

**CITY OF BATAVIA
BUSINESS MINUTES
MARCH 9, 2015**

The regular business meeting of the City Council was held Monday, March 9, 2015 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, Canale, Doeringer, Cipollone, Jankowski, Deleo, and Christian.

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

The minutes from the February meetings and draft monthly financial statements 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 Hawley announced that the next regular City Council Conference Meeting would be held on Monday, March 23, 2015 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.

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City Manager's Report

Mr. Molino noted that there was nothing to report at that time. Councilperson Christian noted that she had sent a memo concerning the FEMA rating and wondered when they would be visiting the City. Mr. Molino noted that they were scheduled to inspect in the spring for possible entry in May or June.

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Committee Reports

None.

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Public Comments

Richard Richmond, 20 Washington Ave, wanted to discuss the attorney's fees and noted that over \$100,000 had been spent on mall litigation and there was no end in sight. He suggested an audit of attorney fees be done and wondered why it hadn't been placed on the agenda. He wanted to know what the City was hiding and suggested hiring a true, independent auditing firm.

Paul Battaglia, 45 Ellicott Ave, explained that he had spent his entire life in Batavia, had a business there for 35 years and witnessed many disappointments in the past but the City had survived. He felt that the City was at the dawn of a new prosperous era, it was not time to pull back but the think big and go for it. He noted that the businesses who donated to the Centennial Celebration recognized that and were ready to move forward. He said the City had so much to be proud of, was grateful for what Vibrant Batavia had done and suggested continuing to fund them.

Steve Maxwell, 2 Pickthorn Dr, stated that he was in favor of Vibrant Batavia, czb presented a community improvement plan three years ago and many volunteers had worked countless hours to provide programs to make Batavia a better community. He acknowledged that the change wouldn't happen overnight.

John Riter, 13 Woodland Dr, sent an e-mail to Council and appreciated their responses. He noted that he was getting support from business leaders for Vibrant Batavia and didn't know of any other initiative the business people have committed to like that. He agreed that we can't waste money but the City won't be successful by cutting, cutting, cutting and a venture like that took a while to be successful. He noted there were three phases of a project and the goal was to get it to the third phase – momentum. He noted that that was when the effort started to pay off. He stated that Council had a good start when they initially funded Vibrant Batavia and it didn't make sense to pull the plug on it now. He

also thanked Council, on behalf of Merrill Lynch and the YMCA, for their support of the Corporate Cup.

Andrew Young, 3589 Pike Rd, noted that he was heavily invested in the City as a business owner and supported the investment in Vibrant Batavia and the Batavia Development Corporation. He noted that his business pulled \$10,000 out of their pockets to support Vibrant Batavia, explained that costs can only be cut so much, but noted there was opportunity on the revenue side.

Ann Marie Brade, 19 Birchwood Dr, noted that neighbors are the foundation of this community, social media was a huge part of the world today, and we don't connect with our neighbors face-to-face anymore. She noted that Vibrant Batavia was an organization with a goal to reestablish neighborhoods, the City's future was looking so much brighter financially and if you have the best community in the world and no one knows about it they won't come here. Ms. Brade explained that they needed to invest in the community, amenities could be found anywhere but you can't find people just anywhere. She noted that if Council needed to see the financial statistics of Vibrant Batavia then they didn't understand what Vibrant Batavia was all about. She noted that the small percent of the budget allocated to Vibrant Batavia should be continued and it was the people that differentiated one community from another.

Mary Valle, Jackson St, noted that she was more passionate about keeping the Assistant City Manager, Batavia Development Corporation and Vibrant Batavia after attending the GCEDC meeting. She was so excited about the community and felt that we could be the best.

John Roach, 116 Grandview Terr, felt that the issue of Vibrant Batavia was basically a done deal but suggested the money that is paid as overhead should be done by the assistant city manager. He noted that Council took out the slide money for Austin Park but Vibrant Batavia said they would give us the money for the slide. He didn't understand as it sounded like the City would give them money and they would give it right back. He noted that there was a proposal to fund Vibrant Batavia for two years but some Councilmembers might not be on Council then and felt it was deceiving.

Brenda Gill, 42 Manhattan Ave, encouraged Council to have an online forum to be able to interact with people who couldn't attend the meetings.

Mart MacDonald, 210 E Main St, stated that he was a great proponent of Vibrant Batavia, was part of the Vibrant Batavia team and the Centennial Celebration, and noted there wasn't just a couple of people who raised almost \$125,000. He noted that the people who gave lived in Batavia, had businesses or employees here, and paid taxes here. He believed there was a passion and dreams by people who live here and there were always going to be nay slayers. He stated that leaders didn't always take people where they wanted to go but where they needed to go. He encouraged Council to keep Vibrant Batavia for not just one or two years but for the next five years.

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Council Responses to Public Comments

Councilperson Pacino noted that she moved 400 miles to come back to Batavia to have her kids, people didn't always speak up when they were happy and she was very involved in everything in Batavia. She noted that there were any number of groups who would replace the slide so the City could cut funds.

Councilperson Deleo noted that he represented the whole city and that there were a lot of good people, civic organizations and churches and his position was for smaller government. He appreciated all the input. He noted that he would bring up the audit of legal fees again. He stated that there were other businesses that had different points of view as well as the poorer senior citizens.

Councilperson Cipollone stated that we had to make an investment to get what we wanted, we're building up the pride so the people will come and then the businesses will come.

Councilperson Briggs noted that she was at the GCEDC meeting and Mr. Hyde said they would bring in business to Batavia so we do have someone interested in doing that for us.

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Unfinished Business

Councilperson Christian noted that Habitat for Humanity would meet on May 9th at 11 S Spruce St at 9:00am and they needed 50 women to build and help develop the property that Habitat had taken over.

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New Business

#7-2015

A RESOLUTION TO ADOPT THE 2015-2016 BUDGET ORDINANCE

Motion of Councilperson Doeringer

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2015-2016 fiscal year on January 12, 2015 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 12, 2015 and a public hearing was held on February 23, 2015; and

WHEREAS, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$23,771,689, including the General Fund at \$15,804,764; and

WHEREAS, said proposed budget includes revenues to be raised through the property tax levy of \$5,070,713; 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 2015-2016 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

Seconded by Councilperson Canale and on roll call approved 7-2. Councilpersons Briggs and Deleo voted no.

ORDINANCE #001-2015

AN ORDINANCE ADOPTING THE 2015-2016 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2015-2016 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2015-2016, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 12, 2015, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2015-2016 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 2015-2016.

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 2015-2016 is \$5,070,713.

SECTION 3. The sum of \$5,070,713 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 2015-2016, 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 2015-2016.

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, 2015.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 201,303.00
City Council	\$ 51,700.00
City Manager	\$ 178,330.00
Finance	\$ 170,906.00
Administrative Services	\$ 313,460.00
Clerk/Treasurer	\$ 146,315.00
City Assessment	\$ 145,072.00
Legal Services	\$ 217,050.00
Personnel	\$ 524,430.00
Engineering	\$ 32,000.00
Elections	\$ 11,835.00
Public Works Administration	\$ 111,600.00
City Facilities	\$ 267,740.00
Information Systems	\$ 74,169.00
General Fund - Contingency	\$ 250,000.00
Police	\$ 3,985,690.00
Fire	\$ 3,850,160.00
Control of Dogs	\$ 1,310.00
Inspection	\$ 329,965.00
Vital Statistics	\$ 18,960.00
Maintenance Administration	\$ 211,570.00
Street Maintenance	\$ 607,115.00
Public Works Garage	\$ 495,345.00
Snow Removal	\$ 541,830.00
Street Lights & Traffic Signals	\$ 279,360.00
Sidewalk Repairs	\$ 318,558.00
Parking Lots	\$.00
Community Development	\$ 20,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 616,350.00
Summer Recreation	\$ 68,000.00
Youth Services	\$ 194,715.00
Historic Preservation	\$ 2,395.00
Community Celebrations	\$ 15,870.00
Planning & Zoning Boards	\$ 3,200.00

Storm Sewer	\$ 217,150.00
Refuse & Recycling	\$ 62,430.00
Street Cleaning	\$ 139,270.00
Medical Insurance	\$ 12,030.00
General Fund - Debt Service/Bonds	\$ 525,125.00
General Fund – BAN	\$ 16,953.00
Install Pur Debt - Municipal Lease	\$ 7,256.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 73,255.00
Gen. Fund – Other Gov’t Debt	\$ 94,512.00
General Fund - Transfer/Other Funds	\$ 398,230.00
TOTAL	\$ 15,804,764.00

Water, Wastewater & Workers Comp Funds

**PROPOSED
2015/16**

Water Administration	\$ 2,339,325.00
Pump Station & Filtration	\$ 1,634,120.00
Water Distribution	\$ 420,320.00
Water Fund – Medical Insurance	\$ 1,150.00
Water Fund Contingency	\$ 18,489.00
Water Fund - Debt Service/Bonds	\$ 25,663.00
Install Pur Debt – Municipal Lease	\$ 4,032.00
Water Fund– Debt Srvc-Energy Lease	\$ 17,481.00
Water Fund – Transfers for Cap Proj	\$.00
Water Fund - Transfer to Other Funds	\$ 279,070.00
Water Fund - Capital Reserve	\$ 82,086.00
TOTAL	\$ 4,821,736.00

Wastewater Administration	\$ 349,085.00
Sanitary Sewers	\$ 449,535.00
Wastewater Treatment	\$ 865,920.00
WW Fund Contingency	\$ 28,000.00
WW Fund – Medical Insurance	\$ 740.00
WW Fund - Debt Service/Bonds	\$ 159,500.00
WW Fund – Debt Service/BAN	\$.00
WW Fund - Debt Srvc-Energy Lease	\$ 7,251.00
Install Pur Debt – Municipal Lease	\$ 29,028.00
WW Fund – Transfer to Other Funds	\$ 574,330.00
WW Fund – Transfer/Capital Fund	\$.00

WW Fund - Capital Reserve	\$ 120,500.00
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TOTAL	\$ 2,583,889.00
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Workers' Compensation	\$ 561,300.00
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TOTAL	\$ 561,300.00
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TOTAL	\$ 23,771,689.00
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Discussion – Councilperson Deleo made a motion to amend the budget to defund the assistant city manager position. The motion was seconded by Councilperson Briggs and on roll call failed 2-7. Councilpersons Deleo and Briggs voted for the motion. Councilperson Doeringer asked Councilperson Deleo if he had asked Mr. Molino of the ramifications the removal of the assistant city manager position would have on the other items in the budget. Councilperson Deleo said no, he just wanted it out, and the program worked well before the assistant. Councilperson Christian stated that she had worked with Mr. Molino for nine years, he had done an outstanding job without an assistant but every manager she had worked with always had an assistant. She noted that John Roach and Councilperson Deleo were on the charter review commission and voted for the assistant manager position. She felt that Mrs. Difante had done a great job and looked forward to working with her. She stated that Mr. Molino needed help. Councilperson Deleo noted that he did keep the assistant position but felt it could be a joint position. He explained that he was going to vote for small business and wouldn't reach into senior's pockets. Councilperson Christian noted that the only thing he was going to shackle was the assistant city manager and the 2% of the budget that would be spent is a drop in the budget for what Vibrant Batavia and BDC would accomplish. She also noted that she saw most of those seniors Councilperson Deleo spoke about at OTB. Councilperson Jankowski noted that the City Manager had an assistant city manager (Mrs. Kuzon) who was doing both jobs, the City saved money by cutting three lieutenants in the police department but turned around and gave the City Manager more help. Councilperson Christian considered the City's police department one of the best in the nation and asked Councilperson Deleo if he knew how much a consultant would cost for the flood insurance issue. Councilperson Deleo stated that whatever it costs wouldn't be as much as the cost of an employee. Councilperson Canale noted that when the lieutenant positions were eliminated it was a restructuring to create more feet on the street, assist the police chief, and Council all agreed at the time. Councilperson Jankowski agreed but noted that by taking top leadership out there was a ripple effect and a lot of reorganization that had taken almost two years to get back on track. Councilperson Cipollone noted that it wasn't going to be that simple to take the assistant city manager out of the budget and that she was part of the strategic plan.

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#8-2015

A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2015 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 23, 2015 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 2015 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 8-1. Councilperson Christian voted no.

**LOCAL LAW NO. 1 OF THE YEAR 2015
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 \$4.62 per 1,000 gallons
Over _____ 300,000 _____ gallons \$3.85 per 1,000 gallons

[\$4.78 per 1,000 gallons]

Town Served Directly by the City – Building and Hydrants

First _____ 300,000 _____ gallons \$5.93 per 1,000 gallons

Over ~~300,000~~ gallons ~~\$4.90~~ per 1,000 gallons

[\$6.14 per 1,000 gallons]

B. Bulk rate at water plant fill station: ~~\$6.18~~ [\$6.40] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2014~~ as billed on and after ~~June 1, 2014~~ [April 1, 2015 as billed on and after June 1, 2015].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$9.00 [9.32]
Disc	3/4	\$11.39 [11.79]
Disc	1	\$12.00 [12.42]
Disc	1 1/2	\$20.39 [21.10]
Disc	2	\$28.31 [29.30]
Compound	2	\$23.98 [24.82]
Compound	3	\$91.21 [94.40]
Compound	4	\$145.18 [150.26]
Compound	6	\$219.31 [226.99]
Turbo	3	\$53.97 [55.86]
Turbo	4	\$91.21 [94.40]
Fireline	4	\$91.21 [94.40]
Fireline	6	\$145.18 [150.26]
Fireline	8	\$202.38 [209.46]
Fireline	10	\$264.28 [273.53]

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	\$3.00 [4.50]
Disc	3/4	\$3.80 [5.70]
Disc	1	\$4.00 [6.00]
Disc	1 1/2	\$6.80 [10.20]
Disc	2	\$9.44 [14.16]
Compound	2	\$8.00 [12.00]
Compound	3	\$30.42 [45.63]
Compound	4	\$48.42 [72.63]
Compound	6	\$73.15 [109.73]
Turbo	3	\$18.00 [27.00]
Turbo	4	\$30.42 [45.63]

Fireline	4	\$30.42 [45.63]
Fireline	6	\$48.42 [72.63]
Fireline	8	\$67.50 [101.25]
Fireline	10	\$88.15 [132.23]

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

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#9-2015

A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR FISCAL YEAR 2015-2016

Motion of Councilperson Briggs

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 12, 2015 the City Council was presented with the proposed City of Batavia Strategic Plan for fiscal year 2015-2016 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 identifies initiatives and projects that allocate staff resources to ensure alignment with the adopted strategic priorities of City Council; and
2. The Strategic Plan is a working document, it is non-binding, but is the first of many steps toward improving rational, long-range planning for the City of Batavia.

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

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#10-2015

A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS OUTLINED IN THE 2015-2016 BUDGET

Motion of Councilperson Christian

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

WHEREAS, the Council of the City of Batavia was presented on January 12, 2015, with staff recommendations for the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan, Dwyer Stadium Capital Plan and the Ice Rink Capital Plan; and

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

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

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

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

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#11-2015

A RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE ADMINISTRATIVE SERVICES EQUIPMENT AND SOFTWARE AND TO TRANSFER FUNDS INTO THE CAPITAL RESERVE FUND

Motion of Councilperson Cipollone

WHEREAS, the City of Batavia has various equipment reserve funds; and

WHEREAS, pursuant to General Municipal Law 6-c a capital reserve fund is established to accumulate moneys to finance the cost a type of capital equipment; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia hereby establishes a capital reserve fund known as “Administrative Services Equipment and Software

Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of administrative equipment and software; and

BE IT FURTHER RESOLVED, the Chief Fiscal Officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys of the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Batavia. Any interest earned or capital gains realized on the money so deposited or invested shall accrue to and become part of the Reserve Fund. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the City Council a detailed report of the operation and condition of the Reserve Fund; and

BE IT FURTHER RESOLVED, except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the Council of the City of Batavia and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c; and

BE IT FURTHER RESOLVED, the City of Batavia for the fiscal year ending March 31, 2015 received state assistance (“VLT aid”) as an eligible city in which a video lottery gaming facility is located, in the amount of \$440,789; and

BE IT FURTHER RESOLVED, Council of the City of Batavia is desirous of transferring a sum of \$50,000 VLT aid from the General Fund to be paid into the Administrative Services Equipment and Software Reserve Fund; and

BE IT FURTHER RESOLVED, that the establishment of the Reserve Fund and transfer of funds into the Reserve Fund is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Well-Managed City.

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

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#12-2015

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

Motion of Councilperson Christian

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

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

PROJECT	ESTIMATED AMOUNT	FUNDING SOURCE	FISCAL YEAR
General Fund:			
Healthy Schools	\$57,600	DOT	2015/16
Corridor—	\$14,400	Sidewalk Reserve	2015/16
Transportation	\$38,400	DOT	2016/17
Alternatives Program	\$9,600	Sidewalk Reserve	2016/17
(TAP)	\$672,800	DOT	2017/18
	\$168,200	Sidewalk Reserve	2017/18
Water Fund:			
Backwash Pumping Improvements	\$238,000	Genesee County	2015/16
Sub-transformer Improvement	\$91,000	Genesee County	2015/16
Summit Street Water Main	\$123,000 (design) \$700,000 (construction)	Water Capital Reserve Water Capital Reserve	2015/16 2016/17
Water Treatment Plant Roof	\$17,000 (design) \$330,000 (construction)	Water Capital Reserve Financing	2014/15 2015/16
Water Treatment Plant Pipe Gallery	\$16,000 (design) \$35,000 (construction)	Water Capital Reserve Water Capital Reserve	2014/15 2015/16
Sewer Fund:			
Grit Pump & Blower	\$80,000	Sewer Capital Reserve	2015/16
State Street Sanitary Sewer Siphon Elimination	\$50,000 (design) \$277,000 (construction)	Sewer Capital Reserve Sewer Capital Reserve	2015/16 2016/17
Washington Ave. Sewer Replacement (ank to Ross)	\$107,000 (design) \$605,000 (construction)	Financing Financing	2015/16 2016/17
Washington Ave. Sewer Replacement (Jefferson to Bank)	\$103,000 (design) \$580,000 (construction)	Financing Financing	2015/16 2016/17
Secondary Pond No. 1 Sludge Removal	\$2,325,000	Financing	2015/16
Central Pump Station Improvements	\$58,500 \$11,500	Operating Budget Sewer Capital Reserve	2015/16 2015/16

Sewer Lining	\$175,000	Sewer Capital Reserve	2015/16
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Seconded by Councilperson Cipollone and on roll call approved 9-0.

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#13-2015

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE CONSTRUCTION OR REPLACEMENT OF SANITARY SEWER SYSTEM IMPROVEMENTS, THE UPGRADING OF SEWAGE TREATMENT FACILITIES AND THE RERPLACEMENT OF THE CITY WATER TREATMENT PLANT ROOF AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilperson Deleo

WHEREAS, the City of Batavia (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake certain sanitary sewer system improvements consisting of the replacement of all or a portion of the Washington Avenue Sewer Main from Bank Street to Ross Street (“Washington Avenue No.1”), the replacement of all or a portion of the Washington Avenue Sewer Main from Jefferson Avenue to Bank Street (“Washington Avenue No. 2”) and the Removal of Sludge from Secondary Pond No.1 (“Pond No. Upgrade”) (all collectively, the “Sewer System Improvements”); and

WHEREAS, the City has determined it necessary to replace the roof on the City Water Treatment Plant. (the “Roof Replacement”), (the Roof Replacement and the Sewer System Improvements jointly referred to as the “Projects”); and

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

Section 1. The design, construction and implementation of the Projects are hereby authorized at the following costs:

Washington Avenue No. 1:	
Design	\$107,000
Construction	\$605,000
Washington Avenue No. 2:	
Design	\$103,000
Construction	\$580,000
Pond No.1 Upgrade:	\$2,325,000

Roof Replacement:	<u>\$330,000</u>
Total:	\$4,050,000

Section 2. The financing of the Projects (the “specific object or purpose”), is hereby authorized at a maximum estimated aggregate cost of \$4,050,000.

Section 3. The specific objects or purposes are objects or purposes described in Section 11 of the Local Finance Law.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

Section 5. The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, hereby determines the Projects to be TYPE II Actions that do not necessitate the preparation of and Environmental Impact Statement.

Section 6. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$4,050,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 7. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 8. It is hereby determined that the weighted average period of probable usefulness of the aforesaid specific object or purpose is 31 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the weighted maximum maturity of the bonds herein authorized will not be in excess of 31 years.

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

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

pursuant to the Local Finance Law.

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

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

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

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

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

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

basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 17. This resolution shall take effect immediately.

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

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

* * *

#14-2015

A RESOLUTION AUTHORIZING THE PURCHASE OF A TANDEM AXLE DUMP TRUCK WITH DUMP BODY AND PLOW PACKAGE FOR USE IN THE CITY'S DEPARTMENT OF PUBLIC WORKS AT A MAXIMUM ESTIMATED COST OF \$225,000 AND AUTHORIZING THE CITY MANAGER TO DEVELOP A PLAN FOR FINANCING THE SAME INCLUDING BUT NOT LIMITED TO SEEKING COMPETITIVE BID PROPOSALS FROM VARIOUS RECOGNIZED VENDORS OF INSTALLMENT CONTRACTS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000 TO FINANCE SUCH PURCHASE

Motion of Councilperson Jankowski

WHEREAS, the City has determined it necessary to undertake the purchase of one (1) tandem axle dump truck, dump body with plow package for use in the City's Department of Public Works (the "Vehicle"); and

WHEREAS, it is desired by the City to authorize the expenditure of \$225,000 for such purchase and to take certain preliminary actions to develop a plan for financing such purchase which may include but is not limited to an installment contract purchase and further desires to delegate the authority to competitively bid, approve, execute and deliver the most cost effective manner of such financing and to carry out all other necessary or appropriate preliminary actions in furtherance thereof; and

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

Section 1. The purchase of the Vehicle is hereby authorized.

Section 2. The financing of the purchase of the Vehicle is hereby authorized at a maximum estimated aggregate amount of \$225,000 plus the costs of issuance as permitted by law. The City Manager is hereby authorized to develop a plan of such financing which may include purchase by installment sales contract or the issuance of serial bonds (either

method hereinafter referred to as the “Obligations”), whichever is demonstrably more cost effective.

Section 3. The financing of said equipment is exempt from SEQR regulations.

Section 4. It is hereby determined that the period of probable usefulness for the Vehicle is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the Obligations authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the City’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 6. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Obligations as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the authorized by this resolution as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3)(B)(i) of the Code.

Section 7. The City Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the City, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the City, which newspaper has been designated by the City Council in a separate resolution. The validity of the serial bonds authorized hereby, or of any bond anticipation notes issued in anticipation of the sale of such serial bonds, may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
2. such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 8. This resolution is effective immediately and shall be placed in the official minutes of the City as an official action of the City Council.

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

* * *

#15-2015

A RESOLUTION REQUIRING NON-UNION CITY EMPLOYEES TO SERVE 12-MONTHS OF CONTINUOUS SERVICE PRIOR TO RECEIVING ANNUAL WAGE ADJUSTMENT

Motion of councilperson Christian

WHEREAS, the Council of the City of Batavia wishes to grant annual wage adjustments to its non-union City employees only after the employee has served twelve months of continuous service as a non-union employee; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Batavia, that the following policy is hereby adopted for all non-union City employees:

Non-union City employees hired after April 1, 2014 must complete 12 months of continuous service before receiving an annual wage adjustment. After satisfying their first 12 months of continuous service, the employee shall receive the same wage adjustment as other non-union employees as adopted by the City Council. In subsequent years following the first initial 12 months of continuous service, non-union employees shall be entitled to annual wage adjustments as approved for all non-union employees by City Council.

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

* * *

#16-2015

A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS FOR NON-UNION CITY EMPLOYEES

Motion of councilperson Cipollone

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

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

1. 2% salary increase effective April 1, 2015

Seconded by Councilperson Doeringer and on roll call approved 7-2. Councilpersons Deleo and Briggs voted no.

* * *

#17-2015
A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS
FOR PART-TIME AND SEASONAL CITY EMPLOYEES

Motion of councilperson Deleo

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

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

Seasonal Employees	Part-time	A 1st Summer	B 2nd Summer	C 3rd Summer
<u>Grade I</u>				
Laborer		\$8.75	\$9.06	\$9.37
Groundskeeper				
Rec. Attendants				
<u>Grade II</u>				
Rec. Specialist		\$9.80	\$10.14	\$10.49
<u>Grade III</u>				
Administrative Interns		\$10.31	\$10.67	\$11.07
Regular (Permanent) Part-time Employees		Beginning	Completion of Year 1	Completion of Year 2
<u>Grade I</u>				
Custodians		\$9.56	\$9.85	\$10.14
Crossing Guards				
Recycling Attendant				
Rec Leaders				
<u>Grade II</u>				
Clerk-Typist		\$10.23	\$10.53	\$10.85

Grade III			
Administrative Interns	\$11.57	\$11.91	\$12.27
Rec Specialist	\$10.58	\$10.90	\$11.22
Grade IV			
Dispatcher	\$15.85	\$16.33	\$16.82

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

* * *

#18-2015

A RESOLUTION TO EXTEND THE ECONOMIC DEVELOPMENT SERVICES AGREEMENT WITH THE BATAVIA DEVELOPMENT CORPORATION

Motion of Councilperson Doeringer

WHEREAS, the City Council desires to organize and carry out an economic development program to address the economic development needs of the City of Batavia; and

WHEREAS, on May 9, 2011 the City Council executed the Economic Development Services Agreement with the Batavia Development Corporation (“BDC”) to hire an economic development professional to carry out an economic development program on its behalf; and

WHEREAS, on February 25, 2013 the City Council renewed the economic development services agreement and moved to provide a dedicated source of funding for economic development by committing \$125,000 annually of Video Lottery Terminal (“VLT”) aid from New York State, \$90,000 of which was dedicated to underwrite economic development activities and \$35,000 to re-capitalize the City’s revolving loan fund; and

WHEREAS, over the past three and a half years the BDC has worked on various economic development initiatives throughout the City to include, but not limited to, responsibility for implementing the Brownfield Opportunity Area (“BOA”) Plan which is the economic development blueprint for the City, administer the City’s NY Main Street grant which resulted in \$1,200,000 public and private investment downtown in just two years, managed the City’s micro-enterprise and revolving loan funds having approved more than 20 applications since 2011 enabling \$744,892 small business investment and impacting more than 50 jobs in the City, committed to the Carr’s Warehouse redevelopment turning a tax foreclosed property assessed at \$5,000 into a fully occupied 4-apartment with 1-commerical flex space now assessed at \$205,000 accounting for the single largest growth in assessed value for a property located in downtown, secured three additional project specific grants from National Grid totaling \$125,000, actively assembled land and applied to the Brownfield Cleanup Program (BCP) to entice more investment in the BOA strategic redevelopment areas (Della Penna and Creek Side) and has most recently assisted private investors with the development of a new niche hotel within the City; and

WHEREAS, the results over the past three and a half years have provided over \$2,000,000 in public and private partnerships triggering a 500% return on the City's investment; and

WHEREAS, the City Council is desirous of continuing the positive economic development efforts of the BDC as they are a critical component of the City of Batavia's Strategic Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the extension of the Economic Development Services Agreement with the BDC for a two year period ending no later than August 31, 2017; and

BE IT FURTHER RESOLVED, that this agreement shall only be extended upon the annual receipt of VLT aid, and that the City Council annually authorizes \$90,000 of VLT aid to be committed to underwriting economic development activities with the BDC in order to carry out an economic development program on the City's behalf and \$35,000 be committed to re-capitalizing the City's Revolving Loan Fund to provide funding for future small business loans; and

BE IT FURTHER RESOLVED, that the extension of the aforementioned agreement will have no impact on the City's annual budget as VLT aid is not budgeted for in the City's General Fund revenues; and

BE IT FURTHER RESOLVED, in in order for economic development plans to fully materialize in a way that complements the City Council's strategic planning, the City Council and Batavia Development Corporation Board of Director will partner and prioritize and direct resources to projects that should significantly bolster everyone's efforts; and

BE IT FURTHER RESOLVED, that this initiative was identified in the City's proposed Strategic Plan in achieving Key Intended Outcome's identified under the Health and Growing Economy and Well-Managed City strategic priority.

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

Discussion – Councilperson Briggs stated that she didn't remember it being a 2-year agreement. Mr. Molino noted that originally it was a 3-year agreement but after discussions with some councilmembers it was changed to two years. Councilperson Jankowski noted that he would like more notice if changes like that are being made. He also asked why they were putting \$35,000 into the loan fund. Mr. Molino noted they were providing more money to be loaned out. Councilperson Jankowski made a motion to change the resolution to annual so future Council wouldn't be forced into the agreement. There was no second. Councilperson Christian noted that the GCEDC meeting was very informative, we need industry in Batavia, there are no jobs available when kids are graduating, and we need all the revenue we can possibly get. She noted that if we don't go forward we'll go backwards. Councilperson Deleo agreed we need economic development but need to keep the taxes low. Councilperson Christian noted that some of the projects the BDC was working on goes longer than one year so the funding wasn't aligned with

the project and there were some out options included. Councilperson Cipollone stated that they needed to support economic development, there needed to be a focus within the City and the GCEDC works for the County not specifically the City. Councilperson Doeringer noted that the mall litigation was close to resolve and when that was done they would be ready to move forward. He asked who would do that if the BDC wasn't here. Councilperson Briggs noted that the GCEDC and the BID both worked for the City to bring in business. Councilperson Christian noted that the more businesses the more revenue and the less taxes. Councilperson Canale noted that the GCEDC was responsible for the entire County, BID was responsible for a defined area only and BDC was responsible for the entire City.

* * *

#19-2015

A RESOLUTION TO SUPPORT VIBRANT BATAVIA COMMUNITY DEVELOPMENT EFFORTS

Motion of Councilperson Christian

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 "Vibrant Batavia"), 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 Vibrant Batavia 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 to the Community Development Budget to support the Task Force and the Task Force committed to a fundraising/sponsorship goal of \$22,000 for the first year; and

WHEREAS, on February 10, 2014 Vibrant Batavia 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, on March 10, 2014 the City Council again authorized the commitment of \$45,000 to the Community Development Budget to support Vibrant Batavia and Vibrant Batavia committed to a fundraising/sponsorship goal of \$42,000 for the second year; and

WHEREAS, on January 26, 2015 Vibrant Batavia presented to City Council a review of the past years achievements, milestones and budget, demonstrating the significant progress they have made in developing the Vibrant Batavia Community Network, leading the City's Centennial Celebration having received more than \$122,000 in business community sponsorship pledges this year, released Vibrant Times quarterly publication, harnessed more than 120 citizens to volunteer at Vibrant Batavia-hosted or sponsored functions and has been the contributing factor in helping to bring together City residents both to the downtown area and within local neighborhood groups; and

WHEREAS, Vibrant Batavia's core is the goal to stimulate greater pride in Batavia while building capacity for more extensive programs aimed at bringing people together, enabling them to collaborate and empowering residents to take active ownership for their community and its success by developing positive community leaders; and

NOW, THEREFORE, BE IT RESOLVED, the City of Batavia for the fiscal year ending March 31, 2015 received state assistance ("VLT aid") as an eligible City in which a video lottery gaming facility is located, in the amount of \$440,789; and.

BE IT FURTHER RESOLVED, the City Manager recommends that the City Council make a two-year financial commitment of \$70,000 of VLT aid to support Vibrant Batavia efforts under the following conditions:

1. \$45,000 be committed for fiscal year 2015-2016 and \$25,000 be committed for fiscal year 2016-17;
2. Vibrant Batavia develop a plan to be presented to City Council during the 2016-2017 fiscal year that will outline a multi-year funding approach, that demonstrates Vibrant Batavia's sustainability and deliverables in future years.
3. The multi-year plan should include financial commitments from community partners, institutions or alternative funding sources such as, but not limited to, grants, foundation support, etc. and articulate a steady or decreased City financial commitment during the multi-year plan period.
4. Vibrant Batavia is to secure a minimum financial goal of \$15,000 from alternative funding sources other than the City for the fiscal year 2016-2017.
5. The City Council reserves the right to revoke the 2016-2017 funding if the alternative funding source goal cannot be demonstrated.

BE IT FURTHER RESOLVED, that \$5,000 from the current Vibrant Batavia budget (2014-2015) be committed to the replacement of a playground slide at Austin Park and Vibrant Batavia is tasked with the responsibility of raising the remaining funding needed to cover the cost of the replacement slide; and

BE IT FURTHER RESOLVED, that this initiative was identified in the City's proposed Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods and Healthy and Growing Economy strategic priorities.

Seconded by Councilperson Pacino and on roll call approved 7-2. Councilpersons Briggs and Deleo voted no.

Discussion – Councilperson Briggs noted that the memo suggested funding for the next two years and asked if she missed something. Mr. Molino noted that based on discussion with other Councilmembers he put together a revised proposal with goals and measurables. Councilperson Jankowski asked when the changes were made. Mr. Molino noted that it was during the budget sessions and that it was now from VLT instead of surplus. Councilperson Canale saw the changes as a culmination of ideas Council suggested to make Vibrant Batavia (VB) more accountable and didn't see it as an action he took on his own. Councilperson Jankowski didn't want to cut it off too early but thought it looked weird when the City was giving them money and then they give it back for the slide. Councilperson Cipollone noted that the \$5,000 for the slide was a partnership and there was nothing wrong with putting a portion of the slide back in via VB. He noted they were trying to keep the money off the taxpayer roll by using VLT funds. Councilperson Jankowski asked if the timetable was valid and if it had been discussed with VB. Mr. Molino felt it was manageable. Councilperson Christian noted that Leanna did an exceptional job, thanked her, and stated that she was going to support VB. Councilperson Pacino stated that she would get a financial commitment for the slide for the next meeting.

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#20-2015

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

Motion of Councilperson Cipollone

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; and

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 Christian and on roll call approved 9-0.

City of Batavia Investment Policy

I. Scope

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

II. Objective

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

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

III. Delegation of Authority

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

IV. Prudence

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

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

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

V. Diversification

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

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

VI. Internal Controls

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

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

VII. Designation of Depositories

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

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Bank of Castile	\$15,000,000	Jaime Sallome
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	Julie Holman
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."

* * *

#21-2015
A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilperson Briggs

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, twenty (20) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals; and

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	\$ 205.16/Ton
Faesy & Besthoff Stamford, CT	Ferric Sulfate	\$ 710.00/Ton
Thatcher Company of New York, Inc. Salt Lake City, UT	Fluosilicic Acid	\$ 719.00/Ton
Irish Jones Buffalo, NY	Carbon Dioxide	\$ 290.00/Ton
Chemtrade Parsippany, NJ	Liquid Alum	\$ 194.95/Ton
Shannon Chemical Exton, PA	Liquid Phosphate	\$327.27/Drum
Bison Laboratories Buffalo, NY	Sodium Hypochlorite	\$.66/Gallon

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

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#22-2015

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

Motion of Councilperson Deleo

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

WHEREAS, one (1) bid was received on February 27, 2015, and A.D. Call & Sons Excavating & Trucking, Inc. was the only responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a contract is hereby awarded to A.D. Call & Sons Excavating & Trucking, Inc. in the amount of Six Thousand Eight Hundred Ninety dollars (\$6,890.00) per event for removal, transportation, and disposal of lime liquid sludge at the Water Treatment Plant.

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

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#23-2015

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING AND
DESIGN FOR THE CITY OF BATAVIA HEALTHY SCHOOLS CORRIDOR**

Motion of Councilperson Jankowski

WHEREAS, a project for the Reconstruction of Sidewalks for Summit Street from North Street to East Main Street (Route 5), Liberty Street from East Main Street (Route 5) to Morton Avenue, 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 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering and Design; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share of the cost of Preliminary Engineering and Design for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$72,000 is hereby appropriated and made

available to cover the cost of participation in the above phase of the Project; and

BE IT FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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#24-2015

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 27
OAK STREET WITH BATAVIA HOUSING AUTHORITY**

Motion of Councilperson Canale

WHEREAS, the City foreclosed on 27 Oak Street (SBL #84.006-4-41) for non-payment of property taxes; and

WHEREAS, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

WHEREAS, the Batavia Housing Authority has agreed to assist and partner with the City of Batavia with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 27 Oak Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

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

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#25-2015

A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 131 PEARL STREET WITH BATAVIA HOUSING AUTHORITY

Motion of Councilperson Briggs

WHEREAS, the City foreclosed on 131 Pearl Street (SBL #84.013-1-23) for non-payment of property taxes; and

WHEREAS, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

WHEREAS, the Batavia Housing Authority has agreed to assist and partner with the City of Batavia with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 131 Pearl Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

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

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#26-2015

A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 240 STATE STREET WITH BATAVIA HOUSING AUTHORITY

Motion of Councilperson Cipollone

WHEREAS, the City foreclosed on 240 State Street (SBL #71.082-1-42) for non-payment of property taxes; and

WHEREAS, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

WHEREAS, the Batavia Housing Authority has agreed to assist and partner with the City of Batavia with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 240 State Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

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

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#27-2015

A RESOLUTION TO AUTHORIZE THE BATAVIA DEVELOPMENT CORPORATION TO SERVE AS THE SUB-RECIPIENT ADMINISTRATOR OF THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT MICROENTERPRISE PROGRAM

Motion of Councilperson Canale

WHEREAS the City of Batavia was awarded a \$200,000 NYS Microenterprise Community Development Block Grant (CDBG) through the 2014 Finger Lakes Regional Economic Development Council Consolidated Funding Application process; and

WHEREAS, the CDBG Microenterprise grant award is required to meet a National Objective in order to expand economic opportunities principally for persons of low and moderate income; and

WHEREAS, the Microenterprise program will provide resources to support and foster the development of microbusinesses by providing grants paid directly to commercial enterprises upon successful completion of capacity building training; and

WHEREAS, the Batavia Development Corporation's mission is to improve economic conditions in the City of Batavia; and

WHEREAS, the City of Batavia and the Batavia Development Corporation already work cooperatively to manage the City's small business revolving loan and grant programs by virtue of the Economic Development Services Agreement; and

WHEREAS, the Batavia Development Corporation and its staff has expertise to ensure proper program delivery including training program coordination, determining applicant eligibility, evaluating business proposals, defining a framework for financial underwriting and selecting projects for funding; and

WHEREAS, a "Sub-Recipient Agreement" outlines the terms and conditions by which the Batavia Development Corporation will adhere to NYS policy for program delivery of the City's new CDBG Microenterprise program; and

WHEREAS, the CDBG Microenterprise grant award has allocated resources for both administrative services and program delivery reimbursements;

NOW THEREFORE, BE IT RESOLVED, the City Council designates the Batavia Development Corporation as "Sub-Recipient" to manage the NYS CDBG Microenterprise program per the terms and conditions defined within the "Sub-Recipient Agreement"; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the Batavia Development Corporation Board to review and make decisions on NYS Microenterprise awards to individual applicants.

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

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#28-2015

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN AGREEMENT WITH LABELLA ASSOCIATES, D.P.C.

Motion of Councilperson Deleo

WHEREAS, the City of Batavia requested proposals from qualified firms to provide administrative services for the implementation of the City’s 2014 CDBG Microenterprise Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia hereby accepts the proposal from LaBella Associates, D.P.C. for \$10,000 for administrative services; and

BE IT FURTHER RESOLVED, that the Council President is hereby authorized to execute an agreement with LaBella Associates, D.P.C. on behalf of the City.

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

* * *

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation...”.

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 Canale and on roll call approved 9-0.

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Meeting adjourned at 8:50 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**