



## **BATAVIA CITY COUNCIL CONFERENCE MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, December 14, 2015 at 7:00 PM  
Following Business Meeting**

### **AGENDA**

- I. Call to Order
- II. Youth Board Appointments
- III. Fire Department Equipment Surplus
- IV. Budget Adjustments
- V. Ice Rink Equipment Replacement
- VI. Grit Pump Replacement Project
- VII. Summit Street Reconstruction Project
- VIII. Distressed & Abandoned Properties Initiatives
- IX. Empire Telephone Corporation Easements
- X. Executive Session...Real Estate and Litigation Matters
- XI. Adjournment

#-2015  
**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/  
BOARDS**

**Motion of Councilperson**

**WHEREAS**, certain vacancies exist on various City Committees/Boards; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the following appointments be made:

**Youth Board**

Beverly Hoy  
Connor Logsdon

December 31, 2018  
August 31, 2016

**Seconded by Councilperson  
and on roll call**



## City of Batavia

To: Jason Molino, City Manager

From: Jim Maxwell, Fire Chief

Date: December 4, 2015

Subject: Resolution to Declare 3- Thermal Imaging Cameras Surplus

Jason, attached is a Resolution declaring three (3) Bullard Thermal Imaging Cameras as surplus due to the purchase of three (3) new ISG 380N cameras.

Camera	Serial #	Estimated Value
Bullard Eclipse	51982	\$2000 - \$3000
Bullard Eclipse	51985	\$2000 - \$3000
Bullard T3 Max	43773	\$2000 - \$3000

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

**Fire Department**  
18 Evans Street  
Batavia, New York 14020



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**#-2015**  
**A RESOLUTION TO DECLARE CITY FIRE DEPARTMENT EQUIPMENT  
SURPLUS FOR THE PURPOSE OF SALE**

**Motion of Councilperson**

**WHEREAS**, the City Fire Department has declared three (3) Thermal Imaging Cameras as surplus due to the purchase of three (3) new state of the art Thermal Imaging Cameras; and

**WHEREAS**, the City of Batavia requires a surplus resolution of property valued at \$1,000.00 or greater and approved by City Council; and

**WHEREAS**, any revenue received from disposal is to be put into the respective department's equipment reserve fund; and

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is authorized to declare the following equipment as surplus for the purpose of sale:

<b>Camera</b>	<b>Serial #</b>	<b>Estimated Value</b>
Bullard Eclipse	51982	\$2000 - \$3000
Bullard Eclipse	51985	\$2000 - \$3000
Bullard T3 Max	43773	\$2000 - \$3000

**Seconded by Councilperson  
and on roll call**



## City of Batavia

TO: Jason Molino, City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: December 14, 2015

RE: Budget adjustments

Throughout the fiscal year, various minor receipts occur where budget adjustments are necessary to document such occurrences and their effect on the City's budget.

This year, those such occurrences include a donation received from Target (\$500), an insurance settlement for property damage at the police station (\$10,000), the receipt of a small grant from Genesee County (\$1,400) and a settlement for property damage on Cedar Street (\$13,265).

Attached please find a resolution to be presented to council for their consideration to amend the City's 2015/2016 budget. In this resolution where receipts exceed expenses, the remaining funds will be placed in respective reserve funds.

**# - 2015**  
**A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS**

**Motion of Councilperson**

**WHEREAS**, throughout the fiscal year minor incidences occur that require budget amendments to be made:

**WHEREAS**, the City's Youth Bureau received a donation from Target to be used for National Night out; and

**WHEREAS**, the City of Batavia received insurance and other settlements for property damage at the police department and on Cedar Street; and

**WHEREAS**, the City's Youth Bureau received a small grant from Genesee County (\$1,400) to be used in conjunction with remaining unused reserves already approved for appropriations (\$1,400) in the 2015/2016 to replace basketball backboards at a cost of \$2,800; and

**WHEREAS**, where funding exceeds expense in these incidences; the remaining funds will be placed in respective reserve funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby authorize the following budget amendments:

Effective January 11, 2016, amend the 2015-16 budget by increasing expenditure accounts:

001.7310.0456	Youth service – Contract Programs	\$ 500.00
001.3120.0439	Police – Repair and Maintenance	\$ 3,195.00
001.0900.0200.2100	Police Reserve	\$ 6,805.00
001.5110.0427	Street Maintenance – Patch Material	\$ 7,175.00
001.0900.0200.2102	DPW Reserve	\$ 6,090.00
001.7310.0439	Youth service – Repair and Maintenance	\$ 1,400.00

and increasing revenue accounts:


001.0001.2770	Unclassified revenue	\$ 500.00
001.0001.2680	Insurance Recoveries	\$ 10,000.00
001.0001.2690	Other Compensation for Loss	\$ 13,265.00
001.0001.	Local Government Grant	\$ 1,400.00

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



## City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: December 9, 2015

Subject: Ice Rink Equipment Replacement

Please see the attached memo from Matt Worth, Director of Public Works regarding the replacement of the computer management system at the ice rink. The computer management system controls the ice making process, heating system and heating/air conditioning system. The current system was installed in 2006 and is not repairable. This equipment replacement is the City's responsibility under the ice arena lease agreement.

### **Recommendation**

It is recommended that the City Council approve a transfer of \$11,000 from the Ice Arena Capital Reserve Fund to cover the cost of the computer management system purchase and installation.

### **Supporting Documents**


1. A Resolution to Authorize the Transfer of \$11,000 from the Ice Arena Capital Reserve Fund to Replace the Ice Arena Computer Management System



## Memo

Date: December 9, 2015

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works 

Subject: Ice Rink Reserves Request for Repairs

The Ice Rink has a computer management system which controls the ice making process, heating system, and the heating / air conditioning system at the Fire Station. The computer for this system had a complete failure recently which is not repairable. While the system still operates, the ability to make adjustments and cycle equipment is not available. In addition, the heating controls are impacted as well.

The vendor has been contacted, and specifications for a new computer obtained, as well as plans for the updated version of the system management software. The costs restore the system to normal operations are as follows:

Computer with necessary networking capabilities	\$1,622.00
Johnson Controls Software / System Set up Install	<u>\$8,990.00</u>
Total project cost	\$10,612.00



#- 2015

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF \$11,000 FROM THE ICE  
ARENA CAPITAL RESERVE FUND TO REPLACE THE ICE ARENA COMPUTER  
MANAGEMENT SYSTEM**

**Motion of Councilperson**

**WHEREAS**, the ice arena computer management system which controls the ice making process, heating system and heating/air conditioning system has had a complete failure and is not repairable; and

**WHEREAS**, it is the City's responsible to maintain and/or replace the ice arena computer management system under the current ice arena lease agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the following budget amendment:

Effective January 11, 2016, amend the 2015-16 budget by increasing expenditure accounts:

Increase revenue:

001.0001.0511.2103	Appropriated reserve	\$ 11,000.00
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Increase expense:

001.1620.0439.2103	Facilities Repair and Maintenance	\$ 11,000.00
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**Seconded by Councilperson  
and on roll call**



City of Batavia

## Memo

Date: December 10, 2015

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works

A handwritten signature in black ink, appearing to read "M. Worth", enclosed within a circular scribble.

Subject: Grit Pump Replacement Project

As part of the adopted Capital Improvement Plan, the Bureau of Water and Wastewater has advertised for bids for the replacement of a grit pump, replacement motors, and new valves at the Wastewater Treatment Facility. These systems are used in the removal of grit from the waste stream as it enters the facility. This project will replace equipment that is original to the plant and 25 years old.

The bids are to be opened on January 7<sup>th</sup>, and I expect to provide a recommendation of award to City Council at the January 11<sup>th</sup> business meeting.

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

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Phone: 585-345-6345  
Fax: 585-345-1385  
[www.batavianewyork.com](http://www.batavianewyork.com)



## City of Batavia

To: Jason Molino  
From: Matt Worth, Director of Public Works  
Subject: Funding for Summit Street Reconstruction Project  
Date: December 8, 2015

New York State Department of Transportation notified the City of Batavia that funding for PE/Design and R.O.W. Incidentals for the Reconstruction of Summit Street from North Street to East Main Street have been approved and the actual construction will now begin in 2016.

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

The attached resolution requires adoption by City Council to engage the services of the project consultant.

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

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[www.batavianewyork.com](http://www.batavianewyork.com)

**#-2015**

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, AND  
R.O.W. INCIDENTALS 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 and R.O.W. Incidentals; 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 and R.O.W. Incidentals for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$299,001 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 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**

DRAFT



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: December 8, 2015

Subject: Distressed & Abandoned Properties Initiatives

On October 27, 2014 City Council was presented with an overview of distressed and abandoned property issues along with recommended action items to be considered in the upcoming year. An update was provided to City Council on March 17, 2015 reviewing the successes and accomplishments with respect to the distressed and abandoned property initiatives and ongoing efforts. The following is a review of the status of several initiatives the City is currently working on and several additional recommendations for City Council consideration.

The City's approach to combating abandoned and distressed properties has been, and will continue to be, a comprehensive and multi-faceted approach involving a full range of community development tools. While significant progress has been made, and in some cases is a leading example in New York State, more work is needed as reversing the negative impact of abandoned and distressed properties takes time and perseverance.

## ***Municipal Code Revisions***

In June City Council approved changes to rooming houses and their approval process in the municipal code by prohibiting new rooming houses from being permitted within the City. In addition several changes were made to the municipal code to provide for better monitoring of rooming houses to ensure these structures are providing safe living units for their tenants.

## ***Comprehensive Plan Update***

In September the City Council awarded a contract to Elan Consulting to assist the Planning and Development Committee in completing an update of the City's Comprehensive Plan. A good comprehensive plan should position the City to make decisions that result in smart outcomes with positive results by prioritizing community needs. It is expected that several community forums for community input and engagement will be scheduled in Spring 2016 and the update will be complete by the end of 2016.

### ***Taking Title to Properties***

The City continues to take title to properties due to delinquent property taxes. With respect to disposing/surplusing foreclosed properties, while the City has traditional surplus properties via public auction, City Council has transferred properties to Habitat for Humanity for redevelopment and sale. The City is currently exploring a similar relationship with NeighborWorks Rochester and Pathstone Corporation.

### ***Increase Community Development Efforts***

The 2014 CDBG housing rehab grant is currently underway. The target goal of the program was to assist at least 15 very low - low - moderate property owners with home improvements. Currently the City has 17 property owners under contract for rehabilitation of their property.

In August the City announced four initiatives for homeowners and landlords to access services that will provide a greater ability to maintain and manage their properties and build a stronger community.

They included:

- An expanded partnership with PathStone Corporation through a New York State Energy Research and Development Authority (NYSERDA) grant by providing free workshops to homeowners and landlords so they can receive free/reduced cost energy audits, income based energy improvements grants of up to 50%, and help them access low interest NYSERDA loans to make their homes and rental units more comfortable and reduce utility bills.
- Partnering with The Housing Council at PathStone that hosted the areas first Operating Rental Property Workshop. The workshop was held on October 10<sup>th</sup> and had 15 attendees. Topics covered included Fair Housing Laws, Screening & Selection of Tenants, Leases & Security Deposit and Overview of Eviction Process. Attached is the evaluation of the program from attendees.
- The City Police Department now provides landlords with the ability to easily request tenant records checks for tenant selection. The cost of the records check is \$10 and can be paid by the tenant. Forms can be downloaded from the City website at <http://www.batavianewyork.com/Files>.
- The City Police Department now provides landlords with the ability to receive Police Department contact reports for their respective properties. Similar to a Freedom of Information Law (FOIL) request, a property owner can request a report which includes police contacts with their respective rental properties with the date, time, location and incident type.

In February the City received notice of our eligibility for "Accelerated Eligibility" into FEMA's Community Rating Service (CRS) program. The City had its audit by the Insurance Service Office in May and has been submitting follow up information as requested up through last month. Currently the City's program is under technical review by FEMA. After review of the city's program a determination will be made by FEMA as to the City's rating into CRS which will result in discounted flood insurance premiums for city policy holders. Our goal as outlined in the strategic plan is to be accepted this year at a level 9 and move to a level 8 next year. These ratings translate to 5% and 10% discounts on flood insurance for all policy holders and allow the City entry into the program where, once accepted, we can work towards improvement.

The City continues to participate in the development of the Ellicott Trail in partnership with the Town of Batavia. The Ellicott Trail development is part of a \$1 million grant the Town received last year. In August the scoping phase of the project and preliminary design phase were completed. Construction is not expected to begin until 2016 or 2017.

### ***State Legislative Changes***

For the second year in a row the New York Attorney General proposed the Abandoned Property Neighborhood Relief Act which was aimed at reducing the number of vacant and abandoned properties falling into disrepair across the state, require mortgage lenders and servicers to identify, secure and maintain vacant and abandoned properties much earlier in the foreclosure process, and create a registry of such properties to assist municipalities with enforcement of laws regarding property maintenance. The City Council for the second year in a row passed a resolution of support of the law, however the bill never made it out of committee for consideration. Should a new proposal come forward in the 2016 legislative session, we will evaluate the bill and make a recommendation to City Council.

### ***Improve Gap Financing Tools***

In October the Governor signed into law Real Property Tax Law 485-r, Exemption for Residential Redevelopment Inhibited Property, under Chapter 406 of the Laws of 2015.

This exemption is the first of its kind in the State of New York, targeting abandoned homes by providing a financing tool (exemption) to support needed investment to redevelop property into owner-occupied single family home. This exemption does not assist rental or income properties only owner-occupied single family homes, however a property can be redeveloped by one owner and sold to another, but still be eligible for the exemption. This provides incentive for investors to buy and redevelop or “flip” a property with the incentive for a potential purchaser to be eligible for the tax exemption. The exemption also stays with the property, and can be transferred to future owners. Lastly, the exemption can last up to 25 years, providing a financial tool equal to the length of a traditional residential mortgage.

Now that the exemption is authorized for the City of Batavia, in the New Year the City Manager will be approaching the Genesee County Legislature as well as the Batavia City School Board of Education to also authorize the exemption. It should be noted that the City of Batavia is the only community in New York State to have this exemption.

### ***Vacant/Abandoned Property Inventory***

The City has completed a vacant and abandoned property inventory to better track each property, resources expended in relation to each property and progress towards better use or redevelopment of the property. However, this process has proven to be extremely time consuming and challenging as determining the status of property ownership is not always clear. In addition, the City does not have the resources to commit to tracking every foreclosure individually. Because lending institutions have rigorous foreclosure processes to follow, and have learned to navigate and avoid title possession and ownership of property, encouraging lenders to move on properties has provided little results. In addition, getting lending institutions to take responsibility over basic property maintenance issues is equally as challenging as in many instances there is no point of contact for the property or no means to hold the lender accountable to do so.



After extensive research, the City will continue to update the database periodically but the value of database is limited as title control is needed in order to gain property compliance.

### **Land banks**

On December 8<sup>th</sup> the City participated in a multi-county meeting regarding the possibility forming a GLOW region land bank to address abandoned and vacant properties. Empire State Development Corporation (ESD) was present to provide background and insight to the land bank application process and successes across the State. Attached please find a memo from Ian Coyle, Livingston County Administrator summarizing land banks, as well as a presentation from the Chautauqua County land bank that was given at a regional inter-county meeting in November.

Establishing a land bank may provide another tool in which abandoned properties can be redeveloped within the City. We will continue to follow up with interested parties regarding land bank establishment.

### **Supporting Documents**

1. Abandoned & Distress Properties Initiatives dashboard
2. Operating Rental Property Evaluation – 10/10/2015
3. Land bank informational meeting

## *Abandoned & Distressed Properties Initiatives*

Recommended Actions		Action Taken	Completion date
Vacant/Abandoned Properties Inventory	1. Complete data base w/ key fields	Completed data base – maintaining information	Sept. 2015
	2. Update residential reporting access	Added and promoted reporting page to City website	Apr. 2015
	3. Contact banks w/ multiple properties	Completed mortgagee searches on 10 properties	Sept. 2015
Property Maintenance Laws	1. Junk car & Graffiti law amendments	Reviewed laws found no need to change them – amended Rooming House law	Jun-15
Comprehensive Plan	1. Develop Comprehensive Plan	Established steering committee, issued RFP and selected consultant	Sept. 2015
Take Title to Properties	1. Research RFP for residential properties 2. Refine evaluation process for disposal of real property	Reviewed property disposal process. Currently working with one bank on demolition of condemned property.	On going
Community Development Efforts	1. 2014 CDBG housing rehab grant	Currently under contract for 17 rehabs.	Dec. 2015
	2. Homeownership/ Landlord Initiatives	<ul style="list-style-type: none"> <li>•Partnered with Pathstone to provide free workshops to receive free/reduced cost energy audits, income based energy improvements grants</li> <li>•Pathstone provided <i>Operating Rental Property Workshop</i></li> <li>•City PD offers easy tenant background checks and property FOIL reports</li> </ul>	Aug. 2015
	3. Acceptance into CRS w/ 9 rating	<ul style="list-style-type: none"> <li>•City's program is currently under FEMA review pending rating issuance.</li> <li>•City's program was selected by FEMA as best practices case study.</li> </ul>	On going
	4. Assist w/ development of Ellicott Trail	Preliminary design complete. Construction expected 2017.	On going
Gap Financing Tools	1. Pursue Home Rule Legislation exemption targeting vacant/abandoned properties	Batavia RPTL 485-r: <i>Exemption for Residential Redevelopment Inhibited Property</i> signed into law	Oct. 2015
Legislative Changes	1. Support "Zombie Law" & amendments to RPAPL Article 19-A	City Council adopted resolution of support <i>Abandoned Property Neighborhood Relief Act</i>	On going

**Operating Rental Property Evaluation and Demographics  
Batavia 10/10/2015**

**Preface:**

Below is the information gathered at the conclusion of the workshop in Batavia held on October 10, 2015. 15 people attended and 9 fully completed surveys. The demographic information was tabulated for all in attendance with visual assessment.

**Demographic Composition of attendees:**

Females	54%	Males	46%				
White	100%	Black	0%	Other	0%		
Non-Hispanic	100%	Hispanic	0%				
Age	21 & Under	22-34	35-44	45-54	55-64	65 & over	
	0%	13%	27%	33%	20%	7%	

**Survey results**

	Poor	1	2	3	Excellent
Fair Housing					3.88
Selection & Screening of Tenants					4
Leases & Security Deposits					4
Lead Paint					4
Eviction Process					4
The class as a whole was well organized.					3.88
Presenters were knowledgeable of the topics.					4
The presenters were responsive to questions?					4
Your overall evaluation of this Workshop.					4

<b>Did you increase your knowledge by attending this class?</b>	Yes	No
	100%	0%

If yes, in what areas? Areas noted from respondents included; Tenant Rights; Eviction and one respondent noted that all areas covered were useful.

**Will you consider adopting the methods and principles taught in the class?**

Record Keeping	11%
Credit check	33%
Screening of Tenants	67%
Using an application	33%
Use of our lease	33%
Security deposit	33%

**What was the most valuable topic of the workshop:**

Respondents noted the overview of the Eviction Process as well as Tom Williams participation as very valuable. Other topics noted as useful were Fair Housing and Tenant Rights. No strong pattern is represented in the responses.

**Name the least valuable topic of the workshop:**

One respondent noted that the Energy Presentation was not useful, another the overview of Security Deposits and another noted that they drew no value from the brief Record Keeping presentation. While another noted that all topics were useful. No strong pattern is represented in the responses.

Operating Rental Property Evaluation and Demographics  
Batavia 10/10/2015

**Do you have any suggestions for improving future workshops including possible i.e., speakers and/or topics you would like at future workshops:**

One respondent noted a desire for additional information in regards to financing and the process of forming an LLC. Another noted that an excellent addition would be to include more information about domestic violence and the possible addition of a speaker joining the presentation from the YWCA.

**Would you recommend this Workshop to others?**

Yes	No
100%	0%

**Did you find the Lead Poisoning Prevention Program overview to be informative/useful?**

Yes	No
89%	11%

**Summary**

Overall we received very positive feedback from the participants and will use the comments provided to make some slight adjustments to the program. The overwhelming comments received anecdotally and from the survey recognize the value of Tom and John attending and the discussion around the process of eviction. Additionally, many of the participants were not knowledgeable about the specific programs being offered by the City of Batavia specific to Landlords.

**Recommendations**

I would strongly suggest a follow-up workshop in the near future and expanding the list of possible guests to include a representative from the Bureau of Inspection, a representative from City Hall and a representative from the Batavia Police Department. I would recommend a follow-up discussion in the next 45 days to determine how the Housing Council at PathStone can provide additional ongoing services to add in the success of the Landlords in the City of Batavia as well as the County of Genesee.

Please contact me or Sue to discuss future opportunities and thank you very much for the opportunity to assist in the education and the strengthening of the business skills of your landlords

Joel Kunkler  
Director of Landlord Tenant Services  
585-546-3700 ext. 3013  
jkunkler@thehousingcouncil.org

Sue Boss  
Sr. Director of Housing Counseling Services  
Executive Director, The Housing Council at PathStone  
585-546-3700 Ext 3022  
sboss@pathstone.org




**LIVINGSTON COUNTY  
OFFICE OF COUNTY ADMINISTRATOR**

Livingston County Government Center  
6 Court Street, Room 302  
Geneseo, New York 14454

(585) 243-7040  
Fax (585) 243-7045

Ian M. Coyle, ICMA-CM  
County Administrator

TO: Jason Molino  
FROM: Ian M. Coyle   
DATE: November 13, 2015  
RE: REGIONAL LAND BANK INFORMATIONAL MEETING

Livingston County is proposing to establish a multi-jurisdictional Land Bank in conjunction with Genesee, Orleans and Wyoming Counties and the City of Batavia. The Land Bank would be created under the New York State Land Bank Program, which is administered by Empire State Development (ESD).

We are proposing to hold an informational meeting at which ESD representatives will be in attendance to provide insight regarding the Land Bank creation process, as well as the operation, composition, and functional responsibilities of such an organization. The meeting is scheduled for **Tuesday, December 8, 2015, at 10:00 a.m.** at the **City of Batavia Community Room** One Batavia City Centre in Batavia, New York. Please respond as to your availability by Tuesday, December 1, 2015. Also, feel free to bring any staff or others associated with your municipality that would likely be involved in such an endeavor moving forward.

**About Land Banks:** Pursuant to the provisions of the New York State Not-for-Profit Corporation Law, governmental entities that possess the power to foreclose on tax liens are permitted to create a not-for-profit corporation whose purpose is to facilitate the return of vacant, abandoned, and tax delinquent properties to productive use. The primary focus of land bank operations is the acquisition of such real property and utilizing the tools of the New York State Land Bank Program to eliminate problems associated with such properties.

The benefits of a Land Bank include, but are not limited to:

- The identification and strategic removal of existing blighted or derelict residential and commercial properties to improve neighborhood conditions and minimize the negative impacts that substandard properties and structures have on communities.
- Support municipal and regional revitalization efforts and strategically acquire, improve, assemble, and sell distressed, vacant, abandoned, and/or tax-delinquent properties.
- Control and improve promising properties in order to attract reputable buyers committed to investing their time and resources in improving them.
- Return newly improved properties to the tax roll.

Land Banks can speed up the process of returning properties to productive use, while the local government experiences an increase in property tax revenue generated by those parcels. The number of Land Banks that can be created in New York State is limited by State Law. In order to create a Land Bank an application must be submitted to ESD and approved.

If you have any questions, please do not hesitate to contact me at 585-243-7040.



CHAUTAUQUA  
COUNTY



**Land BANK**

CORPORATION 

*Conquering Blight ♦ Strengthening  
Neighborhoods ♦ Revitalizing Communities*

## **Inter-County Conference**

**November 20, 2015**

Presenters: Mark Geise, Executive Director

Gina Paradis, Administrative Director

# Community-driven Initiative

- **2007** – Chautauqua County Housing & Neighborhood Trust Fund set aside \$200,000 for blight abatement and established a task force
- **2010** – Chautauqua 20/20 Comprehensive Plan completed, with land banking recommendation
- **April 2011** – Chautauqua 20/20 Plan adopted
- **May 2012** – Chautauqua County's Land Bank application approved by NYS
- **September 2012** – CCLBC officially incorporated
- **October 2012** – CCLBC holds first official Board of Directors meeting
- **October 2013** - Chautauqua County Land Bank was awarded \$1.56 Million by New York State Office of Attorney General for 2014-15 activities
- **November 2014** – Chautauqua County Land Bank was awarded \$1.3 Million by NYS Office of Attorney General for 2015-2016 activities



# Why Land Banking

- Reduces blight
- Stems the tide of serial foreclosures and disinvestment
- Right-sizes the market (demolitions)
- Removes worst houses on stable blocks
- Exposes decent properties to market

Blighted and abandoned properties dilute the real estate market, invite crime, incur public expense and discourage neighborhood reinvestment





# Funding

## Chautauqua County Housing Trust (from Tobacco Settlement Fund)

- \$150,000 to establish Land Bank and create business plan

## NYS Office of Attorney General (from the Mortgage Settlement Fund)

- \$2.8 million to establish Demolition program, Side lot dispositions, REO acquisition fund, staffing and marketing costs



## Board of Directors

### CORPORATION

- Peter Lombardi, Chair, JRC– Community Development
- Jim Cafisch, Treasurer, Real Property Tax Dir.
- Jeff Gossett, Secretary, Planning Board Rep, Engineer
- Bill Carlson, Member, Real Estate
- Aaron Resnick, Westfield Development Corporation
- John Hemmer, Legislative Rep
- Paul Whitford, Legislative Rep
- Hugh Butler, Member, Org Development Consultant
- Scott Butler, Member, Business Development, TLC

*Note: We currently have 2 vacancies on our board we are seeking to fill*

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**STAFF:** Mark Geise, Executive Director Steve Abdella, Attny.

Gina Paradis, Administrative Director

Jennifer Cameron, Project Specialist

## **\$1.506 M funding from OAG 2013**

- **\$1 million** for demolition (all residential)
- **\$150,000** for purchasing bank-owned properties (REOs)
- **\$31,000** for side lot disposition
- **\$25,000** for Marketing
- **\$300,000** for Staffing, Shared Services & Consultants



# \$1.3 Million from OAG 2014

- \$1 million for demolition
  - \$500,000 for Mixed Use
  - \$500,000 for Residential
- \$151,000 for Administrative Support
- \$ 8,500 for Marketing
- \$ 15,500 for Side lot Disposition
- \$125,000 for REO Acquisition

# Acquisition Strategy



**3** Type "A" Properties



**2** Type "B" Properties



**1** Type "C" Property

## County Legislature Support

- Transfer Properties from Auction for \$1.00, Land Bank pays 1<sup>st</sup> years tax plus utilities.
- Hold designated properties from auction for demolition or side lot disposition
- In-Kind Services – Legal and Real Property Tax guidance
- Land Bank maintains county-owned demo and side lot properties and negotiates transfers on their behalf.



## Long-term Outcomes

- Higher Property Values
- Stabilized Neighborhoods
- Right-Sized Housing Markets
- Reduced Blight (& decreased public cost)
- Increased Property Tax Revenues
- Strategic Land Reuse
- Sustainable Program

## Snapshots of Success

81 Risley, Fredonia



### Before

Assessed: \$32,000

Appraised: \$13,000

### After

Reinvestment: \$100,000





# Snapshots of Success

768 Eagle St., Dunkirk



**BEFORE**

**\$16,000 Appraised**

**\$28,000 Assessed**

**AFTER**

**Re-Investment: \$45,000**



# Snapshots of Success

1115 Prendergast, Jamestown

## BEFORE

\$25,000 Appraised

\$46,500 Assessed



## (almost) AFTER

Re-Investment: \$ 68,000





# Snapshots of Success

1309 Newland, Jamestown



**BEFORE**

**\$32,000 Appraised**

**\$54,000 Assessed**



**AFTER**

**Re-Investment: \$48,000**



# Land BANK

## CORPORATION

*Conquering Blight ♦ Strengthening  
Neighborhoods ♦ Revitalizing Communities*

### Summary Statistics -Acquisitions and Dispositions

Rehabs 4 Sale:	48
sold:	26
rehab complete:	6
demo:	6

**Private investment : approx . \$1,1000,000**  
(incl. cash purchase + reno investments)

#### Demolitions:

Pulled from auction:	47
Completed by Q4,2015:	29
Jamestown:	23
Dunkirk:	6
[Plus both cities match 1:1]	

Anticipate completing 200  
demolitions by December 2016

#### Side lots:

back on tax rolls by Q4 2015:	22
In 2014:	4



#### Before

Assessed: \$32,000  
Appraised: \$13,000

#### After

Appraised: \$185,000  
Anticipated  
Assessed Value:  
\$150,000



**\$2.86 Million in state grant funding secured in 2013-2014 to support program operations**





# *Conquering Blight ♦ Strengthening Neighborhoods ♦ Revitalizing Communities*

## **Contact:**

Mark Geise, Executive Director

Gina Paradis, Administrative Director


200 Harrison Street, Suite 300, Jamestown, NY 14701

716-661-8913

[www.chautauqualandbank.org](http://www.chautauqualandbank.org)



## City of Batavia

To: Honorable City Council  
From: Jason Molino, City Manager   
Date: December 9, 2015  
Subject: Empire Telephone Corporation Easements

Attached is a draft easement agreement and map with Empire Telephone Corporation to install fiber optic cable under City right-of-way. The City Attorney has reviewed and approved the easement for execution.

### **Recommendation**

It is recommended that City Council approve the easement agreement.

### **Supporting Documents**

1. Draft easement and map

## EASEMENT AGREEMENT

THIS INSTRUMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2015,

BETWEEN

CITY OF BATAVIA, a municipal corporation with a mailing address at One Batavia City Centre, Batavia, New York 14020, hereinafter referred to as "Grantor", and

EMPIRE TELEPHONE CORPORATION, a New York corporation, having an address of 34 Main Street, Prattsburgh, New York 14873, hereinafter referred to as the "Grantee".

WITNESSETH

WHEREAS, the Grantor has title to all that tract or parcel of land situated in the City of Batavia, County of Genesee and State of New York; and

WHEREAS, the Grantee seeks the permission of the Grantor for an easement for the benefit Grantee and its lessees, licensees, successors, subsidiaries, affiliates and assigns, whether now existing or hereafter created, the perpetual right and easement as described in Section 1 below (the "Easement"), in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land").

NOW, THEREFORE, the Grantor, in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and valuation consideration paid by the Grantee, its successors and assigns, a permanent and perpetual easement and right of way over property of the Owner as follows:

Section 1 – Description of Easement. The Easement is granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, upgrade, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove aboveground or underground lines, any and all equipment, structures and/or facilities, which may be reasonably necessary for Grantee to deliver telecommunications, internet or cable television services or other related medial either on or in the vicinity of Grantor's Land (collectively, the "Network Facilities"), which the Grantee shall require now and from time to time or may require in the future, for the provisioning of communication services, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Network Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Network Facilities and each and every part thereof within the

Easement Area, and utilize the Network Facilities within the Easement Area for the purpose of providing service to the Grantor and others in the vicinity of Grantor;

b. From time to time, without further payment therefore, clear and keep cleared, by physical or other means, the Easement Area of any and all tress, vegetation, roots, aboveground or belowground structures, improvements, or other obstructions and trim and/or remove other trees, roots and vegetation adjacent to the Easement Area that, in the opinion of the Grantee, may interfere with the construction, operation, and maintenance of the Network Facilities; and

c. Concomitant and co-extensive with this easement is the further right of the Grantee of ingress and egress upon the property of Grantor for the continued operation, maintenance and repair of said Network Facilities, the right, privilege and authority to construct, reconstruct, erect, operate, repair, renew, locate, relocate, perpetually maintain said Network Facilities, and other fixtures and appurtenances used or adapted for said Network Facilities for any other purpose, on, over, above and through the Easement Area.

d. That the grant of said Easement is subject to the Grantee's obligation to obtain a street opening permit from the Grantor prior to performing any work. Further, that the Grantee shall be required to safeguard and maintain traffic during the performance of any work in the Easement Area.

e. The Grantee shall repair any damages caused by it to Grantor's property and lands and shall indemnify against any loss, damage, expense, including reasonable attorneys' fees that may be caused by the construction, maintenance and/or operation of the Network Facilities or by any wrongful or neglectful act or omission of the Grantee or its agents or employee with respect thereto.

Section 2 – Description of Grantor's Land. The "Grantor's Land" consists of land described as being part of Tax Parcel No. 84.011-1-38.11 of the City of Batavia, County of Genesee, New York.

Section 3 – Location of Easement Area. The "Easement Area" shall consist of a portion of the Grantor's Land THREE (3) feet in width throughout its extent, the centerline of the Easement Area being the centerline of the Network Facilities. The general location of the Easement Area is shown on the sketch attached hereto as Schedule "A" and recorded herewith, copies of which are in the possession of the Grantor and the Grantee. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Network Facilities by the Grantee in substantial compliance with said sketch. Grantee shall, when warranted, and with ample notification, relocate its facilities to accommodate any necessary reconstruction of easement area undertaken by Grantor.



**Section 4 – Network Facilities Ownership.** It is agreed that Network Facilities shall remain the property of the Grantee, its successors, subsidiaries, affiliates and assigns, whether now existing or hereafter created.

The Grantee, its successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

*[No further text on this page. Signature page to follow.]*

IN WITNESS WHEREOF, the parties have executed this instrument on this \_\_\_\_ day of \_\_\_\_\_, 2015.

GRANTOR:  
CITY OF BATAVIA

By: \_\_\_\_\_  
Name:  
Title:

GRANTEE:  
EMPIRE TELEPHONE CORPORATION

By: \_\_\_\_\_  
Name:  
Title:

STATE OF NEW YORK    )  
COUNTY OF GENESEE    )    SS:

On the \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK    )  
COUNTY OF GENESEE    )    SS:

On the \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**Schedule A**

