

**CITY OF BATAVIA
BUSINESS MINUTES
MARCH 10, 2014**

The regular business meeting of the City Council was held Monday, March 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 Briggs led the Lord's Prayer and the Pledge of Allegiance.

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

The Council President assigned the regular agenda items.

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Communications

Resurrection Parish is looking to hold their lawn fete and parade on Friday, June 6, 2014 through Sunday, June 8, 2014. The parade will be on June 7th from Harvester Ave to Summit St and will begin at 6:30pm. Council approved.

Kiwanis Club submitted an application for an Easter egg hunt on Saturday, April 19, 2014 from 8:00am – 12:00pm at Centennial Park. Council approved.

Care-A-Van Ministries submitted an application for cookouts on Thursdays from 5:00 – 8:00pm in Austin Park from May 15, 2014 through September 18, 2014. Once approved, they will reserve the pavilion for each of those dates. Council approved.

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Council President's Report

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

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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.

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City Manager's Report

Mr. Molino noted that there was nothing specific to report at that time.

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Committee Reports

None.

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Public Comments

Russ Romano, 406 Garden Drive, asked Council to read the CAT's report from the Housing Committee that he was on and that was presented to Council in July 2005. He noted that the committee had come up with specific ideas on how to provide safe, clean and revitalized neighborhoods. He pointed out that Council was now finally talking about these ideas 10 years later. He encouraged Council to study, plan and act. He noted that we would be back at another time to talk about the flood plains.

John Roach, 116 Grandview Terrace, noted that he still thought the assistant city manager was a bad idea, no one had made a sound enough case for it, felt hiring a consultant for the FEMA issue would get the project up and running right away and thought it was a waste of time and money. He urged Council to reconsider.

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Council Responses to Public Comments

Councilperson Christian noted that Mr. Roach didn't have the concerns that the constituents had in wards 5 and 6 with the flood insurance. She noted that the south side was financially broke but that the Senate was taking over so she was not going to vote for the assistant city manager any more. Councilperson Doeringer noted that Vibrant Batavia took the czb and CAT's reports into consideration. Councilperson Pacino noted that the CAT's reports were used for the strategic planning sessions, they continued working on those reports and explained that there was a whole list of things that needed to be done. She noted that it

wasn't just the flood insurance that needed attention and that in order to do all the things they wanted to they couldn't keep asking the City Manager to do it all. Councilperson Cipollone noted that there were 22 items in the strategic plan that required oversight by the City Manager's office and thus felt they needed the assistant position. He wondered what Council thought they would be accomplishing by continuing to delay and delay. Councilperson Deleo stated that they were going to make sure things got done, thanked Mr. Romano for speaking, and noted they would look into the CAT's reports so they didn't keep re-inventing the wheel. Councilperson Briggs felt that Council never looked into any other options, they needed to prioritize and thought there were others who could help take care of the issues. Councilperson Jankowski thought that Council should postpone the decision for a year because rushing into things created haste. Mr. Molino noted that the federal regulations hadn't been signed into law yet, there was a misconception that revising the flood maps would relieve homeowners of flood insurance because it may increase the number of homes in the flood plains and the revised regulations didn't eliminate the increase, it just reduced it. Councilperson Christian felt that people would be leaving their homes because they couldn't afford the flood insurance.

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Unfinished Business

None.

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New Business

#13-2014

RESOLUTION TO ADOPT THE 2014-2015 BUDGET ORDINANCE

Motion of Councilperson Christian

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, said proposed budget has been made public and available for public inspection since January 13, 2014 and a public hearing was held on February 24, 2014; and

WHEREAS, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$24,049,650, including the General Fund at \$16,138,948; and

WHEREAS, said proposed budget includes revenues to be raised through the property tax levy of \$5,045,741; 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 2014-2015 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

Seconded by Councilperson Doeringer and on roll call approved 5-4. Councilpersons Deleo, Jankowski, Briggs and Christian voted no.

Discussion - Councilperson Christian wanted to change her vote on the assistant city manager position and felt that Mr. Molino did a great job with the budget. Councilperson Jankowski made a motion to remove the assistant city manager position from the budget which was seconded by Councilperson Christian. Mr. Van Nest advised against making substantial changes and noted that a significantly amended budget couldn't be voted on without going through another meeting to introduce the budget, hold a public hearing, and then another meeting to vote on adoption. He instead suggested tabling the resolution. Councilperson Christian withdrew her second of the motion to remove the assistant city manager position. Councilperson Jankowski made a motion to table to reschedule a meeting to make further amendments. The motion was seconded by Councilperson Christian. Councilperson Briggs asked if anyone thought that by tabling the vote anyone would change their mind and felt the budget should just be voted on. Councilperson Jankowski apologized for the late delay but he had received a lot of concern from the public about the issue. Councilperson Christian noted that she didn't have any of the information she had offered until Friday. Mr. Molino asked Council what additional information they needed to make a qualified decision. Councilperson Christian stated that now that the federal government had stepped in, she wanted to leave it up to them to deal with the flood issue. Councilperson Jankowski didn't think all of the information would be available in a week and that was why they wanted to delay voting on the assistant city manager position for at least a year. He noted that the City had been without one for years and things had been getting done. Mr. Molino reminded Council that they did go through the strategic planning process in the past to set out priorities. Councilperson Briggs didn't think there was going to be enough time for all of the meetings. Councilperson Deleo said if you don't like the budget, vote no. On roll call the motion failed 4-5. Councilpersons Jankowski, Hawley, Canale and Christian voted in favor of tabling.

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 \$5,045,741.

SECTION 3. The sum of \$5,045,741 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	\$	126,500.00
General Fund - Contingency	\$	250,000.00
Police	\$	4,034,630.00
Fire	\$	3,804,514.00
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
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
TOTAL	\$ 16,138,948.00

**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
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TOTAL	\$	4,667,942.00
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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
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TOTAL	\$	2,702,360.00
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Workers' Compensation	\$	540,400.00
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TOTAL	\$	540,400.00
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TOTAL	\$	24,049,650.00
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#14-2014
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2014 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 Cipollone

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 24, 2014 before this Council, pursuant to public notice duly published in *The Daily News*.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 1 of 2014 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 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	\$8.82 [9.00]
Disc	3/4	\$11.17 [11.39]
Disc	1	\$11.76 [12.00]
Disc	1 1/2	\$19.99 [20.39]
Disc	2	\$27.75 [28.31]
Compound	2	\$23.51 [23.98]
Compound	3	\$89.42 [91.21]
Compound	4	\$142.33 [145.18]
Compound	6	\$215.01 [219.31]
Turbo	3	\$52.91 [53.97]
Turbo	4	\$89.42 [91.21]
Fireline	4	\$89.42 [91.21]
Fireline	6	\$142.33 [145.18]
Fireline	8	\$198.41 [202.38]
Fireline	10	\$259.10 [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	\$2.50 [3.00]
Disc	3/4	\$3.17 [3.80]
Disc	1	\$3.33 [4.00]
Disc	1 1/2	\$5.67 [6.80]
Disc	2	\$7.87 [9.44]
Compound	2	\$6.67 [8.00]
Compound	3	\$25.35 [30.42]
Compound	4	\$40.35 [48.42]
Compound	6	\$60.96 [73.15]
Turbo	3	\$15.00 [18.00]
Turbo	4	\$25.35 [30.42]
Fireline	4	\$25.35 [30.42]
Fireline	6	\$40.35 [48.42]

Fireline	8	\$ 56.25 [67.50]
Fireline	10	\$73.46 [88.15]

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

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#15-2014
**A RESOLUTION TO RECLASSIFY A CLERK TYPIST
POSITION TO A HUMAN RESOURCE CLERK**

Motion of Councilperson Briggs

WHEREAS, the proposed budget for fiscal year 2014-2015 recommended the reclassification of a position; and

WHEREAS, currently the employee responsible for duties contained with the Clerk Typist position, within the Human Resource Office, is officially classified as a Clerk Typist; and

WHEREAS, current job responsibilities fall outside that job title and fall within the job responsibilities of a Human Resource Clerk;

WHEREAS, it is necessary to change the Civil Service Classification of that position and reclassify the job title to Human Resource Clerk to more accurately represent the actual job duties being performed; and

WHEREAS, to enable the necessary change, City Council must approve the reclassification of the Clerk Typist position to a Human Resource Clerk; and

WHEREAS, the Human Resource Clerk will be placed in pay grade C-IV (salary range \$31,904 - \$38,684) of the non-union salary schedule.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that said position be reclassified.

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

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#16-2014
**A RESOLUTION AUTHORIZING THE ELIMINATION AND CREATION OF
VARIOUS POSITIONS**

Motion of Councilperson Doeringer

WHEREAS, the proposed budget for fiscal year 2014-2015 recommended the elimination and creation of certain positions; and

WHEREAS, the positions of part-time Code Enforcement Officer and part-time Parking/Recycling Enforcement Officer were proposed to be replaced with a full-time Parking/Recycling Enforcement Officer position; and

WHEREAS, upon adoption of the budget, it will be necessary to eliminate the positions of part-time Code Enforcement Officer and part-time Parking/Recycling Enforcement Officer and to create the full-time position of Parking/Recycling Enforcement Officer according to Civil Service procedure;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia authorizes the eliminations and creation of said positions.

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

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#17-2014

**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS
FOR NON-UNION, PART-TIME, AND SEASONAL CITY EMPLOYEES**

Motion of Councilperson Briggs

WHEREAS, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union, part-time, and seasonal employees.

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

1. 2.5% salary increase effective April 1, 2014

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

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#18-2014

**A RESOLUTION TRANSFERING \$190,000 OF VIDEO LOTTERY TERMINAL AID
AND \$135,000 FROM UNASSIGNED FUND BALANCE TO COMMITTEED FUND
BALANCE FOR THE PURPOSE OF MULTI-MODAL IMPROVEMENTS FOR
SUMMIT STREET**

Motion of Councilperson Deleo

WHEREAS, the City of Batavia Public Works Department first identified the need for a project in a 2007 application to the Genesee Transportation Council (GTC) for funding and inclusion on the GTC's Transportation Improvement Program citing deteriorated pavement conditions due to utility cuts, traffic loading and poor drainage and substandard sidewalk accommodations and a lack of handicapped accessible sidewalk ramps for pedestrians and bicyclists; and

WHEREAS, the application was accepted and the project was included in the GTC's 2007-2012 Transportation Improvement Program (TIP). In November 2008, an Initial Project Proposal (IPP) was completed to identify the needs for the corridor and document the cost of potential pavement condition. The IPP was approved by the NYSDOT Regional Director on April 21, 2009; and

WHEREAS, the Summit Street Reconstruction Project is on GTC's *2011-2014 Transportation Improvement Program (TIP)*, #H07-37-GN2; and

WHEREAS, on September 12, 2011 City Council passed resolution #52-2011, authorizing Erdman Anthony to begin the preliminary design for the Summit Street Reconstruction Project; and

WHEREAS, on or about December 8, 2011 the City was notified by GTC that construction funding for the project had been deferred until the 2015 program year; and

WHEREAS, on December 4, 2013 the City was notified by GTC that the Summit Street Reconstruction Project construction funds were not reinstated along with similar projects in other communities throughout the region; and

WHEREAS, the Pavement Condition Index (PCI) is part of the City's Roadway Surface Management System (RSMS) used for evaluating and assessing streets and roads throughout the City and the current PCI for Summit Street is 63.59; and

WHEREAS, it is recommended that a mill and overlay of Summit Street from North Street to East Main Street is necessary to ensure safe passage of emergency, commercial and passenger vehicles until such time the City of Batavia can reapply for reconstruction funds; and

WHEREAS, this project will provide a temporary resurfacing and maintenance of the street in its current condition, however a complete reconstruction is still very needed to ensure long term preservation of the street; and

WHEREAS, Summit Street is an urban collector in the City that provides primary and direct access to United Memorial Medical Center Campus, the only hospital in Genesee County; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia is desirous of transferring \$190,000 of Video Lottery Terminal (VLT) aid received in 2013 and \$135,000 from Unassigned fund balance to Committed fund balance for multi-modal improvements to Summit Street; and

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be and hereby authorized to make the necessary budget transfers in the 2014-2015 budget for said improvements; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City of Batavia will reapply for Summit Street reconstruction funding at the next opportunity so as to ensure the street can be preserved long term; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the transfer of funds to Committed fund balance to complete the resurfacing of Summit Street is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Financial Health and Neighborhood Revitalization strategic priorities.

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

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**#19-2014
RESOLUTION TO ESTABLISH A CAPITAL PROJECT FOR MULTI-MODAL
IMPROVEMENTS TO SUMMIT STREET AND OTIS STREET AND SOUTH
JACKSON STREET**

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia has committed fund balance for the purpose of multi-modal improvements for Summit Street and Otis Street and South Jackson Street; and

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be and hereby authorized to make the necessary budget transfers in the 2014-2015 budget for said improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the following capital project be established as follows:

<u>PROJECT</u>		<u>AMOUNT</u> <u>FUNDING SOURCE</u>
.1304 – Summit Street – Multi-modal Improvements	\$325,000.00	General Fund – Committed Fund Balance
.1402 – Otis Street & South Jackson Street – Multi-modal Improvements	\$150,000.00	General Fund – Committed Fund Balance

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

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#20-2014

RESOLUTION TO AUTHORIZE \$35,000 OF THE 2013-2014 CONTINGENCY BUDGET TO SUPPORT COMMUNITY DEVELOPMENT EFFORTS

Motion of Councilperson Cipollone

WHEREAS, on February 22, 2012 the City was provided the Community Improvement Plan (hereafter "Plan") which outlined a multitude of neighborhood revitalization strategies, community development initiatives and downtown business objectives that identified ways to reinvest and build the community with limited resources; and

WHEREAS, on March 12, 2012 City Council authorized a citizen group, the Vibrant Batavia Task Force (hereafter "Task Force"), to review the Plan and make final recommendations to the City Council as to what activities should be initiated within the community; and

WHEREAS, on January 28, 2013 the Task Force presented to City Council a review of their findings which identified four specific categories to focus on over the next three years: economic development, marketing, neighborhood spirit and neighborhood restoration; and

WHEREAS, on February 25, 2013 the City Council authorized the transfer of \$45,000 from the 2012/13 Contingency Budget to Committed Fund Balance, and that on April 1, 2013 appropriate the Committed Fund Balance of the aforementioned funding to the Community Development Budget (001.6460.0423) and the Task Force committed to a fundraising/sponsorship goal of \$22,000 for the first year; and

WHEREAS, on February 10, 2014 the Task Force presented to City Council a review of the past years achievements, milestones and budget, demonstrating the progress they have made in marketing, neighborhood initiatives, community outreach and centennial celebration planning; and

WHEREAS, the Task Force has requested a \$45,000 City contribution to continue its neighborhood focus, community celebration planning and community outreach and has committed to a fundraising/sponsorship goal of \$42,000 for the second year ; and

WHEREAS, after reviewing the 2013-2014 City contribution, the City Manager has estimated that \$10,000 of the prior year funding will not be expended by March 31, 2014 and recommends that the City Council make a financial commitment of \$35,000 for 2014-2015, making total funds available to Vibrant Batavia \$45,000 for 2014-2015. It is suggested that the City Council utilize \$35,000 from the 2013-2014 Contingency budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia hereby authorizes the transfer of \$35,000 from the fiscal year 2013/14 Contingency Budget to

Committed Fund Balance, and that on April 1, 2014 appropriate the Committed Fund Balance along with \$10,000 from the current year of the aforementioned funding to the Community Development Budget (001.6460.0423); and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this initiative was identified in the City's proposed Strategic and Business Plan in achieving Key Intended Outcome's identified under the Neighborhood Revitalization and Economic Development and Job Growth strategic priorities.

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

Discussion – Councilperson Deleo understood that there was a 3-year commitment to Vibrant Batavia and suggested they take the lead with the Centennial Celebration. Councilperson Jankowski reminded Council that there were funds going in and out of that committee and felt that getting quarterly statements would be a good way to monitor and ease any concerns about the funds. Councilperson Doeringer noted that it was put in place to have financials and minutes to Council quarterly and he welcomed the cooperation on all levels.

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#21-2014

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

Motion of Councilperson Christian

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 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 Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

Seconded by Councilperson Cipollone 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	Diane Torcello
First Niagara Bank	\$15,000,000	Kevin Dwyer
Bank of America	\$15,000,000	Timothy Clark
JP Morgan Chase	\$15,000,000	Pamela Thompson
Key Bank	\$15,000,000	Phil Ricci
Manufacturers & Traders Trust Company	\$15,000,000	Mike Easton
Five Star Bank	\$15,000,000	Jane Scott
Edward Jones Investments	\$15,000,000	John Baldwin Jr.

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. See Attachment A of this policy for a listing of "eligible securities".
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 depositories, 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

XVII. Attachment(s)

- Attachment A – Schedule of Eligible Securities

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

Date Revised/ Adopted	4/11/11	2/27/12	3/11/13	2/19/14	
Revised by		L Neary	L Neary	L Neary	

Attachment A

Schedule of Eligible Securities

- (i) Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than this state) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank (other

than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.

(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

* * *

#22-2014

RESOLUTION ADOPTING THE 2014-2015 CAPITAL INFRASTRUCTURE PLAN (CIP), EQUIPMENT REPLACEMENT PLAN (ERP) AND PARKING LOT/SPORT SURFACE MANAGEMENT PLAN

Motion of Councilperson Briggs

WHEREAS, the 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 Capital Infrastructure Plan (CIP), Equipment Replacement Plan (ERP) and Parking Lot/Sports Surface Management 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 Council of the City of Batavia was presented on January 13, 2014, with staff recommendations the CIP, ERP and Parking Lot/Sports Surface Management Plan; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia hereby adopts the proposed CIP, ERP and Parking Lot/Sports Surface Management Plan; and

NOW, THEREFORE, BE IT FUTRHER RESOLVED, that the CIP, ERP and Parking Lot/Sports Surface Management Plan are working documents toward improving rational, long-range capital planning and budgeting for the City of Batavia's infrastructure and equipment; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the adoption of the CIP, ERP and Parking Lot/Sports Surface Management Plan are consistent with the City's Strategic Plan.

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

* * *

#23-2014

RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR FISCAL YEAR 2014-2015

Motion of Councilperson Christian

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 April 8, 2013 the City Council adopted the City of Batavia Strategic Plan for fiscal years 2013-2014 and 2014-2015 which contained a Vision Statement, Mission Statement, Guiding Principles, Strategic Priorities and Key Intended Outcomes; and

WHEREAS, on January 13, 2014 the City Council was presented with the proposed City of Batavia Business Plan for fiscal year 2014-2015 which contained ongoing and new initiatives for the upcoming fiscal year; and

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

1. The Strategic Plan includes a Business Plan identifying 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 Canale and on roll call approved 9-0.

* * *

#24-2014

**RESOLUTION TO APPOINT A CITY COUNCIL REPRESENTATIVE TO THE
GENESEE ASSOCIATION OF MUNICIPALITIES (GAM)**

Motion of Councilperson Christian

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 appointment is made:

GAM (Genesee Association of Municipalities)

Councilperson Kris Doeringer

December 31, 2014

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

* * *

#25-2014

RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilperson Deleo

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, fifteen (15) companies submitted bids, and five (5) low bidders were identified for the six (6) 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.

Company Name	Chemical	Bid Amount
Carmeuse Lime & Stone Inc. Pittsburgh, PA	Quicklime	\$ 199.28/Ton
Faesy & Besthoff Stamford, CT	Ferric Sulfate	\$ 710.00/Ton
Slack Chemical Co. Inc. Carthage, NY	Fluosilicic Acid	\$ 859.21/Ton
Linde LLC Murray Hill, NJ	Carbon Dioxide	\$ 175.00/Ton
Thatcher Company of New York, Inc. Salt Lake City, UT	Liquid Alum	\$ 203.00/Ton
Slack Chemical Co. Inc. Carthage, NY	Liquid Phosphate	\$345.00/Drum

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

* * *

#26-2014

RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF BATAVIA AND GENESEE COUNTY FOR USE OF THE PUBLIC SAFETY AND PUBLIC SERVICE RADIO SYSTEM

Motion of Councilperson Jankowski

WHEREAS, Genesee County owns and maintains the Public Safety and Public Service Radio System (“Radio System”) that provides radio communications coverage for areas within the boundaries of the County of Genesee; and

WHEREAS, Genesee County has been designated as the agency responsible for the integrity, operations, development, and maintenance of the Radio System; and

WHEREAS, the City of Batavia desires to utilize the County Radio System for public safety and public service radio communications; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia to hereby authorize the City Council President to sign an Intermunicipal Agreement between the City of Batavia and Genesee County permitting the use of the County of Genesee’s Radio System by the City of Batavia for Public Safety and Public Service Radio Communication.

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

* * *

#27-2014

RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA AND TO SCHEDULE A PUBLIC HEARING

Motion of Councilperson Cipollone

BE IT RESOLVED that a proposed Ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA**” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance 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 Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, March 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 days prior thereto.

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

ORDINANCE #2-2014

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA

SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES FROM A LAND CONSERVATION DISTRICT TO A R-1 DISTRICT

PREMISES BEING MORE RECENTLY DESCRIBED ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York and being part of Lot No. 10, Section 8, Township 1, Range 1 of the Holland Land Company's purchase, bounded and described as follows:

BEGINING at an iron pin on the assumed northerly street line of Clinton Street, said point being the southeast corner of lands now or formerly of Stephen B. Hughes and Lorna M. Hughes by deed recorded in the Genesee County Clerk's Office in Liber 427 of Deeds, page 240, said point also being 84.76 feet westerly from a southwest corner of remaining lands now or formerly of Morris T. Johnson by deed recorded in the Genesee County Clerk's Office in Liber 284 of Deeds, page 421, as measured along the assumed northerly street line of Clinton Street, said point also being 261.58 feet easterly from the southeast corner of lands now or formerly of David B. Johnson and Morris T. Johnson and Marjorie J. Lewis by deed recorded in the Genesee County Clerk's Offices in Liber 470 of Deeds, page 54; thence

- 1) North 11° 17' 36" West and along the easterly line of lands of said Hughes for a distance of approximately 262.18 feet to the southerly line of the City of Batavia Land Conservation District line as appearing on the land distract maps of the City of Batavia and being the point of beginning of the parcel intended to be described herein; thence
- 2) Continuing North 11° 17' 36" West along the lands of Hughes for an additional distance of approximately 20 feet to a point on the northerly line of Hughes; thence
- 3) North 83° 15' 00" West and along the northerly line of lands of said Hughes for a distance of 136.82 feet to a point; thence
- 4) North 06° 45' 00" East and along an easterly line of lands of the aforementioned Johnson and Lewis for a distance of 256.00 feet to an iron pin; thence
- 5) South 83° 15' 00" and along the southerly line of lands now or formerly of Morris T. Johnson and Anita Johnson by deed recorded in the Genesee County Clerk's Office in Liber 479 of Deeds, page 274, for a distance of 270.00 feet to an iron pin; thence
- 6) South 03° 33' 00" West and along a westerly line of lands of the aforementioned Johnson for an approximate distance of 180.00 feet to the southerly line of the City of Batavia Land Conservation District; thence
- 7) South 65° 45' 00" West and along the Land Conservation District south line and parallel to the centerline of Clinton Street, an approximate distance of 160.00 feet to the point and place of beginning.

INTENDING on describing all the lands of Laurie L. Kilbury and Brian M. Taylor as lie within the bounds of the City of Batavia Land Conservation District, and being a portion of the lands of Laurie L. Kilbury and Brian M. Taylor as described in Warranty Deed dated May 21, 2007 and recorded in

the Genesee County Clerk's Office June 12, 2007 in Liber 858 of Deeds, page 459.

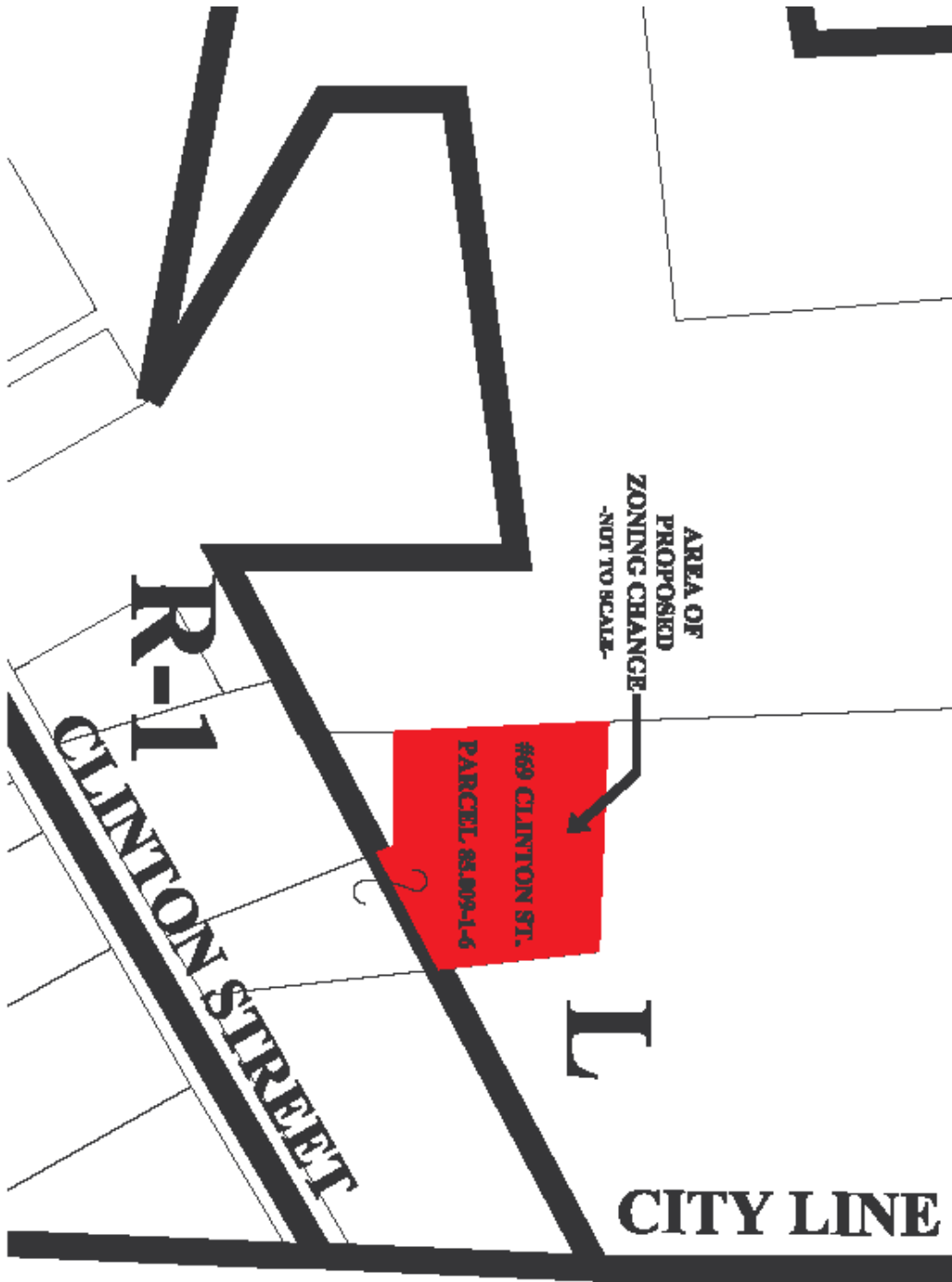
The Zoning Ordinance of the City of Batavia, New York, dated and adopted July 25, 1973, and the Zoning Map of the City of Batavia, New York, dated and adopted September 24, 1973 (Said map being part of said Ordinance), as amended, are hereby further amended for the purpose of re-zoning the premises hereinafter described from a Land Conservation District to a R-1 District:

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

Deletions designated by ~~strikeout~~

Additions designated by [brackets]



#28-2014

**RESOLUTION TRANSFERING \$33,000 FROM RESERVE FUNDS TO AMEND THE
2013-2014 FACILITIES BUDGET**

Motion of Councilperson Briggs

WHEREAS, the Director of Public Works has certified that an emergency condition existed at the Fire Department Headquarters Building due to a malfunction of the boiler in which a leaking aluminum cast heat exchanger was spraying water on the gas burners which caused the boiler to stop working creating an unsafe working environment for City employees, while simultaneously resulting in no heat being produced by this unit, with sub-zero winter weather, for the Fire Department and adjacent Ice Arena; and

WHEREAS, it was determined that the expeditious abatement of the above dangerous condition in a timely manner was necessary and the Deputy Director of Finance, Director of Public Works, Fire Chief, and the City Manager concurred that an emergency contract outside public bidding procedures was necessary to ensure the public health, safety and welfare of our employees and maintenance of public buildings owned by the City, as well as the citizens of Batavia; and

WHEREAS, there is only one manufacturer for the Harsco Industrial, Patterson-Kelly Model Mach C-1050 boiler located in the Fire Department Headquarters Building, and to repair the boiler was much more expensive in perspective to a complete boiler replacement, and a boiler of any other model would require additional piping modifications, costs and time to install. Therefore, a quote was obtained for replacing this unit from Turnbull Heating and Air Conditioning, 50 Franklin Street, Batavia, New York 14020 for the sum of \$32,440.00; and

WHEREAS, in accordance with the City of Batavia Purchasing Manual, Section IX, Emergency Purchases, the Director of Public Works provided the City Manager with a complete description of what was needed to be purchased and its cost; and

WHEREAS, on February 28, 2014 the City Manager approved the emergency purchase providing for the removal of the above referred boiler and the replacement and installation of a new boiler at the Fire Department Headquarters Building; and

WHEREAS, the above mentioned boiler services both the Fire Department and the Ice Arena, and the boiler replacement is the responsibility of the City of Batavia; and

WHEREAS, to properly account for this expenditure, budget amendments need to be made.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments to the 2013-2014 budget to allow for payment of the emergency replacement of the boiler at the Fire Department Headquarter Building:

Effective March 11, 2014, the following amendment is hereby approved:

Increasing expenditure accounts:

Facilities (Equipment – Facilities)	001.1620.0200.2106	\$24,750.00
Facilities (Equipment – Ice Rink)	001.1620.0200.2103	\$8,250.00

Increase revenue account:

Appropriated Reserves (Facilities)	001.1.511.2106	\$24,750.00
Appropriated Reserves (Ice Rink)	001.1.511.2103	\$8,250.00

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

* * *

Meeting adjourned at 8:00 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**