

CITY OF BATAVIA BUSINESS MINUTES FEBRUARY 12, 2018

The regular business meeting of the City Council was held Monday, February 12, 2018 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 Viele. Councilperson Christian was absent.

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

The minutes from the January 2018 meetings and the November and December 2017 financials were approved.

The Council President assigned the regular agenda items.

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Communications

None.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, February 26, 2018 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that during the organizational meeting there was a question about the order of calling the roll. He noted that since 1998 there were no restrictions as to how Council voted. He noted that Roberts Rules were usually for groups with 12 or more people and wouldn't apply to Council. Mr. Van Nest explained that the Council President had always voted so he didn't recommend a change to the Council rules at this time.

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City Manager's Report

Matt Worth, Interim City Manager, noted that at the next few meetings, Council would be voting on upcoming contracts. He stated that there had been a DRI open house and the committee would consider input to get the projects down to the \$15 million they would submit to the state. Mr. Worth offered an update on the NY Penn League baseball in Batavia, noted they were going through the budget process, and moving along with the City Manager search. Councilperson Canale noted that he heard some upgrades were needed to Dwyer Stadium and wondered if the City would have to pay for that. Mr. Worth explained that the infield needs lighting and the Penn League would provide a list of what needed to be improved. He noted that the League may have to pay above and beyond what the City would be able to pay.

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Committee Reports

Councilperson Pacino reported that the BID discussed a permanent structure for the public market and noted that Jackson Square, Wine Walk and Beertavia dates had been set. Council President Jankowski noted that seven proposals had been received for the City Manager search firm and they would be discussed with Dawn Fairbanks on Wednesday.

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Public Comments

John Roach, 116 Grandview Terr, had asked at the last meeting if a special tax district could be established regarding the Redfield pillars and wondered if the City Attorney could respond to that inquiry.

Mike Jamil, 108 Otis St, noted that he had faith that everything would work out over time regarding the softball field improvements. He noted that he would take what he could little by little and reminded Council that he was bringing in a lot of people into the City to play softball. He understood that after 25 years, things had deteriorated and thanked the City for what they were trying to do.

Sid Lovell, Medina, noted that he was the district director for Orleans and Genesee County slow pitch softball and felt that Mr. Jamil should be congratulated for his efforts. He noted that Batavia used to be the strongest in the area, this was Mike's 4th year with the Batavia league and he has put his whole heart and soul into it. He was confident that the City would be able to make this work. Mr. Lovell noted that there were 33 teams last year and assumed

they would have the same this year. He explained that the players go out after with the family and fans and spend money in the City.

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Council Responses to Public Comments

Councilperson Canale noted that Mr. Jamil had approached Council a lot and he never realized how much traffic softball drew so he looked forward to talking with Mr. Jamil. He wants to take a more serious look at what we can do to bring softball back to Batavia which, he thought, may help with the professional side of baseball as well. Councilperson Briggs asked what the status was on the tax district. Mr. Van Nest noted that there were other steps that had to be taken first so the City hasn't moved forward yet on it. Mr. Worth wanted to get the budgetary estimate first and then they could make a better decision from there. Council President Jankowski noted that Mr. Worth provided Council with field costs and they could be discussed at the budget meeting tomorrow.

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Unfinished Business

Councilperson Bialkowski asked if it was the City's policy that any mail that comes in is opened and thus Council mail is not confidential. He wanted a policy that Council mail not be opened as it may be a complaint about someone and now they would know about it. Mr. Worth noted that the clerical staff opens mail because they can't always tell from the outside where it should go and so it wouldn't always go to the right place. He explained that some mail is time sensitive and thus is opened to ensure timely responses. He noted that typically all mail addressed to Council goes right into their packet. No one else had a problem if their mail was opened. Council President Jankowski instructed Mr. Worth to let staff know not to open Councilperson Bialkowski's mail and if it ended up being a time sensitive matter then that would be on Councilperson Bialkowski.

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#7-2018

A RESOLUTION INTRODUCING 2018-2019 BUDGET ORDINANCE AND SCHEDULING A PUBLIC HEARING

Motion of Councilperson McGinnis

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2018-2019 fiscal year on January 12, 2018 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, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 26, 2018 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2018-2019 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 26, 2018; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

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

ORDINANCE #001-2018

AN ORDINANCE ADOPTING THE 2018-2019 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2018-2019 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2018-2019, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 12, 2018, setting forth the estimates of revenues and expenditures for the fiscal year 2018-2019, including all wage adjustments and salary schedules for all employees covered under collective bargaining agreements, and non-union, part-time and seasonal employees, 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 2018-2019.

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 2018-2019 is \$5,249,947.

SECTION 3. The sum of \$5,249,947 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 2018-2019, 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 2018-2019.

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, 2018.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 143,000.00
City Council	\$ 48,730.00
City Manager	\$ 166,290.00
Finance	\$ 112,405.00
Administrative Services	\$ 342,035.00
Clerk/Treasurer	\$ 141,780.00
City Assessment	\$ 142,750.00
Legal Services	\$ 220,819.00
Personnel	\$ 140,030.00
Engineering	\$ 32,000.00
Elections	\$ 24,830.00
Public Works Administration	\$ 108,540.00
City Facilities	\$ 398,440.00
Information Systems	\$ 123,300.00
General Fund - Contingency	\$ 125,000.00
Police	\$ 3,778,030.00
Fire	\$ 3,622,490.00
Control of Dogs	\$ 1,430.00
Inspection	\$ 317,270.00
Vital Statistics	\$ 18,920.00
Maintenance Administration	\$ 189,310.00
Street Maintenance	\$ 604,140.00
Public Works Garage	\$ 451,030.00
Snow Removal	\$ 522,010.00

Street Lights & Traffic Signals	\$ 282,300.00
Sidewalk Repairs	\$ 285,720.00
Parking Lots	\$ 126,000.00
Community Development	\$ 20,000.00
Economic Development	\$ 110,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 577,400.00
Summer Recreation	\$ 78,610.00
Youth Services	\$ 185,495.00
Historic Preservation	\$ 5,450.00
Community Celebrations	\$ 15,450.00
Planning & Zoning Boards	\$ 3,100.00
Storm Sewer	\$ 180,950.00
Refuse & Recycling	\$ 64,630.00
Street Cleaning	\$ 114,800.00
Medical Insurance	\$.00
General Fund - Debt Service/Bonds	\$ 466,665.00
General Fund – BAN	\$ 60,750.00
Install Pur Debt - Municipal Lease	\$ 64,843.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 80,117.00
General Fund - Transfer/Other Funds	\$ 2,217,286.00
TOTAL GENERAL FUND	\$ 16,716,395.00

**Water, Wastewater &
Workers Comp Funds**

**PROPOSED
2018/19**

Water Administration	\$ 2,514,240.00
Pump Station & Filtration	\$ 1,234,810.00
Water Distribution	\$ 390,600.00
Water Fund – Medical Insurance	\$.00
Water Fund Contingency	\$ 15,000.00
Water Fund - Debt Service/Bonds	\$ 94,112.00
Install Pur Debt – Municipal Lease	\$ 4,031.00
Water Fund– Debt Srvc-Energy Lease	\$ 19,118.00
Water Fund – Transfers for Cap Proj	\$.00
Water Fund - Transfer to Other Funds	\$ 430,100.00
Water Fund - Reserve	\$ 99,568.00
Water Fund – Debt Service - BAN	\$.00
TOTAL WATER	\$ 4,801,579.00

TOTAL WASTEWATER	\$ 2,635,601.00
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TOTAL WORKER'S COMP	\$ 270,230.00
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CITY CENTRE & HEALTH INSURANCE FUNDS

TOTAL ALL FUNDS **\$ 26,982,985**

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#8-2018

A RESOLUTION INTRODUCING A LOCAL LAW AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Motion of Councilperson Canale

BE IT RESOLVED, that Local Law No. 1 of the Year 2018 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2018 CITY OF BATAVIA 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 introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 26, 2018; and

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

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

Discussion - Councilperson Bialkowski asked why we are raising the rates. Mr. Worth explained that the rate increases are in accordance with the rate schedule established about three years ago that goes along with the capital plan. Councilperson Bialkowski stated that it wasn't good for the people and he couldn't support it.

**LOCAL LAW NO. 1 OF THE YEAR 2018
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

~~\$5.12~~ [\$5.30] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$6.57~~ [\$6.80] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$6.86~~ [\$7.10] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2017 as billed on and after June 1, 2017~~ [April 1, 2018 as billed on and after June 1, 2018].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$9.98 [\$10.33]
Disc	3/4	\$12.52 [\$13.07]
Disc	1	\$13.30 [\$13.77]
Disc	1 ½	\$22.61 [\$23.40]
Disc	2	\$31.39 [\$32.49]
Compound	2	\$26.59 [\$27.52]
Compound	3	\$101.13 [\$104.67]
Compound	4	\$160.96 [\$166.60]
Compound	6	\$243.15 [\$251.66]
Turbo	3	\$59.84 [\$61.93]
Turbo	4	\$101.13 [\$104.67]
Fireline	4	\$101.13 [\$104.67]
Fireline	6	\$160.96 [\$166.60]
Fireline	8	\$224.38 [\$232.24]
Fireline	10	\$293.01 [\$303.27]

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	\$5.45 [\$5.99]
Disc	¾	\$6.90 [\$7.59]

Disc	1	\$7.26 [\$7.99]
Disc	1 ½	\$12.34 [\$13.58]
Disc	2	\$17.13 [\$18.85]
Compound	2	\$14.52 [\$15.97]
Compound	3	\$55.21 [\$60.73]
Compound	4	\$87.88 [\$96.67]
Compound	6	\$132.77 [\$146.04]
Turbo	3	\$32.67 [\$35.94]
Turbo	4	\$55.21 [\$60.73]
Fireline	4	\$55.21 [\$60.73]
Fireline	6	\$87.88 [\$96.67]
Fireline	8	\$122.51 [\$134.76]
Fireline	10	\$159.99 [\$175.99]

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

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#9-2018

A RESOLUTION TO SCHEDULE A PUBLIC HEARING AND INTRODUCE A PROPOSED LOCAL LAW NO. 2 OF YEAR 2018 TO AMEND §66, CITY OWNED PROPERTY, OF THE BATAVIA MUNICIPAL CODE

Motion of Councilperson Tabelski

BE IT RESOLVED, that Local Law No. 2 of the Year 2018 entitled “**LOCAL LAW NO. 2 OF THE YEAR 2018 CITY OF BATAVIA AMENDING THE LOCAL LAW §66, CITY OWNED PROPERTY, OF THE BATAVIA MUNICIPAL CODE**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council held a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 26, 2018; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

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

**LOCAL LAW NO. 2 THE YEAR OF 2018
CITY OF BATAVIA**

TO AMEND §66, CITY OWNED PROPERTY, OF THE BATAVIA MUNICIPAL CODE

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

Section 1. Chapter 66. City-Owned Property

Article IV. City Centre Concourse User Fee

§ 66-16. General provisions.

- A. Title. This chapter shall be known as the City of Batavia "City Centre Concourse User Fee."
- B. Scope. This chapter establishes rules for the issuance and collection of the City Centre Concourse User Fee for purposes of the operation, maintenance, management and capital improvements of the City Centre Concourse.
- C. Purpose. It is the purpose of this chapter to provide the basis for the collection of the City Centre Concourse User Fee.
- D. Applicability. This chapter shall be applicable to all property owners whose property is physically adjacent to or abuts the City Centre Concourse, is part of the City Centre or is an adjoining hallway that provides access from parcels to the exterior of the City Centre. This shall include all property owners regardless of direct access to the City Centre Concourse, as this may change periodically due to alterations of individual properties. Parcel SBL No. 84.049-1-69 is not included as a parcel subject to this chapter.
- E. Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

CITY

The City of Batavia, a municipal corporation incorporated in 1915 pursuant to the laws of the State of New York.

CITY CENTRE CONCOURSE

Referred to as "Concourse" shall be the enclosed pedestrian structure constructed as part of the Jefferson Plaza Urban Renewal Project connecting individual parcels. This is to include the exterior loading dock and access hallway connecting the loading dock to the concourse.

CITY CENTRE CONCOURSE USER FEE

Referred to as “User Fee”, the fees charged to properties that are physically adjacent to or abutting the Concourse for purposes of the operation, maintenance, management and capital improvements of the Concourse.

PROPERTY OWNER

The owner of premises that is physically adjacent to or abutting the Concourse.

PARCEL

An address or location physically adjacent to or abutting the Concourse.

SINGLE PARCEL OWNER

At the effective date of this legislation, any Property Owner of a single Parcel that exceeds 11,500 contiguous square feet physically adjacent to or abutting the Concourse.

§ 66-17. City Centre Concourse User Fee.

- A. The user fee for the operation, maintenance, management and capital improvement of the Concourse shall be reviewed and proposed annually by the Director of Finance in order to determine whether there are sufficient funds to defray the fixed charges, amortization costs and annual costs of the Concourse. If the difference between the revenue derived from the user fee and the total annual costs is sufficient to justify an increase or decrease in the fees, the City shall make the appropriate change which shall be confirmed by resolution of the City Council and maintained on file in the office of the City Clerk.
- B. All revenues derived from the user fee shall be kept in a separate fund to be known as the Concourse Fund. No expenditures chargeable against the Concourse Fund shall be incurred except upon appropriation of the City Council and such expenditures must be for a purpose for which such Concourse Fund has been established.
- C. The amount of the user fee on each parcel will be apportioned annually and shall be billed separately from the parcel’s tax bill. The user fee shall be due and payable as follows: one-half the total user fee on the first day of May and the balance of the user fee, without payment of interest, on the first day of August of each year. Such user fee shall become delinquent 30 days after the due dates.
- D. Unpaid user fees shall be the personal liability of the owner of the property and charges remaining unpaid 30 days after the May and August user fee bills shall become a lien upon the property and be included in the following tax assessment.
- E. Each user fee bill shall include half of the annual user fee. A late charge shall be added to the entire amount of each bill, to include all delinquent amounts and late charges from the previous period that are not paid by the due date. This will be referred to as balance forward billing. The amount of the late payment charge shall be equal to 5% of the delinquent balance for

charges which are billed twice a year and monthly plus a 1% late payment charge for every month thereafter. In addition, a \$20 processing fee shall be added to the total delinquent balance when the delinquent balance becomes a lien.

- F. User fees remaining unpaid 30 days after the May and August user fee bills shall be immediately credited to the City Centre Fund by the General Fund. The General Fund shall then assume all liability of unpaid user fees. All charges, penalties and interest collected in accordance with this section shall be paid to the General Fund.
- G. In the event the effective date of this law is after April 1, 2018, the user fee to be assessed hereunder will be pro-rated from such effective date through March 31, 2019.

§ 66-18. User Fee.

- A. The amount of user fee to be paid by each parcel owner shall be determined by dividing the total fixed charges, amortization costs and annual costs of the operation of managing the Concourse by the total square footage of all parcels as identified by the City Assessor, multiplied by the square footage of the parcel.
- B. Single Parcel Owners, as defined in § 66-16 of this chapter, shall be assessed the set user fee against square footage, however the multiplier for the assessment shall be 11,500 square feet for such single Parcels.
- C. Annual user fee schedule:
 - (1) \$2.00 per square foot effective April 1, 2018 – March 31, 2019
 - (2) \$2.00 per square foot effective April 1, 2019 – March 31, 2020
 - (3) \$2.00 per square foot effective April 1, 2020 – March 31, 2021
 - (4) \$2.04 per square foot effective April 1, 2021 – March 31, 2022
 - (5) \$2.06 per square foot effective April 1, 2022 – March 31, 2023
- D. Starting fiscal year April 1, 2022, in accordance with § 66-17 of this chapter, the user fee shall be determined by the revenue needed from the user fee to support the total annual costs of the operation, maintenance, management and improvement of the Concourse.

§ 66-19. Miscellaneous provisions.

- A. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

§ 66-20. Effective Date.

A. This chapter shall be effective April 1, 2018.

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#10-2018

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING AND INTRODUCE
PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2018 ENTITLED “AMENDING THE
BUSINESS IMPROVEMENT DISTRICT PLAN”**

Motion of Councilperson Pacino

BE IT RESOLVED, that proposed Local Law No. 3 of the year 2018 entitled “LOCAL LAW NO.3 OF THE YEAR 2018 AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law at City Hall, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 26, 2018; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least ten (10) days prior thereto.

Seconded by Councilperson Mc Ginnis and on roll call approved 8-0.

**LOCAL LAW NO. 3 OF THE YEAR 2018
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 January 12, 2018.

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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#11-2018

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
ROMAN CONSTRUCTION DEVELOPMENT CORP. FOR THE HEALTHY SCHOOLS
CORRIDOR PROJECT PIN 4755.93**

Motion of Councilperson McGinnis

WHEREAS, a Project for the Reconstruction of Sidewalks for Liberty Street from East Main Street (Route 5) to Cherry Street, Tracy Ave from Washington Avenue to North Street and Washington Avenue from Ross Street to Bank Street, City of Batavia, Genesee County, P.I.N. 4755.93 (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 75% Federal funds and 25% non-federal funds; and

WHEREAS, the City of Batavia has previously agreed to advance the Project by administering the work; and

WHEREAS, a competitive bid was made by Roman Construction Development Corp., (7279 Lakeview Court, Pendleton, NY 14120) for the value of \$721,566.00 to construct the project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Roman Construction Development Corp. for the Healthy School Corridor Project.

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

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#12-2018

**A RESOLUTION TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENT FOR THE SALE OF THE
PROPERTY AUCTIONED ON AUGUST 24, 2017**

Motion of Councilperson Viele

WHEREAS, the City foreclosed on 46 Swan St for non-payment of property taxes; and

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

WHEREAS, a Public Real Estate Auction was held at Bontrager's Auction Center on August 24, 2017 at 6:00 p.m.; and

WHEREAS, the highest bidder withdrew their bid at the time of scheduled closing and the property was offered to the back bidder, Richard Borrell, for \$1,400:

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to Richard Borrell for 46 Swan St, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

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

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#13-2018

**A RESOLUTION RENEWING THE OCCUPANCY AGREEMENT WITH GENESEE
COUNTY FOR THE GENESEE COUNTY COURTS FACILITY**

Motion of Councilperson Bialkowski

WHEREAS, in 1996 the City of Batavia and Genesee County entered into an agreement for a joint occupancy of the Genesee County Courts Facility for twenty years, with an option to renew the contract for six (6) 10-year periods, and

WHEREAS, the City made notification to the Genesee County to extend the agreement for the first ten-year period, which would continue the agreement through June 24, 2026, under the same terms and conditions as the original Agreement, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council hereby authorizes the City Council President to execute a renewal with Genesee County for the joint occupancy of the Genesee County Facility for the period of June 24, 2016 through June 24, 2026.

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

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#14-2018

**A RESOLUTION TO AUTHORIZE THE USE OF \$17,400 OF COMMITTED FUND
BALANCE TO HABITAT FOR HUMANITIES OF GENESEE COUNTY FOR THE
DEVELOPMENT OF ARCHITECTURAL DESIGN RELATED TO THE
CONSTRUCTION OF A FLOOD COMPLIANT SINGLE-FAMILY HOUSE IN THE
CITY OF BATAVIA**

Motion of Councilperson Tabelski

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

WHEREAS, on or about February 17, 2016 the City of Batavia, discontinued the public use of said property and to conveyed 116 Swan Street to the Batavia Housing Authority, for transfer to the Habitat for Humanities of Genesee County ("Habitat") for redevelopment; and

WHEREAS, after thorough review by Habitat the property would require extensive investment to not only to make the structure flood complaint but also repair structural defects; and

WHEREAS, after additional consideration Habitat would like to demolish the existing structure and build the first completely flood compliant home in the City of the Batavia, and create a model for future flood compliant new home construction in the City of Batavia; and

WHEREAS, the total cost of the project is \$104,000, of which it is estimated that the engineering and architecture to design a flood compliant home would cost \$17,395; and

WHEREAS, Habitat is requesting a grant from the City to cover the engineering and architecture design costs; and

WHEREAS, flood plain development has been and continues to be a priority of City Council, and is outlined as a top priority in the City's adopted Comprehensive Plan; and

NOW THEREFORE BE IT RESOLVED, this project fits nicely into achieving the City's future goals and objectives in encourage development and growth in the City's 100-year flood plain and this project provides a model for future construction projects; and

BE IT FURTHER RESOLVED, that the City Council is desirous of supporting the project by Habitat to encourage more flood complaint home construction and approves the use of \$17,400 of Committed Fund Balance restricted for community development purposes for the engineering and architecture costs of the project; and

BE IT FURTHER RESOLVED, that \$8,700 is to be distributed when a building permit is issued by the City for the project and the remaining \$8,700 is to be distributed when the structure is built and a Certificate of Occupancy is issued by the City.

Seconded by Councilperson McGinnis and on roll call approved 8-0, as amended.

Discussion – Councilperson Bialkowski felt that the City should own the rights once the flood compliant design is complete so it's public domain. Councilperson Viele agreed. Councilperson Bialkowski made a motion to amend the resolution so that funding in contingent on Habitat providing the flood compliant engineering and design to the City. The motion was seconded by Councilperson Canale and on roll call, approved 8-0.

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#15-2018

**A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO SIGN
LEASE AGREEMENT WITH BATAVIA PLAYERS, INC.**

Motion of Councilperson Pacino

WHEREAS, the City of Batavia and Batavia Players, Inc. are desirous of entering into a Lease Agreement regarding operation of a Performance Arts and Fine Arts Education Center at parcel 2, 35 and 39 Batavia City Centre, Batavia, New York; and

WHEREAS, the Interim City Manager has negotiated an acceptable lease with Batavia Players, Inc.; and

WHEREAS, the City attorney has reviewed and approved the lease agreement and agrees this may continue for approval; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized to execute a lease agreement with Batavia Players, Inc. at 2, 35 and 39 Batavia City Centre, which has been reviewed and is satisfactory to the City Attorney's office. Upon successful notice of award from the Downtown Revitalization Initiative.

Seconded by Councilperson Viele and on roll call approved 7-1. Councilperson Bialkowski voted no.

Discussion – Councilperson Bialkowski pointed out that the fee schedule wasn't correct for the second six months, nowhere did the agreement address utilities, and the map didn't include parcel 16. He felt that the property should be put on the market instead of leased. Council President Jankowski noted that the ink wasn't dry on the mall agreement so the City isn't prepared to sell a property in the mall until the mall situation is complete. Mr. Worth noted that parcel 16 is now part of parcel 35 so the original map provided had been amended. Councilperson Canale asked if Batavia Players was leasing property, would they be responsible for maintenance. Mr. Worth noted they would be responsible for non-structural issues and as a tenant, would be responsible for utilities. Council President noted that the benefit of the lease was that it brings hundreds of people downtown.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof..."; and

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..."; and

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 8-0.

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Meeting adjourned at 7:50 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**