

CITY OF BATAVIA BUSINESS MINUTES MARCH 14, 2016

The regular business meeting of the City Council was held Monday, March 14, 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, Viele, Tabelski, and Christian. Councilperson McGinnis was absent.

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

The minutes from the February meetings and January 2016 financials were approved.

The Council President assigned the regular agenda items.

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Communications

Living Waters Apostolic Ministries requested to hold a community outreach on Saturday, July 30th from 12:00 – 5:00pm in Austin Park. Council approved.

Kiwanis was looking to have their annual Easter egg hunt on Saturday, March 26th at 9:00am in Centennial Park. Council approved.

The Batavia Business Improvement District (BID) submitted an application for Beertavia on Saturday, June 18th from 2:00 – 8:00pm in the Bank St and Alva Place parking lot. Councilperson Christian noted that she did not approve the event but the rest of Council approved.

Genesee County Farmer's Market requested to hold Downtown Public Market every Tuesday, Thursday, and Friday from June 10th to October 28th from 9:00am – 5:00pm in the Bank St and Alva Place parking lot. Council approved.

The BID submitted an application for Jackson Square Concerts, Ramble Music and Art Fest and Sketch Out/Paint Out. The Jackson Square concerts were on Fridays from July 1st – August 26th from 7:00 – 9:00pm in Jackson Square. The Ramble was scheduled for Saturday, July 2nd from 11:00am – 11:00pm and Sketch Out/Paint Out on Monday, August 8th from 5:00 – 9:00pm. Council approved.

Carter's Restaurant and Bar submitted a liquor license application. There were no objections from the police department. Council approved.

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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, March 28, 2016 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

Council President Jankowski noted that there would be a meeting on Saturday, March 19th from 10:00am – 12:00pm at the Holland Land Office for 4th ward residents to discuss the Park Road closure.

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City Attorney's Report

Mr. Van Nest stated that he continued to work on a variety of matters but had nothing specific to report.

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City Manager's Report

Mr. Molino noted that the NYCOM annual conference was coming up in May and he had been asked to speak about the City's planning process and he would be a presenter.

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Committee Reports

Councilperson Christian noted that she and Councilpersons Briggs, Council President Jankowski and Legislator Deleo would hold a meeting on April 13th at 7:00pm in Ascension Parish to discuss any concerns about the 5th and 6th wards.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

Councilperson Viele asked how we were coming with the deer and mall issue. Mr. Molino noted there was a meeting scheduled for April 14th at 2:00pm in his office to discuss the progress with the deer. Mr. Van Nest noted that they couldn't discuss pending claims in a public setting. Councilperson Viele also noted that people were concerned about the stabbing on Bank St. Chief Heubusch stated there should be no concern for residents in that area and he couldn't say much more at that time. Mr. Molino noted that there were no new updates on Empire.

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New Business

#27-2016

A RESOLUTION TO ADOPT THE 2016-2017 BUDGET ORDINANCE

Motion of Councilperson Canale

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, said proposed budget has been made public and available for public inspection since January 15, 2016 and a public hearing was held on February 22, 2016; and

WHEREAS, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$25,105,848, including the General Fund at \$16,289,620; and

WHEREAS, said proposed budget includes revenues to be raised through the property tax levy of \$5,111,384; 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 2016-2017 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

Seconded by Councilperson Hawley and on roll call approved 5-3. Councilpersons Briggs, Christian and Viele voted no.

ORDINANCE #1-2016

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 \$5,111,384.

SECTION 3. The sum of \$5,111,384 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	\$	51,700.00
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	\$ 3,894,092.00
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	\$ 281,140.00
Sidewalk Repairs	\$ 259,990.00
Parking Lots	\$ 35,200.00
Community Development	\$ 20,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 675,070.00
Summer Recreation	\$ 69,195.00
Youth Services	\$ 169,165.00
Historic Preservation	\$ 2,100.00
Community Celebrations	\$ 14,870.00
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 Svc-Energy Lease	\$ 75,475.00
Gen. Fund – Other Gov't Debt	\$ 96,027.00
General Fund - Transfer/Other Funds	\$ 322,090.00
TOTAL	\$ 16,289,620.00

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
TOTAL	\$	322,640.00

TOTAL	\$	25,105,848.00
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#28-2016

A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2016 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 Briggs

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 22, 2016 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 2016 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 Tabelski and on roll call approved 6-2. Councilpersons Christian and Viele 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	3/4	\$5.70 [\$6.27]
Disc	1	\$6.00 [\$6.60]
Disc	1 1/2	\$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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#29-2016

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE REPLACEMENT OF PUBLIC WATER SYSTEM IMPROVEMENTS AND SANITARY SEWER SYSTEM IMPROVEMENTS, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilperson Hawley

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 the replacement of certain public water system improvements on Vine Street, Elm Street and Chase Park and the replacement of certain water valve throughout the City water system (the “Water System Improvements”) and the replacement of certain sanitary sewer system improvements on Elm Street (the “Sewer System Improvements”); (the

Water System Improvements and the Sewer System Improvements hereinafter jointly referred to as the “Projects”); and

WHEREAS, the estimated cost of the Water System Improvements is \$1,080,000 and the estimated cost of the Sewer System Improvements is \$845,000 and the estimated combined cost of the Projects is \$1,925,000.

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 estimated combined cost of \$1,925,000.

Section 2. The financing of the Projects, and the costs of issuance of such financing, (the “specific object or purpose”), is hereby authorized at a maximum estimated aggregate cost of \$1,940,000.

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

Section 4. 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 5. 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 6. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 7. It is hereby determined that the period of probable usefulness of the Projects is 30 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 30 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.

Second by Councilperson Christian and on roll call approved 8-0.

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#30-2016

A RESOLUTION TRANSFERRING \$165,000 FROM ASSIGNED FUND BALANCE TO THE PUBLIC WORKS CAPITAL EQUIPMENT RESERVE FUND

Motion of Councilperson Tabelski

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Capital Equipment Reserve Fund; and

WHEREAS, since the development of the Equipment Replacement Plan (ERP) in 2011 the City has replaced 20 pieces public works equipment, valued at over \$2 million.

WHEREAS, the City has made significant strides in improving the fleet over the past several years; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 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, the City of Batavia has found it financially prudent to utilize VLT compact money for non-reoccurring expenses such as, but not limited to capital projects, capital equipment and debt service reduction; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer VLT compact money revenue of \$165,000 to the DPW Capital Equipment Reserve Fund to continue to replace aging public works equipment in the upcoming fiscal year; and

BE IT FURTHER RESOLVED, that the transfer of funds to the Capital Equipment Reserve Fund is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Well Managed City strategic priority.

Second by Councilperson Pacino and on roll call approved 8-0.

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#31-2016

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

Motion of Councilperson Viele

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

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:			
Summit Street Water	\$123,000	Water Capital Reserve	2015/16
Main	\$700,000	Water Capital Reserve	2016/17
Vine,Elm & Chase	\$146,000	Financing	2016/17
Water Main + Valves	\$930,723	Financing	2017/18
Sewer Fund:			
State Street Sanitary	\$50,000	Sewer Capital Reserve	2015/16
Sewer Siphon	\$277,000	Sewer Capital Reserve	2016/17
Elimination			
Washington Ave.	\$107,000	Financing	2015/16
Sewer Replacement	\$605,000	Financing	2016/17
(Bank to Ross)			
Washington Ave.	\$103,000	Financing	2015/16
Sewer Replacement	\$580,000	Financing	2016/17
(Jefferson to Bank)			
Secondary Pond No. 1	\$2,325,000	Financing	2015/16
Sludge Removal			
Central Pump Station	\$58,500	Operating Budget	2015/16
Improvements	\$11,500	Sewer Capital Reserve	2015/16
Elm St Sanitary	\$126,000	Financing	2016/17
Sewer Replacement	\$719,278	Financing	2017/18

Second by Councilperson Christian and on roll call approved 8-0.

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#32-2016
A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS
FOR NON-UNION CITY EMPLOYEES

Motion of councilperson Canale

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

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. 2.75% salary increase effective April 1, 2016

Seconded by Councilperson Hawley and on roll call approved 5-3. Councilpersons Christian, Viele, and Briggs voted no.

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#33-2016
A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENTS
FOR PART-TIME AND SEASONAL CITY EMPLOYEES

Motion of councilperson Hawley

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 City Council of the City of Batavia, that the attached wage adjustment for part-time and seasonal City employees be and is hereby enacted:

Seasonal Part-time Employees	A 1st Summer	B 2nd Summer	C 3rd Summer
<u>Grade I</u>			
Laborer	\$9.00	\$9.31	\$9.63
Groundskeeper			
Rec. Attendants			
<u>Grade II</u>			
Rec. Leader	\$9.63	\$9.96	\$10.07
<u>Grade III</u>			
Rec. Specialist	\$10.07	\$10.42	\$10.79
<u>Grade IV</u>			
Administrative Interns	\$10.59	\$10.96	\$11.37

Regular (Permanent) Part-time Employees	Beginning	Completion of Year 1	Completion of Year 2
<u>Grade I</u>			
Custodians	\$9.82	\$10.12	\$10.42
Crossing Guards			
Recycling Attendant			
Rec Leaders			
<u>Grade II</u>			
Clerk-Typist	\$10.51	\$10.82	\$11.15
<u>Grade III</u>			
Rec Specialist	\$10.87	\$11.20	\$11.53
<u>Grade IV</u>			
Ordinance Enforcement Administrative Interns	\$11.89	\$12.24	\$12.61
<u>Grade V</u>			
Dispatcher	\$16.29	\$16.78	\$17.28
<u>Grade VI</u>			
Parking/Animal Control	\$16.96	\$17.48	\$18.00

Seconded by Councilperson Tabelski and on roll call approved 5-3. Councilpersons Christian, Briggs and Viele voted no.

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#34-2016

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

Motion of Councilperson Pacino

WHEREAS, the City of Batavia is the custodian of moneys and is authorized to invest such money; and

WHEREAS, the City’s independent auditor has recommended an investment policy be updated and reviewed annually by Council; and

WHEREAS, the Council of the City of Batavia originally adopted the Investment Policy April 11, 2011 and has subsequently revised and adopted it each year thereafter; and

WHEREAS, such policy is in compliance with the current legal requirements under New York State General Municipal Law Sections 10 and 11 and is in the required format mandated by the State Comptroller; and

WHEREAS, said policy has been reviewed and approved by both the City's Fiscal Advisor and the City's Independent Auditor;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

Seconded by Councilperson Canale and on roll call approved 8-0.

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	Wesley Bedford
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	Michael Marsh

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	3/9/15
Revised by		L Neary	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".

* * *

#35-2016

**A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS
OUTLINED IN THE 2016-2017 BUDGET**

Motion of Councilperson Christian

WHEREAS, the City 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 City Council of the City of Batavia was presented on January 15, 2016, 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 City 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 Briggs and on roll call approved 8-0.

* * *

#36-2016

A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR FISCAL YEAR 2016-2017

Motion of Councilperson Viele

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 January 15, 2016 the City Council was presented with the proposed City of Batavia Strategic Plan for fiscal year 2016-2017 which contained ongoing and new initiatives for the upcoming fiscal year; and

NOW, THEREFORE BE IT RESOLVED, by the City 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 Christian and on roll call approved 8-0.

* * *

#37-2016

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF BATAVIA AND THE TOWN OF BATAVIA FOR DESIGN, CONSTRUCTION AND INSPECTION COST SHARING OF THE ELLICOTT TRAIL PROJECT

Motion of Councilperson Canale

WHEREAS, the Town of Batavia, in cooperation with the City of Batavia, applied and received a \$1,024,500 grant from the New York State Department of Transportation Transpiration Enhancements Program (TEP); and

WHEREAS, the proposed trail, which has been named the Ellicott Trail, is a 4.6 mile multi-modal pedestrian and bicyclist trail will connect commercial, industrial and residential areas in the City and Town of Batavia; and

WHEREAS, the new trail will provide an internal bicycle and pedestrian route through the City and Town, including off-road sections, that will provide more efficient and safer travel options for travelers, and the trail will be the first pedestrian and bicycle trail within Genesee County that connects major activity centers; and

WHEREAS, the total project cost is estimated to be \$1,366,000.00, of which the TEP grant will cover \$ 1,024,500.00 and the project requires a local match of \$341,500.00 to be shared equally between the City and Town; and

WHEREAS, an inter-municipal agreement that outlines the Town and City relationship is required for completing the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to hereby authorize the City Council President to sign an Intermunicipal Agreement between the City of Batavia and Town of Batavia for the design, construction and inspection cost sharing for the Ellicott Trail Project.

Seconded by Councilperson Pacino and on roll call approved 8-0.

* * *

#38-2016

A RESOLUTION INTRODUCING A LOCAL LAW AMENDING CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE CITY OF BATAVIA AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Motion of Councilperson Tabelski

BE IT RESOLVED, that Local Law No. 2 of the Year 2016 entitled “**A LOCAL LAW TO AMEND §166 OF THE CODE OF THE CITY OF BATAVIA**” be introduced before the City Council of the City 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 at the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 o'clock p.m. on Monday, March 28, 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 Christian and on roll call approved 8-0.

Local Law No. 2 of the Year 2016
City of Batavia

A LOCAL LAW TO AMEND §166 OF THE CODE OF THE CITY OF BATAVIA

Be it enacted, by the City Council of the City of Batavia, New York, as follows:

Chapter 166 Taxation

[ARTICLE IX

Exemption for Residential Redevelopment Inhibited Property

§ 166-41. Exemption Established.

Residential buildings that are reconstructed, altered or improved, pursuant to § 485-r of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

§ 166-42. Definitions.

REDEVELOPMENT INHIBITED PROPERTY - A residential property that been neglected or abandoned because of the local economic conditions and/or conditions on the property that inhibit the property from being redeveloped by the private sector. Land that is undeveloped may not be designated as redevelopment inhibited property.

GAP FINANCING COSTS - The total cost of the property’s redevelopment as approved by the local government minus the increase in the full valuation of the property upon completion of the redevelopment.

EXEMPTION PERIOD - The “gap financing costs” divided by the “incremental increase in annual property taxes” resulting from the redevelopment. The “exemption period” is rounded up to the nearest whole number and may not exceed twenty-five years.

BASE ASSESSMENT - The assessed value of the property on the day the City of Batavia designates the property as redevelopment inhibited.

INCREASED ASSESSMENT - The assessed value of the property as is determined by the assessor upon completion of the redevelopment.

INCREMENTAL INCREASE IN PROPERTY TAXES - The taxation based on the “increased assessment” minus the taxation based on the “base assessment”.

§ 166-43. Designating redevelopment inhibited property.

- A. The City of Batavia shall designate any property within the City boundaries as a redevelopment inhibited property if one or more of the following are met:
- (1) The City has acquired title to the property pursuant to Real Property Actions and Proceedings Law Article 19-A; or
 - (2) The property has been continuously vacant for a period of at least three years; or
 - (3) The City has acquired title to the property via foreclosure for unpaid tax pursuant to Article 11 of the Real Property Tax Law; or
 - (4) The property has outstanding zoning, housing, or Uniform Code violations and the cost of remedying the violations exceeds the property’s value.

§ 166-44. Eligibility for Exemption.

- A. Redevelopment inhibited property is exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to demolition, alteration, or rehabilitation, or remediation pursuant to the following procedure:
- (1) The demolition, alterations, rehabilitation, and/or remediation shall be permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permits issued and said demolition, alterations, rehabilitation, and/or remediation shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the City of Batavia Bureau of Inspection upon completion; and
 - (2) The property for which the exemption is sought must be a owner-occupied one-family residence; and

- (3) The owner of such property must file an Affidavit of Residency with the Assessor of the City of Batavia on or before the taxable status date of March 1, confirming continued owner-occupancy of the property; and
 - (4) Redevelopment inhibited property is exempt from taxation and special ad valorem levies attributable to the increased assessment minus the taxes and special ad valorem levies imposed on the base assessment.
- B. In the event the property granted an exemption pursuant to this article ceases to be owner-occupied and/or the Affidavit of Residency is not filed annually for the approved exemption period, the exemption granted pursuant to this article shall cease.
 - C. In the event the property granted an exemption pursuant to this article ceases to be a one-family dwelling, the exemption granted pursuant to this article shall cease.
 - D. In the event the owner of the property is convicted of a violation or misdemeanor pursuant to New York State Uniform Fire Prevention and Building Code or the Batavia Municipal Code, the exemption granted pursuant to this article shall cease.

§ 166-45. Exemption Period.

- A. The exemption period will equal the gap financing costs divided by the incremental increase in annual property taxes resulting from the redevelopment. The exemption period is rounded up to the nearest whole number and may not exceed twenty-five years.
- B. The extent of such exemption shall decrease the last eight (8) years of the exemption period by 12 1/2% of the increase in assessment due to the redevelopment equaling 0% exemption on the final year of the exemption period.

§ 166-46. Application for Exemption.

- A. Such exemption shall be granted only upon application by the owner of such building for the redevelopment inhibited property exemption, on a form prescribed by the City. The application must be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. The application must be filed with the Assessor of the City of Batavia within three years from the date of completing the demolition, alterations, rehabilitation, and/or remediation.
- B. The owner filing such exemption does not have to be the owner responsible for completing the demolition, alterations, rehabilitation, and/or remediation.
- C. Once granted, the residential redevelopment inhibited property tax exemption runs with the land for the exemption period pursuant to this article.

§ 166-47. When Effective.

This article shall take effect immediately.

* * *

#39-2016
A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO SIGN
ICE RINK LEASE AGREEMENT

Motion of Councilperson Pacino

WHEREAS, the City of Batavia and Firland Management are desirous of entering into an Ice Rink Lease Agreement regarding operation of activities at the City of Batavia Ice Arena; and

WHEREAS, the City Manager has negotiated an acceptable contract with Firland Management; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia that the Council President be and he hereby is authorized to execute an Ice Rink Lease Agreement whereby Firland Management will operate activities at the City of Batavia Ice Arena.

Seconded by Councilperson Viele and on roll call approved 8-0.

* * *

#40-2016
A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 116
SWAN STREET WITH BATAVIA HOUSING AUTHORITY

Motion of Councilperson Briggs

WHEREAS, the City foreclosed on 116 Swan Street (SBL # 84.074-1-6) 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 City 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 116 Swan 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 Viele and on roll call approved 7-0. Councilperson Christian abstained due to her participation on a Habitat board.

* * *

#41-2016

A RESOLUTION TO RE-APPROPRIATE ADMINISTRATIVE RESERVE FUNDS FOR KVS/SPRINGBROOK (NOW ACCELA) UTILITY BILLING, PAYROLL, TAX COLLECTION SOFTWARE CONVERSION

Motion of Councilperson Tabelski

WHEREAS, The City of Batavia approved in the 2015/2016 budget to use \$36,874 of administrative reserve to upgrade and convert the City's KVS utility billing, payroll and tax collection software; and

WHEREAS, KVS was acquired by Accela Software Solutions in April, 2015; and

WHEREAS, the aforementioned acquisition created a sizeable delay in the process of converting and upgrading the City of Batavia's software therefore, as a result, the approved appropriation will expire at the fiscal year end ,prior to the completion of the conversion; and

WHEREAS, \$9,204.50 of the approved appropriation has been expended in the 2015/2016 fiscal year; and

WHEREAS, the Bureau of Finance is requesting permission to re-appropriate \$27,669.50 in the 2016/2017 fiscal year, to cover the cost of the continued conversion process; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Bureau of Finance has permission to re-appropriate \$27,669.50 of administrative reserve funding to continue the conversion process of the City's utility billing, payroll and tax collection software in the fiscal year ending March 31, 2017.

Seconded by Councilperson Canale and on roll call approved 8-0.

* * *

#42-2016

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

Motion of Councilperson Christian

WHEREAS, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

WHEREAS, the City Council last adopted its Purchasing Manual on March 9, 2015; and

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

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

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

Seconded by Councilperson Hawley and on roll call approved 8-0.

* * *

#43-2016

**A RESOLUTION TRANSFERRING FROM THE EMPLOYEE BENEFIT ACCRUED
LIABILITY RESERVE AND TO AMEND THE BUDGET**

Motion of Councilperson Canale

WHEREAS, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees' service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has approximately \$38,310.00 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 will have had employee retirements/terminations from General Fund employment with payable accrued employee benefits totaling \$30,634.80; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers:

Effective March 31, 2016, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100	\$7,606.78
	001.3120.0200	\$2,301.84
Fire Department	001.3410.0101	\$1,678.17
	001.3410.0104	\$ (604.49)
	001.3410.0102	\$3,389.14
Public Works Admin	001.1490.0100	\$5,280.29
Bureau of Maint.	001.5010.0100	\$3,697.11
	001.5010.0103	\$ 695.07
	001.5110.0103	\$ 402.33
	001.5142.0103	\$ 219.45
	001.7110.0100	\$4,999.87
	001.7110.0103	\$ 603.49
	001.7550.0103	\$ 9.14
	001.8140.0103	\$ 201.16
	001.8170.0103	\$ 155.45

Increasing revenue account:

Appropriated Employee Benefit		
Accrued Liability Reserve	001.0001.0511.2109	\$30,634.80

Seconded by Councilperson Tabelski and on roll call approved 8-0.

* * *

#44-2016

**A RESOLUTION TRANSFERRING \$2,050 TO THE PARKING LOT
CAPITAL RESERVE FUND**

Motion of Councilperson Hawley

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Parking Lot Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 received parking and dumpster permit revenue in the amount of \$2,050 and is desirous of transferring said \$2,050 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$2,050 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

Seconded by Councilperson Pacino and on roll call approved 8-0.

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#45-2016

**A RESOLUTION AWARDING THE CONTRACT FOR
HARVESTING FAT HEAD MINNOWS**

Motion of Councilperson Pacino

WHEREAS, the City has advertised for competitive, sealed bids for the harvesting of Fat Head Minnows at the Wastewater Treatment facility located at 5 Treadeasy Avenue; and

WHEREAS, a competitive bid was submitted by Daniels Farm for the harvesting of Fat Head Minnows; and

WHEREAS, Daniels Farm (12699 Platten Road, Waterport, NY) is the highest responsible bidder with a bid paying the City \$32,000, with the option of two additional years paying the City; year two at \$33,000 and year three at \$34,000; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a purchase contract for harvesting Fat Head Minnows be awarded to Daniels Farm the highest responsible bidder.

Seconded by Councilperson Christian and on roll call approved 8-0.

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#46-2016

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
BLUE HERON CONSTRUCTION, INC.
FOR 2015/2016 SANITARY SEWER IMPROVEMENTS
WASHINGTON AVENUE AND STATE STREET SEWERLINE REPLACEMENT**

Motion of Councilperson Canale

WHEREAS, a project for the replacement of approximately 2,330 LF of 8” sanitary sewer main on portions of Washington Avenue, Jefferson Avenue and State Street and the resurfacing of Washington Avenue; and

WHEREAS, a competitive bid was submitted by Blue Heron Construction, Inc., for the replacement of sanitary sewer as specified in the contract document titled 2015/2016 Sanitary Sewer Improvements, Contract No. 2015-3; and

WHEREAS, Blue Heron Construction, Inc. (9289 Bonta Bridge Road, Jordan, NY) is the lowest responsible bidder for the value of \$1,022,690.00 to construct the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Blue Heron Construction, Inc. for infrastructure improvements.

Seconded by Councilperson Christian and on the roll call approved 8-0.

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#47-2016

A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilperson Viele

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-two (22) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals; and

NOW, THEREFORE, BE IT RESOLVED, by the City 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	\$ 208.06/Ton
Faesy & Besthoff Stamford, CT	Ferric Sulfate	\$ 727.00/Ton
ControlChem Canada Burlington, ON	Fluosilicic Acid	\$ 685.00/Ton
Irish Jones Buffalo, NY	Carbon Dioxide	\$ 308.00/Ton
Chemtrade Parsippany, NJ	Liquid Alum	\$ 203.00/Ton
Shannon Chemical Co. Inc. Exton, PA	Liquid Phosphate	\$ 314.14/Drum

JCI Jones Chemical Caledonia, NY	Sodium Hypochlorite	\$.69/gallon
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Seconded by Councilperson Christian and on roll call approved 8-0.

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#48-2016

A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, R.O.W. INCIDENTALS, AND CONSTRUCTION/CI/CS ASSOCIATED WITH THE RECONSTRUCTION OF SUMMIT STREET FROM EAST MAIN STREET TO NORTH STREET

Motion of Councilperson Pacino

WHEREAS, a project for the Reconstruction of Summit Street from East Main Street to North Street, City of Batavia, Genesee County, P.I.N. 475436 (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 cost for PE/Design, R.O.W. Incidentals and Construction/CI/CS; and

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

IT IS FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$2,452,001 is hereby appropriated and made available to cover the cost of participation in the above phase of the project; and

IT IS 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

IT IS FURTHER RESOLVED, that the City 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 and/or Marchiselli 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

IT IS 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

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

Seconded by Councilperson Christian and on roll call approved 8-0.

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#49-2016

A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE ICE WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT

Motion of Councilperson Briggs

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of ice water rescue personal protective equipment used for water rescue operations; and

WHEREAS, three (3) companies submitted bids, however one (1) bidder submitted an incomplete bid package, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder, DiVal Safety & Supplies.

Company Name	Bid Amount
FF1 Professional Safety Services	\$6,360.00
DiVal Safety & Supplies	\$5,697.30

Seconded by Councilperson Christian and on roll call approved 8-0.

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#50-2016

**A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE SHORE
BASED WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT**

Motion of Councilperson Christian

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of shore based water rescue personal protective equipment used for water / ice rescue operations; and

WHEREAS, three (3) companies submitted bids, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder, DiVal Safety & Supplies.

Company Name	Bid Amount
First Out Rescue Equipment	\$22,350.00
FF1 Professional Safety Services	\$26,800.00
DiVal Safety & Supplies	\$11,970.00

Seconded by Councilperson Hawley and on roll call approved 8-0.

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#51-2016

**A RESOLUTION AWARDING A PURCHASE CONTRACT TO PURCHASE SWIFT
WATER RESCUE PERSONAL PROTECTIVE EQUIPMENT**

Motion of Councilperson Hawley

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of swift water rescue personal protective equipment used for water rescue operations; and

WHEREAS, three (3) companies submitted bids, and one (1) low bidder was identified for the purchase of shore based water rescue personal protective equipment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the contract be awarded to the lowest responsible bidder DiVal Safety & Supplies.

Company Name	Bid Amount
First Out Rescue Equipment	\$13,537.60
FF1 Professional Safety Services	\$13,800.00
DiVal Safety & Supplies	\$12,580.00

Seconded by Councilperson Briggs and on roll call approved 8-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...”.

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...”.

NOW, THEREFORE, BE IT RESOLVED, by the City 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 8-0.

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Meeting adjourned at 7:45 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**