



BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, April 27, 2015 at 7:00 PM
Special Business Meeting Following**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Pacino
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Proclamation presented to Mark Mikolajczyk
 - b. Living Waters Community Outreach, August 26, 2015 – 10:30 a.m. to 6:00 p.m.
 - c. MS Society Walk – May 3, 2015 - 9:00 a.m. to 12:00 p.m.
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, May 11, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
- VIII. Accrued Liability
- IX. Capital Project Close Out
- X. Auctioned Properties
- XI. Independent Living of Genesee Region
- XII. Comprehensive Plan Preparation
- XIII. Distressed & Abandoned Properties – Gap Financing Exemption
- XIV. Adjournment

Living Waters Community Outreach

There are no additional costs for any departments.

MS Society Walk

There are no additional costs for any departments.



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

Official Use Only:

2015-4

Event Application #:

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

Living Waters Apostolic Ministries Inc.

Name of Renter / Sponsor / Organization:

United: One Cross One Church AUG 26, 2015 / 10:30-6:00

Type / Name of Event:

Date(s) & Time(s) of Event

Profit Non-Profit



CONTACT INFORMATION:

Pastor Timothy Young

Primary Contact Name

lwaministries@yahoo.com

E-Mail Address

8831 Hopkins Rd. Batavia, N.Y. 14020

Primary Contact Address

585-993-8400

Home Phone #

585-305-6578

Cell Phone #

Other #

Paul Olson

Secondary Contact Name

lwaministries@yahoo.com

E-Mail Address

4 Lewis Ave. Batavia, N.Y. 14020

Secondary Contact Address

585-343-0095

Home Phone #

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Pastor Timothy Young

Contact Name

585-993-8400

Home Phone #

585-305-6578

Cell Phone #

Other #

Location of your event: Austin Park

Please provide details of your event:

All day Church + Community Outreach event: music, sermons, games, food, kids activities all at no cost to anyone.

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



DATE: 01/28/2015

TIME: 10:30:47

GENERAL RECEIPTS

RECEIPT 1100-0000

RECEIPT # 147300

AMOUNT PAID

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):

Aug-26, 2015 8:00 a.m. Aug. 26, 2015 6:00 p.m.
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

8/26/2015 10:30 a.m. 6:00 p.m. 200-1000 12
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 ☒

YMCA TO provide bounce houses ()
Name of Company Providing Above: Company Contact/Representative Phone #

Address, Street City Zip Code

Music: Live Group ☒ Recorded/DJ ☐

Various Church & community groups & individuals ()
Name of Company Providing Above: Company Contact/Representative Phone #

Address, Street City Zip Code

CITY SERVICES SUPPORT:

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

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

ELECTRIC:

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

What will you be providing electric to? music & PA, food, bounce houses

Will generators be used? Yes ☒ No ☐

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) 5500 & 6500 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.

10'x10'; 20'x10

~~Large bounce house~~ 40'x14'
Small bounce house 14'x14'

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)

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

Living Waters Apostolic Ministries, 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 Living Waters Apostolic Min. (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.

1/26/15
Date:

Living Waters Apostolic Ministries
Name of Event Sponsor:
Pastor Timothy Young - Pastor/Founder/President
Authorized Signature, Title
Pastor Timothy Young
Name - Printed or Typed

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

1/26/15
Date:

Pastor Timothy Young
Signature of Applicant:

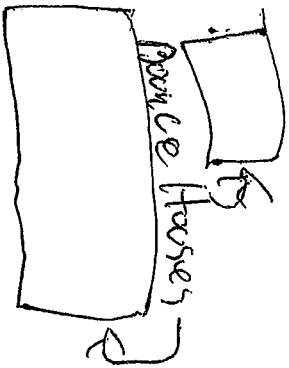
Please forward this application to:

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

United One Cross One Church

Center St.

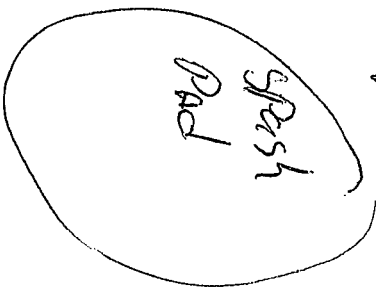
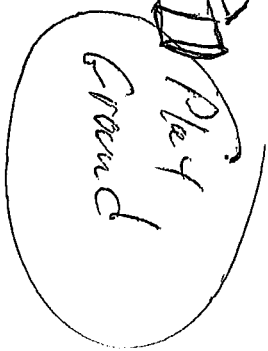
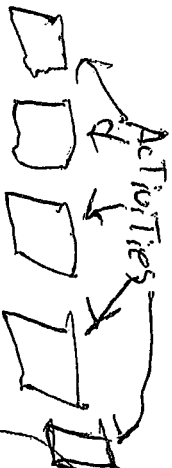
Generator



Generator



Canopy's?



Defterson

Washington

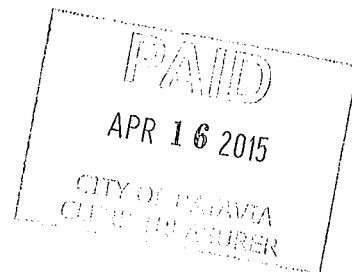


City of Batavia
Batavia, New York 14020
(585) 345-6300

Official Use Only:

2015-14

Event Application #:



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

National MS Society, Upstate NY Chapter
Name of Renter / Sponsor / Organization:

Walk MS Batavia May 3, 2015
Type / Name of Event: Date(s) & Time(s) of Event: Sunday Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

Hillary Upton
Primary Contact Name: 1000 Elmwood Ave, Suite 900, Rochester NY 14620
Primary Contact Address: Hillary.Upton@nmss.org
E-Mail Address: 585-271-0801
Home Phone #: 585-271-0801
Cell Phone #: Other #

Tara Pariso
Secondary Contact Name: tpariso24@yahoo.com
Secondary Contact Address: 585-813-3987
E-Mail Address: Home Phone #
Cell Phone #: Other #

EVENT DAY CONTACT INFORMATION:

Tara Pariso
Contact Name: Home Phone #
Cell Phone #: Other #

Location of your event: Dwyer Stadium

Please provide details of your event: Raise funds for the National MS Society

*want to use lot on NW corner of Alva & Bank for rest stop as they did last year.

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):

May 3, 2015 7 am May 3, 2015 1 PM
Set-Up Date Set-Up Time Tear Down Date Tear Down Time

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

5/3/15 9 am 12 pm 240 
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 ☐

Name of Company Providing Above: Company Contact/Representative Phone #

Address, Street City Zip Code

CITY SERVICES SUPPORT:**City Code 66-15, D-2**

The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

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

ELECTRIC:

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

What will you be providing electric to? _____

Will generators be used? Yes ☐ No ☒

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

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

PLEASE NOTE:

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

Hold Harmless Agreement

Hillary Upton/National MS Society, 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 National MS Society (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.

3/24/15
Date:

National MS Society, Upstate, NY
Name of Event Sponsor:
Hillary Upton, Campaign Manager Chapter
Authorized Signature, Title
Hillary Upton
Name - Printed or Typed

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

3/24/15
Date:

Hillary Upton
Signature of Applicant:

Please forward this application to:

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

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.

2- 10'x10' tents

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)

N/A

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.**



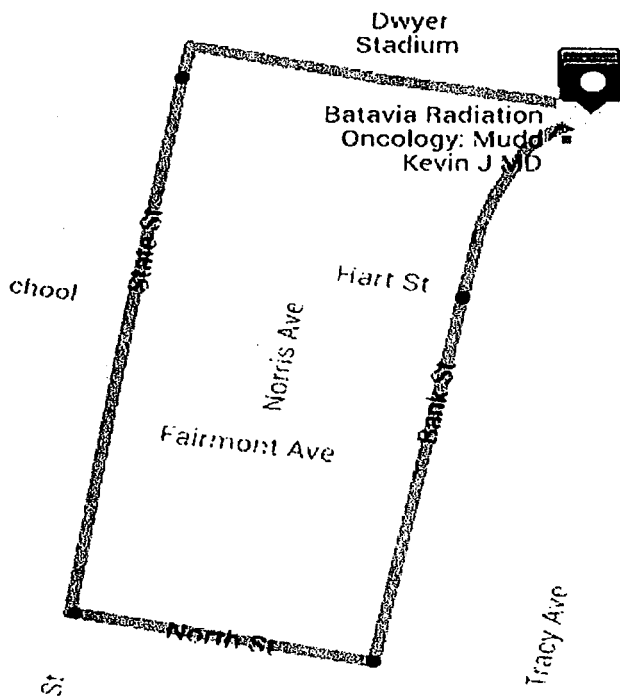
walk to
create a world
free of MS

Batavia Walk MS

May 3, 2015

Dwyer Stadium

1-Mile Route



- Exit Dwyer Stadium parking lot, turning R onto Denio St
- Make a L crossings over Denio St onto State St
- Make a L onto North St
- Make a L onto Bank St
- Make a L back onto Denio St
- Return to Dwyer Stadium parking lot

Watch for BLUE Walk Signs

If you need assistance, flag down the MS Van that will be traveling the route.

Thank you for walking to create a world free of MS.

In case of emergency, please
call....

9-1-1

Then Deb: 585-733-6760

Please Remember:

- Obey all traffic signs & signals
- Be considerate & do not litter
- Walk on the side of the road as shown on the route map



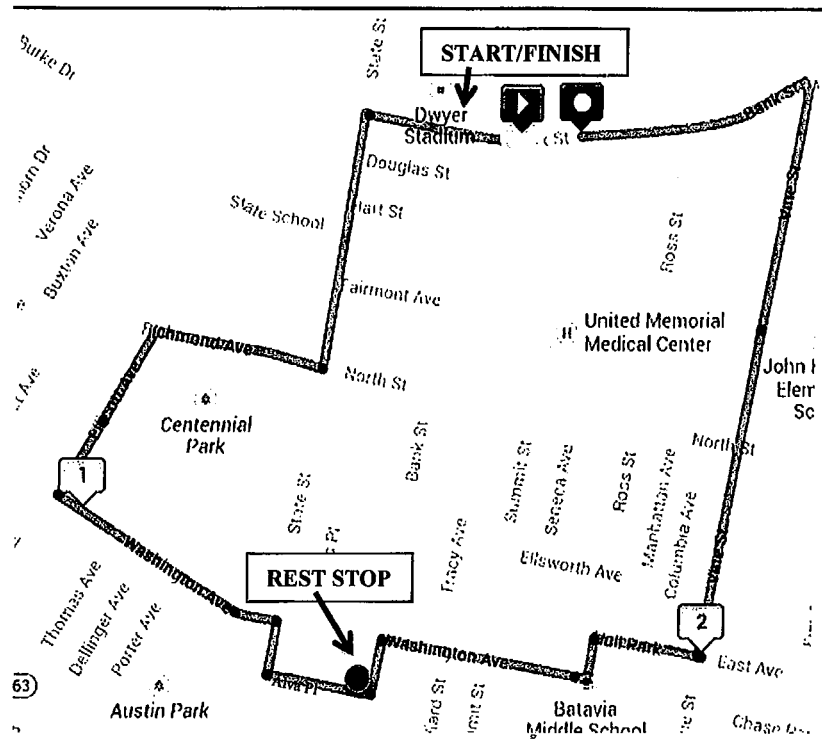
walk to
create a world
free of MS

Batavia Walk MS

May 3, 2015

Dwyer Stadium

3-Mile Route



- Exit Dwyer Stadium parking lot, turning R onto Denio St
- Make a L crossings over Denio St onto State St
- Make a R onto Richmond Ave
- Make a L onto Ellicott Ave
- Make a L onto Washington Ave
- Make a R onto State St
- Make a L onto Alva Pl
- Rest Stop (refreshments and restroom)
- Make a L onto Bank Street
- Make a R onto Washington Ave
- Make a L onto Ross St
- Make a R onto Hull Park
- Make a L onto Vine St
- Make a L onto Bank St
- Continue straight onto Denio St and return to Dwyer Stadium Parking Lot

Watch for YELLOW Walk Signs

If you need assistance, flag down the MS Van that will be traveling the route.

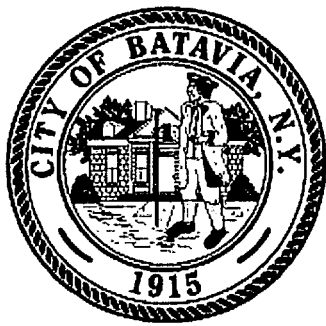
In case of emergency, please
call....

9-1-1

Then Deb: 585-733-6760


Please Remember:

- Obey all traffic signs & signals
- Be considerate & do not litter
- Walk on the side of the road as shown on the route map



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 20, 2015

Subject: Transfer from Employee Accrued Liability Reserve

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

The City has experienced four retirements/terminations from April 1, 2014 – March 31, 2015, equaling \$72,818.91 of accrued leave payments. The current balance of the Employee Benefit Accrued Liability reserve is \$101,030. It is recommended that City Council transfer this amount from the Employee Benefit Accrued Liability reserve to the appropriate budget lines to account for these payouts so that 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 operation for this fiscal year. 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.

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

Documents:

1. Resolution Transferring From the Employee Benefit Accrued Liability Reserve and to Amend the Budget

#-2015
RESOLUTION TRANSFERRING FROM THE EMPLOYEE BENEFIT
ACCRUED LIABILITY RESERVE AND TO AMEND THE BUDGET

Motion by 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, 2015 has approximately \$101,030 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2015 had employee four retirements/terminations from employment with payable accrued employee benefits totaling \$72,818.91; 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, 2015, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100	\$ 4,971.20
	001.3120.0101	\$ 541.98
	001.3120.0102	\$ 1,776.70
	001.3120.0103	\$ 2,634.24
Fire Department	001.3410.0100	\$44,847.03
	001.3410.0101	\$ 2,145.18
	001.3410.0102	\$ 1,320.11
	001.3410.0103	\$ 386.99
	001.3410.0104	\$ 615.82
Bureau of Maintenance	001.5142.0103	\$ 720.63
	001.7110.0103	\$ 513.06
	001.7550.0103	\$ 7.77
	001.8140.0103	\$ 660.58
	001.8170.0103	\$ 132.15
	003.8120.0103	\$ 202.12

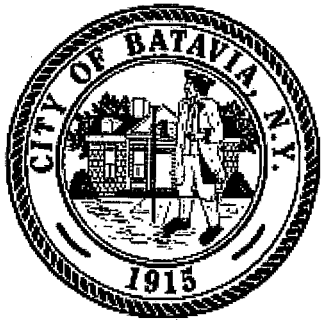
Street Maintenance	001.5110.0100	\$ 6,324.42
	001.5110.0103	\$ 1,321.15
	001.7110.0101	\$ 1,468.67
	001.7550.0101	\$ 22.25
	001.8170.0101	\$ 378.29
	003.8120.0101	\$ 578.57

Medical Insurance – In Lieu of	001.9060.0807	\$ 1,087.50
	003.9060.0807	\$ 162.50

Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	001.0001.0511.2109	\$72,818.91
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**Seconded by Councilperson
and on roll call**



City of Batavia

TO: Jason Molino, City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: April 27, 2015

RE: Capital Project Close-out Resolution

In an effort to keep our capital project fund up to date and current, it is necessary to close out certain capital projects that are completed at this time. Those capital projects are listed as follows:

Richmond Avenue Road and Sidewalk Construction
Salt Barn
South Jackson Street and Otis Street Multi-Modal Improvements

- 2015
A RESOLUTION TO CLOSE-OUT CAPITAL PROJECTS

Motion of Councilperson

WHEREAS, The City of Batavia should periodically close capital projects which are completed; and

WHEREAS, projects completed at this time that require official closing are listed as follows:

#1301 Richmond Avenue Road and Sidewalk Construction

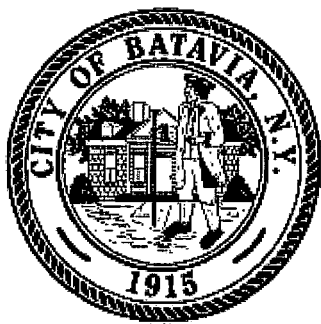
#1401 Salt Barn

#1402 South Jackson Street and Otis Street Multi-Modal Improvements; and

WHEREAS, the City Council concurs with this list and directs to close out the specified capital project effective March 31, 2015; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the projects listed above be closed.

Seconded by Councilperson
and on roll call



MEMORANDUM

To: Jason Molino, City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: March 17, 2015
Subject: Real Estate Auction

On March 14, 2015, the City of Batavia held a real estate auction. The following properties were sold, subject to Council approval, for the stated amounts:

159 Bank St	sold to Jeffrey Freeman	\$24,000
33 Clinton St	sold to Scott Mase	\$39,000
42 N Lyon St	sold to RGH Realty	\$23,000
54 Oak St	sold to RGH Realty	\$21,000
210 Ross St	sold to Jeffrey D Freeman	\$38,000
141 Liberty St	sold to Terance L Cranston	\$700
214 S Swan St	sold to Jeffrey D Freeman	\$28,000
Batavia City Centre, Hallway	sold to Peycol Properties	\$600
South Main St	sold to Mary K Longhini	\$1,100

The recommendation is that Council approves the sale of the above listed property at the May 11, 2015 business meeting.

#-2015

**RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE
PROPERTIES SOLD AT AUCTION ON MARCH 14, 2015**

Motion of Councilperson

WHEREAS, the City foreclosed on 214 Ellicott St, 159 Bank St, 33 Clinton St, 42 N Lyon St, 54 Oak St, 210 Ross St, 141 Liberty St, 214 S Swan St, Batavia City Centre Hallway, and South Main St for non-payment of property taxes; and

WHEREAS, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

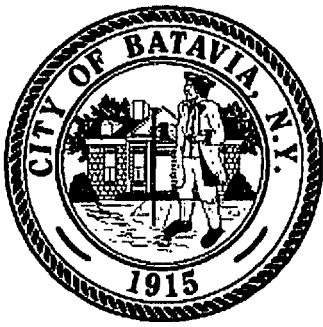
WHEREAS, a Public Real Estate Auction was held at Bontrager's Auction Center on March 14, 2015 at 10:00 a.m.; and

WHEREAS, the highest bids received for the auctioned properties are as follows:

	<u>Property</u>	<u>Highest Bidder</u>	<u>Highest Bid</u>
1)	159 Bank Street	Jeffrey Freeman	\$24,000
2)	33 Clinton Street	Scott Mase	\$39,000
3)	42 N Lyon Street	RGH Realty	\$23,000
4)	54 Oak Street	RGH Realty	\$21,000
5)	210 Ross St	Jeffrey D Freeman	\$38,000
6)	141 Liberty St	Terance L Cranston	\$ 700
7)	214 S Swan St	Jeffrey D Freeman	\$28,000
8)	Batavia City Centre	Peycol Properties	\$ 600
9)	South Main St	Mary K Longhini	\$ 1,100


NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said properties and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidders for all three properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

**Seconded by Councilperson
and on roll call**



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 17, 2015

Subject: Genesee Region Advisory Committee for Persons with Disabilities

Independent Living of Genesee Region is a local civil rights agency located in downtown Batavia that provides a full range of services and programs to enhance the quality of life for persons with disabilities. In meeting recently with the Rae Frank, Director and Greg Bruggman, Disability Rights Advocate they have requested the City and County's support for the establishment of a regional advisory committee to discuss and advocate for their services as well as address issues faced by persons with disabilities. In addition to City and County support, Independent Living is looking to seek participation from other service agencies, job placement agencies and State legislative liaisons to create a coalition of support and advocacy.

Supporting and participating in this initiative will assist in heightening community awareness regarding persons with disabilities. In support of this effort it is recommended that the City Council adopt a resolution of support and have a staff member attend the regional committee meetings. The City's ADA Coordinator, Dawn Fairbanks, would most likely attend the committee meetings on behalf of the City. Attached please find a draft resolution in support of Independent Living's establishment of a regional advisory committee.

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

Documents:

1. Resolution in Support of Independent Living of Genesee Region Creating the Genesee Region Advisory Committee for Persons with Disabilities

#-2015

**A RESOLUTION IN SUPPORT OF INDEPENDENT LIVING OF GENESEE REGION
ESTABLISHING THE GENESEE REGION ADVISORY COMMITTEE FOR PERSONS
WITH DISABILITIES**

WHEREAS, Independent Living of Genesee Region ("Independent Living") is a multi-cultural, grassroots, peer directed, civil rights organization that provides a full range of assistance, programs and services to enhance the quality of life for all individuals with disabilities. Independent Living assists persons with disabilities to realize their life choices through information and referral, independent living skills, community and systems advocacy and peer counseling; and

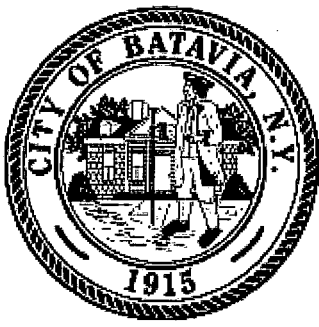
WHEREAS, the City of Batavia recognizes that the people with disabilities are part of the diversity of our community; and

WHEREAS, Independent Living is desirous of establishing a *Genesee Region Advisory Committee for Persons with Disabilities* charged with meeting as necessary to discuss and deliberate issues relevant to persons with disabilities living within the Genesee County region; and

WHEREAS, the *Genesee Region Advisory Committee for Persons with Disabilities* is to be composed of individuals such as, but not limited to, persons with disabilities, parents of children with disabilities, local social service agencies and representatives from local municipalities and agencies; and

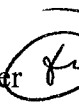
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Batavia hereby supports Independent Living's efforts to establish a *Genesee Region Advisory Committee for Persons with Disabilities*; and

BE IT FURTHER RESOLVED, that the City of Batavia shall have a representative attend said committee meetings on behalf of the City.



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 20, 2015

Subject: Comprehensive Plan Preparation

As discussed over the past several months the City will be engaging in a comprehensive planning process to amend and update the comprehensive plan to replace the City's current plan which was adopted in 1997.

Amongst many things, an updated comprehensive plan provides clear rationale for land use decisions. The relationship between the comprehensive plan, the zoning law and the local boards that implement the land use system are all interrelated. The comprehensive plan establishes the objectives that the community wants to achieve. The zoning law sets forth the regulations designed to achieve the objectives of the comprehensive plan. The local boards are then responsible for implementing the zoning law and overseeing the administration of the land use system.

The effect of a comprehensive plan includes any aspect of land use. For example, any provision of a community's municipal code concerning land use, such as site plan and subdivision regulations must be consistent with the goals and strategies set forth by the plan. Also, when outside agency's such as the county, state or federal governments choose to undertake a capital project, their plans must consider the goals, objectives and strategies of the comprehensive plan.

Plan Preparation and Adoption

The following are required procedures or processes needed for adopting a comprehensive plan:

1. At least one public hearing must be held by the board preparing the plan.
2. Prior to adoption the comprehensive plan must be subjected to environmental review under the State Environmental Quality Review Act (SEQRA).
3. Submit to the County or regional agency for comment.
4. The comprehensive plan is to be adopted by the local legislature by resolution.
5. Following its adoption, the plan must be filed in accordance with the law.

Public Participation

In order to achieve public consensus and support, there must be public input during all phases of the development of the comprehensive plan. At a minimum, the board preparing the amended comprehensive plan must hold one public hearing.

Meetings can also be conducted on a community-wide basis, in neighborhoods, over long weekends, or in series. Their purpose is to gather all available ideas and secure support of the entire community. Surveys can also be conducted to understand the public's needs and visions. Efforts can be made to identify all groups with a stake in the community's future and to involve key representatives in the preparation of the plan.

While the board preparing the plan may consist of a relatively small group of individuals, the public should be solicited. Public participation should include requests for comments from persons such as: civic groups, neighborhood associations, business leaders, developers, elected officials, members of the planning board, zoning board of appeal, historic preservation commission, city staff, planning consultants, etc. Public participation will be an important part of the development of the comprehensive plan.

Comprehensive Plan Contents

The contents of comprehensive plans vary from community to community. In most plans six broad substantive components commonly appear: issue identification, public infrastructure, public services, resource protection, economic development and an implementation plan. Additionally, an explanation of the planning process, as well as an implementation plan may be set forth to achieve the goals of the comprehensive plan. An implementation plan is a blue print to attain the community's objectives, explaining what actions are to be taken, who will undertake those actions, by what time the actions must be accomplished, and how the individual actions are interrelated. This will tie into the City's Strategic Plan as objectives should be attainable and quantifiable in order to help accomplish each goal.

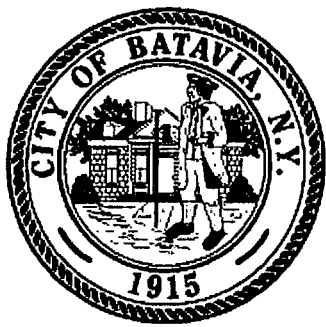
Recommendation

The City Manager has met with the Planning and Development Committee (PDC), Zoning Board of Appeals (ZBA) and the Historic Preservation Commission (HPC) to discuss the comprehensive plan, the planning process and intended outcomes. The next steps for City Council are to adopt a resolution requesting the PDC to prepare a proposed comprehensive plan. In reviewing the City Charter it is referenced that one of the powers and duties of the PDC to serve in an advisory capacity to the City Council regarding property land use and the planning and implementation of the Comprehensive Plan of the City. In addition General City Law (GCL) Section 27 and 28-a references planning boards having authority to recommend proposed changes or amendments to comprehensive plans. Based on the PDC's role, acting as the lead for this planning process is appropriate. Alternatively under GCL 28, if another board or committee prepares the plan it should be reviewed by the PDC for recommendation prior to adoption. In addition, as a legal requirement of their appointment to the PDC each member has at least four hours of annual continuing education training. At this point, the PDC's time commitment may be an additional meeting per month over the course of the plan preparation period in addition to multiple public meetings, however some of these meetings may be able to be partnered with already scheduled PDC meetings.

Once PDC is requested to prepare the updated comprehensive plan, the City will issue a Request for Qualifications (RFQ) for a planning consultant to lead the planning process and assist in preparing the plan. The PDC and staff will then interview and recommend a selected consultant to the City Council for consideration to engage in for services. The RFQ will evaluate the consultant's relevant experience and ability to demonstrate their approach and understanding of the City's objectives with the comprehensive plan. Following the selection of the planning consultant, the planning process will begin.


It is recommended that the Planning and Development Committee be requested to undertake preparation of an updated Comprehensive Plan to begin the planning process.

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



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 20, 2015

Subject: Distressed & Abandoned Properties – Gap Financing Exemption

At the March 23rd and April 13th Council meeting, a gap financing tool was introduced to City Council to address the challenges in redeveloping abandoned properties. During the April 13th meeting several questions were asked regarding the proposed exemption. The following information is provided to address the mentioned questions.

- 1) With respect to other exemptions a property owner may qualify for, the taxable assessed value is calculated and determined by a hierarchy established by the State. First all fixed dollar exemptions are subtracted from the starting assessed value, followed by any percentage based exemptions. The proposed gap financing exemption is a percentage based exemption. If a property owner is eligible for more than one percentage based exemptions, they will receive the exemption that is most beneficial to the property owner. In other words, the proposed exemption will not have a negative impact on any other exemptions that exist for a property owner.
- 2) The proposed exemption not being offered to other property owners was brought up in the context of existing property owners not having an exemption (reward) for making improvements to their property. In 2010 the City Council, County Legislature and Batavia City School District executed the local option to recognize § 421-f of the New York State Real Property Tax Law, an exemption for Capital Improvements to Residential Buildings (see attached). This exemption provides a declining eight year exemption on the increased assessed value attributable to the reconstruction, alteration or improvements, greater than \$3,000 to any single or double family home.

Any single or double family home owner within the City of Batavia that completes at least \$3,000 of improvements to their property that results in a minimum of a \$5,000 increase in assessed value may be eligible for this exemption. There are currently 3,611 single family homes and 712 double family homes in the City. Also, because the City, County and School District have opted to recognize the exemption, any increase in assessed value due to improvements will impact all aspects of a property owner's tax bill.

Currently there are four properties that have taken advantage of this exemption. The average investment per property owner has been \$33,000, and the average increase in assessed value per property is \$22,225. 421-f provides for a 12.5% decrease in exemption for 8 years on the

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increase in assessed value due to the improvement. This exemption model is similar to the revisions of the gap financing exemption proposed at the April 13th meeting.

In summary the purpose of the proposed gap financing exemption is to target single family homes for investment by offsetting the extenuating costs that are associated with making a home that has been abandoned for a minimum of three years, into a livable and enjoyable home. In most if not all cases, the amount of investment will exceed the current assessed value of the home. Aside from offsetting the costs associated with redeveloping abandoned homes, triggering investment in these properties will minimize the drain they have on City resources. As discussed last October, the annual impact of abandoned properties in the City include the loss of \$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, abandoned homes have experienced a decrease in assessed value over the last several years. These facts are what support the originally proposed exemption which provided a full 100% exemption from the increase in assessed value for an exemption period not to exceed 25 years, in order to provide a substantial benefit and incentive as these redevelopments are expected to be very costly.

In contrast if an abandoned home can easily be renovated and re-occupied with little investment the assessed value will change very little, rendering the proposed exemption futile. This scenario is unlikely, however if it does occur having the exemption in place would provide no property tax relief to the property owner and bar no negative impact on the City.

Recommendation: It is recommended that City Council move to adopt resolution #36-2015 at the following Special Business Meeting.

Documents:

1. Batavia Municipal Code, Chapter 166. Taxation, Article VII. Exemption for Capital Improvements to Residential Buildings.
2. #36-2015 Resolution Requesting That The New York State Legislature Introduce Legislation Authorizing The Exemption For Residential Redevelopment Inhibited Property For The City Of Batavia, New York.

City of Batavia, NY
Monday, April 20, 2015

Chapter 166. Taxation

Article VII. Exemption for Capital Improvements to Residential Buildings

§ 166-31. Exemption established.

Residential buildings that are reconstructed, altered or improved, pursuant to § 421-f of the New York State Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

§ 166-32. Amount of exemption.

- A. The exemption equals the base exemption multiplied by one of the following percentages. The extent of such exemption shall decrease by 12 1/2% of the exemption base each year during such additional period pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
Year 1	100%
Year 2	87.5%
Year 3	75%
Year 4	62.5%
Year 5	50%
Year 6	37.5%
Year 7	25%
Year 8	12.5%
Year 9	0%

- B. Such exemption shall be limited to \$80,000 in increased market value, but not less than \$5,000, of the property attributable to such reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the Class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds 95%, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

§ 166-33. Eligibility for exemption.

- A. No such exemption shall be granted for reconstruction, alterations or improvements unless:

- (1) Such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted; and
 - (2) The value of such reconstruction, alteration or improvement exceeds \$3,000; and
 - (3) The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old; and
 - (4) The reconstruction, alteration or improvement shall have been permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permit issued and said reconstruction, alteration or improvement 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
 - (5) The property for which exemption is sought must be a one- or two-family residence.
- B. For purposes of this section, the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs.
- C. In the event that a building granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall cease.

§ 166-34. Application for exemption.

Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. Any exemption pursuant to this article shall be granted only upon application by the owner thereof on the form prescribed by the State Board. The application shall be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1 to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

§ 166-35. When effective.

This article should take effect immediately.