

**CITY OF BATAVIA
BUSINESS MINUTES
FEBRUARY 9, 2016**

The regular business meeting of the City Council was held Tuesday, February 9, 2016 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Hawley, Pacino, Briggs, Canale, McGinnis, Viele, Tabelski, and Christian.

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

The minutes from the January meetings and December 2015 financials were approved.

The Council President assigned the regular agenda items.

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Communications

None.

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Council President's Report

Council President Jankowski announced that the next regular City Council Conference Meeting would be held on Monday, February 22, 2016 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

Councilperson Briggs presented a proclamation to Dan Fischer for WBTA's 75th anniversary. She noted that they went on the air at 7:00am on February 6, 1941, they continue to be a vital connection to the community, and thanked them for their dedication and commitment to the City.

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City Attorney's Report

Mr. Van Nest stated that he had nothing specific to report.

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City Manager's Report

Mr. Molino noted that he would have an updated on the NYCOM conference shortly.

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Committee Reports

Councilperson Pacino noted that the BID would be working on Beertavia which is scheduled for Saturday, June 18th.

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Public Comments

Jennifer Gray, 41 Clinton St, noted that she was there representing GoArt and wanted to talk not about increasing the City's funds to GoArt but restoration of funding since it was cut years ago. She understood that it had to be a feasible investment for the City and noted that the czb report stated that community wellness would bring people downtown so if there were no cultural arts to enhance downtown then there wasn't much to offer. Mrs. Gray felt that what they were asking for would go a long way.

Lauren Hoerbelt, 152 State St, board president of GoArt, stated that if we want to build an economic base then we needed the arts. She noted that Auburn turned a crumbling mall into a theatre and became a cultural hub. She felt Batavia had an opportunity to fill a cultural void between Buffalo and Rochester.

Don Fryling, 6 Redfield Parkway, felt that rerouting traffic from Park Road would have an effect on Redfield and Redfield was not intended for that volume of traffic. He reminded everyone that it was a residential neighborhood.

Nelson Baker, 20 Redfield Parkway, would like Council to have a meeting allowing other residents to talk about the January 15th temporary closure of Park Road. He showed photos of the traffic as a result of that road closure and noted cars were crossing over the grassy medians. He explained that other neighbors shared their observations with him as well. He felt if Batavia Downs closed Park Road where they wanted to it would drastically affect the quality of life for fourth ward residents. He noted that Redfield already has a lot of traffic with the apartments at the VA complex.

Jim Owen, 2 Redfield Parkway, hoped that the City could work with the Town of Batavia and Batavia Downs to not close Park Road. He noted there were approximately 29 children who lived on Redfield and he didn't want them to get hurt with the increased traffic. He hoped Council would take his request into consideration.

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Council Responses to Public Comments

Councilperson McGinnis thanked the fourth ward residents for speaking and stated he would let everyone know when the meeting would occur with the Town of Batavia. Councilperson Canale noted that he'd also received a number of comments on the closure and even thought it would directly affect the City, we didn't have a final say which he felt was a little frustrating. He encouraged everyone to speak out against the road closure. Councilperson Tabelski thanked the GoArt members for coming and speaking out in support of the proposed budgeted amount. Mr. Molino noted that he requested Batavia Downs have a public meeting, include Redfield Parkway residents in that notice, and asked them to study the streets leading up to Park Road. He noted that the City wasn't the lead agency and thus didn't have final determination. Council President Jankowski hoped the Town of Batavia would work with the City on this.

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Unfinished Business

Councilperson Viele asked if there was any information regarding the mall and the deer problem. Mr. Van Nest anticipated having an update on the mall for Council during an executive session. Mr. Molino had asked residents if they wanted to be on a committee and hoped to have a meeting in March. Councilperson Canale asked if there was any follow up from the cat trapping organization and if there was any progress. Mr. Molino said he would find out if there had been any activity. Councilperson Viele asked what could be done to support the Redfield residents. Mr. Van Nest noted that the City had no vote in the final decision but could submit comments as part of the SEQR review. Council President Jankowski wanted to add a letter in support of the Redfield residents from Council to the next conference agenda.

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New Business

#15-2016

A RESOLUTION TO AMEND THE RULES GOVERNING COUNCIL BUSINESS MEETING AND CONFERENCE MEETING RULES

Motion of Councilperson Pacino

WHEREAS, the Batavia City Council, pursuant to the City Charter, shall adopt rules governing its procedure, the conduct of its meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Rules Governing Council Business and Conference Meetings shall be amended as outlined in Attachment A of this resolution.

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

Attachment A

RULES GOVERNING BUSINESS MEETINGS

(Adopted 1/18/82, 1/4/10, 1/3/12)

(Amended 11/23/98, 02/25/02, 07/14/03, 01/14/08, 1/8/14, 2/9/16)

Section 1. The President of the Council shall conduct all meetings, shall preserve order, maintain dignity and appoint such committees as he may from time to time deem necessary.

Section 2. Any member of the Council desiring to speak or present any subject shall not proceed until recognized by the President.

Section 3. All resolutions shall be voted by roll call and each Councilperson shall answer by voice either yes or no unless excused from voting under the provisions of Section 3.9 of the Charter. Every member of the Council present at a meeting shall be required to vote as herein provided and if he does not so vote, the Clerk shall record the vote per Robert's Rules of Order. In the event a Councilperson cast his/her vote in error and the final vote has been announced but the meeting has not been concluded, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed. The Council President will at that time seek general consent from the Council present to grant the request and if there are no objections, so grant. If a Councilperson objects to the request, then a motion can be made and seconded by Council to grant the request. This motion is undebatable and the Council President will call for a vote on the motion.

Section 4. Order of Business (Regular Meeting)*

- Call to Order, Invocation
- Pledge of Allegiance
- Approval of Minutes
- Assignment of Agenda Items
- Council President's Report
- City Attorney's Report
- City Manager's Report
- Committee Reports
- Public Comments
- Council Response to Public Comments
- Unfinished Business
- New Business
- Adjournment

* Special meetings need not include all of these items.

Section 5. All questions of procedure not provided for by the Charter or this ordinance shall be decided according to Roberts Rules of Order (revised). Public comments shall follow Roberts Rules of Order and shall be enforced by Council President.

Section 6. Any rules may be suspended by the unanimous consent of members present but such suspension shall apply only to those matters considered at the time of the suspension.

Section 7. An Agenda for Council Meetings shall be prepared by the City Manager prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Items placed on the Business agenda will be those that have been determined to move forward by a consensus of Council members at a prior Conference meeting. Petitions, resolutions or other business to be presented to the Council by Council members must be filed in writing with the Clerk not later than noon of the Tuesday preceding a regular meeting, except as hereinafter stated.

- a) From time to time matters of urgency may come to light that require Council's immediate attention. These items may be added to the Council meeting agenda without first being discussed at a Conference meeting only with the approval of the Council President, with the concurrence of two (2) other Council members.
- b) No petitions, resolutions or other business may be presented to Council by individual Council members unless action to do so was approved at a prior Conference meeting by a majority of the whole Council.
- c) No employee or staff time will be expended upon any matter unless directed by the City Manager or approved by a majority vote of the whole Council at a Council meeting or a Conference meeting.

Section 8. Any persons desiring to speak at any Council meeting or public hearing shall submit their name and address to the Clerk prior to the meeting or public hearing and state the purpose of said person's talk. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair and, if related to any item on the agenda, shall occur prior to Council action. Time shall not be transferable from one individual to another. The City Manager or his/her designee shall time the individuals speaking and give a thirty second warning.

At all times, speakers shall direct their comments to the Chair and shall refrain from addressing individual Council persons.

Section 9. In the event of conduct which the Council President or other Council members find offensive, the following steps shall be taken to correct this behavior:

- (a) The Council President will formally address the concern with the individual Council member;
- (b) If the problem persists, the City Council will take a short recess;
- (c) If the problem continues, the Council member in question will forfeit their right to speak on the specific topic; and

- (d) If the problem continues, the Council President shall take corrective steps based upon procedures outlined in Roberts Rules of Order (revised).

Section 10. Special meeting called per §3.8(B) of the City Charter shall try to be scheduled to provide at least 48 hours between the calling of the meeting and the actual meeting time. This time allows for proper public notice to issued, contacting of all Council members, and development of necessary agenda materials. It is understood that there may be situations where overwhelming urgency requires that the meeting be scheduled strictly in compliance with §3.8(B) of the City Charter.

Section 11. If within 10 minutes from the start time of a meeting a quorum is not present, the meeting shall be cancelled and Councilmembers released.

RULES FOR CONFERENCE MEETINGS

(Adopted 1/18/82, 1/4/10)

(Amended 11/09/98, 02/25/02, 01/14/08, 2/9/16)

1. An agenda for conference meetings shall be prepared by the City Manager, the Council President and/or President Pro Tem prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Individual Council members may add to the conference agenda by informing the Manager by 11:00 A.M. the Tuesday before the meeting. From time to time matters of urgency may come to light after the agenda deadline. These items may be added to the agenda only with the approval of the Council President.
2. The regular conference agenda* shall take the following form:
 - a. Call to Order
 - b. Public Comments
 - c. OLD BUSINESS - not completed at previous conference meetings
 - d. NEW BUSINESS
 - e. Items not included on the agenda (if time permits)

* Special conference meetings need not include all of these items.

3. Conference meetings shall be limited to two and one-half hours but in any event will not exceed beyond 10:00 P.M. During the initial review of any topic listed on the Agenda, a limit of thirty (30) minutes will be given for discussion by the City Council. At the end of thirty minutes, Council may have this discussion continued at the conclusion of the regular Conference Agenda should time be available or have the item brought back at a future Conference session(s) for further discussions.
4. A quorum for a conference meeting shall consist of six members. All action taken at a conference meeting shall be by majority of the whole Council - 5 votes.
5. All motions to add agenda items to the business meeting shall be voted by roll call and each councilperson shall answer by voice vote either yes or no unless excused from voting under

the provisions of Section 3.9 of the Charter. Every member of the Council present at a meeting shall be required to vote as herein provided and if he or she does not so vote, the Clerk shall record the vote per Robert's Rules of Order (revised). Votes during Conference meetings generally are informally used to determine whether an item should be forwarded on to the Business Agenda for formal action, to determine whether a consensus exists amongst Council members to proceed in a certain direction, or to commit staff time to further research a topic. Because of this, votes other than on formalized action, should not be construed as a final position of an individual Council member. In the event a Councilperson cast his/her vote in error before the next agenda item has been started, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed.

6. Any person desiring to speak at any conference meeting shall submit his name and address to the Clerk before each meeting, and state the purpose of his talk. During the Public Comment section of the Agenda, the individual shall be allowed to address Council. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair. Time shall not be transferable from one individual to another. The City Manager or his/her designee shall time the individuals speaking and give a thirty second warning.
7. At all times, members shall direct their comments to the Chair and shall refrain from addressing each other.
8. A conference meeting may be called by the Council President, or by any three members who petition for a meeting. The Council President may cancel a conference meeting due to weather conditions or if, in his opinion, it will be impossible to obtain a quorum. The City Manager shall inform all Council members of canceled meeting as soon as possible by phone.
9. All matters not covered by Conference Rules shall be governed by Roberts Rules of Order. Public comments shall be governed by Roberts Rules of Order and shall be enforced by Council President.

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#16-2016

A RESOLUTION REFERRING THE INCLUSION OF DIGITAL TECHNOLOGY FOR SIGNS IN THE BATAVIA MUNICIPAL CODE TO THE PLANNING AND DEVELOPMENT COMMITTEE

Motion of Councilperson Christian

WHEREAS, the City Council is desirous of reviewing the City's municipal zoning code to address the use of digital display signs in response to inquiries from sign owners to install new signs that use new technology; and

WHEREAS, § 190-43 of the Batavia Municipal Code currently prohibits digital display signs and all signs illuminated by or contain flashing, intermittent, rotating or moving lights, except to show time and temperature; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law Section 27 provides City Council with the authority to refer matters the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee to review § 190-43. Signs, of the Batavia Municipal Code, in particular, to address digital technology and other common provisions related to electronic and digital signage, to include but not limited to definitions, zoning districts, placement and orientation, sign area, illumination, message duration and transition not to exceed once every ten seconds and make a recommendation to the City Council for consideration.

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

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#17-2016

A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS

Motion of Councilperson Tabelski

WHEREAS, The City of Batavia should periodically close capital projects which are completed; and

WHEREAS, projects completed at this time that require official closing are listed as follows:

- #0504 Walnut Street Road Construction
- #1303 Trumbull/Summit Sanitary Sewer and Infrastructure Improvement Project
- #1502 Water Plant Roof; and

WHEREAS, the City Council authorizes the City Manager to make the recommended transfers and close out the specified capital projects effective February 8, 2016; and

WHEREAS, in order to close out the Trumbull/Summit project a transfer of \$52,169.26 from the Sidewalk Reserve is required and in order to close the Walnut Street project a transfer of

\$33,591.45 out of the Walnut Street Project to the Trumbull/Summit Sanitary Sewer and Infrastructure Improvement Project is required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the following transfers be made:

\$33,591.45	from 030.9961.0901.0504 Capital Fund Transfers out to 030.0030.5031.1303 General Fund Transfers in
\$52,169.26	from 001.9950.0906.2107 General Fund Transfers out to 030.0030.5031.1303 Capital Fund Transfers in

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

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#18-2016

A RESOLUTION AUTHORIZING THE CITY OF BATAVIA, NY TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT WITH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC)

Motion of Councilperson Hawley

WHEREAS, the City Council has been presented a proposed Interlocal Agreement for cooperative purchasing with Houston-Galveston Area Council (H-GAC), and found it to be acceptable and in the best interests of the City of Batavia and its citizens, and

WHEREAS, the City Council desires to participate in the described cooperative purchasing program, with H-GAC, and in the opinion that participation in the program will be highly beneficial to the taxpayers of the City of Batavia through the anticipated savings to be realized.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia authorizes the Council President to execute the Interlocal Agreement with H-GAC and hereby authorizes the City Manager, or his designee to serve as the Official Representative of the City of Batavia relating to the program.

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

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#19-2016

A RESOLUTION AUTHORIZING THE CITY OF BATAVIA, NY TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT WITH REGION 4 EDUCATION SERVICE CENTER LEAD AGENCY FOR THE COOPERATIVE PURCHASING NETWORK (TCPN)

Motion of Councilperson Canale

WHEREAS, the City Council has been presented a proposed Interlocal Agreement with the Region 4 Education Service Center, lead agency for The Cooperative Purchasing Network (TCPN), and found it to be acceptable and in the best interests of the City of Batavia and its citizens; and

WHEREAS, the City Council desires to participate in the described cooperative purchasing program, whose lead agency is Region 4 Education Service Center, and in the opinion that participation in the program will be highly beneficial to the taxpayers of the City of Batavia through the anticipated savings to be realized; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia authorizes the Council President to execute the Interlocal Agreement with the Region 4 Education Service Center, lead agency for The Cooperative Purchasing Network (TCPN) and hereby authorizes the City Manager, or his designee to serve as the Official Representative of the City of Batavia relating to the program.

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

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#20-2016

A RESOLUTION APPOINTING TWO COUNCIL MEMBERS TO THE COMMITTEE TO REVIEW THE SALES TAX ALLOCATION AGREEMENT WITH GENESEE COUNTY

Motion of Councilperson Viele

WHEREAS, the County of Genesee and the City of Batavia, together with representatives of the Villages and Towns in the county did in 1999 reach an agreement with regard to the distribution of sales tax revenue in Genesee County and renewed that agreement in 2007, and

WHEREAS, the County and Villages recognized that the best interests of the entire area, all the various municipalities and all the citizens thereof, would be best served if the revenue derived from sales tax allocated to the City was to be stabilized, and

WHEREAS, it was recognized that industrial and commercial growth in the County of Genesee would in all likelihood take place outside the City, that the population of the City would in all likelihood decline and that the City's portion of the revenue derived from sales tax should be based neither on taxable sales within its geographic boundaries nor its population, and

WHEREAS, the County Legislature has determined that the City's ability to serve as a commercial, financial and governmental center of the County is essential for the economic growth of the areas outside the City, and

WHEREAS, pursuant to the current Sales Tax Allocation Agreement that on or before the first day of July, 2016, the Genesee County Legislature shall cause a committee to be convened consisting of members of the County Legislature, members of the City Council and representatives of the elected officials of the Villages and Towns of Genesee County, which committee shall recommend to the Legislature and the City Council whether or not to amend, modify or extend this Agreement for an additional term, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby appoints Councilpersons Eugene Jankowski Jr., and Kathy Briggs to serve as the City representatives on said committee.

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

Discussion – Councilperson Hawley asked how Councilperson Briggs was chosen to be on the committee as opposed to others who submitted their names for consideration. Councilperson Briggs noted that Council President Jankowski wanted to be on and as Council President, was recommended. She noted that she and Councilperson Pacino discussed each of the others and felt she was the best fit because she had been part of the sales tax agreement in the very beginning. Councilperson Briggs noted that she had the background they thought would be beneficial. Councilperson Pacino noted they had never had that many Councilmembers who wanted to be on a committee so they just considered many different aspects of the applicants. Councilperson Hawley felt the decision should be made by the Council as a whole instead of just two members when considering other Councilmembers for positions. Councilperson Tabelski felt it was a good idea to formalize the process because it seemed to be in conflict with Council rules. Councilperson Canale felt Councilperson Briggs should have stepped back since she was one of the people interested in being on the committee so she wasn't voting for herself. Councilperson Viele felt it was a joke. Councilperson Christian noted that the issue had never come up in her 24 years on Council. Councilperson Jankowski felt the concern was the process not the appointments.

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#21-2016

A RESOLUTION TO AMEND THE 2015-2016 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A CAR SEAT GRANT, IN THE AMOUNT OF \$6,000 AND A BICYCLE AND PEDESTRIAN SAFETY GRANT, IN THE AMOUNT OF \$800

Motion of Councilperson Briggs

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$6,000 for Award period October 1, 2015 through September 30, 2016 from the New York State Governor's Traffic Safety Committee related to Car Seat Safety for increased child passenger safety and proper installation training of caregivers in an effort to reduce serious injury and death to children; and

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$800 for Award period October 1, 2015 through September 30, 2016 from the New York State Governor's Traffic Safety Committee related to Bicycle & Pedestrian Safety for improving the safety of pedestrians, bicyclists and other wheel-sport enthusiasts who are New York's most vulnerable roadway users; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is authorized to make the following budget amendment to the 2015-2016 budgets effective February 9, 2016 to cover various Car Seat Program details and equipment purchases:

Increase revenue accounts:

Increase revenue accounts:	
1.1.3389.1155	\$6,000.00

Increase expense accounts:	
1.3410.0201.1155	\$6,000.00

Increase revenue accounts:	
1.1.3389.1156	\$ 800.00

Increase expense accounts:	
1.3410.0201.1156	\$ 800.00

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

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#22-2016

A RESOLUTION TO AMEND THE 2015-2016 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AND AN ENHANCED STOP-DWI GRANT IN THE AMOUNT OF \$29,260 (STOP-DWI) & \$6,612.37 (STOP-DWI ENHANCED) TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$29,260 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; and

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$6,612.37 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING JOINT AND ENHANCED PATROLS; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2015-2016 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective February 9, 2016, amend the 2015-16 budget:

Increase expenditure accounts	
001.3120.0101.1153	\$ 6,106.52
001.3120.0802.1153	\$ 505.85
001.3120.0101.1154	\$ 9,235.00
001.3120.0802.1154	\$ 765.00
001.3120.0200.1154	\$ 18,260.00
001.3120.0201.1154	\$ 1,000.00
Increase revenue accounts	
1.1.3389.1153	\$ 6,612.37
1.1.3389.1154	\$ 29,260.00

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

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#23-2016

**A RESOLUTION TO APPOINT MEMBERS TO
VARIOUS CITY COMMITTEES/ BOARDS**

Motion of Councilperson Pacino

WHEREAS, certain vacancies exist on various City Committees/Boards; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Community Garden Committee

Deborah Kerr-Rosenbeck

December 31, 2018

Youth Board

Paula Fischer

December 31, 2017

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

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#24-2016

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

Motion of Councilperson Briggs

BE IT RESOLVED, that Local Law No. 1 of the Year 2016 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2016 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

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

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 22, 2016; and

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

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

**LOCAL LAW NO. 1 OF THE YEAR 2016
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

~~\$4.78~~ [\$4.95] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$6.14~~ [\$6.35] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$6.40~~ [\$6.63] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2015 as billed on and after June 1, 2015~~ [April 1, 2016 as billed on and after June 1, 2016].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$9.32 [\$9.64]
Disc	3/4	\$11.79 [\$12.20]
Disc	1	\$12.42 [\$12.85]
Disc	1 ½	\$21.10 [\$21.84]
Disc	2	\$29.30 [\$30.33]
Compound	2	\$24.82 [\$25.69]
Compound	3	\$94.40 [\$97.71]
Compound	4	\$150.26 [\$155.52]
Compound	6	\$226.99 [\$234.93]
Turbo	3	\$55.86 [\$57.81]
Turbo	4	\$94.40 [\$97.71]
Fireline	4	\$94.40 [\$97.71]
Fireline	6	\$150.26 [\$155.52]
Fireline	8	\$209.46 [\$216.79]
Fireline	10	\$273.53 [\$283.10]

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	\$4.50 [\$4.95]

Disc	¾	\$5.70 [\$6.27]
Disc	1	\$6.00 [\$6.60]
Disc	1 ½	\$10.20 [\$11.22]
Disc	2	\$14.16 [\$15.58]
Compound	2	\$12.00 [\$13.20]
Compound	3	\$45.63 [\$50.19]
Compound	4	\$72.63 [\$79.89]
Compound	6	\$109.73 [\$120.70]
Turbo	3	\$27.00 [\$29.70]
Turbo	4	\$45.63 [\$50.19]
Fireline	4	\$45.63 [\$50.19]
Fireline	6	\$72.63 [\$79.89]
Fireline	8	\$101.25 [\$111.38]
Fireline	10	\$132.23 [\$145.45]

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

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#25-2016

A RESOLUTION INTRODUCING 2016-2017 BUDGET ORDINANCE AND SCHEDULING A PUBLIC HEARING

Motion of Councilperson Christian

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2016-2017 fiscal year on January 15, 2016 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 22, 2016 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2016-2017 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 22, 2016; and

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

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

ORDINANCE #001-2016

AN ORDINANCE ADOPTING THE 2016-2017 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2016-2017 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2016-2017, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 15, 2016, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2016-2017 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 2016-2017.

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 2016-2017 is \$5,126,334.

SECTION 3. The sum of \$5,126,334 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 2016-2017, 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 2016-2017.

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, 2016.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 146,265.00
City Council	\$ 56,700.00
City Manager	\$ 180,430.00
Finance	\$ 138,610.00
Administrative Services	\$ 329,050.00
Clerk/Treasurer	\$ 134,000.00
City Assessment	\$ 145,952.00
Legal Services	\$ 219,800.00
Personnel	\$ 487,860.00
Engineering	\$ 32,000.00
Elections	\$ 18,210.00
Public Works Administration	\$ 104,860.00
City Facilities	\$ 359,670.00
Information Systems	\$ 79,575.00
General Fund - Contingency	\$ 250,000.00
Police	\$ 4,018,010.00
Fire	\$ 3,896,092.00
Control of Dogs	\$ 1,310.00
Inspection	\$ 342,130.00
Vital Statistics	\$ 19,040.00
Maintenance Administration	\$ 198,350.00
Street Maintenance	\$ 811,395.00
Public Works Garage	\$ 497,222.00
Snow Removal	\$ 617,039.00
Street Lights & Traffic Signals	\$ 283,340.00
Sidewalk Repairs	\$ 259,990.00
Parking Lots	\$ 35,200.00
Community Development	\$ 20,000.00
Council on Arts	\$ 5,000.00
Parks	\$ 675,070.00
Summer Recreation	\$ 69,195.00
Youth Services	\$ 169,165.00
Historic Preservation	\$ 2,100.00
Community Celebrations	\$ 17,870.00
Planning & Zoning Boards	\$ 3,200.00
Storm Sewer	\$ 238,320.00
Refuse & Recycling	\$ 58,680.00
Street Cleaning	\$ 331,790.00
Medical Insurance	\$ 10,070.00

General Fund - Debt Service/Bonds	\$ 512,575.00
General Fund – BAN	\$.00
Install Pur Debt - Municipal Lease	\$ 35,843.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 75,475.00
Gen. Fund – Other Gov’t Debt	\$ 96,027.00
General Fund - Transfer/Other Funds	\$ 322,090.00
TOTAL	\$ 16,304,570.00

Water, Wastewater & Workers Comp Funds

**PROPOSED
2016/17**

Water Administration	\$ 2,408,170.00
Pump Station & Filtration	\$ 1,284,370.00
Water Distribution	\$ 431,160.00
Water Fund – Medical Insurance	\$ 1,000.00
Water Fund Contingency	\$ 15,000.00
Water Fund - Debt Service/Bonds	\$ 25,800.00
Install Pur Debt – Municipal Lease	\$ 4,031.00
Water Fund– Debt Srvc-Energy Lease	\$ 18,010.00
Water Fund – Transfers for Cap Proj	\$ 700,000.00
Water Fund - Transfer to Other Funds	\$ 243,740.00
Water Fund - Reserve	\$ 140,939.00
Water Fund – Debt Service - BAN	\$ 3,300.00
TOTAL	\$ 5,275,520.00

Wastewater Administration	\$ 329,620.00
Sanitary Sewers	\$ 476,030.00
Wastewater Treatment	\$ 835,840.00
WW Fund Contingency	\$ 15,000.00
WW Fund – Medical Insurance	\$ 1,010.00
WW Fund - Debt Service/Bonds	\$ 163,059.00
WW Fund – Debt Service/BAN	\$ 37,200.00
WW Fund - Debt Srvc-Energy Lease	\$ 7,471.00
Install Pur Debt – Municipal Lease	\$ 29,028.00
WW Fund – Transfer to Other Funds	\$ 31,810.00
WW Fund – Transfer for Capital Proj	\$ 562,000.00
WW Fund - Reserve	\$ 730,000.00
TOTAL	\$ 3,218,068.00

Workers' Compensation	\$ 322,640.00
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TOTAL	\$ 322,640.00
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TOTAL	\$ 25,120,798.00
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Meeting adjourned at 8:00 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**