

# **CITY OF BATAVIA BUSINESS MINUTES FEBRUARY 10, 2014**

The regular business meeting of the City Council was held Monday, February 10, 2014 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Hawley presiding.

Present were Council President Hawley and Councilpersons Pacino, Briggs, Cipollone, Canale, Doeringer, Deleo, Jankowski, and Christian.

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

The minutes from the January meetings and December 2013 draft monthly financial statements were approved.

The Council President assigned the regular agenda items.

\* \* \*

## **Communications**

The GLOW Corporate Cup Committee requested to hold the 2<sup>nd</sup> annual GLOW Corporate Cup 5K event on Thursday, August 7, 2014 in Centennial Park. The event is a 5K run of corporate teams to raise money for GLOW YMCA. There was a revised cost from the police department of \$660. Council approved.

\* \* \*

## **Council President's Report**

Councilperson Jankowski presented the 2012-2013 Business Owner of the Year Award to Blue Pearl Yoga.

Councilperson Deleo presented the 2012-2013 Home Owner of the Year Award to Jim and Kathy Owen of 2 Redfield Parkway.

Councilperson Canale presented a proclamation to Lester Hill to thank him for his 33 plus years of service to the City of Batavia. Les was a dedicated and committed employee for the Department of Public Works. Les began as a laborer and eventually established the current paving management program. Thank you to Lester Hill.

Council President Hawley announced that the next regular City Council Conference Meeting would be held on Monday, February 24, 2014 at 7:00 PM at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

\* \* \*

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

Mr. Van Nest noted that they continued to work on a variety of matters but there was nothing specific to report at that time.

\* \* \*

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

Mr. Molino noted that there was nothing specific to report and they would discuss more at the next conference meeting about Brownfield issues that may affect the City's efforts regarding cleanup of those properties.

\* \* \*

### **Committee Reports**

Vibrant Batavia gave a presentation to Council. Marty MacDonald thanked Council for letting them present, he showed a timeline of the work they had done and highlighted their accomplishments. He noted that Leanna Dirisio had been hired in the summer of 2013, coffee talks were held, neighborhood surveys were conducted and a Fall Frolic was held in November. He also noted that city residents came together on Facebook and created a Batavia neighborhood watch. Ms. Dirisio spoke about the Holiday Tour of Homes, the attendance at St. Joe's career day, promotion of the centennial celebration, creation of the Vibrant Times publication, social media launch and Shop Around Batavia. Dave Snyder gave a financial update and explained the priorities of the committee for 2014. Councilperson Pacino asked how the average person could donate to Vibrant Batavia. Mary Valle noted that there would be a "big ask" campaign where donations could be made. Councilperson Jankowski noted that the motorcycle rally was looking for someone to chair the event, noted it had been making money, and thought it might be an event Vibrant Batavia would be interested in. He also noted there had been some concern from businesses who were selling discounts similar to the Shop Around cards about competition amongst the businesses. Mrs. Valle stated that she needed a specific example because she was not aware of any other businesses selling the same type of thing. Ms. Dirisio noted that they wanted to continue to work with the groups in the City once the weather got better and to continue to make strides in the community.

\* \* \*

**Public Comments**

John Roach, 116 Grandview Terrace, noted that he had been looking at a website called See Through New York where the public could check salaries and he noted that Ms. Kuzon received a higher salary than the City Manager. He felt there was a discrepancy with how much the City Manager was receiving as well and wondered if the website was wrong. He was curious about the pay rate for the assistant City Manager and asked if positions were being paid from other funds.

\* \* \*

**Council Responses to Public Comments**

Councilperson Doeringer asked why there was money in the water and sewer funds for the City Manager wages. Mr. Molino noted that he worked in those departments and divided his time accordingly. Mr. Molino went on to say that administrative staff salaries are also divided amongst the different funds based on the work they do. He noted that salaries didn't always mean the top wage earners and that the City shows wages based on a fiscal year which is not always consistent with how other websites may report earnings figures.

\* \* \*

**Unfinished Business**

Councilperson Briggs noted that she had received calls that a building on Swan St that had had a fire was attracting rats and wondered if something could be done about it. Mr. Molino responded that the City would look into it.

\* \* \*

**New Business**

**#4-2014  
RESOLUTION INTRODUCING 2014-2015 BUDGET ORDINANCE AND  
SCHEDULING A PUBLIC HEARING**

**Motion of Councilperson Briggs**

**WHEREAS**, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2014-2015 fiscal year on January 13, 2014 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 24, 2014 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 2014-2015 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 24, 2014; 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 Christian and on roll call approved 9-0.**

**ORDINANCE #001-2014**

**AN ORDINANCE ADOPTING THE 2014-2015 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2014-2015 FISCAL YEAR**

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

**SECTION 1.** The proposed Budget for 2014-2015, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 13, 2014, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2014-2015 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 2014-2015.

**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 2014-2015 is \$5,099,981.

**SECTION 3.** The sum of \$5,099,981 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 2014-2015, 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 2014-2015.

**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, 2014.

## **Budget Summaries**

### **General Fund**

General Fund - Capital Reserves	\$	153,599.00
City Council	\$	52,510.00
City Manager	\$	179,330.00
Finance	\$	130,100.00
Administrative Services	\$	316,240.00
Clerk/Treasurer	\$	130,285.00
City Assessment	\$	144,924.00
Legal Services	\$	218,550.00
Personnel	\$	536,140.00
Engineering	\$	32,000.00
Elections	\$	34,735.00
Public Works Administration	\$	110,120.00
City Facilities	\$	290,840.00
Information Systems	\$	139,500.00
General Fund - Contingency	\$	250,000.00
Police	\$	4,049,630.00
Fire	\$	3,819,754.00
Control of Dogs	\$	1,330.00
Inspection	\$	362,070.00
Vital Statistics	\$	18,870.00
Maintenance Administration	\$	199,780.00
Street Maintenance	\$	629,255.00
Public Works Garage	\$	533,060.00
Snow Removal	\$	834,767.00
Street Lights & Traffic Signals	\$	284,500.00
Sidewalk Repairs	\$	113,000.00
Parking Lots	\$	32,990.00
Community Development	\$	20,000.00
Economic Development	\$	11,000.00
Council on Arts	\$	2,250.00

Parks	\$ 743,875.00
Summer Recreation	\$ 64,590.00
Youth Services	\$ 166,275.00
Historic Preservation	\$ 2,395.00
Community Celebrations	\$ 13,460.00
Planning & Zoning Boards	\$ 3,200.00
Storm Sewer	\$ 245,380.00
Refuse & Recycling	\$ 75,150.00
Street Cleaning	\$ 144,990.00
Medical Insurance	\$ 7,190.00
General Fund - Debt Service/Bonds	\$ 528,151.00
General Fund – BAN	\$ 16,500.00
Install Pur Debt - Municipal Lease	\$ 7,258.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 71,101.00
Gen. Fund – Other Gov’t Debt	\$ 93,604.00
General Fund - Transfer/Other Funds	\$ 378,940.00
<b>TOTAL</b>	<b>\$ 16,193,188.00</b>

**Water, Wastewater & Workers Comp Funds**

**PROPOSED  
2014/15**

Water Administration	\$ 2,363,720.00
Pump Station & Filtration	\$ 1,308,780.00
Water Distribution	\$ 476,910.00
Water Fund – Medical Insurance	\$ 780.00
Water Fund Contingency	\$ 31,700.00
Water Fund - Debt Service/Bonds	\$ 28,013.00
Install Pur Debt – Municipal Lease	\$ 4,033.00
Water Fund– Debt Srvc-Energy Lease	\$ 16,968.00
Water Fund – Transfers for Cap Proj	\$ 77,278.00
Water Fund - Transfer to Other Funds	\$ 301,460.00
Water Fund - Capital Reserve	\$ 58,300.00
<b>TOTAL</b>	<b>\$ 4,667,942.00</b>

Wastewater Administration	\$ 346,510.00
Sanitary Sewers	\$ 604,180.00
Wastewater Treatment	\$ 866,600.00
WW Fund Contingency	\$ 28,636.00

WW Fund – Medical Insurance	\$	440.00
WW Fund - Debt Service/Bonds	\$	158,146.00
WW Fund – Debt Service/BAN	\$	3,850.00
WW Fund - Debt Srvc-Energy Lease	\$	7,039.00
Install Pur Debt – Municipal Lease	\$	29,029.00
WW Fund – Transfer to Other Funds	\$	37,430.00
WW Fund – Transfer/Capital Fund	\$	500,000.00
WW Fund - Capital Reserve	\$	120,500.00

---

TOTAL	\$	2,702,360.00
-------	----	--------------

---

Workers' Compensation	\$	540,400.00
-----------------------	----	------------

---

TOTAL	\$	540,400.00
-------	----	------------

---



---

TOTAL	\$	24,103,890.00
-------	----	---------------

---

\* \* \*

**#5-2014**

**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 Cipollone**

**BE IT RESOLVED**, that Local Law No. 1 of the Year 2014 entitled “**LOCAL LAW NO. OF THE YEAR 2014 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 24, 2014; 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 Briggs and on roll call approved 9-0.

**LOCAL LAW NO. 1 OF THE YEAR 2014  
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**

~~First 300,000 gallons \$4.53 per 1,000 gallons~~  
~~Over 300,000 gallons \$3.77 per 1,000 gallons~~

[First 300,000 gallons \$4.62 per 1,000 gallons  
Over 300,000 gallons \$3.85 per 1,000 gallons]

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

~~First 300,000 gallons \$5.81 per 1,000 gallons~~  
~~Over 300,000 gallons \$4.80 per 1,000 gallons~~

[First 300,000 gallons \$5.93 per 1,000 gallons  
Over 300,000 gallons \$4.90 per 1,000 gallons]

B. Bulk rate at water plant fill station: ~~\$6.06~~ [\$6.18] per 1,000 gallons; cards: \$12.50 each.

**Section 3. Effective Date**

The foregoing amendment shall become effective with the water consumed ~~April 1, 2013~~  
~~as billed on and after June 1, 2013~~ [April 1, 2014 as billed on and after June 1, 2014].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	<del>\$8.82</del> [9.00]
Disc	3/4	<del>\$11.17</del> [11.39]



Disc	1	<del>\$11.76</del> [12.00]
Disc	1 ½	<del>\$19.99</del> [20.39]
Disc	2	<del>\$27.75</del> [28.31]
Compound	2	<del>\$23.51</del> [23.98]
Compound	3	<del>\$89.42</del> [91.21]
Compound	4	<del>\$142.33</del> [145.18]
Compound	6	<del>\$215.01</del> [219.31]
Turbo	3	<del>\$52.91</del> [53.97]
Turbo	4	<del>\$89.42</del> [91.21]
Fireline	4	<del>\$89.42</del> [91.21]
Fireline	6	<del>\$142.33</del> [145.18]
Fireline	8	<del>\$198.41</del> [202.38]
Fireline	10	<del>\$259.10</del> [264.28]

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>\$2.50</del> [3.00]
Disc	¾	<del>\$3.17</del> [3.80]
Disc	1	<del>\$3.33</del> [4.00]
Disc	1 ½	<del>\$5.67</del> [6.80]
Disc	2	<del>\$7.87</del> [9.44]
Compound	2	<del>\$6.67</del> [8.00]
Compound	3	<del>\$25.35</del> [30.42]
Compound	4	<del>\$40.35</del> [48.42]
Compound	6	<del>\$60.96</del> [73.15]
Turbo	3	<del>\$15.00</del> [18.00]
Turbo	4	<del>\$25.35</del> [30.42]
Fireline	4	<del>\$25.35</del> [30.42]
Fireline	6	<del>\$40.35</del> [48.42]
Fireline	8	<del>\$56.25</del> [67.50]
Fireline	10	<del>\$73.46</del> [88.15]

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

\* \* \*

**#6-2014**  
**RESOLUTION AUTHORIZING THE CLERK-TREASURER TO INCLUDE**  
**FORECLOSED PROPERTY IN A PUBLIC SALE**

**Motion of Councilperson Christian**

**WHEREAS**, the City foreclosed on 141 Liberty St, 5-7 Buell St, 6 Madison Ave, 3 Manhattan Ave, 101 River St, and 11 South Spruce St; and

**WHEREAS**, the City recorded the foreclosure deed conveying title to such properties on January 23, 2014;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that it authorizes the Clerk-Treasurer to include the aforementioned properties in a public sale.

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

Mr. Molino noted that Habitat For Humanity may be interested in a couple of the properties and if they were they would be pulled from the auction listing.

\* \* \*

**#7-2014**

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Canale**

**WHEREAS**, General Municipal Law requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 24, 2003; and

**WHEREAS**, the Office of the New York State Comptroller completed an audit (2013M-296) to determine if the City properly awards contracts for goods and/or services; and

**WHEREAS**, it was recommended by the Office of the New York State Comptroller that the City Council annually review the City's procurement policy and update as needed; and

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

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

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

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

Councilperson Jankowski asked if the manual was in full compliance with NYS law and the charter and that there were no grey areas. Mr. Van Nest noted that he had gone through it, didn't agree with all of the findings of the NYS Comptroller and that it had been reviewed by the Comptroller's Office as well. Mr. Van Nest noted there wouldn't be time to approve every contract as defined by the Comptroller and the manual provided a way to function in a practical fashion.

\* \* \*

**#8-2014**  
**RESOLUTION TO ENTER INTO AN AGREEMENT WITH**  
**INTERACTIVE PROCUREMENT TECHNOLOGIES BY BIDNET**  
**FOR WEB-BASED SOLICITATION AND BIDDING SERVICES**

**Motion of Councilperson Cipollone**

**WHEREAS**, the City of Batavia is in need of web-based solicitation and bidding services; and

**WHEREAS**, Interactive Procurement Technologies by BidNet has developed a web-based solicitation system that provides on-line bidding services; and

**WHEREAS**, this agreement has been reviewed and approved by the City's attorney;

**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 Interactive Procurement Technologies by BidNet for web-based solicitation and bidding services.

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

\* \* \*

**#9-2014**  
**RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT**  
**WITH THE INTERNATIONAL ASSOCIATION of FIRE FIGHTERS (IAFF) LOCAL**  
**896**

**Motion of Councilperson Briggs**

**WHEREAS**, the City of Batavia and the IAFF have had collective bargaining sessions pursuant to the Taylor Law; and

**WHEREAS**, the parties have since been able to negotiate a tentative collective bargaining agreement; and

**WHEREAS**, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

**WHEREAS**, on February 3, 2014 the IAFF secured the necessary votes to ratify the tentative agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

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

\* \* \*

**#10-2014**  
**RESOLUTION TRANSFERRING \$68,551.46 FROM THE CONTINGENCY BUDGET TO**  
**AMEND THE FIRE DEPARTMENT BUDGET**

**Motion of Councilperson Doeringer**

**WHEREAS**, on February 10, 2014 the City Council approved a collective bargaining agreement with the International Association of Fire Fighters (IAFF) Local 896;

**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 to account for the expenditure increase due to the collective bargaining agreement with the Fire Department budget in the General Fund:

Effective February 10, 2014, the following transfers are hereby approved:

Increasing expenditure accounts:

Fire Department	001.3410.0100	\$ 54,156.30
	001.3410.0101	\$ 3,850.00
	001.3410.0102	\$ 3,662.73
	001.3410.0104	\$ 1,925.00
	001.3410.0802	\$ 4,957.43

Decrease expenditure account:

Contingency	001.1990.0500	\$ 68,551.46
-------------	---------------	--------------

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

\* \* \*

**#11-2014**

**RESOLUTION TO REFER A PROPOSED AMENDMENT OF THE ZONING  
MAP OF THE CITY OF BATAVIA TO THE PLANNING AND DEVELOPMENT  
COMMITTEE**

**Motion of Councilperson Pacino**

**WHEREAS**, the City of Batavia has received the attached Petition to amend the zoning map of a portion of the residential parcel in the City of Batavia at 69 Clinton Street, SBL No. 85.009-1-6, from the current zoning of Land Conservation District to R-1 Residential District; and

**WHEREAS**, Section 190-51 of the Batavia Municipal Code provides that the City Council may from time to time make zoning map amendments after review and report by the City's Planning and Development Committee; and

**WHEREAS**, in accordance with Section 190-51 if the Planning and Development Committee fails to file a report within 30 days after referral from City Council, the proposed amendment is deemed approved, and the City Council may proceed in addressing the re-zoning request; and

**BE IT RESOLVED** that the Petition to amend the zoning map related to 69 Clinton Street is referred to the Planning and Development Committee for review, analysis and recommendation; and

**BE IT FURTHER RESOLVED** that the Planning and Development Committee shall report back to the Council on its recommendation regarding the proposed amendment to the zoning district map; and

**BE IT FURTHER RESOLVED** that the Planning and Development Committee shall take necessary steps to review and report back to Council regarding this matter within thirty days of the date of this referral.

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

\* \* \*

**#12-2014**

**RESOLUTION IN OPPOSITION TO EXPANDING CASINO GAMING  
IN WESTERN NEW YORK**

**Motion of Councilperson Deleo**

**WHEREAS**, in September 1973, 11 western New York counties and two cities established

the Western Region Off—Track Betting Corporation, they being the counties of Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Seneca, Steuben, and Wayne, as well as the cities of Rochester and Buffalo as enabled by state law; and

**WHEREAS**, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

**WHEREAS**, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

**WHEREAS**, since those eleven counties voted to form Western Region Off-Track Betting Corporation, an additional four western New York counties (Wyoming, Schuyler, Oswego, and Cayuga) have joined them in the local control of such gaming activities that has since generated over \$215 million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

**WHEREAS**, the Seneca Nation of Indians has recently initiated a process to locate a full Las Vegas-style gaming casino in Monroe County; and

**WHEREAS**, the participating municipalities of Western Region OTB as its shareholders have a *pro-rata* financial interest in the \$69 million of net equity reinvested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

**WHEREAS**, the addition of another casino located in Western New York owned and operated by the Seneca Nation in the area will over saturate the regional gaming marketplace and cause financial distress to Western Region Off Track Betting and to the 17 municipal stakeholders, and

**WHEREAS**, Batavia Downs Gaming and Western Region Off Track Betting Corporation are located in the City of Batavia, and

**WHEREAS**, nearly 460 local, full- and part-time jobs are supported by Batavia Downs Casino, with wages and salaries for employees totaling more than \$5 million annually, and

**WHEREAS**, Batavia Downs Gaming annually generates over \$18 million in economic output for the region, reinvests nearly \$3 million into the local economy with the purchase of goods and services (including construction) from business in the area, and directly and indirectly provides over \$3.5 million in revenues for Genesee County municipalities; and

**WHEREAS**, Batavia Downs Gaming has contributed \$94.5 million to New York State education, having never missed a payment; and

**WHEREAS**, Batavia Downs Gaming has proven to be a successful Public Benefit Corporation to the community; and

**WHEREAS**, an additional casino in Western New York will not only have negative consequences for surrounding communities throughout the region, it would have a devastating effect on hundreds of residents and small business owners in the Batavia area that rely on Batavia Downs Gaming for their livelihood; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Batavia City Council does hereby oppose the location of an additional casino located in Monroe County owned and operated by the Seneca Nation; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to each member of the New York State Legislature representing the City of Batavia, the Governor of New York and members of the Genesee County Legislature; and

**BE IT FURTHER RESOLVED**, that members of the New York State Legislature representing Batavia, the Governor of New York and members of the Genesee County Legislature be urged to join the City Council in the opposition of any new proposed casino in Western New York west of Route 14.

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

Councilperson Christian asked why there was opposition to this. Councilperson Deleo noted that the Seneca Nation was looking to build a casino in Henrietta and that it would greatly hurt the City because of the VLT aid we get from the local casino. He noted that the governor was asking if there was any opposition and thus wanted to voice the City's opposition.

\* \* \*

**Meeting adjourned at 8:30 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**