

**CITY OF BATAVIA  
BUSINESS MINUTES  
JUNE 8, 2015**

The regular business meeting of the City Council was held Monday, June 8, 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. Councilperson Christian led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the May meetings and draft monthly financial statements from April 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, June 22, 2015 at 7:00 PM at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

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**City Attorney's Report**

Mr. Van Nest noted that they were working on various items such as code enforcement, foreclosures, contracts, general municipal law, providing input to various departments and reviewing litigation and claims but there was nothing specific to report.

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## **City Manager's Report**

Mr. Molino provided a grant update and noted that applications for consolidated funding grants would be due in July. He noted that he would have more detail at the June 22 meeting regarding the CDBG grant and explained that the Big Ditch was difficult to maintain and was looking for planning money through a grant. Mr. Molino mentioned several other projects looking to secure assistance through grant funding.

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## **Committee Reports**

None.

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## **Public Comments**

Richard Richmond, 20 Washington Ave, noted that Council approved a task force in November to find a new location for the police department and that after months of work, they recently found out that flood mitigation efforts would be hurt if the City built on one of the three locations they chose. He wanted to know who dropped the ball and was responsible for that blunder.

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## **Council Responses to Public Comments**

Councilperson Christian noted that when the task force started they had nothing and we didn't know about the flood plain. She stated that she didn't think it was anyone's blunder. Councilperson Jankowski noted that it was stated from the beginning that it was in the flood zone, the location was on the table so they at least considered it. He felt that information was available from the very beginning.

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## **Unfinished Business**

Councilperson Jankowski asked what the time frame was for having searchable minutes as was mentioned during the budget process. Mr. Molino noted that he would check with staff on the timeframe. Councilperson Jankowski also asked if there would be additional police presence at the bridge on Jackson St as he watched people pass through the stop sign there without stopping and feels it's a concern. Mr. Molino stated that they would take a look at that area. Councilperson Jankowski asked if there was a line item in the budget for a specific attorney to work on the specialized negotiations regarding Time Warner and Mr.

Molino noted that there was a specific line item for that and it was for approximately \$12,000. Councilperson Deleo asked if Charter was coming to Batavia and Mr. Molino noted that they could be and would have to go through a process similar to what we went through with Time Warner.

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## **New Business**

### **#42-2015**

#### **A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS, FIRE DEPARTMENT AND POLICE DEPARTMENT VEHICLES AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

### **Motion of Councilperson Canale**

**WHEREAS**, the Department of Public Works, Fire Department and Police Department have declared the vehicles and equipment listed below surplus and the cost of needed repairs exceeding the vehicle's value; and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

**WHEREAS**, any revenue received from disposal is to be put into the respective department's equipment reserve fund general, fund revenue or be used for trade in value for approved equipment replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal; and

**BE IT FURTHER RESOLVED**, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2015-2016 budget:

- 2001 Dodge Pickup, Vin#3B7KC26Z41M550446, Unit 304
- 1992 International 10 Wheel Dump Truck Vin#IHTGLCUT6NH46O2O6, Unit 203
- 1990 International Paystar Roll-off Truck Vin#2HTTGGRT1LC02953, Unit 410
- 1998 Chevrolet 3500 4x4 Pickup Truck with Meyers Plow  
Vin#1GCGK24R7WZ196410 – Unit 400
- 1998 (Homemade) Parks Trailer ID#NYA515147
- 2011 Ford Crown Victoria Police Interceptor Vin#2FABP7BVXBX157325
- 2013 Ford Police Interceptor Sedan Vin#1FAHP2M86DG124254
- 2 Hurst Hydraulic Hose Reel
- 2005 Chevrolet Tahoe Vin# 1GNEK13V65R235929
- 2009 Dodge Durango Vin# 1D8HB38P49F712670

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

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**#43-2015**

**RESOLUTION INTRODUCING A LOCAL LAW AMENDING §190-9, R-2 RESIDENTIAL DISTRICTS, (A) PERMITTED PRINCIPAL USES, (3), AND §190-39, PARKING REQUIREMENTS, (A) OFF-STREET PARKING (2), (a), (9) OF THE BATAVIA MUNICIPAL CODE TO PROHIBIT BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED PRINCIPLE USE**

**Motion of Councilperson Christian**

**BE IT RESOLVED**, that Local Law No. 2 of the Year 2015 entitled “**LOCAL LAW NO. 2 OF THE YEAR 2015 CITY OF BATAVIA TO AMEND §190-9, R-2 RESIDENTIAL DISTRICTS, (A) PERMITTED PRINCIPAL USES, (3), AND §190-39, PARKING REQUIREMENTS, (A) OFF-STREET PARKING (2), (a), (9) OF THE BATAVIA MUNICIPAL CODE TO PROHIBIT BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED PRINCIPLE USE**” be introduced before the City Council of Batavia, New York; and

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

**BE IT FURTHER RESOLVED**, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, June 22, 2015; and

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

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

**LOCAL LAW NO. 2 OF THE YEAR 2015  
CITY OF BATAVIA**

**TO AMEND §190-9, R-2 RESIDENTIAL DISTRICTS, (A) PERMITTED PRINCIPAL USES, (3), AND §190-39, PARKING REQUIREMENTS, (A) OFF-STREET PARKING (2), (a), (9) OF THE BATAVIA MUNICIPAL CODE TO PROHIBIT NEW APPLICATIONS FOR BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED PRINCIPLE USE**

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

**Section 1. §190-9. Residential Districts**

A. Permitted principal uses.

- (3) Boardinghouse, lodging house, rooming house, tourist home, but not tourist camps or cabins. [Effective July 1, 2015 boardinghouse, lodging house, rooming house and tourist home will not be a permitted principle use for new applications. Only existing permits prior to July 1, 2015 will be authorized.]

**Section 2. §190-39. Residential Districts**

A. Off-street parking.

- (2) Residential and related uses. Minimum parking spaces required for residential and related uses:

(a) Provisional parking standards.

[9] Boarding- or rooming house: one space for ~~each bedroom~~. [each roomer owning and/or keeping a motor vehicle.]

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

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**#44-2015**

**A RESOLUTION INTRODUCING A LOCAL LAW AMENDING §143 ROOMING HOUSES TO PROHIBIT NEW APPLICATIONS FOR ROOMING HOUSES**

**Motion of Councilperson Pacino**

**BE IT RESOLVED**, that Local Law No. 3 of the Year 2015 entitled “**LOCAL LAW NO. 3 OF THE YEAR 2015 CITY OF BATAVIA TO AMEND §143 ROOMING HOUSES TO PROHIBIT NEW APPLICATIONS FOR ROOMING HOUSES**” be introduced before the City Council of Batavia, New York; and

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

**BE IT FURTHER RESOLVED**, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, June 22, 2015; and

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

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

**Discussion** – Councilperson Christian stated that she was surprised the permit fee for rooming houses was only \$50 and wanted to have Doug Randall provide the amount of time spent on checking on the houses to consider a fee increase. Mr. Molino noted that that could be done and the fee adjustment could be changed at a later date.

**LOCAL LAW NO. 3 OF THE YEAR 2015  
CITY OF BATAVIA**

**TO AMEND §143 ROOMING HOUSES TO PROHIBIT NEW APPLICATIONS FOR  
ROOMING HOUSES**

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

**Section 1. §143. Rooming Houses**

§ 143-1. Title.

This chapter shall be known and may be cited as the "City of Batavia Rooming House Ordinance."

§ 143-2. Purpose and intent.

In recognition of the ~~influx~~ [saturation] of ~~semiresident persons~~ [rooming houses] in the city, it is the intent of this chapter to permit [existing] owners of dwellings to ~~provide~~ [maintain] sanitary, safe and attractive rooming houses for ~~such~~ persons, in order to promote the public health, welfare and safety of the community. [It is also the intent of this chapter to prevent new rooming houses from being established after the enactment of this amendment.]

§ 143-3. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following definitions shall apply:

**ROOMER**

A roomer shall be any person renting or hiring habitation space in a dwelling unit hereinbefore defined, not within the second degree of kindred and who does not occupy such space as an incident of employment therein.

**ROOMING HOUSE**

A rooming house shall be a dwelling unit used wholly for habitation, where rooms for more than two and up to ~~20~~[10] people who would not be classified as a family unit as described in the City of Batavia zoning regulations are offered for hire, with or without meals, with or without kitchen facilities.

§ 143-4. Applicability.

- A. In order to protect the public health, welfare and safety of the community, no person shall operate a rooming house within the City of Batavia without obtaining a permit issued by the ~~Housing Inspector~~ [Code Enforcement Officer] upon the approval of the Planning ~~Board~~ [and Development Committee.] Such permit may be issued, provided that the procedures and standards of this chapter have been complied with.
- B. This chapter shall apply to existing buildings and dwelling houses [that have already received a permit to operate a rooming house prior to July 1, 2015. No new permits shall be issued by the Planning and Development Committee following July 1, 2015 other than renewal permits as outlined in § 143-5 of this chapter.]~~intended to be renovated and buildings newly constructed for the accommodation of roomers as herein defined.~~
- C. All provisions of the City of Batavia Municipal Code shall apply to the provisions of this chapter, except where exemptions are specifically authorized by this chapter.

§ 143-5. [Renewal of] Permits.

The ~~issuance of a~~[renewal of a ]permit to operate a rooming house shall be granted upon the approval of the ~~Housing Inspector~~ [Code Enforcement Officer] subject to specific terms and conditions as herein provided. If any of these conditions are violated, the permit is subject to revocation [or not being renewed.]

- A. General provisions. The following general provisions shall apply:

~~1.—All applications for a rooming house permit shall be accompanied by a fee as set from time to time by resolution of the City Council.~~

- (1) All rooming house permits shall be renewed each and every year prior to January 1, and such permit shall be valid for the ensuing calendar year [only.]
- (2) The annual fee for renewing a rooming house permit shall be as set from time to time by resolution of the City Council.
- (3) In the event that a rooming house is sold or the ownership is in any way changed, the existing permit shall be terminated and a new application shall be made as hereinabove set forth. Under no circumstances shall a permit for a rooming house be

assigned. Change of ownership without a new application being made shall be grounds for revocation of such permit.

~~(4) Any person wishing to operate a rooming house shall make application for a permit. A rooming house operating prior to October 13, 1971, shall not be bound to the restrictions contained in § 143-6 which were not in force at that date. Any change in ownership of such a rooming house shall terminate such exemption, however, and the new owner must make application for a rooming house permit.~~

~~(5) No structure changes, alterations or modifications to rooming houses operating prior to October 13, 1971, shall be made except to reduce the degree of nonconformance with the restrictions of this chapter.~~

~~(6)~~(4) Rooming houses legally operating and duly licensed at the time of adoption of the ordinance from which this chapter is derived, and/or which may constitute nonconforming uses under the zoning regulations of the City of Batavia, shall be entitled to the issuance of a license under this chapter upon compliance with all of the provisions of this chapter except those restrictions contained in § 143-6.

B. Procedures for ~~obtaining~~ [renewing a rooming house permit or new application due to change in ownership.] In order to ~~operate a~~ [renew a] rooming house [permit] within the City of Batavia, the following procedures shall be followed:

(1) Applications for a rooming house permit [renewal] shall be ~~in triplicate~~ [completed,] and ~~upon forms~~ furnished by the office of the ~~Chief Inspector~~ [Code Enforcement Officer]. The application shall consist of a sworn statement setting forth:

(a) The name, address and telephone number of all persons involved as owners and/or operators of the proposed rooming house, a statement detailing a description of the building, ~~the present accommodations therein and the proposed renovations to be made;~~ information regarding the number of roomers to be accommodated and with specific information on the number of persons in each bedroom; ~~information regarding the square footage of the area of living space within the building and the square footage regarding the area of the proposed bedrooms.~~

(b) Where the applicant for a rooming house permit is a nonresident, the application shall identify the name, address and telephone number of a local agent designated to act on behalf of the owner and responsible for the maintenance of the rooming house.

~~(b)~~(c) [An inspection by the Code Enforcement Officer of the property and compliance with section 143-6 of this chapter.]

~~(e) In addition there shall be submitted detailed plans, both of the building and the lot upon which the building stands, and detailed use plans of the interior of the~~



~~building, showing the rooms, their designated purposes, and the square footage of each room, location of windows and doorways and other pertinent information which the office of the Chief Inspector deems necessary to protect and promote the public health, welfare and safety of the community. There shall also be set forth in the plans the type of renovation which will be made, with specific mention of building materials, electrical fixtures and type of heating.~~

(2) In considering the ~~granting~~ [renewal or new application for] ~~of a license~~ [permit to operate] for a rooming house, the ~~Housing Inspector~~ [Code Enforcement Officer] shall take into consideration: ~~the general adaptability of the particular dwelling for renovation as a rooming house;~~

~~(a) P~~potential traffic problems[ that have arisen without resolve;]

~~the improvement of the property and of the neighborhood,~~

~~(b) [The] where the present structure is unsafe or in an unsanitary~~ [safety and/or sanitary] condition [of the structure], and the appearance of the building in the neighborhood;

~~(c)~~ [Refusal to permit an inspection of the property by the Code Enforcement Officer;

~~(b)~~(d) False statements on the application permit;

~~(e)~~(e) Permittee's conviction of a crime;

~~(d)~~(f) Any act or conduct of the permittee which indicates his/her unfitness to operate a rooming house;

~~(e)~~(g) Any activity which affects the safety or tranquility of the surrounding community;]

~~and that by granting such a permit, enable a safe, sanitary and attractive building to be made available for rooming house purposes, where a need for same exists.~~

(3) In the event the application is denied, the ~~Housing Inspector~~ [Code Enforcement Officer] shall notify the applicant of such action and indicate the reasons for such denial in writing.

(4) In the event that the application is approved, the ~~Housing Inspector~~ [Code Enforcement Officer] shall set forth all the details and conditions for the granting of such permit in writing to the applicant. In such instances, all and any repairs or improvements, pursuant to the report of the ~~Housing Inspector~~ [Code Enforcement Officer,] shall be considered as conditions for the granting of a permit and shall be made by the applicant as directed prior to the issuance of the permit.

(5) The granting of such a permit shall also include the conditions necessary for maintenance and renewal of such permit. Under the terms and conditions of this chapter of the City of Batavia Municipal Code, a rooming house permit shall be subject to revocation if prescribed terms and conditions upon which the permit was issued are not kept and/or it is found that the operations of such rooming house create an adverse impact upon the neighborhood. Adverse impact may include but shall not be limited to: excessive noise, [criminal activity by the roomers on the premise,] undue disturbances affecting the neighborhood and inadequate property maintenance and upkeep.

C. Enforcement. The ~~Housing Inspector~~ [Code Enforcement Officer] shall have all the powers and duties to enforce this chapter and to make inspections, serve notices and orders, and take any other appropriate action, except as otherwise provided in this chapter.

D. Revocation of permit.

- (1) The ~~Housing Inspector~~ [Code Enforcement Officer,] if he or she determines that reasonable grounds exist, may refer to the City Planning ~~Board~~ [and Development Committee] for a hearing to revoke any permit issued under this chapter.
- (2) The ~~Housing Inspector~~ [Code Enforcement Officer] shall give written notice to the holder of the rooming house permit of the charges, and the time, date and place that they will be presented to the Planning ~~Board~~ [and Development Committee.] Any permit may be revoked for making any false statement in the application for a permit; for a violation of any of the terms and conditions upon which the permit was issued; for any disorderly, indecent or immoral conduct on the premises; or for a violation of any of the rules or regulations, ordinances or laws of the United States, State of New York, County of Genesee or the City of Batavia.
- (3) The ~~Housing Inspector~~ [Code Enforcement Officer] shall cause notice of such referral and the reason or reasons therefor to be served upon the persons named in the application as the owner or holder and also upon the owner of record of the premises so used as a rooming house. Said service shall be by registered mail with a return receipt, directed to the holder of the permit at the subject premises and to the owner of the address of said owner last known to the ~~Housing Inspector~~ [Code Enforcement Officer,] or by personal or substituted service.
- (4) If the City Planning ~~Board~~ [and Development Committee] finds reasonable cause, the City Planning ~~Board~~ [and Development Committee] shall set a public hearing to consider revocation of the permit and shall cause a notice thereof specifying the time, date and place of the public hearing to be served in the same manner as above provided. If the City Planning ~~Board~~ [and Development Committee] finds, after the public hearing, that revocation of the permit is in the best interest of the community, the operator shall be notified of this decision in writing and an appropriate time for discontinuance of the rooming house established.

§ 143-6. Standards.

The following standards shall be met by an applicant for a rooming house permit:

- A. All applicable provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, shall apply to this chapter and shall be the standard imposed by the Bureau of Inspection in determining the fitness of the building for a rooming house, as hereinbefore provided, and shall determine the standards for violations.
- B. The owner or operator of any such rooming house shall provide one car space for each roomer owning and/or keeping a motor vehicle.
- C. A rooming house, as hereinbefore provided, must conform to the zoning requirements as set forth in Chapter 190, Zoning, of this Code.
- D. The maximum number of occupants permitted shall be in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, and its applicable standards.
- E. To ensure compliance with the New York State Uniform Fire Prevention and Building Code, ~~all~~ [any] plans and specifications [for the structure] shall be prepared by either a New York State registered architect or licensed professional engineer.
- F. No sign advertising the location of a rooming house or the availability of rooms shall be permitted.

§ 143-7. Penalties for offenses.

- A. The penalties for a violation of any of the provisions of this chapter shall be as prescribed in Chapter 1, General Provisions, Article II, General Penalty, of the City of Batavia Municipal Code. In addition to other remedies, the City of Batavia may institute appropriate action to restrain, prevent, enjoin, abate, correct or remove any violation and to take such other legal action as is necessary to carry out the terms and provisions of this chapter.
- B. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 143-8. Appeals.

- A. Any person affected by any notice of violation or order issued in connection with the enforcement of any provision of this chapter concerning buildings or structures, or of any

rule or regulation adopted pursuant thereto or the denial of issuance of permit, may request and shall be granted a hearing before the ~~City Planning Board~~ [City Planning and Development Committee,] provided that such person shall file in the ~~Office of the Chief Inspector~~ [Department of Public Works] a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.

~~B. If this request~~ If filed within 10 days after the service of notice of violation or order, compliance with such notice shall not be required while the hearing is pending, except in emergencies or as otherwise provided.

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

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**#45-2015**  
**A RESOLUTION IN SUPPORT OF THE NEW YORK STATE ABANDONED  
PROPERTY NEIGHBORHOOD RELIEF ACT OF 2015**

**Motion of Councilperson Christian**

**WHEREAS**, vacant and abandoned properties are an epidemic in New York's municipalities and dealing with these distressed properties can be an expensive, time-consuming task for local officials; and

**WHEREAS**, vacant and abandoned properties that are also entangled in mortgage foreclosure present great challenges for the City of Batavia since foreclosures drag on for years, restricting the City's efforts to address the social costs that these blighting properties have on neighboring parcels and the surrounding community as a whole; and

**WHEREAS**, vacant and abandoned properties strain the resources of the City's police, fire and public works departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life of remaining residents; and

**WHEREAS**, the vacant and abandoned properties contribute to the loss of population, loss of businesses, real estate speculation and poverty; and

**WHEREAS**, the City of Batavia has determined that most of the vacant and abandoned properties within the City of Batavia are single family residences and that the annual impact of the properties include, but are not limited to \$25,000 in delinquent property taxes, \$20,000 in lost water and sewer revenue, \$10,000 in City staff time, \$11,300 in unpaid fees and fines per property and over \$500,000 in lost resident retail buying power. In addition, between 2009-2014 the average assessed value for a single family home increased 1.8%, however the average assessed value for a vacant/abandoned home decreased 5.1%; and

**WHEREAS**, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only after a judgment of foreclosure and sale has been entered by a court; and

**WHEREAS**, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Batavia and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

**WHEREAS**, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” (A. 06932, S.04781) would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, pre-foreclosure, action to identify, secure and maintain such vacant and abandoned properties; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by establishing an “Abandoned Property Neighborhood Relief Fund,” comprised of civil penalties collected by the Attorney General in enforcement actions under the Act, which Neighborhood Relief Fund monies would be expended by the Attorney General in the form of Enforcement Assistance Grants to counties, cities, towns and villages to assist localities across the State in their own enforcement efforts under the Act; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

**WHEREAS**, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Batavia and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court; and

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Batavia hereby calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2015.”

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be sent to Governor Andrew Cuomo, Attorney General Eric T. Schneiderman, New York State Senator Michael Ranzenhofer and New York State Assemblyman Steve Hawley.

**BE IT FURTHER RESOLVED**, the Act is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Vibrant, Livable Neighborhoods and Healthy and Growing Economy strategic priorities.

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

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**#46-2015**

**A RESOLUTION ADOPTING THE CITY OF BATAVIA COMPREHENSIVE  
EMERGENCY MANAGEMENT PLAN (CEMP)**

**Motion of Councilperson Jankowski**

**WHEREAS**, the City of Batavia recognizes the need to have a coordinated approach to major incidents and disasters that affect the City; and

**WHEREAS**, the City of Batavia has the statutory responsibilities to develop, implement, and maintain an effective Emergency Management Plan under New York State Executive Law, Article 2B; and

**WHEREAS**, the City of Batavia has developed an Emergency Management Team to oversee and complete these functions for the City; and

**WHEREAS**, all City departments having responsibilities contained within this plan have

acknowledged and agreed upon their roles and responsibilities; and

**NOW THEREFORE IT BE RESOLVED**, that the City of Batavia’s Comprehensive Emergency Management Plan is hereby adopted as the emergency management plan for the City of Batavia, NY.

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

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**#47-2015  
A RESOLUTION AWARDDING A PURCHASE CONTRACT FOR THERMAL  
IMAGING CAMERAS**

**Motion of Councilperson Cipollone**

**WHEREAS**, the City has advertised for competitive, sealed bids for the purchase of thermal imaging cameras used for structural interior firefighting operations; and

**WHEREAS**, two (2) companies submitted bids, and one (1) low bidder was identified for the purchase of thermal imaging cameras; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the contract be awarded to the lowest responsible bidder hereinafter identified.

Company Name	Bid Amount
Municipal Emergency Services	\$11,445.00
DiVal Safety & Supplies	\$12,656.25

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

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**#48-2015  
A RESOLUTION CLASSIFYING THE 2014 CDBG MICROENTERPRISE  
ASSISTANCE GRANT AS A TYPE II ACTION UNDER THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)**

**Motion of Councilperson Deleo**

**WHEREAS**, that in accordance with the National Environmental Policy Review Act (NEPA) and the New York State Environmental Quality Review Act (SEQR), the City Council of the City of Batavia hereby designates itself to serve as lead agency to coordinate the environmental review of the provision of Microenterprise Assistance Program; and

**WHEREAS**, in its capacity as lead agency, the City Council has caused to be prepared as environmental assessment of the significance of and potential environmental impact of this project; and

**WHEREAS**; the City Council hereby accepts the environmental assessment of the project, prepared by LaBella Associates, D.P.C.; and

**WHEREAS**, the City Council further declares that, based on the environmental assessment which has been prepared, it finds that the project is exempt (Type II Action) under SEQR and categorically excluded under the National Environmental Policy Act (NEPA); and

**NOW THEREFORE, BE IT RESOLVED THAT**, the City Council has determined that an Environmental Impact Statement will not be required and the environmental review process is hereby concluded.

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

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**#49-2015**

**A RESOLUTION AMENDING THE VACATION POLICY FOR NON-UNION EMPLOYEES**

**Motion of councilperson Canale**

**WHEREAS**, the City Council of the City of Batavia wishes to amend the current vacation policy for its non-union City employees to provide adequate time off for non-union employees, recruitment of new employees and consistency with other employers; and

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

Increments: Employees shall be eligible for a vacation increment during the calendar year in which they reach the service time requirements for each of the increments or, provided that at the time of hire, the City Manager may give credit for previous experience in setting the vacation increment.

New Employees: New employees must complete 6 months of continuous service before one week of vacation leave shall be granted. After satisfying the initial 12 months of continuous service, the employee shall become eligible for vacation pursuant to the Increments section of this policy.



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

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**#50-2015**

**A RESOLUTION SETTING FORTH CERTAIN REQUIRED FINDINGS OF FACT AND  
AUTHORIZING AN INSTALLMENT PURCHASE CONTRACT 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**

**Motion of Councilperson Doeringer**

**WHEREAS**, the City Manager of the City has evaluated, in cooperation with the City's professional financial advisors, the advantages and disadvantages of lease/purchase financing as compared to the most similar type of financing available to the City under the Local Finance Law to purchase one (1) Navistar 7600 series 4X6 cab and chassis up fit to a dump truck with snow plow and deicing equipment as provided by TENCO; and

**WHEREAS**, such officials have determined that lease/purchase financing through US Bancorp Government Leasing and Finance, Inc. presents the most attractive long-term option for the City under these circumstances, in that the City would be able to obtain an attractive fixed interest rate for the duration of the financing of the vehicle and associated equipment, without having to incur the annual expenses (and interest rate fluctuation risk) associated with the annual renewal of bond anticipation notes; and

**WHEREAS**, a determination as to the most advantageous method of long term financing under prevailing market conditions is set forth in the written analysis prepared by Municipal Solutions, Inc., in its capacity as financial advisor to the City for this transaction, which analysis is attached hereto as Schedule A; and

**WHEREAS**, Section 109(b) of the General Municipal Law of New York (the "Statute") authorizes a City to enter into an installment purchase contract (whether in the form of a lease/purchase agreement, installment sale agreement or other similar agreement) providing for periodic payments by the City for the purpose of financing equipment, machinery or apparatus; and

**WHEREAS**, the lease/purchase proposal from US Bancorp Government Leasing and Finance, Inc. (the essential terms of which are described in the lease proposal letter from US Bancorp Government Leasing and Finance, Inc., dated May 14, 2015, a copy of which is attached hereto as Schedule B) was judged by the City Manager and the City's professional advisors to be the most advantageous to the City, allowing the City to acquire the vehicle and associated equipment at the lowest total cost and under the most favorable arrangements; and

**WHEREAS**, under the terms of the Statute, the express written approval of the City Council of the City (the “Council”) is a prerequisite to the entry by the City into any such lease/purchase arrangements; and

**WHEREAS**, the City is willing to proceed with this stated manner of financing of the Vehicle and associated Equipment, and is prepared to grant such approval; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council, acting on the basis of (i) the analysis of Municipal Solutions, Inc., dated May 15, 2015 and attached hereto as Schedule A, and (ii) the lease proposal from US Bancorp Government Leasing and Finance, Inc., dated May 14, 2015 and attached hereto as Schedule B (the “Proposal Letter”), hereby authorizes and approves in all respects the entry by the City into lease/purchase financing arrangements with US Bancorp Government Leasing and Finance, Inc. in the amount of \$182,210, for a 7-year term, under the interest rate arrangements as set forth in the Proposal Letter, and otherwise on the general terms and pursuant to the documents described in the Proposal Letter, subject to final review and approval by appropriate City officials and by the City’s legal counsel, for the financing of the City’s acquisition of the Vehicle and associated Equipment, all pursuant to the provisions of Section 109(b) of the Statute; and

**BE IT FURTHER RESOLVED**, that Council approves of the financing documents for such transaction (including, without limitation, the documents generally described in or contemplated by the Proposal Letter) (collectively, the “Documents”), and authorizes and directs the City's execution, delivery and performance of the Documents subject to the provisions of Section 109(b) of the General Municipal Law of New York; and

**BE IT FURTHER RESOLVED**, that the City Manager, as chief fiscal officer of the City, is hereby authorized and directed to execute and deliver the Documents (with such amendments, additions or alterations as may, in the discretion of the City Manager, be appropriate); and

**BE IT FURTHER RESOLVED**, that the City Manager and other appropriate City officials are hereby authorized and directed to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the City's entry into such described lease/purchase arrangements, so that the City’s acquisition of the Vehicle and associated Equipment on financing terms satisfactory to the City may be expedited; and

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective immediately, and the City Clerk shall enter this resolution into the official minutes of the City Council of the City.

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

#### **SCHEDULE A**

**(ATTACH COPY OF ANALYSIS AND RECOMMENDATION, DATED MAY 15, 2015,  
FROM MUNICIPAL SOLUTIONS, INC.)**

**SCHEDULE B  
(ATTACH COPY OF LEASE PROPOSAL LETTER,  
DATED MAY 14, 2015, FROM US BANCORP GOVERNMENT LEASING AND  
FINANCE, INC.)**

\* \* \*

**#51-2015  
A RESOLUTION RECOGNIZING \$50,000 OF VIDEO LOTTERY TERMINAL STATE  
COMPACT MONEY TO TRANSFER TO THE SIDEWALK RESERVE**

**Motion of Councilperson Briggs**

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

**WHEREAS**, pursuant to General Municipal Law 6-n the City of Batavia has an established Sidewalk Reserve fund for the cost of reconstruction of existing sidewalks within the City; and

**WHEREAS**, the City of Batavia has received a \$768,800 Transportation Alternatives Program (TAP) sidewalk grant, *Healthy Schools Corridor*, to complete a total of \$961,000 of sidewalk improvements by 2018. The total project includes a \$192,200 local match of funds and requires the City to commit funds to the City’s Sidewalk Reserve fund for this project; and

**WHEREAS**, the City of Batavia is desirous to continue to fund the Sidewalk Reserve for future projects; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, effective March 31, 2015, does hereby transfer \$50,000 to the Sidewalk Reserve.

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

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**MOTION TO ENTER EXECUTIVE SESSION**

**Motion of Councilperson Pacino**

**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 Christian and on roll call approved 9-0.**

\* \* \*

**Meeting adjourned at 7:40 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**