

# **CITY OF BATAVIA**

## **BUSINESS MINUTES**

### **MARCH 13, 2017**

The regular business meeting of the City Council was held Monday, March 13, 2017 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, McGinnis, Tabelski, Canale, Bialkowski and Christian. Councilperson Viele arrived at 7:30 PM.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Bialkowski led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the February 2017 meetings and the January 2017 financials were approved.

The Council President assigned the regular agenda items.

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#### **Communications**

Heidi Park performed the swearing-in of police officers Matthew Dispenza and Ryan Shea.

Jayme Privitera was presented a proclamation as the winner of the Ellicott Trail Logo contest. Councilperson Briggs presented the proclamation and noted that the logo showed Ms. Privitera's enthusiasm in the project.

Kiwanis submitted their application for an Easter Egg Hunt in Centennial Park at 9:00am on Saturday, April 15<sup>th</sup>. Council approved.

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#### **Council President's Report**

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, March 27, 2017 in the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

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### **City Attorney's Report**

Mr. Van Nest noted that he had nothing specific to report but there was one matter for executive session.

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### **City Manager's Report**

Mr. Molino noted that he had nothing specific to report at that time but wanted to commend staff for their exceptional response to the significant wind gusts on Wednesday, March 8<sup>th</sup> in addition to the structure fire and the evacuation of Jackson Elementary School.

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### **Committee Reports**

None.

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### **Public Comments**

None.

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### **Council Responses to Public Comments**

None.

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### **Unfinished Business**

None.

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**New Business (voting began with resolution 36 – Councilperson Viele arrived at resolution 45)**

**#23-2017**

**A RESOLUTION TO AMEND THE BUDGET BY TRANSFERRING FUNDS FROM CONTINGENCY**

**Motion by Councilperson Canale**

**WHEREAS**, the City of Batavia has amended the 2017/2018 proposed budget by allowing the purchase of Type III Barricades in the 2016/2017 budget using contingency funds; and

**WHEREAS**, the City of Batavia has approximately \$209,660 in budgeted contingency for the 2016/2017 budget year.

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

Effective March 13, 2017, the following transfer is hereby approved:

Increasing accounts:

Other Expenses Special Events	001.7550.0400.0200	\$ 6,000.00
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Decreasing account:

Contingency	001.1990.0500	\$ 6,000.00
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**Seconded by Councilperson Briggs and on roll call approved 9-0.**

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**#24-2017**

**A RESOLUTION TO ADOPT THE 2017/2018 BUDGET ORDINANCE**

**Motion of Councilperson Tabelski**

**WHEREAS**, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2017-2018 fiscal year on January 9, 2017 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

**WHEREAS**, said proposed budget has been made public and available for public inspection since January 9, 2017 and a public hearing was held on February 27, 2017; and

**WHEREAS**, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$24,218,514, including the General Fund at \$16,484,658 and

**WHEREAS**, said proposed budget includes revenues to be raised through the property tax levy of \$5,223,422; and

**WHEREAS**, the City Council has reviewed and amended the City Manager's proposed budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the 2017-2018 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

**Seconded by Councilperson Pacino and on roll call approved 8-1. Councilperson Christian voted no.**

**ORDINANCE #001-2017**

**AN ORDINANCE ADOPTING THE 2017-2018 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2017-2018 FISCAL YEAR**

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

**SECTION 1.** The proposed Budget for 2017-2018, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 9, 2017, setting forth the estimates of revenues and expenditures for the fiscal year 2017-2018 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, and Workers' Compensation Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2017-2018.

**SECTION 2.** The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2017-2018 is \$5,223,422.

**SECTION 3.** The sum of \$5,223,422 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2017-2018, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2017-2018.

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

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

**SECTION 6.** This Ordinance shall become effective April 1, 2017.

## **Budget Summaries**

### **General Fund**

General Fund - Capital Reserves	\$ 271,205.00
City Council	\$ 51,580.00
City Manager	\$ 186,400.00
Finance	\$ 130,345.00
Administrative Services	\$ 333,877.00
Clerk/Treasurer	\$ 147,360.00
City Assessment	\$ 148,835.00
Legal Services	\$ 221,000.00
Personnel	\$ 531,950.00
Engineering	\$ 32,000.00
Elections	\$ 13,885.00
Public Works Administration	\$ 106,060.00
City Facilities	\$ 355,460.00
Information Systems	\$ 118,828.00
General Fund - Contingency	\$ 125,000.00
Police	\$ 4,298,080.00
Fire	\$ 4,088,565.00
Control of Dogs	\$ 1,355.00
Inspection	\$ 376,710.00
Vital Statistics	\$ 19,430.00
Maintenance Administration	\$ 209,664.00
Street Maintenance	\$ 678,074.00
Public Works Garage	\$ 579,839.00
Snow Removal	\$ 654,277.00
Street Lights & Traffic Signals	\$ 282,450.00
Sidewalk Repairs	\$ 52,800.00
Parking Lots	\$ 30,525.00
Community Development	\$ 20,000.00
Economic Development	\$ 125,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 622,570.00
Summer Recreation	\$ 79,970.00

Youth Services	\$ 188,315.00
Historic Preservation	\$ 2,100.00
Community Celebrations	\$ 15,550.00
Planning & Zoning Boards	\$ 3,400.00
Storm Sewer	\$ 259,155.00
Refuse & Recycling	\$ 64,990.00
Street Cleaning	\$ 133,890.00
Medical Insurance	\$ 9,140.00
General Fund - Debt Service/Bonds	\$ 478,476.00
General Fund – BAN	\$ .00
Install Pur Debt - Municipal Lease	\$ 33,845.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 77,763.00
General Fund - Transfer/Other Funds	\$ 322,690.00
<b>TOTAL</b>	<b>\$ 16,484,658.00</b>

**Water, Wastewater &  
Workers Comp Funds**

**PROPOSED  
2017/18**

Water Administration	\$ 2,460,312.00
Pump Station & Filtration	\$ 1,320,000.00
Water Distribution	\$ 438,320.00
Water Fund – Medical Insurance	\$ 2,290.00
Water Fund Contingency	\$ 15,000.00
Water Fund - Debt Service/Bonds	\$ 26,500.00
Install Pur Debt – Municipal Lease	\$ 4,032.00
Water Fund– Debt Srvc-Energy Lease	\$ 18,558.00
Water Fund – Transfers for Cap Proj	\$ .00
Water Fund - Transfer to Other Funds	\$ 243,820.00
Water Fund - Reserve	\$ 102,902.00
Water Fund – Debt Service - BAN	\$ 1,788.00
<b>TOTAL</b>	<b>\$ 4,633,522.00</b>

Wastewater Administration	\$ 371,892.00
Sanitary Sewers	\$ 632,185.00
Wastewater Treatment	\$ 810,180.00
WW Fund Contingency	\$ 15,000.00
WW Fund – Medical Insurance	\$ 470.00
WW Fund - Debt Service/Bonds	\$ 161,938.00

WW Fund – Debt Service/BAN	\$ 36,672.00
WW Fund - Debt Srvc-Energy Lease	\$ 7,699.00
Install Pur Debt – Municipal Lease	\$ 29,028.00
WW Fund – Transfer to Other Funds	\$ 31,880.00
WW Fund – Transfer for Capital Proj	\$ .00
WW Fund - Reserve	\$ 680,000.00
<b>TOTAL</b>	<b>\$ 2,776,944.00</b>

Workers' Compensation	\$ 323,390.00
<b>TOTAL</b>	<b>\$ 323,390.00</b>

<b>TOTAL</b>	<b>\$ 24,218,514.00</b>
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#### **#25-2017**

### **A RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2017 ENTITLED A LOCAL LAW TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**

#### **Motion of Councilperson McGinnis**

**WHEREAS**, due to the increases in operating costs for the water system, it is necessary to increase rates; and

**WHEREAS**, an amendment of the City Code requires the adoption of a Local Law; and

**WHEREAS**, a public hearing on this proposed Local Law was held on February 27, 2017 before this Council, pursuant to public notice duly published in *The Daily News*.

**NOW, THEREFORE, BE IT RESOLVED**, that proposed Local Law No. 2 of 2017 entitled **a Local Law to Amend §184-41 (A), (B), (C), and (O) of the Code of the City of Batavia to Establish New Water Rates, Meter Fees and a Capital Improvement Fee** be and the same is hereby enacted by City Council of the City of Batavia, New York.

**Seconded by Councilperson Briggs and on roll call approved 7-2. Councilperson Christian and Viele voted no.**

**LOCAL LAW NO. 2 OF THE YEAR 2017  
CITY OF BATAVIA**

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

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

**Section 1.     § 184-41. Water rates.**

**A. Water Rates**

**City – Water – Quarterly Schedule**

~~\$4.95~~ [\$5.12] per 1,000 gallons

**Town Served Directly by the City – Building and Hydrants**

~~\$6.35~~ [\$6.57] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$6.63~~ [\$6.86] per 1,000 gallons; cards: \$12.50 each.

**Section 3.     Effective Date**

The foregoing amendment shall become effective with the water consumed ~~April 1, 2016~~  
~~as billed on and after June 1, 2016~~ [April 1, 2017 as billed on and after June 1, 2017].

**C. Quarterly meter service and availability charge for meters:**

<b>Type</b>	<b>Size in Inches</b>	<b>Quarterly Fee</b>
Disc	5/8	<del>\$-9.64</del> [\$9.98]
Disc	3/4	<del>\$12.20</del> [\$12.63]
Disc	1	<del>\$12.85</del> [\$13.30]
Disc	1 ½	<del>\$21.84</del> [\$22.61]
Disc	2	<del>\$30.33</del> [\$31.39]
Compound	2	<del>\$25.69</del> [\$26.59]
Compound	3	<del>\$97.71</del> [\$101.13]
Compound	4	<del>\$155.52</del> [\$160.96]
Compound	6	<del>\$234.93</del> [\$243.15]
Turbo	3	<del>\$57.81</del> [\$59.84]
Turbo	4	<del>\$97.71</del> [\$101.13]
Fireline	4	<del>\$97.71</del> [\$101.13]
Fireline	6	<del>\$155.52</del> [\$160.96]



Fireline	8	<del>\$216.79</del> [\$224.38]
Fireline	10	<del>\$283.10</del> [\$293.01]

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

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	<del>\$4.95</del> [\$5.45]
Disc	¾	<del>\$6.27</del> [\$6.90]
Disc	1	<del>\$6.60</del> [\$7.26]
Disc	1 ½	<del>\$11.22</del> [\$12.34]
Disc	2	<del>\$15.58</del> [\$17.13]
Compound	2	<del>\$13.20</del> [\$14.52]
Compound	3	<del>\$50.19</del> [\$55.21]
Compound	4	<del>\$79.89</del> [\$87.88]
Compound	6	<del>\$120.70</del> [\$132.77]
Turbo	3	<del>\$29.70</del> [\$32.67]
Turbo	4	<del>\$50.19</del> [\$55.21]
Fireline	4	<del>\$50.19</del> [\$55.21]
Fireline	6	<del>\$79.89</del> [\$87.88]
Fireline	8	<del>\$111.38</del> [\$122.51]
Fireline	10	<del>\$145.45</del> [\$159.99]

Deletions designated by ~~strikeout~~  
Additions designated as [brackets]

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**#26-2017**

**A RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2017 ENTITLED A LOCAL LAW  
TO AMEND THE BUSINESS IMPROVEMENT DISTRICT PLAN**

**Motion of Councilperson Briggs**

**WHEREAS**, City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district; and

**WHEREAS**, a public hearing on this proposed Local Law was held on Monday, February 27, 2017 before this Council, pursuant to public notice duly published in **The Daily News**.

**NOW, THEREFORE, BE IT RESOLVED**, proposed **Local Law No. 3 of 2017** entitled **A Local Law to Amend the Business Improvement District Plan in the City of Batavia** accordance with **Article 19-A of the General Municipal Law** be and the same is hereby enacted by City Council of the City of Batavia, New York.

**Seconded by Councilperson McGinnis and on roll call approved 9-0.**

**LOCAL LAW NO. 3 OF THE YEAR 2017**  
**CITY OF BATAVIA**  
**A LOCAL LAW AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN**

**A LOCAL LAW** amending the Business Improvement District Plan in the City of Batavia in accordance with Article 19-A of the General Municipal Law submitted to the City Clerk on February 1, 2017.

**BE IT ENACTED** by the City Council of the City of Batavia as follows:

**SECTION 1.** The Downtown Business Improvement District established by Local Law No. 6 of 1997 adopted on November 24, 1997 and further outlined in Chapter 58 of the Code of the City of Batavia, and was amended by Local Law No. 3 of 2005 adopted on June 27, 2005 to include the Ellicott Street business area and further amended by Local Law No. 3 of 2016 on August 6, 2016, the City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district.

**SECTION 2.** The provision of services within the district shall be pursuant to said amended district plan of the Downtown Batavia Business Improvement District (BID). All said services shall be in addition to, and not a substitution for required municipal services provided by the City of Batavia on a city-wide basis.

**SECTION 3.** To the extent not explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the Downtown Batavia Business Improvement District and the Batavia Business Improvement District Management Association. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this local law shall be controlling.

**SECTION 4.** Any additional amendments to the BID or the BID Plan shall be made in accordance with the provisions set forth in section 980-i of Article 19-A of the General Municipal Law.

**SECTION 5.** The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

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**#27-2017**

**A RESOLUTION RECOGNIZING \$309,518 VIDEO LOTTERY TERMINAL STATE  
COMPACT MONEY TO ASSIST IN MAKING FINAL PAYMENT TO GENESEE  
COUNTY FOR UPGRADES MADE TO DWYER STADIUM, WILLIAMS PARK  
LIGHTING IMPROVEMENTS, COMPLETE A STORMWATER CAPITAL PLAN AND  
FUND THE DEPARTMENT OF PUBLIC WORKS RESERVE**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 received state assistance (“VLT” compact money) as an eligible city in which a video lottery gaming facility is located, in the amount of \$440,789; and

**WHEREAS**, Genesee County provided the City of Batavia, on April 24, 1996, capital project funds not to exceed \$337,000 pursuant to the City/County Funding Agreement for improvements to Dwyer Stadium of which the City is to repay the County in full for all portions of said funds; and

**WHEREAS**, the remaining balance owed to Genesee County as of January 1, 2017 is \$131,518; and

**WHEREAS**, in the 2016/2017 City budget \$12,000 was budgeted for upgrades to the Williams Park baseball field lighting system to provide safety measures of illuminating the field. After further review it has been determined that an additional \$28,000 will be required in order to make the necessary upgrades for safe operations; and

**WHEREAS**, the City has received \$50,000 of grant funding from the New York State Community Development Block Grant (CDBG) through the 2016 Consolidated Funding Application to complete a Stormwater Capital Plan and the grant requires \$50,000 of local match for a total project cost of \$100,000; and

**WHEREAS**, it is recommended to fund the Department of Public Works equipment in order to purchase needed equipment in future fiscal years, including fiscal year 2017/2018; and

**WHEREAS**, the City staff have determined that it is financially prudent to make final payment to Genesee County, make the safety upgrades to the Williams Park baseball field lighting in the 2017/2018 fiscal year, accept the CDBG grant funds and utilize VLT compact money to complete the Stormwater Capital Plan, and fund the Department of Public Works equipment reserve.

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

Effective March 13, 2017, amend the 2016-17 budget by increasing the following revenue accounts:

001.0001.2725.0000	VLT Aid	\$309,518
001.0001.4910.1163	Federal Aid – CDBG grant	\$ 50,000

Increasing expenditure accounts:

001.1620.0423	City Facilities – Contract Services	\$131,518
001.7110.0439	Parks – Repair & Maintenance	\$ 28,000
001.8140.0423.1163	Stormwater – Contracted Services	\$100,000
001.0900.0200.2102	DPW Reserve	\$100,000

**BE IT FURTHER RESOLVED**, due to the time needed to upgrade the Williams baseball field lighting, with \$12,000 budgeted in 2016/2017 and the additional \$28,000, the City Council of the City of Batavia does hereby authorize this funding be placed in committed fund balance to be utilized for the above said purpose in the 2017/2018 fiscal year.

Transfer the following to Committed Fund Balance for expenditure in 2017/18:

001.0001.0913	Committed fund balance	\$40,000
001.0001.0917	Unassigned fund balance	-\$40,000

**Seconded by Councilperson Tabelski and on roll call approved 9-0.**

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#### **#28-2017**

### **A RESOLUTION TO ESTABLISH AND UPDATE CURRENT CAPITAL PROJECTS AND TRANSFER FUNDS FOR CAPITAL PROJECT BUDGETS**

#### **Motion of Councilperson McGinnis**

**WHEREAS**, the City of Batavia has included funds in its budget for capital projects; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following capital projects be established and budget be adjusted as follows; and

**BE IT FURTHER RESOLVED**, the following projects are authorized to be completed for no more than the said estimated amount and may extend no later than March 31 2020.

PROJECT	ESTIMATED AMOUNT	FUNDING SOURCE	FISCAL YEAR
<b>General Fund:</b>			
Healthy Schools	\$57,600	DOT	2015/16
Corridor—	\$14,400	Sidewalk Reserve	2015/16
Transportation	\$38,400	DOT	2016/17
Alternatives Program	\$9,600	Sidewalk Reserve	2016/17
(TAP)	\$672,800	DOT	2017/18
	\$216,219	Sidewalk Reserve	2017/18
Dwyer Stadium Roof	\$145,000	Dwyer Reserve	2017/18
TIP Resurfacing Project	\$2,040,370	Federal Grant	2017/18
	\$382,569.30	Marchiselli	2017/18
	\$127,523.10	CHIPS	2017/18
<b>Water Fund:</b>			
Union Street Water	\$203,520	Financing	2017/18
Main Improvements	\$1,153,281	Financing	2018/19
Vine, Elm & Chase	\$146,000	Financing	2016/17
Water Main + Valves	\$930,723	Financing	2017/18
<b>Sewer Fund:</b>			
Mechanical Fine Screen	\$202,800	Sewer Reserves	2017/18
Grit Cyclone Classifier	\$128,250	Sewer Reserves	2017/18
Central Pump Station Wet Well Improvements	\$151,700	Sewer Reserves	2017/18
Elm Str Sanitary	\$126,000	Financing	2016/17
Sewer Replacement	\$719,278	Financing	2017/18
Franklin Sewer	\$242,000	Financing	2017/18
	\$806,596	Financing	2018/19
Sanitary & Lehigh Lift Electrical Improvement	\$242,000	Sewer Reserves	2016/17/18

**Second by Councilperson Briggs and on roll call approved 9-0.**

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**#29-2017**

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY  
OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE  
REPLACEMENT OF PUBLIC WATER SYSTEM IMPROVEMENTS AND  
AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN  
ANTICIPATION OF THE SALE OF SUCH BONDS**

## **Motion of Councilperson Tabelski**

**WHEREAS**, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake the replacement of certain public water system improvements on Union Street (the “Project”); and

**WHEREAS**, the estimated cost of the Project is \$1,356,801.

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

**Section 1.** The design, construction and implementation of the Project are hereby authorized at the estimated combined cost of \$1,356,801.

**Section 2.** The financing of the costs of the Project, together with the costs of issuance of such financing plus any potential contingencies (the “**Specific Objects or Purposes**”), is hereby authorized at a maximum estimated aggregate cost of \$1,358,000.

**Section 3.** The Specific Objects or Purposes of the Project are objects or purposes which are described in Section 11 of the Local Finance Law.

**Section 4.** The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, hereby determines the Project to be a TYPE II Action that does not necessitate the preparation of and Environmental Impact Statement

**Section 5.** The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$1,358,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

**Section 6.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**Section 7.** It is hereby determined that the period of probable usefulness of the Project is 30 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 30 years.

**Section 9.** The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

**Section 10.** Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

**Section 11.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

**Section 12.** The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**Section 13.** The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**Section 15.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

**Section 16.** The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 17.** This resolution shall take effect immediately.

**Section 18.** This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Seconded by Councilperson Bialkowski and on roll call approved 9-0.**

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**#30-2017**  
**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS**  
**FOR NON-UNION CITY EMPLOYEES**

**Motion of councilperson McGinnis**

**WHEREAS**, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union City employees.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia, that the following wage adjustment for non-union City employees be and is hereby enacted:

1. 2.75% salary increase effective April 1, 2017

**Seconded by Councilperson Pacino and on roll call approved 7-2. Councilpersons Christian and Viele voted no.**

\* \* \*



**#31-2017**  
**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS**  
**FOR PART-TIME AND SEASONAL CITY EMPLOYEES**

**Motion of councilperson Canale**

**WHEREAS**, the City Council of the City of Batavia wishes to grant wage adjustments to its part-time and seasonal City employees; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia, that the attached wage adjustment for part-time and seasonal City employees be and is hereby enacted:

<b>Seasonal Part-time Employees</b>	<b>A 1<sup>st</sup> Summer</b>	<b>B 2<sup>nd</sup> Summer</b>	<b>C 3<sup>rd</sup> Summer</b>
<b><u>Grade I</u></b>			
Laborer	\$9.70	\$9.97	\$10.24
Groundskeeper			
Rec. Attendants			
<b><u>Grade II</u></b>			
Rec. Leader	\$9.97	\$10.24	\$10.51
<b><u>Grade III</u></b>			
Rec. Specialist	\$10.35	\$10.62	\$10.89
<b><u>Grade IV</u></b>			
Administrative Interns	\$10.88	\$11.26	\$11.68
<b>Regular (Permanent) Part-time Employees</b>	<b>Beginning</b>	<b>Completion of Year 1</b>	<b>Completion of Year 2</b>
<b><u>Grade I</u></b>			
Custodians	\$10.09	\$10.40	\$10.71
Crossing Guards			
Recycling Attendant			
Rec Leaders			
<b><u>Grade II</u></b>			
Clerk-Typist	\$10.79	\$11.12	\$11.46
<b><u>Grade III</u></b>			
Rec Specialist	\$11.17	\$11.51	\$11.85

<b>Grade IV</b>			
Ordinance Enforcement Administrative Interns	\$12.22	\$12.58	\$12.96
<b>Grade V</b>			
Dispatcher	\$16.74	\$17.24	\$17.75
<b>Grade VI</b>			
Parking/Animal Control	\$17.43	\$17.96	\$18.50

**Seconded by Councilperson McGinnis and on roll call approved 7-2. Councilperson Christian and Viele voted no.**

\* \* \*

**#32-2017**

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY  
FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Briggs**

**WHEREAS**, the City of Batavia is the custodian of moneys and is authorized to invest such money; and

**WHEREAS**, the City's independent auditor has recommended an investment policy be updated and reviewed annually by Council; and

**WHEREAS**, the City Council of the City of Batavia originally adopted the Investment Policy April 11, 2011 and has subsequently revised and adopted it each year thereafter; and

**WHEREAS**, such policy is in compliance with the current legal requirements under New York State General Municipal Law Sections 10 and 11 and is in the required format mandated by the State Comptroller; and

**WHEREAS**, said policy has been reviewed and approved by both the City's Fiscal Advisor and the City's Independent Auditor.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

**Seconded by Councilperson Pacino and on roll call approved 9-0.**

## **City of Batavia Investment Policy**

### **I. Scope**

This investment policy applies to all money and other financial resources available to the City of Batavia for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

### **II. Objective**

The primary objectives of the local government's investment activities are, in priority order:

1. To conform with all applicable federal, State and other legal requirements (legality)
2. To adequately safeguard principal (safety)
3. To provide sufficient liquidity to meet all operating requirements (liquidity)
4. To obtain a reasonable rate of return (yield)

### **III. Delegation of Authority**

The governing board's responsibility for administration of the investment program is delegated to the City Manager who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

### **IV. Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Batavia to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety and liquidity of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **V. Diversification**

It is the policy of the City of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

## **VI. Internal Controls**

It is the policy of the City of Batavia for all moneys collected by any officer or employee of the government to transfer those funds to the Clerk-Treasurer within one (1) day of receipt, or within the time period specified by law, whichever is shorter.

The City Manager is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

## **VII. Designation of Depositories**

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Bank of Castile	\$15,000,000	Jaime Sallome
Bank of America	\$15,000,000	Timothy Clark
JP Morgan Chase	\$15,000,000	Pamela Thompson
Key Bank	\$15,000,000	Julie Holman
Manufacturers & Traders Trust Company	\$15,000,000	Wesley Bedford
Five Star Bank	\$15,000,000	Jane Scott
Edward Jones Investments	\$15,000,000	Michael Marsh

## **VIII. Securing Deposits and Investments:**

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of Batavia that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided in GML Section 10) that is at least equal to the aggregate amount of deposits by the officers.
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company
3. An "eligible surety bond" payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.

4. An “irrevocable letter of credit” issued in favor of the City of Batavia by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.

## **IX. Collateralization and Safekeeping**

Eligible securities used for collateralizing deposits made by officers of the City of Batavia shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Batavia, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Batavia or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral, and may contain other provisions that the governing board deems necessary.

## **X. Permitted investments**

As provided by General Municipal Law Section 11, the City of Batavia authorizes the City Manager to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York

- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- Obligations of the City of Batavia, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Batavia within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City of Batavia within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the City of Batavia authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City of Batavia within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

## **XI. Authorized financial institutions and dealers**

All financial institutions and dealers with which the City of Batavia transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the City of Batavia. The City Manager shall evaluate the financial position and maintain a listing of proposed depositaries, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

The City of Batavia shall maintain a list of financial institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealers.

## **XII. Purchase of investments**

The City Manager is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner

2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Batavia by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected interest in the securities.

The City Manager can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for their deposit with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

### **XIII. Courier service**

The City Manager may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the City of Batavia and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The City of Batavia may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the City of Batavia in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or

trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the banking department or other federal or State authority.

#### **XIV. Annual review and amendments**

The City of Batavia shall review this investment policy annually, and it shall have the power to amend this policy at any time.

#### **XV. Definitions**

The terms “public funds”, “public deposits”, “bank”, “trust company”, “eligible securities”, “eligible surety bond”, and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

#### **XVI. Reference(s)**

- City of Batavia Charter
- New York State General Municipal Code

**Original Author: Lisa Neary, Deputy Director of Finance**  
**Heidi Parker, Clerk/Treasurer**

<b>Date Revised/ Adopted</b>	4/11/11	2/27/12	3/11/13	2/19/14	3/9/15	3/14/16
<b>Revised by</b>		L Neary	L Neary	L Neary	L Neary	H Parker

\* \* \*

**#33-2017**

### **A RESOLUTION TO ADOPT FINANCIAL POLICIES**

#### **Motion of Councilperson McGinnis**

**WHEREAS**, on January 9, 2017 the City Manager, provided the proposed budget, and Financial Policy Statements to be reviewed annually; and

**WHEREAS**, increased monitoring and accountability can contribute greatly to the City’s commitment to strong financial management and fiscal integrity; and

**WHEREAS**, the adoption of financial policies will serve as the foundation for the annual budgeting process; and



**WHEREAS**, setting goals is important because it gives the City a long range perspective on financial management; and

**WHEREAS**, similar financial policies were adopted by City Council in 1999, and a formal set of policies can help the City Council and the City Manager discover conflicts, inconsistencies, and gaps in financial operations and can also help develop similar expectations regarding both managerial and legislative financial decision making.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia that the Financial Policy Statement be adopted.

**Seconded by Councilperson Bialkowski and on roll call approved 9-0.**

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**#34-2017**

**A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR  
FISCAL YEAR 2017-2018**

**Motion of Councilperson Canale**

**WHEREAS**, the City Council has been engaged in the development of a City of Batavia Strategic Plan in recognition of the changing needs and challenges of the City of Batavia; and

**WHEREAS**, the intent of developing a Strategic Plan is to allocate our available resources to best meet the needs of our residents, while balancing the fiscal, infrastructure and environmental factors that may affect the community in the future; and

**WHEREAS**, on January 9, 2017 the City Council was presented with the proposed City of Batavia Strategic Plan for fiscal year 2017-2018 which contained ongoing and new initiatives for the upcoming fiscal year; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia:

1. The Strategic Plan identifies initiatives and projects that allocate staff resources to ensure alignment with the adopted strategic priorities of City Council; and
2. The Strategic Plan is a working document, it is non-binding, but is the first of many steps toward improving rational, long-range planning for the City of Batavia.

**Seconded by Councilperson Briggs and on roll call approved 9-0.**

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**#35-2017**

**A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS  
OUTLINED IN THE 2017-2018 BUDGET**

**Motion of Councilperson Tabelski**

**WHEREAS**, the City Council of the City of Batavia recognizes that the financing, replacement and maintenance of infrastructure and equipment is a crucial aspect of providing excellent services to residents, businesses, visitors and property owners in the City of Batavia; and

**WHEREAS**, the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan and Facility Capital Plan are financial and planning tools designated to assist the City in defining infrastructure and equipment needs, establish priorities and pursue concrete actions and strategies for funding projects in future budget years; and

**WHEREAS**, the City Council of the City of Batavia was presented on January 9, 2017, with staff recommendations for the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan and Facility Capital Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Batavia hereby adopts the proposed Capital Improvement Plans; and

**BE IT FUTRHER RESOLVED**, that the Capital Improvement Plans are working documents toward improving rational, long-range capital planning and budgeting for the City of Batavia's infrastructure and equipment; and

**BE IT FURTHER RESOLVED**, that the adoption of the Capital Improvement Plans are consistent with the City's Strategic Plan.

**Seconded by Councilperson McGinnis and on roll call approved 9-0.**

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**#36-2017**

**A RESOLUTION AUTHORIZING FREED MAXICK TO PROVIDE FINANCIAL  
AUDITING SERVICES**

**Motion of Councilperson Christian**

**WHEREAS**, on March 31, 2016, the City's five year contract with Freed Maxick for financial auditing services expired; and

**WHEREAS**, the City of Batavia Bureau of Finance solicited requests for proposals from certified public accountants to audit the City's financial statements, complete the City's single audit when necessary, review the City's management discussion and analysis and the City's comprehensive annual financial report and provide an opinion on the City's deferred compensation plan's financial statements for fiscal years ending March 31, 2017, March 31, 2018, March 31, 2019, March 31, 2020 and March 31, 2021; and

**WHEREAS**, five proposals were received and reviewed; and

**WHEREAS**, after careful consideration it is recommended the City of Batavia engage with Freed Maxick, as the City's financial auditors.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council President be, and hereby is, authorized and directed to execute any and all necessary documents in relation to the City of Batavia financial audit services.

**Seconded by Councilperson Bialkowski and on roll call approved 8-0.**

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**#37-2017**

**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/ BOARDS**

**Motion of Councilperson Bialkowski**

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

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

**Youth Board**

Nick Russo

December 31, 2020

**Seconded by Councilperson Christian and on roll call approved 8-0.**

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**#38-2017**

**A RESOLUTION FOR APPROVAL OF TWO CHANGE ORDERS TO THE  
CONTRACT FOR SUMMIT STREET RECONSTRUCTION PROJECT**

### **Motion of Councilperson Canale**

**WHEREAS**, on February 22, 2016 the City of Batavia City Council awarded the contract to Accadia Site Contracting, Inc., for the Reconstruction of Summit Street and funded 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 original contract price was awarded at a cost of \$1,857,753.70; and

**WHEREAS**, it was determined that there was 107 outstanding items (both cost and credits) needing to be resolved between the City and the contractor; and

**WHEREAS**, Change Order No. 1 resulting in a contract increase of \$161,576.19 and Change Order No. 2 resulting in a contract decrease of \$70,713.55 will resolve the 107 outstanding items; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Batavia that Change Orders No. 1 and No. 2 to the contract with Accadia Site Contracting, Inc., for the reconstruction of Summit Street, in the amount of \$67,681.45 for Roadway portion and \$23,181.18 for the water portion, is hereby approved for a final contract amount of \$1,948,616.34.

**Seconded by Councilperson Pacino and on roll call approved 8-0.**

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### **#39-2017**

### **A RESOLUTION TO AWARD A CONTRACT FOR REMOVAL, TRANSPORTATION AND DISPOSAL OF LIQUID LIME SLUDGE**

### **Motion of Councilperson Christian**

**WHEREAS**, the City has solicited bids for removal, transportation, and disposal of liquid lime sludge from the Water Treatment Plant; and

**WHEREAS**, two (2) bids were received on February 24, 2017, and Scott Adams Trucking was the lowest responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that a contract is hereby awarded to Scott Adams Trucking in the amount of Six Thousand Eight Hundred Seventy dollars (\$6,870.00) per event for removal, transportation, and disposal of lime liquid sludge at the Water Treatment Plant.

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

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**#40-2017**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH HOHL INDUSTRIAL SERVICES, INC. FOR THE WET WELL REPAIRS PROJECT**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City of Batavia has solicited bids for repairs to the gates and rail system for the wet well at the Central Pump Station; and

**WHEREAS**, one (1) bid was received, and Hohl Industrial Services, Inc. was the only responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that a contract is hereby awarded to Hohl Industrial Services, Inc. in the amount of One Hundred Twenty Thousand Three Hundred dollars (\$120,300.00) for the Wet Well Repairs Project at the Central Pump Station.

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

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**#41-2017**

**A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City has advertised for competitive, sealed bids for the purchase of various chemicals used for the operation of the Water and Wastewater Treatment facilities; and

**WHEREAS**, Eighteen (18) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that one (1) year purchase contracts for various chemicals be awarded to the lowest responsible bidder hereinafter identified.

<b>Company Name</b>	<b>Chemical</b>	<b>Bid Amount</b>
Graymont Inc. Bellefonte, PA	Quicklime	\$ 153.15/Ton
Faesy & Besthoff Stamford, CT	Ferric Sulfate	\$ 725.00/Ton

ControlChem Canada Burlington, ON	Fluosilicic Acid	\$ 606.28/Ton
Irish Jones Buffalo, NY	Carbon Dioxide	\$ 326.00/Ton
Chemtrade Parsippany, NJ	Liquid Alum	\$ 190.79/Ton
Shannon Chemical Co. Inc. Exton, PA	Liquid Phosphate	\$ 294.94/Drum
JCI Jones Chemical Caledonia, NY	Sodium Hypochlorite	\$ .65/gallon

**Seconded by Councilperson Tabelski and on roll call approved 8-0.**

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**#42-2017**

**A RESOLUTION TRANSFERRING \$4,200 TO THE PARKING LOT  
CAPITAL RESERVE FUND**

**Motion of Councilperson McGinnis**

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

**WHEREAS**, the City of Batavia, through January 31, 2017, received parking and dumpster permit revenue in the amount of \$4,200 and is desirous of transferring said \$4,200 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$4,200 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

**Seconded by Councilperson Pacino and on roll call approved 8-0.**

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**#43-2017**

**A RESOLUTION TO RE-APPROPRIATE RESERVE FUNDS FOR THE SANITARY  
LIFT STATION ELECTRICAL IMPROVEMENT PROJECT AND THE SUMMIT  
STREET WATER MAIN PROJECT**

### **Motion of Councilperson Canale**

**WHEREAS**, the City of Batavia approved in the 2016/2017 budget the use of \$207,000 of sewer facility reserves and \$35,000 of facilities reserves for the sanitary lift station electrical improvement project; and \$700,000 of water fund capital improvement reserves for the Summit Street water main project; and

**WHEREAS**, both projects will not be completed prior to the city's fiscal year ending March 31, 2017; and

**WHEREAS**, \$17,176.43 of the approved sewer facility reserve appropriation has been expended, \$2,903.57 of the approved facilities reserve appropriation has been expended, and \$352,439.19 of the approved water fund capital improvement reserve appropriation has been expended as of February 14, 2017; and

**WHEREAS**, the Bureau of Finance is requesting permission to re-appropriate \$189,823.57, \$32,096.43 and \$347,560.81, respectively, in the 2017/2018 fiscal year, to cover the cost to complete these projects in the fiscal year ending March 31, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager has permission to re-appropriate \$189,823.57 of sewer facility reserves, \$32,096.43 of facilities reserves and \$347,560.81 of water fund capital improvement reserves to continue the process of completing the sanitary lift station electrical improvement project and the Summit Street water main project in the fiscal year ending March 31, 2018.

**Seconded by Councilperson Christian and on roll call approved 8-0.**

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### **#44-2017**

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

### **Motion of Councilperson Tabelski**

**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, 2017 has approximately \$92,716.00 of Employee Benefit Accrued Liability Reserve; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2017 will have had one employee retirement/termination from General Fund employment with payable accrued employee benefits totaling \$7,704.96.

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

Effective March 31, 2017, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100.2109	\$7,704.96
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Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	001.0001.0511.2109	\$7,704.96
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**Seconded by Councilperson Briggs and on roll call approved 8-0.**

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#### **#45-2017**

### **A RESOLUTION TO RE-CLASSIFY WORKERS' COMPENSATION FUND BALANCE**

#### **Motion of Councilperson Briggs**

**WHEREAS**, pursuant to Article 4, section 4a of the Workers' Compensation Law requiring the City to establish a reserve fund, the City has a Workers' Compensation Reserve Fund will have an estimated balance of \$314,412 as of March 31, 2017; and

**WHEREAS**, the City of Batavia's Workers' Compensation Fund assigned fund balance as of March 31, 2016 was \$227,395; and

**WHEREAS**, the City staff has recommended and City Council is desirous of increasing the Workers' Compensation Reserve Fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia hereby authorizes the City Manager to re-class \$125,000 of Workers' Compensation assigned fund balance to Workers' Compensation reserves effective March 13, 2017 as shown below:

Increase reserve:

006.0006.0863.2160	\$125,000
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Increase Fund Balance:

006.0006.0915.0000                      \$125,000

**Seconded by Councilperson Canale and on roll call approved 9-0.**

\* \* \*

**#46-2017**

**A RESOLUTION TO COMBINE HEALTH INSURANCE RESERVE FUNDS**

**Motion of Councilperson McGinnis**

**WHEREAS**, pursuant to General Municipal Law 6-n, the City of Batavia has an established Self-Insurance Health Benefit Plan Reserve fund for payment of healthcare benefits claims in the General Fund, the Water Fund and the Wastewater Fund; and

**WHEREAS**, the City of Batavia's Self-Insurance Health Benefit Plan Reserve Funds have approximate balances of \$401,361, \$33,539, and \$22,018, respectively; and

**WHEREAS**, the City of Batavia is desirous to combine the three reserve funds into one for the General Fund for ease of accounting for and managing the reserve funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is hereby authorized to combine the three Self Insurance Health Benefit Plan Reserve funds into one General Fund reserve.

**Seconded by Councilperson Canale and on roll call approved 9-0.**

\* \* \*

**#47-2017**

**A RESOLUTION OPPOSING THE NEW YORK STATE LIBERTY ACT ASSEMBLY  
BILL A.3049B AND SENATE BILL S.04075-A**

**Motion of Councilperson Christian**

**WHEREAS**, the New York State Liberty Act bills A.3049B and Senate Bill S.04075-A proposes immigration guidelines in the State of New York; and

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Batavia opposes the passage The New York State Liberty Act and aforementioned bills.

**BE IT FURTHER RESOLVED**, that the City Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley and all others deemed necessary and proper.

**Seconded by Councilperson Briggs and on roll call approved 9-0.**

\* \* \*

### **MOTION TO ENTER EXECUTIVE SESSION**

#### **Motion of Councilperson Pacino**

**WHEREAS**, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation...".

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilperson Viele and on roll call approved 9-0.**

\* \* \*

**Meeting adjourned at 8:00 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

A PLAN UPDATE FOR THE  
**BUSINESS IMPROVEMENT DISTRICT**



February 1, 2017

*Prepared by City of Batavia*

In 1997, a core group of property owners within Downtown Batavia Business District asked the City of Batavia to form a Business Improvement District (BID) to help foster streetscape improvements and business growth. The boundaries of the district included the historic downtown Main Street from Liberty/Summit Streets to the Upton Monument and areas to the north and south between Washington Avenue and Ellicott Street. In March 1998 these owners also formed the non-profit Batavia Business Improvement District Management Association Incorporated (Management Association) to provide marketing, promotional and other business improvement district development services for the BID to the City of Batavia.

Since 1998, the BID and the Management Association have had many accomplishments and were fortunate to benefit from numerous development and streetscape projects the City has initiated, including a complete redevelopment of Main Street. The Management Association has also partnered with the City on a number of streetscape and beautification projects throughout the downtown core, administered a popular facade improvement program and promoted a summer concert series.

Because of the BID's success, and its visual transformation, interest in the BID grew and owners in the adjacent Ellicott Street area, just southeast of downtown, requested the City of Batavia to consider an amendment of the Downtown BID boundaries that would annex their properties to the BID. Consequently, in 2005 the City Council authorized the extension of the BID to include the adjacent Ellicott Street area.

Because the BID Plan has not been updated since 2005, the City of Batavia has prepared updates to the Plan including a change in the district assessment charge to properly reflect operations, capital accounting for surplus funds, compliance with the Open Meetings Law and Freedom of Information Law and additional budgetary compliance reporting.

### **I. Map and Boundary of the District**

Exhibit A is a description of the boundaries of the district. Exhibit B is a list of benefitted properties by address and property owner.

### **II. Land Uses**

Allowed uses within the district comply with the City of Batavia Zoning Ordinance. The current BID includes the C-3 zoning district and allows such uses as retail stores, banks, offices, restaurants, hotels, places of amusement, services, shopping centers, residential uses and government buildings. Other districts included in the current BID boundaries are the C-2 zoning district which allows such uses as retail stores, restaurants, hotels, places of amusement, offices, banks and shopping centers, a small section of industrial zoned property and the P-2 planned development district on Main Street for the United Memorial Center Bank Street Campus.

There are no immediate plans to change the allowed uses within the current zoning district.

### **III. Activities allowed by Business Improvement District Law (Article 19-A)**

The main objectives of the improvement district are to provide for attractive and functional infrastructure improvements, and to have an operational budget for marketing, communications, events and administration. The concept has created an attractive downtown area that has encouraged investment in the area and provided a pedestrian friendly environment to downtown shoppers, businesses and other downtown users.

An operational budget insures that the City and the Management Association can communicate and market

the district to the public, downtown owners and potential investors. The operational budget also provides funds for basic administration of the Management Association activities such as meetings and staff.

The General Municipal Law authorizes the legislative body of a participating municipality to exercise the following powers with respect to a business improvement district:

a.) To provide for district improvements located within the municipality to promote business activity in the district:

1. construction and installation of landscaping, planting and park areas;
2. construction of lighting and heating facilities;
3. construction of physically aesthetic and decorative safety fixtures, equipment and facilities;
4. construction of improvements to enhance security of persons and property within the district;
5. construction of pedestrian overpasses and underpasses and connections between buildings;
6. closing, opening, widening or narrowing of existing streets;
7. construction of ramps, sidewalks, plazas and pedestrian malls;
8. rehabilitation or removal of existing structures as required;
9. removal and relocation of utilities and vaults as required;
10. construction of parking lot and parking garage facilities; and
11. construction of fixtures, equipment, facilities and appurtenances as may enhance the movement, convenience and enjoyment of the public and be of economic benefit to surrounding properties such as: bus stop shelters; benches and street furniture; booth, kiosks, display cases, and exhibits; signs; receptacles; canopies; pedestrian shelters and fountains.

b.) To provide for the operation and maintenance of any district improvement.

c.) To provide for additional maintenance or other additional services required for the enjoyment and protection of the public and the promotion and enhancement of the district whether or not in conjunction with improvements authorized by this section, including:

1. enhanced sanitation services;
2. services promoting and advertising activities within the district;
3. marketing education for businesses within the district;
4. decorations and lighting for seasonal and holiday purposes; and
5. services to enhance the security of persons and property within the district.

d.) To construct improvements on the properties of businesses located within the BID for the specific purpose of increasing access from public areas to the businesses for persons with disabilities. This is the only exception to the requirement that BID improvements be made on or within municipal or district owned or leased property.

Note: Funding from a source other than the BID assessment may be spent for improvements and services that are not listed in the General Municipal Law §980-c.

#### **IV. Improvements, operation costs and the maximum costs thereof**

a) Capital Infrastructure Improvements

The BID has enjoyed millions in infrastructure and facade improvements over the last 15 years. While most of the streetscape improvements on Main Street were funded by the state and federal governments, the remainder of streetscape and facade improvements were funded through an \$830,000

bond that will be retired with payments from BID special assessments and City general funds in 2016.

In 2005 the City expanded the BID boundaries to include Ellicott Street businesses. The district plan was subsequently amended providing for an increase in the annual BID assessment to \$120,000. An additional \$350,000 of downtown infrastructure improvements was proposed along Ellicott Street as part of district plan amendment. The improvements desired included trees, decorative lighting and sidewalk improvements that mimic the improvements already in place within the current BID. The district plan continued to outline that BID assessments would cover 60% of the debt service related to capital improvements and the City would contribute general funds for 40% of the debt service. In addition, any outside sources of funds would be dedicated toward reducing the annual bond costs proportionally. Following the BID expansion the City received a \$500,000 Transportation Enhancement Program (TEP) grant and the Ellicott Street Scape project was expanded to a \$750,000 total project cost, making the local match between the City and the BID \$250,000 to complete Ellicott Streetscape improvements. At the conclusion of the project both the City and BID paid for the remaining cost of the project with available funds and the City did not issue a bond or incur debt service for the project as was originally planned in the 2005 district plan amendment.

There are no immediate infrastructure or physical improvements planned; however, the City and the Management Association expect to begin a district plan update to include infrastructure and capital improvements.

b.) Operations

1. A primary concern regarding the BID assessment and levy is that the 2016/17 BID assessment get exceeds the General Municipal Law limits for district assessment charges used for operations. As outlined in General Municipal Law §980-k, the City is limited in the amount of money that can be raised for a BID through the assessment. The district assessment charge, excluding debt service, may not exceed 20 percent of the total general municipal taxes levied in a year against the taxable property in the BID. For 2016/17 the total general municipal taxes levied in the 2016/17 year is \$275,194. Therefore, the maximum amount of district assessment charge that can be raised for operational use, excluding debt service, is \$55,038.

The City debt service payment for the 1999 infrastructure bond improvements for the 2016/17 year is \$25,651.08. The proportional share of infrastructure bond payments is 60 percent for the BID owners and 40 percent for the City of Batavia. Thus the BIDs share of debt service is \$15,391, while the City's share is \$10,260. This is the last debt service payment for the 1999 infrastructure bond improvements.

Therefore, the maximum amount of district assessment charge that should have been levied should be no greater than \$70,429 (\$55,038 for operation + \$15,391 for debt service). The actual BID assessment levied for this year, \$120,000, exceeds the authorized amount allowed for operations and debt service payments under the General Municipal Law. As a result, the BID assessment that was levied May 1, 2016 was an additional \$49,571 in conflict with the General Municipal Law and the district plan with no authorized use of the additional funds.

The following BID budget amendments were made by the City:

- i. The Management Association has budgeted \$55,020 for annual operations and management of the district.
- ii. The BIDs share of debt service is \$15,391, while the City's share is \$10,260. August 1, 2016 is the last debt service payment for the 1999 infrastructure bond improvements.
- iii. The additional levy of \$49,571 will be held in the City's Trust Account until the BID plan



can be updated and approved by City Council to include a capital infrastructure project.

2. Prior to the May 2016 BID levy, the City has paid over to the Management Association 100% of the amount of the BID levy and the Management Association has remitted to the City an amount equal to the BID's 60% share of debt service payments as described. The Management Association has kept any BID assessment proceeds in excess of the amount allowed in a reserve fund. As of June 6, 2016, the balance of this reserve was \$202,865.54. The Management Association will maintain these funds in a separate bank account and on a monthly basis provide the City's Chief Fiscal Officer with statements verifying the funds have been retained. The City and the BID Association will utilize these funds for capital improvements, either on a "pay as you go basis" or through the issuance of debt, as made mutually agreeable to the City and the Management Association as incorporated into an updated district plan. The funds will remain unutilized until the update district plan is adopted outlining new capital and infrastructure improvements.
3. In future years, the Management Association's proposed budget shall be forwarded to the City's Chief Fiscal Officer (City Manager) no later than January 15th of every year. The City Manager will then review the proposed budget and complete a statement to the City Council and Management Association Board of Directors indicating that the provisions of General Municipal Law 19-A have been met. This step will serve to ensure that the proposed levy by the City of Batavia for the BID is compliant with the General Municipal Law.

#### **V. Time for Implementation**

Once this plan is amended and approved by the City of Batavia, the City and Management Association will undertake the implementation of actions set forth herein in the updated district plan..

#### **VI. Rules & Regulations of the District and the District Management Association**

The Management Association will continue to provide BID operational, management, marketing and other BID-related services to the City of Batavia as an independent contractor as permitted under Article 19-A of the General Municipal Law.

The Management Association's Board of Directors will manage the business of the corporation and consist of a majority of property owners. Three public representatives shall also continue to make up the Board of Directors and one each will be appointed by the City's Chief Executive Officer, City's Chief Financial Officer, and the City of Batavia Council.

Offices for the Management Association will be within the district. This office shall be staffed by an Executive Director and other staff as budgeted by the Board of Directors.

Subject to any provisions of General Municipal or City Law, the Not-for Profit Corporation Law or any similar laws, the Management Association may buy, sell or exchange real property. The Management Association may also accept and apply for funds and contributions of real estate.

Because a substantial portion of the Management Association's activities are funded by a special assessment levied by the City and its activities are important to the economic health and vitality of the City, it is necessary that the business of the Management Association be performed in an open and public manner. This provides for the residents and businesses in the community to be fully aware of and able to observe the activities of the Management Association Board of Directors, as well as attend and listen to the deliberations and decisions that go into the making of BID policy. In addition, providing access to meeting minutes allows residents and businesses to observe the decision-making process by the Board and to review the documents leading to those determinations.

Under General Municipal Law §980-a the requirements of a district plan may provide for “*any other item or matter required to be incorporated therein by the legislative body.*” Therefore, the Batavia City Council is requiring that the Management Association Board of Directors comply, conform and abide by the State of New York Open Meetings and Public Information Laws. This will apply to all Management Association and sub-committee meetings, including Executive Committee meetings. The Management Association will further post all by-laws, Board and Committee meeting minutes, annual budgets, audited financial statements and annual reports on the Management Association’s website for public viewing.

## **VII. Business Improvement District Assessment**

As outlined in Section IV of this document two sources have been identified for funding the activities of the Business Improvement District: the Business Improvement District assessment (BID Assessment) and the City of Batavia. The BID Assessment for each property is calculated by multiplying the assessed valuation of the property by the BID assessment rate.

**The district assessment charge for the 2017/18 year, in accordance with the General Municipal Law 980-k, a BID is limited in the amount of money that can be raised through the assessment. The district assessment charge, excluding debt service, may not exceed 20 percent of the total general municipal taxes levied in a year against the taxable property in the BID. As of February 1, 2017 it is estimated that 20 percent of the total general municipal taxes levied in 2017/18 against the taxable property in the BID is \$57,926, based on current taxable assessed values and the existing City property tax rate. The BID assessment rate is estimated to be \$1.84400 per \$1,000 of assessed value. There is currently no debt service to be paid for with district assessment charges.**

The current BID Assessment for 2016/2017 is \$120,000 based on a BID assessment rate of \$3.90615 per \$1,000 of assessed value. This amended plan proposes the following:

- ~~1. The bond infrastructure payment will continue to be shared between the BID Assessment and City of Batavia general funds based on a 60%/40% share respectively. August 1, 2016 will be the final bond payment of \$25,651.08. The following is a breakdown of shared costs:~~
  - ~~▪ The amount contributed by the BID Assessment is \$15,390.65.~~
  - ~~▪ The amount contributed by City of Batavia general funds is \$10,260.43.~~
- ~~2. For fiscal year 2016/2017 only, \$49,589.35 of the BID Assessment will be retained by the City and placed in the City’s Trust Account until this Downtown Business Improvement District Plan can be updated and the funds can be utilized towards capital and infrastructure improvements.~~
3. The BID Assessment, after 2016/2017 will be an amount equal to the sum of (a) the amount to be paid to the Management Association for operational activities funded by the BID Assessment pursuant to the contract by and between the City of Batavia and the Management Association (which is contemplated to be not less than the maximum amount permitted by law to be raised by the BID Assessment for BID operational activities), and (b) such amount as may be needed for debt service on additional capital improvements within the BID and paid for by the BID Assessment, as provided for in future amendments or revisions to this Downtown Business Improvement District Improvement developed cooperatively by the City of Batavia and the Management Association.

## **VIII. Description of Boundaries**

See the attached description of the boundaries of the existing BID.



**IX. List of Benefitted Properties**

A list of benefitted properties is attached.