

**CITY OF BATAVIA
BUSINESS MINUTES
APRIL 11, 2016**

The regular business meeting of the City Council was held Monday, April 11, 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, and Christian. Councilpersons Viele and Tabelski were absent.

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

The minutes from the March meetings and the February financials were approved.

The Council President assigned the regular agenda items.

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Communications

The Genesee County Crop Walk committee submitted an application for a walk on Saturday, April 30th at 9:00am beginning and ending at the First Presbyterian Church to raise funds for hunger abatement. 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, April 25, 2016 at 7:00 PM at the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that there was nothing to report at that time.

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City Manager's Report

Mr. Molino noted that on April 20th there would be an open house for the public to submit comments and suggestions for the comprehensive plan from 11:00am – 7:00pm. He noted that a consultant would be present to engage in any discussion or answer any questions. Mr. Molino also wanted to bring to Council's attention that the medical insurance expense account may be a little over budget due to some unexpected large claims.

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Committee Reports

Councilperson Christian noted that she and Councilperson Briggs were having an open meeting at Sacred Heart for the public to voice any concerns about the City of Batavia at 7pm on April 13th.

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Public Comments

Nelson Baker, 20 Redfield Parkway, had a question for Council. He saw that Council hosted a meeting at the Holland Land Office regarding the closure of Park Rd and wondered if there was any new information regarding that.

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Council Responses to Public Comments

Councilperson McGinnis noted that on April 20th the Batavia Town Board was holding their meeting at Town Hall and the Park Road issue would be discussed. He encouraged 4th ward residents to attend. Mr. Molino noted that he hadn't received any new information at this time.

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Unfinished Business

None.

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New Business

#52-2016

A RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2016 ENTITLED A LOCAL LAW TO AMEND CHAPTER 166 OF THE CODE OF THE CITY OF BATAVIA

Motion of Councilperson Christian

WHEREAS, City Council is desirous to encourage redeveloping and investment in abandoned and vacant homes in an effort to improve neighborhood conditions; and

WHEREAS, a public hearing on this proposed Local Law was held on Monday, March 28, 2016 before this Council, pursuant to public notice duly published in **The Daily News**.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 2 of 2016 entitled **A Local Law to Amend §166 of the Code of the City of Batavia** be and the same is hereby enacted by City Council of the City of Batavia, New York.

Seconded by Councilperson Pacino and on roll call approved 7-0.

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.

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#53-2016

A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE PROPERTIES SOLD AT AUCTION ON MARCH 12, 2016

Motion of Councilperson Hawley

WHEREAS, the City foreclosed on 26-28 & 30 Hutchins Place, Bank Street (SBL #71.020-1-12), Evergreen Rear (SBL #71.020-1-81) and 28 Franklin Street Rear for non-payment of property taxes; and

WHEREAS, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

WHEREAS, a Public Real Estate Auction was held at Bontrager's Auction Center on March 12, 2016 at 10:00 a.m.; and

WHEREAS, the highest bids received for the auctioned properties are as follows:

	Property	Highest Bidder	Highest Bid
1)	26-28 & 30 Hutchins	Christopher Hallifax	\$1,000
2)	Bank Street (71.020-1-12)	Betty Russo	\$300
3)	Evergreen Rear (71.020-1-81)	Donald Childs	\$1,100
4)	28 Franklin St. Rear	Donna Howard	\$650

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said properties and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidders for all three properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

Seconded by Councilperson Canale and on roll call approved 7-0.

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#54-2016

**A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO EXECUTE
AN INTER-MUNICIPAL REAL PROPERTY TAX PROJECT MANAGEMENT
AGREEMENT WITH THE COUNTY OF GENESEE**

Motion of Councilperson Canale

WHEREAS, the City of Batavia and the County of Genesee desire to renew an agreement to provide for inter-municipal cooperation in providing real property tax service to the citizens of Batavia; and

WHEREAS, the City currently has a tax assessor, as appointed by the City Manager, who performs actual tax assessments upon real property within the City; and

WHEREAS, the City will continue to perform tax assessment functions on property within the City; and

WHEREAS, the County through its Office of Real Property Tax Services has the staff and ability to provide real property tax assessment project management to assist the City in its tax assessment functions; and

WHEREAS, the General Municipal Law; the County Law and the General City Law authorize agreements between municipal corporations for performance by one of the municipalities for the benefit of the other municipality with regard to the function, powers and duties as set forth and intended herein; and

WHEREAS, General Municipal Law Section 119-m provides for the contracting of these types of services between municipal corporations; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized and directed to execute an Inter-municipal Real Property Tax Project Management Agreement with the County of Genesee.

Seconded by Councilperson Hawley and on roll call approved 7-0.

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#55-2016

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

Motion of Councilperson Briggs

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

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

Batavia Business Improvement District Board

Patti Pacino March 31, 2017

Historic Preservation Commission

Sharon Burkel December 31, 2018

Youth Board

Shelly Wolanski December 31, 2018

Seconded by Councilperson Pacino and on roll call approved 7-0.

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#56-2016

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
URBAN FOREST ANALYTICS LLC FOR THE TREE MANAGEMENT PLAN**

Motion of Councilperson Canale

WHEREAS, a request for proposals was sent to qualified consultants for a Tree Management Plan that is funded through a grant that was received in the amount of \$15,000.00 from NYSDEC through an Urban and Community Forestry Program; and

WHEREAS, a selection committee was formed which scored five submitted proposals based on the strengths and weaknesses of the following criteria: their understanding of the work, experience with similar projects, value of the final project and familiarity of tree species in WNY; and

WHEREAS, the committee after scoring the strengths and weaknesses recommend that Urban Forest Analytics LLC of Geneva, NY be awarded the contract for a Tree Management Plan for a fee not to exceed \$15,000.00; 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 Urban Forest Analytics LLC to develop a Tree Management Plan for the City of Batavia.

Seconded by Councilperson Christian and on the roll call approved 7-0.

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#57-2016

A RESOLUTION TO REJECT ALL BIDS FOR CONTRACT 2015-02 “CLEANING OF SECONDARY POND S-1” AND REBID THE PROJECT

Motion of Councilperson McGinnis

WHEREAS, in accordance with General Municipal Law Section 103, on March 7, 2016 the City of Batavia issued a competitive bid alum sludge removal entitled Contract 2015-02 “Cleaning of Secondary Pond S-1”; and

WHEREAS, on March 31, 2016 two companies submitted sealed bids which were publicly opened and read aloud; and

WHEREAS, after review of both bids by the City’s engineers and Department of Public Works it has been determined that the lowest bidder has submitted a non-conforming bid that does not comply with the bid specifications; and

WHEREAS, the second bidder is over \$500,000 higher; and

WHEREAS, the rejection of all bids and re-bidding of contract 2015-02 “Cleaning of Secondary Pond S-1” is likely to result in lower contract prices and a benefit to City taxpayers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that all bids for Contract 2015-02 “Cleaning of Secondary Pond S-1” submitted on March 31, 2016 be hereby rejected, and the City of Batavia Department of Public Works re-bid Contract 2015-02 “Cleaning of Secondary Pond S-1” for alum sludge removal.

Seconded by Councilperson Pacino and on roll call approved 7-0.

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#58-2016

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

Motion of Councilperson Pacino

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

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

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

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

BE IT FURTHER RESOLVED, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2016-2017 budget:

- (DPW) 2009 Dixie Chopper, Model #XCD350066, SN 8089007, Est. Value: \$5,000
- (DPW) 2009 Ford, E-250 Cargo Van, Vin#1FTNE24W29DA89352, Est. Value: \$9,000
- (PD) 2013 Ford Taurus, Vin#1FAHP2M88DG124255, Est. Value: \$4,000
- (PD) 2004 Chevrolet Impala, Vin#2G1WF52K749212984, Est. Value: \$2,500
- (PD) 2004 Chevrolet Impala, Vin#2G1WF52K249405740, Est. Value: \$2,500

Seconded by Councilperson Briggs and on roll call approved 7-0.

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#59-2016

A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR THE APPROVAL OF A CABLE TELEVISION AGREEMENT BETWEEN TIME WARNER CABLE AND THE CITY OF BATAVIA

Motion of Councilperson Canale

WHEREAS, a public hearing is required by the New York State Public Service Commission; and

WHEREAS, a copy of the cable television franchise agreement is available for public inspection during normal business hours at the City Clerk's Office, One Batavia City Centre, Batavia, NY 14020; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing regarding granting a cable television franchise agreement by and between the City of Batavia and Time Warner Cable in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, April 25, 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 seven (7) days prior thereto.

Seconded by Councilperson Christian and on roll call approved 7-0.

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#60-2016

A RESOLUTION TO DECLARE FIRE DEPARTMENT VEHICLE SURPLUS FOR THE PURPOSE OF SALVAGE DISPOSAL

Motion of Councilperson Briggs

WHEREAS, the Fire Department has declared Ladder Truck 15 surplus and the cost of needed repairs exceeding the vehicle's value; and

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

WHEREAS, any revenue received from disposal is to be put into general fund revenue and used to offset the cost of a replacement ladder truck; and

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

BE IT FURTHER RESOLVED, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2016-2017 budget:

- 1994 Pierce Arrow 100 foot aerial platform truck, Vin#4P1CA02G95A000183, Ladder 15

Seconded by Councilperson Christian and on roll call approved 7-0.

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#61-2016

A RESOLUTION TO TRANSFER RESERVES AND AMEND THE BUDGET TO PURCHASE A LADDER TRUCK

Motion of Councilperson Christian

WHEREAS, the City of Batavia has an established Fire Capital Equipment Reserve Fund in the General Fund in the amount of \$908,000 as of February 29, 2016; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2016 has a ladder truck (Ladder 15) which is 22 years old; and

WHEREAS, City Council for the past several years has identified the need to replace Ladder 15 and has purposefully assigned funds to the Fire Capital Equipment Reserve Fund; and

WHEREAS, the Fire Department conducted and presented Ladder 15 Needs Assessment, a vehicle needs analysis, on the existing apparatus to determine what type of ladder truck will be needed for the Fire Department to be efficient and effective in the future; and

WHEREAS, it is recommended by the City Manager and Fire Chief that the City purchase an Emergency One (E-One) 100 foot rear mount platform ladder truck to replace Ladder 15; and

WHEREAS, the City of Batavia is desirous to utilize the Fire Capital Equipment Reserve Fund to fund the capital expenditure of a ladder truck; and

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

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to use \$905,000 of Fire Capital Equipment Reserve Fund monies to purchase an E-One 100 foot rear mount platform ladder truck and to make the following budget amendments to the 2016-2017 budget to cover said service:

Effective April 11, 2016, amend the 2016-17 budget:

Increasing revenue accounts:

001.0001.0511.2101	Appropriated reserves (Fire Reserve)	\$908,000
001.0001.2665		\$30,000

Increase expenditure accounts:

001.3120.0200.2101	Fire Department Equipment (Reserves)	\$908,000
001.3120.0200	Fire Equipment	\$30,000

Seconded by Councilperson Canale and on roll call approved 7-0.

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Councilperson Canale asked if there was any new information on the feral cat situation. Mrs. Difante noted that the task was turned over to a volunteer group and that Ann Marie Brade stepped forward as the team leader. She noted that their first meeting would be that Wednesday, April 13th and they would talk about their next steps. She noted that 43 cats had already been trapped, vaccinated and released and that someone claimed the cats so they were able to use grant funds to assist in this project.

Councilperson Briggs asked if the potholes around the city would start to be fixed now that the weather was getting better. Mr. Molino agreed that that would begin.

Council President Jankowski asked for an update on the sign ordinance. Mr. Molino noted that the changes were discussed at the planning board for the first time at their March meeting and that it would probably take a few months to review. He noted that Felipe Oltramari from the County Planning Board was asked to assist in the review.

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Meeting adjourned at 7:30 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**