
2. Assuming City Council wants to keep the existing police department at current service levels, the next question to be considered is, Does City Council want to build a new facility, use the existing facility (renovate) or select a different facility (new or renovation)?
 - a. Is the recommended location (Swan Street) acceptable for a police station?
 - If the location is acceptable, what, if needed, from the cost estimates should be further defined and explained? If so, let staff review and provide further detail and explanation.
 - Is the Council accepting of the financial impact of building a facility at this location based on the cost estimates, debt service and financial analysis provided (see attached)?
 - What are the next steps for advancing this site?
 - Two variables with respect to the Swan Street location are unknown: acquisition cost and remediation cost if any. Because both of these issues involve the proposed sale of real property it is recommended discussions surrounding these issues are done in executive session prior to making a decision publicly.
 - b. If the recommended location is not acceptable for a police station, what location is acceptable?
 - Do the locations reviewed by the staff in the needs assessment and the Task Force need to be reviewed again? If so, which locations?
 - If there are new locations to be considered, where are they and how much analysis is required to properly assess each location? (This may require additional engineering/architectural review.)

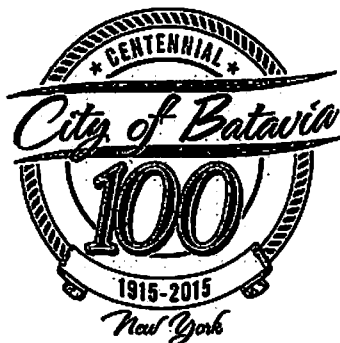
When reviewing these options several factors should be considered:

- The cost of construction per square foot for a new facility is in-line with similar facilities in other Western New York communities. The City researched several newer facilities and found the cost of construction is approximately \$300-\$350 per square foot which is similar to that of the Swan Street location.

- The cost of a renovation is typically higher than that of a new build as additional factors such as, but not limited to, ADA compliance, hazardous material abatement and infrastructure removal and replacement need to be understood. When considering a renovation of 10 W. Main St. temporary relocation and historic preservation is an added cost.
- A general point of consideration with respect to public safety facilities is that they are used three times as much as regular office facilities due to the 24/7 nature of operations. In short, a public safety facility that houses a full-time police department after a 10-year period has really experienced 30 years of utilization.

In conclusion, the City Council needs to deliberate the issue of investment in needed facilities for the community and City staff to provide needed law enforcement services. The costs to do so have been estimated to the best of our ability with the information available to us. When considering the level of investment in a new or improved facility, a debt service and financing analysis has been provided.

While the cost of any project can be reduced, the City Council is cautioned that along with considerations of cost, functional needs of the police department need to be considered as well. Simply put, if City Council decides to limit the level of investment into a police facility, which is within Council's authority to do so, impacts of such a decision, such as a lesser facility or possibly lesser level of service to residents should be understood before moving forward with the project. Expectations of the investment should be known prior to beginning any project.



City of Batavia

To: Police Facility Task Force

From: Jason Molino, City Manager

Date: July 23, 2015

Subject: Debt Service and Financing Options

During the July 7, 2015 meeting the Task Force voted on recommending the 35 Swan Street location as the preferred site for relocating the City police station. As part of the Task Force's assigned responsibilities and duties City staff is required to provide a financial analysis to demonstrate the potential tax, budget and debt impacts based on available information.

The following analysis uses the April 14, 2015 budget comparison (see attached) of the Swan Street Site (\$10,360,846) as the foundation for the analysis. For contingency purposes the analysis rounds the total project cost to \$10,500,000. It should be noted that these budget estimates are based on all information available to the Task Force through the study process. As with any construction project, all projections are subject to change depending on a variety of project circumstances, including design, construction and environmental impact variables that may be determined as the project progresses.

The attached spreadsheet entitled "*Debt Service and Financing*" provides an outline to the financial analysis for the project.

Existing Debt Service – This is the existing general fund debt service obligations. This is to include general obligation bonds, municipal leases and energy leases. Financing a new police station will be solely support by the general fund. As mentioned in the City 2015/16 budget message the City's debt service begins to drop starting in FY17, and within the next eight years the City's debt service load will drop approximately \$488,000 or 68% annually. This is an important aspect of the project as the City's capacity to take on new debt service increases significantly in upcoming years.

Facility Reserve Contribution – This is the recommended amount of funding to be dedicated from the general fund to the Facility Reserve specifically for the police station over the next several years. The current Facility Reserve balance at the end of FY 2015/16 is projected to be \$966,000.

Police Station Debt – This is the debt service that would be assumed as a result of a \$9MM bond based on a \$10.5MM total project cost.

Other Reserves (3%) – This is all other funding to be dedicated from the general fund to other reserve funds that support other general fund functions. It is assumed that every other year starting in 2018 there will be a 3% growth in other capital reserve funds (e.g. equipment, sidewalk, etc.) over next 20 years.

New Capacity – This is the additional debt service or reserve capacity that will become available as debt service is retired.

Level Debt – This is the combined debt service and reserve contribution. The desired combination of total debt service and reserve contributions can remain relatively flat over time; however, as one increases or decreases, the other compensates equally. This process is generally referred to as “level debt service.” Once the established reserve and debt levels are determined, capital plans can be balanced with acceptable debt limits. It is recommended that the current level debt service be maintained in the future not to exceed \$923,000 annually.

Video Lottery Terminal (VLT) Aid – It is recommended that over the next three years a total of \$375,000 of VLT aid be utilized to building the Facility Reserve. While the City has received this revenue in prior years, it has not remained at stable levels and is consistently up for negotiation during the New York State budget process. Should this aid be decreased significantly or removed completely in upcoming years, the revenue will have to be made up by another revenue source.

Facility Reserve Funds Utilized – It is recommended that \$1,860,000 of accumulated Facility Reserve funds be utilized by 2021/22 as part of the project. As of FY 2015/16 year-end is the Facility Reserve fund is expected to have a balance of \$966,179. The remaining balance is to accumulate with general fund reserve contributions and VLT aid from 2016-2020.

Facility Reserve Fund Balance – This is a rolling balance of Facility Reserve funds over the course of the project. Please note that building reserve funds is a critical financial component to project success as the total project cost is estimated at \$10.5MM, however utilizing \$1.86MM of reserve funds will provide the City with the opportunity to only bond \$9MM to support the project. Due to conservative and responsible financial planning the current reserve balance is almost \$1MM. As the reserve fund continues to accumulate the final general bond obligation will be less.

The project includes the following:

- \$10.5MM project - \$9.0MM bond/\$1.86MM reserves.
- Use of \$375,000 of VLT aid over three year period to assist in building reserves.
- Assumes no grant funds received.
- Maintains \$36,000 in Facility Reserve fund after project is complete.
- Average annual debt payment for the project is approximately \$547,000 for a 27 year bond, starting in 2019 expiring in 2046.
- Interest rate for bond inclines over the period of the bond starting at 3% and increasing to 5.25% by the final year.
- Total impact may be a one-time 0-2% tax increase realized over a 2 year period, depending project variables.

Observations

- ✓ Generating a greater reserve fund balance to be utilized will minimize the amount to be bonded and will result in less of an impact on the tax levy and property taxes.
- ✓ Maintaining a positive balance in the reserve fund is important in order to retain funds for other City facilities.
- ✓ This analysis considers no receipt of grant funds for the project. Should grant funds or additional surpluses be used to offset the cost of the project, the final debt service for the project may be lower than projected. *Conversely, if project costs exceed the projected estimates, debt service costs may be higher than projected.*

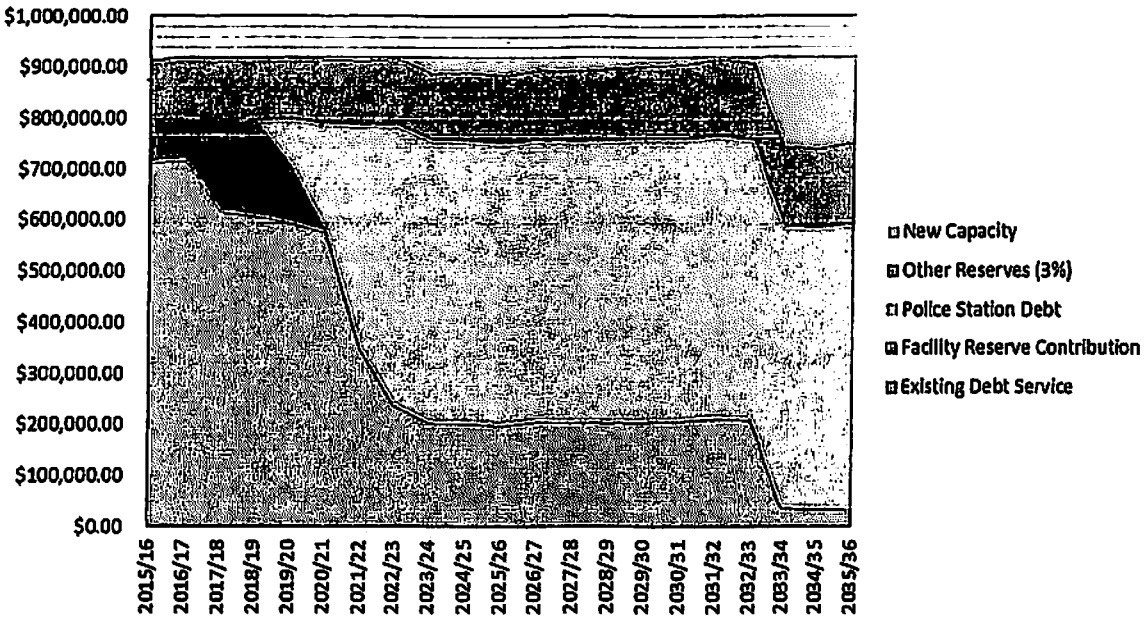
Summary

The attached chart entitled "*Level Debt*" demonstrates the impact of decreasing existing debt service, increase of new debt service related to a new police station, steady growth in reserve contributions every other year and the availability of new debt service/reserve capacity, while maintaining the accumulative debt service and reserve contributions steady at 2016 levels. Assuming no significant variances in the estimated project costs, bond interest rates, changes in VLT aid or unanticipated fluctuations in Facility Reserve fund balances or any other variables, it is foreseeable that this project could be completed with no negative impact on level debt factors, resulting in no increase in new tax levy dollars to support the project.

Swan Street - Debt Service and Financing (projections) - \$10.5M project (\$9.0 MM financing)

| Fiscal Year | Existing Debt Service | Facility Reserve Contribution | Police Station Debt | Other Reserves (2%) | New Capacity | Level Debt | V.L.T. | Reserves Utilized | Reserve Fund Balance |
|-------------|-----------------------|-------------------------------|---------------------|---------------------|--------------|--------------|--------------|-------------------|----------------------|
| 2015/16 | \$715,424.36 | \$80,000.00 | | \$121,305.00 | | \$916,724.36 | \$100,000.00 | | \$1,096,179.00 |
| 2016/17 | \$721,165.27 | \$80,000.00 | | \$121,300.00 | | \$822,465.27 | \$125,000.00 | | \$1,271,179.00 |
| 2017/18 | \$619,747.87 | \$180,000.00 | | \$121,300.00 | | \$821,047.87 | \$150,000.00 | | \$1,601,179.00 |
| 2018/19 | \$611,087.88 | \$185,000.00 | | \$124,939.00 | | \$821,028.88 | \$0.00 | (\$1,500,000.00) | \$288,179.00 |
| 2019/20 | \$597,969.51 | \$110,000.00 | | \$124,939.00 | | \$822,908.51 | \$0.00 | | \$398,179.00 |
| 2020/21 | \$578,118.02 | | \$80,000.00 | \$128,687.17 | \$4,684.12 | \$823,000.00 | \$0.00 | (\$250,000.00) | \$148,179.00 |
| 2021/22 | \$349,549.60 | | \$400,810.69 | \$128,687.17 | \$8,935.73 | \$823,000.00 | \$0.00 | (\$110,000.00) | \$38,179.00 |
| 2022/23 | \$240,360.02 | | \$547,827.50 | \$132,547.78 | \$2,889.69 | \$823,000.00 | \$0.00 | | |
| 2023/24 | \$206,400.02 | | \$547,202.50 | \$132,547.78 | \$2,889.69 | \$823,000.00 | \$0.00 | | |
| 2024/25 | \$208,080.02 | | \$551,332.50 | \$138,524.22 | \$30,118.26 | \$823,000.00 | \$0.00 | | |
| 2025/26 | \$201,640.02 | | \$549,062.50 | \$140,619.95 | \$35,753.26 | \$823,000.00 | \$0.00 | | |
| 2026/27 | \$209,015.00 | | \$549,115.00 | \$140,618.95 | \$35,687.55 | \$823,000.00 | \$0.00 | | |
| 2027/28 | \$207,815.00 | | \$547,877.50 | \$144,838.54 | \$22,768.48 | \$823,000.00 | \$0.00 | | |
| 2028/29 | \$206,280.00 | | \$548,162.50 | \$144,838.54 | \$18,283.98 | \$823,000.00 | \$0.00 | | |
| 2029/30 | \$208,400.00 | | \$549,115.00 | \$148,163.70 | \$16,420.05 | \$823,000.00 | \$0.00 | | |
| 2030/31 | \$209,800.00 | | \$551,477.50 | \$153,659.21 | \$4,268.29 | \$823,000.00 | \$0.00 | | |
| 2031/32 | \$214,900.00 | | \$548,598.25 | \$153,659.21 | \$1,650.79 | \$823,000.00 | \$0.00 | | |
| 2032/33 | \$211,590.00 | | \$550,152.50 | \$158,268.59 | \$178,153.51 | \$823,000.00 | \$0.00 | | |
| 2033/34 | \$40,050.00 | | \$548,140.00 | \$158,268.59 | \$180,028.01 | \$823,000.00 | \$0.00 | | |
| 2034/35 | \$38,700.00 | | \$548,827.50 | \$183,017.06 | \$168,037.94 | \$823,000.00 | \$0.00 | | |
| 2035/36 | \$37,350.00 | | \$554,545.00 | | | \$823,000.00 | \$375,000.00 | (\$1,860,000.00) | |
| | \$6,632,402.59 | | | | | | | | |

Level Debt



Below is a list of existing NYS and Federal funding/grant programs that may be available to assist the City with a new construction for a Police facility or substantial renovation of the existing facility. Please note that the State programs were based on Round IV of the Regional Economic Development Council (REDC) and made available through Consolidated Funding Application (CFA) process. These funding opportunities may be subject to change, and additional programs may be available in future years.

1. Office of Parks, Recreation & Historic Preservation (OPRHP) – Environmental Protection Fund (EPF) Municipal Grant Program

Summary: The New York State Office of Parks, Recreation and Historic Preservation has had funding available for Park Development, Historic Preservation, Acquisition and Project Planning through the Consolidated Funding Application. The fund provides matching reimbursement grants to communities and not-for-profit organizations for up to \$500,000 to develop park facilities, preserve historic properties and to acquire park or historic properties.

Eligible Applicants/Areas: Municipalities, not-for-profit corporations with an ownership interest in a property, public benefit corporations and public authorities are eligible applicants.

Park Development - Types of Projects: Rehabilitation, preservation or restoration of lands or waters for park, recreation or conservation uses including playgrounds, courts, rinks, community gardens , trails and facilities for swimming, boating, picnicking, hunting, fishing, camping and other recreational activities.

Historic Preservation - Types of Projects: Rehabilitation, preservation or restoration of properties on the State or National Historic Registers in accordance with the Secretary of the Interior's Standards for Historic Preservation.

Acquisition - Types of Projects: Acquisition of permanent easement in or fee title to lands, waters or structures for park, recreation, conservation or preservation purposes, including open space, community gardens and properties on the State or National Historic Register.

Project Planning: Project Planning is eligible for separate funding to develop *project specific* planning documents such as designs/specifications for a park or historic structure.

Grant Limit & Match: The maximum grant request is \$500,000. A minimum 50 percent project match is required and a higher match is recommended. However, the City may receive up to 75 percent as Batavia's poverty for the project is located in equal to or greater than 10 percent.

2014 Priorities: The 2014 year's funding priorities include 1) Parks projects that contribute to community or economic development, 2) "green" projects that support sustainability, energy conservation and efficiency, 3) enhancement of public access and 4) projects undertaken by partner groups in State Parks/Historic Sites.

Criteria:

- i. Existing Conditions Report should be prepared to demonstrate threats and priorities based on historic “resource.”
 - a. Recommended to be completed by Historic Preservation Architect.
 - b. Emphasize how bad the threats and conditions are to the building.
 - c. Estimated cost \$30,000 – needs to be completed prior to submitting application for restoration funding.
- ii. Proposed Improvement Concepts & Cost Estimates – based on current condition, threats and priorities for preserving the historic resource (this has been mostly completed with the Space Needs Assessment)
- iii. Key Criteria for grant funding:
 - a. Contribution to Historic Preservation – explain significance of building regionally and statewide.
 - b. How will restoring the building contribute to vitality of the area?
 - c. Benefits to special or disadvantaged populations – youth, seniors, handicapped, low income.
 - d. Demonstrate public outreach and buy-in

2. New York State Energy Research and Development Authority (NYSERDA)

Summary: NYSERDA offers multiple programs including a new construction and existing buildings program. The New Construction Program (NCP) provides technical assistance and financial incentives to promote the installation of energy-efficient electric equipment in new and substantially renovated commercial and industrial buildings. The Existing Facilities Program offers a broad portfolio of incentives to help offset the costs of implementing energy efficiency improvements in existing commercial facilities across New York State. Performance-Based (custom) and Pre-Qualified (prescriptive) incentives are available for electric and natural gas improvements. Incentives are structured to provide payments for electric and natural gas efficiency projects that reduce energy usage.

Eligible Applicants (may vary depending on program): State and local governments, businesses, not-for-profit and private institutions, public and private schools, colleges and universities, and health care facilities, benefit corporations, public authorities and facility owners.

Grant Limit & Match: Typically up to 50% for elements (lighting, motors, etc.) that improve energy efficiency.

3. Green Innovation Grant Program

Summary: The primary objective of the Green Innovation Grant Program (GIGP) is to improve water quality through the reduction of storm sewer infiltration. Improvements to area water systems, some of which provide water supply to various municipalities, can be achieved through “green infrastructure” which are innovative methods to manage rain where it falls.

Eligible Applicants: The Green Innovation Grant Program is available to a broad range of entities including municipalities, public authorities, not for profit corporations, for-profit corporations and soil and water conservation districts. Point source projects (SPDES, combined sewer, stormwater discharges) must be publically owned.

Funding: Maximum funding levels have not been established at this point. However, GIGP grants ranged from \$100,000 to more than \$2 million during previous CFA rounds.

Types of Eligible Projects

- **Permeable Pavement:** Pervious asphalt, concrete and pavers that convey rainfall through the pavement thereby reducing stormwater runoff.
- **Bioretention / Stormwater Planters:** Bioretention systems are shallow vegetated depressions that remove pollutants and reduce stormwater runoff. Specialized planters reduce and manage stormwater.
- **Green Roofs and Green Walls -** vegetation and drainage layers on top of a roof or on a wall.
- **Stormwater Street Trees / Urban Forestry Programs:** Tree planting programs, including inventorying and mapping, in urban areas to reduce stormwater and energy usage.
- **Riparian Buffers, Floodplain Restoration, and Constructed Wetlands:** Riparian buffers include vegetated or undisturbed natural areas to help protect a water body from pollutants; Floodplain restoration re-establishes natural water right-of-ways that provide temporary storage for large flood events.
- **Downspout Disconnection:** Removal of roof runoff from a direct connection to the storm sewer system.
- **Stream Daylighting:** Unearthing natural streams from artificial pipes.
- **Stormwater Harvesting and Reuse:** Rain barrels / cisterns that collect rain water from roofs for use in irrigation or non-potable activities.

Required Match: A minimum 10% match is required

Selection Criteria: Measurable improvement in water quality; alignment with Regional Economic Development Council Plans, extent of innovation, leveraging, plan for maintenance and public/stakeholder involvement.

4. Community Development Block Grant (CDBG) Program

Summary: The New York State Community Development Block Grant (CDBG) Program provides funding for small communities to undertake projects that create jobs and improve public infrastructure and facilities. In 2014 up to \$25 million in CDBG funding was available under the State's 2014 Spring Consolidated Funding Application (CFA).

Eligible Applicants: Municipalities - Towns, Cities, Villages under 50,000 in population and Counties under 200,000 in population.

Eligible Beneficiaries: 51 percent of the population that benefits from CDBG funding must be members of low to moderate income households. For community wide projects, 51 percent of the

community's population must be low to moderate income; for projects that benefit specific neighborhoods, groups or businesses, 51 percent of the beneficiaries must be members of low to moderate income households.

Maximum Funding Limits for Public Facilities:

\$400,000 - Municipalities

\$400,000 - Counties

Required Match: No match is required for public infrastructure and public facilities projects

Selection Criteria: Need and impact must be shown and financial capacity, feasibility and readiness must be demonstrated

5. New York State Council on the Arts

Summary: NYS Council on the Arts mission is dedicated to preserving and expanding the rich and diverse cultural resources that are and will become the heritage of New York's citizens. They provide a variety of planning and project based grants that benefit historic preservation, tourism and heritage of the arts.

Eligible Applicants: Usually municipalities and non-profits.

Maximum Funding: Up to \$100,000, but vary by program.

Required Match: A minimum 50% match is required

6. New York State Local Government Efficiency Grants

Summary: The Local Government Efficiency Grant (LGEG) Program provides funding to local governments for planning and implementation projects that will provide cost savings through consolidation of services. The goal of the program is to reduce municipal expenses and property taxes by identifying new opportunities for financial savings.

Eligible Applicants: Local Government entities defined as counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water/sewer authorities, regional planning and development boards, school districts and BOCES.

Eligible Projects: *Shared Cooperative Services* - projects to advance the joint provision of a service, facility or activity.

Available Funding

- Planning Projects: \$12,500/municipality not to exceed \$100,000; 50% match
- Implementation Projects: \$200,000/municipality not to exceed \$1,000,000; 10% match

2014 Priorities: Applications that result in: a plan or implementation of dissolution or consolidation of local governments; implementation of complete functional consolidation; assisting local governments that are incurring chronic operating deficits or who have not been able to limit increases in the property tax levy. Also, implementation of Regional Economic Development Council projects, compliance with the Smart Growth Act, and implementation of previous LGE grants

7. US Environmental Protection Agency (EPA) Brownfield and Revitalization Clean Up Grant

Summary: The U.S. Environmental Protection Agency's (EPA) Brownfields Program is designed to empower states, communities, and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA provides technical and financial assistance for brownfields activities through an approach based on four main goals: protecting human health and the environment, sustaining reuse, promoting partnerships, and strengthening the marketplace. Brownfields grants serve as the foundation of the Brownfields Program and support revitalization efforts by funding environmental assessment, cleanup, and job training activities. Thousands of properties have been assessed and cleaned up through the Brownfields Program, clearing the way for their reuse.

Eligible Applicants: State, local, and tribal governments, with the exception of certain Indian tribes in Alaska; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; or nonprofit organizations.

Eligible Projects: Brownfields Cleanup grants provide funding for a grant recipient to carry out cleanup activities at brownfield sites. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants or contaminants.

Available Funding

- Up to \$200,000 per site – no entity may apply for funding cleanup activities at more than five sites.
- Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs.