

**CITY OF BATAVIA
BUSINESS MINUTES
FEBRUARY 13, 2017**

The regular business meeting of the City Council was called to order Monday, February 13, 2017 at 8:17 PM immediately following the special conference meeting in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

Councilperson Pacino led the Lord's Prayer and the Pledge of Allegiance (this was done before the special conference meeting which immediately preceded this meeting).

The minutes from the January 2017 meetings and the December 2016 financials were approved.

The Council President assigned the regular agenda items.

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Communications

None.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, February 27, 2017 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that they continued to work on a variety of matters but there was nothing specific to report.

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City Manager's Report

Mr. Molino noted that he had nothing specific to report at that time.

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Committee Reports

Councilperson Pacino noted that the Batavia Business Improvement District had a meeting that morning and they were on a good path.

Councilperson Tabelski noted that he had attended the GAM meeting and heard the water/sales tax agreement discussion.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

Councilperson Christian noted that the governor had proposed that New York State become a sanctuary state and she was against that. She asked that the topic be on the next agenda. Mr. Molino noted that a resolution could be sent opposing the proposal.

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New Business

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#11-2017

**A RESOLUTION INTRODUCING 2017/2018 BUDGET ORDINANCE AND
SCHEDULING A PUBLIC HEARING**

Motion of Councilperson Pacino

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2017/2018 fiscal year on January 9, 2017 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on Monday, February 27, 2017 at 7:00 PM in the Council Board Room of City Hall; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2017-2018 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 27, 2017; 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 five (5) days prior thereto.

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

ORDINANCE #001-2017

AN ORDINANCE ADOPTING THE 2017-2018 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2017-2018 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2017-2018, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 9, 2017, setting forth the estimates of revenues and expenditures for the fiscal year 2017-2018 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 2017-2018.

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 2017-2018 is \$5,263,942.

SECTION 3. The sum of \$5,263,942 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 2017-2018, 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 2017-2018.

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, 2017.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 271,205.00
City Council	\$ 51,580.00
City Manager	\$ 186,400.00
Finance	\$ 136,665.00
Administrative Services	\$ 333,877.00
Clerk/Treasurer	\$ 147,360.00
City Assessment	\$ 148,835.00
Legal Services	\$ 221,000.00
Personnel	\$ 531,950.00
Engineering	\$ 32,000.00
Elections	\$ 13,885.00
Public Works Administration	\$ 106,060.00
City Facilities	\$ 355,460.00
Information Systems	\$ 118,828.00
General Fund - Contingency	\$ 125,000.00
Police	\$ 4,298,080.00
Fire	\$ 4,091,165.00
Control of Dogs	\$ 1,355.00
Inspection	\$ 376,710.00
Vital Statistics	\$ 19,430.00
Maintenance Administration	\$ 209,664.00
Street Maintenance	\$ 681,174.00
Public Works Garage	\$ 579,839.00
Snow Removal	\$ 654,277.00

Street Lights & Traffic Signals	\$ 282,450.00
Sidewalk Repairs	\$ 52,800.00
Parking Lots	\$ 30,525.00
Community Development	\$ 20,000.00
Economic Development	\$ 125,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 622,570.00
Summer Recreation	\$ 79,970.00
Youth Services	\$ 188,315.00
Historic Preservation	\$ 2,100.00
Community Celebrations	\$ 21,550.00
Planning & Zoning Boards	\$ 3,400.00
Storm Sewer	\$ 259,155.00
Refuse & Recycling	\$ 64,990.00
Street Cleaning	\$ 133,890.00
Medical Insurance	\$ 9,140.00
General Fund - Debt Service/Bonds	\$ 478,476.00
General Fund – BAN	\$.00
Install Pur Debt - Municipal Lease	\$ 33,845.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 77,763.00
General Fund - Transfer/Other Funds	\$ 322,690.00
TOTAL	\$ 16,502,678.00

Water, Wastewater & Workers Comp Funds

**PROPOSED
2017/18**

Water Administration	\$ 2,460,312.00
Pump Station & Filtration	\$ 1,320,000.00
Water Distribution	\$ 438,320.00
Water Fund – Medical Insurance	\$ 2,290.00
Water Fund Contingency	\$ 15,000.00
Water Fund - Debt Service/Bonds	\$ 26,500.00
Install Pur Debt – Municipal Lease	\$ 4,032.00
Water Fund– Debt Srvc-Energy Lease	\$ 18,558.00
Water Fund – Transfers for Cap Proj	\$.00
Water Fund - Transfer to Other Funds	\$ 243,820.00
Water Fund - Reserve	\$ 102,902.00
Water Fund – Debt Service - BAN	\$ 1,788.00
TOTAL	\$ 4,633,522.00

Wastewater Administration	\$ 371,892.00
Sanitary Sewers	\$ 632,185.00
Wastewater Treatment	\$ 810,180.00
WW Fund Contingency	\$ 15,000.00
WW Fund – Medical Insurance	\$ 470.00
WW Fund - Debt Service/Bonds	\$ 161,938.00
WW Fund – Debt Service/BAN	\$ 36,672.00
WW Fund - Debt Srvc-Energy Lease	\$ 7,699.00
Install Pur Debt – Municipal Lease	\$ 29,028.00
WW Fund – Transfer to Other Funds	\$ 31,880.00
WW Fund – Transfer for Capital Proj	\$.00
WW Fund - Reserve	\$ 680,000.00
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TOTAL	\$ 2,776,944.00
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Workers' Compensation	\$ 323,390.00
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TOTAL	\$ 323,390.00
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TOTAL	\$ 24,236,534.00
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#12-2017

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

Motion of Councilperson Canale

BE IT RESOLVED, that Local Law No. 2 of the Year 2017 entitled “**LOCAL LAW NO. 2 OF THE YEAR 2017 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

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

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 27, 2017; and

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

Seconded by Councilperson Viele and on roll call approved 8-1. Councilperson Christian voted no stating that she didn't like that we kept raising rates.

**LOCAL LAW NO. 2 OF THE YEAR 2017
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

~~\$4.95~~ [\$5.12] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$6.35~~ [\$6.57] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$6.63~~ [\$6.86] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2016 as billed on and after June 1, 2016~~ [April 1, 2017 as billed on and after June 1, 2017].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$-9.64 [\$9.98]

Disc	3/4	\$12.20 [\$12.52]
Disc	1	\$12.85 [\$13.30]
Disc	1 1/2	\$21.84 [\$22.61]
Disc	2	\$30.33 [\$31.39]
Compound	2	\$25.69 [\$26.59]
Compound	3	\$97.71 [\$101.13]
Compound	4	\$155.52 [\$160.96]
Compound	6	\$234.93 [\$243.15]
Turbo	3	\$57.81 [\$59.84]
Turbo	4	\$97.71 [\$101.13]
Fireline	4	\$97.71 [\$101.13]
Fireline	6	\$155.52 [\$160.96]
Fireline	8	\$216.79 [\$224.38]
Fireline	10	\$283.10 [\$293.01]

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	\$4.95 [\$5.45]
Disc	3/4	\$6.27 [\$6.90]
Disc	1	\$6.60 [\$7.26]
Disc	1 1/2	\$11.22 [\$12.34]
Disc	2	\$15.58 [\$17.13]
Compound	2	\$13.20 [\$14.52]
Compound	3	\$50.19 [\$55.21]
Compound	4	\$79.89 [\$87.88]
Compound	6	\$120.70 [\$132.77]
Turbo	3	\$29.70 [\$32.67]
Turbo	4	\$50.19 [\$55.21]
Fireline	4	\$50.19 [\$55.21]
Fireline	6	\$79.89 [\$87.88]
Fireline	8	\$111.38 [\$122.51]
Fireline	10	\$145.45 [\$159.99]

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

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#13-2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING AND INTRODUCE
PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2017 ENTITLED “AMENDING THE
BUSINESS IMPROVEMENT DISTRICT PLAN”**

Motion of Councilperson Christian

BE IT RESOLVED, proposed Local Law No. 3 of the year 2017 entitled “**LOCAL LAW NO. 3 OF THE YEAR 2017 AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN**” is 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; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law at City Hall, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 27, 2017; 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 ten (10) days prior thereto.

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

**LOCAL LAW NO. 3 OF THE YEAR 2017
CITY OF BATAVIA**

A LOCAL LAW AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN

A **LOCAL LAW** amending the Business Improvement District Plan in the City of Batavia in accordance with Article 19-A of the General Municipal Law submitted to the City Clerk on February 1, 2017.

BE IT ENACTED by the City Council of the City of Batavia as follows:

SECTION 1. The Downtown Business Improvement District established by Local Law No. 6 of 1997 adopted on November 24, 1997 and further outlined in Chapter 58 of the Code of the City of Batavia, and was amended by Local Law No. 3 of 2005 adopted on June 27, 2005 to include the Ellicott Street business area and further amended by Local Law No. 3 of 2016 on August 6, 2016, the City Council having found that the amendment of the district plan, herein attached, is in the public interest, that all notice and hearing requirements have been complied with, that all properties within the district will benefit from the amendments and that all property benefited is included in the boundaries of the district.

SECTION 2. The provision of services within the district shall be pursuant to said amended district plan of the Downtown Batavia Business Improvement District (BID). All said services shall be in addition to, and not a substitution for required municipal services provided by the City of Batavia on a city-wide basis.

SECTION 3. To the extent not explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the Downtown Batavia Business Improvement District and the Batavia Business Improvement District Management Association. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this local law shall be controlling.

SECTION 4. Any additional amendments to the BID or the BID Plan shall be made in accordance with the provisions set forth in section 980-i of Article 19-A of the General Municipal Law.

SECTION 5. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

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#14-2017

A RESOLUTION TO AMEND THE 2016/2017 BUDGET, RE-APPROPRIATE ICE RINK RESERVES AND ENTER INTO AN AGREEMENT WITH LEO J. ROTH CORPORATION FOR THE FALLETI ICE ARENA DEHUMIDIFICATION EQUIPMENT REPLACEMENT PROJECT

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia approved in the 2016/2017 budget the use of reserve funds for the Falleti Ice Arena Dehumidification Equipment Replacement Project in the amount of \$70,000; and

WHEREAS, the City of Batavia has solicited bids for said project and eight (8) bids were received on February 1, 2017, with Leo J. Roth Corporation as the lowest responsible bidder in the amount of \$87,560; and

WHEREAS, the entire project is now projected to cost approximately \$106,260; and

WHEREAS, due to the lead time of the equipment, the project completion is now slated for the next fiscal year; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorize the City Manager to amend the 2016/2017 budget as follows:

Revenue	001.0001.0511.2103	Appropriated reserves	\$36,260
Expense	001.1620.0439.2130	Repair & Maintenance Reserve	\$36,260

BE IT FURTHER RESOLVED, due to the time needed to complete the project, the City Council of the City of Batavia does hereby authorize the Department of Public Works to re-appropriate the remaining portion of unspent reserves budgeted to the 2017/2018 fiscal year; and

BE IN FURTHER RESOLVED, by the City Council of the City of Batavia that the contract is hereby awarded to Leo J. Roth Corporation in the amount of eighty-seven thousand five hundred and sixty dollars (\$87,560.00) for the replacement of the dehumidification equipment at the Falleti Ice Arena on Evans Street.

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

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#15-2017

A RESOLUTION TO AMEND THE 2016/2017 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF \$24,681 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

Motion of Councilperson Canale

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$24,681 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS, TRAINING AND EQUIPMENT; and

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

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2016/2017 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective February 13, 2017, amend the 2016/17 budget:

Increase expenditure accounts		
001.3120.0101.1162	\$	18,578.50
001.3120.0802.1162	\$	1,421.50
001.3120.0431.1162	\$	481.00
001.3120.0201.1162	\$	1,500.00

001.3120.0435.1162	\$	2,700.00
Increase revenue accounts		
1.1.3389.1162	\$	24,681.00

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

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#16-2017

A RESOLUTION TO AMEND THE 2016/2017 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT

Motion of Councilperson Briggs

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$2,945 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise tested twenty-five (25) locations to evaluate the effectiveness of New York State’s suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

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

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2016/2017 budget effective February 13, 2017 to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:		
001.3120.0101.1161	\$	2,735.00
001.3120.0802.1161	\$	210.00
Increase revenue accounts:		
001.0001.4389	\$	2,945.00

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

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#17-2017

A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Motion of Councilperson Viele

WHEREAS, the City of Batavia has successfully completed two grant programs funded by the New York State Community Development Block Grant (CDBG) program; and

WHEREAS, one grant program provided \$400,000 to renovate 17 homes occupied by low to moderate income households; and

WHEREAS, another grant program provided \$200,000 to assist seven businesses that benefitted low to moderate income owners and employees; and

WHEREAS, the New York State Office of Community Renewal requires municipalities to hold a public hearing following completion CDBG grant to provide residents with information about the results of the CDBG program;

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia will hold a Public Hearing on the CDBG program at the City Hall, One Batavia City Centre, Batavia, NY at 7:00 p.m. on Monday, February 27, 2017; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the City of said Public Hearing.

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

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#18-2017

A RESOLUTION TO REFER A PROPOSED AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO THE PLANNING AND DEVELOPMENT COMMITTEE

Motion of Councilperson Tabela

WHEREAS, the City of Batavia has received the attached Petition to amend the zoning map of the City of Batavia at 661 East Main Street (SBL No. 85.013-1-22), 665 East Main Street (SBL No. 85.013-1-23), from the current zoning of I-1 Industrial District to R-3 Residential District; and

WHEREAS, after review by City staff it is recommended that the zoning map of the City of Batavia be further amended at 679 East Main Street (SBL No. 85.013-1-24) from the current zoning of R-2 Residential District to R-3 Residential District; and

WHEREAS, Section 190-51 of the Batavia Municipal Code provides that the City Council may from time to time make zoning map amendments after review and report by the City's

Planning and Development Committee; and

WHEREAS, in accordance with Section 190-51 if the Planning and Development Committee fails to file a report within 30 days after referral from City Council, the proposed amendment is deemed approved, and the City Council may proceed in addressing the re-zoning request; and

BE IT RESOLVED that the Petition and additional request to amend the zoning map related to 661, 665 and 679 East Main Street is referred to the Planning and Development Committee for review, analysis and recommendation; and

BE IT FURTHER RESOLVED that the Planning and Development Committee shall report back to the Council on its recommendation regarding the proposed amendment to the zoning district map; and

BE IT FURTHER RESOLVED that the Planning and Development Committee shall take necessary steps to review and report back to Council regarding this matter within thirty days of the date of this referral.

Seconded by Councilperson Christian and on roll call approved 5-4. Councilpersons Bialkowski, Viele, McGinnis and Briggs voted no.

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#19-2017

A RESOLUTION IN SUPPORT OF INCREASING AID AND INCENTIVES TO MUNICIPALITIES FOR CITIES, VILLAGES AND TOWNS AND PROVIDE MANDATE RELIEF FOR LOCAL GOVERNMENTS

Motion of Councilperson Briggs

WHEREAS, the 2017/18 Executive Budget proposes no increase in funding in Aid and Incentives to Municipalities providing \$715 million for cities, villages and towns, and continues to exclude New York City; and

WHEREAS, Cities wrestle with aging infrastructure, blighted housing, abandoned commercial sites, brownfields and increased crime rates; and

WHEREAS, Cities have high concentration of senior citizens and low-income families and have many important community structures – churches, courthouses, schools and other public buildings – that do not pay taxes, shifting the tax burden for those sites to other residents in the City; and

WHEREAS, the 2017/18 Executive Budget proposes an increase in school aid by nearly \$1 billion; and

WHEREAS, the total AIM appropriation is contingent upon the Legislature passing the Governor's proposed Countywide Shared Services Property Tax Savings Plan that would require each county outside of New York City to prepare a plan for shared, coordinated and efficient services among the units of local governments contained within the county, excluding school districts; and

WHEREAS, AIM appropriation has not increased since 2008, while unfunded State mandates, such as retirement expenditures have increase exponentially over the same period of time.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia call on Governor Andrew Cuomo and the State Legislature to adopt a fair formula for AIM funding, recognizing increases in State mandated costs and provide much needed mandate relief for all local governments, allowing for real tax relief for residents; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley and all others deemed necessary and proper.

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

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#20-2017

A RESOLUTION TO RESTORE VIDEO LOTTERY TERMINAL (VLT) AID

Motion of Councilperson Viele

WHEREAS, under current law, 17 municipalities, including the City of Batavia, receive State aid to help offset a portion of the costs associated with being a "host community" for video lottery gaming operations; and

WHEREAS, the proposed 2017/18 Executive Budget would eliminate this funding for a town and county that are no longer eligible, and reduce the funding for everyone else, with the exception of the City of Yonkers, by a total of \$250,000, which would be allocated proportionately among all recipients; and

WHEREAS, this funding would be reduced again in the State's 2018-19 fiscal year, but the decrease would be \$200,000 in total as opposed to \$250,000; and

WHEREAS, if the proposed 2017-18 Executive Budget were approved it would result in the City of Batavia receiving \$11,868 less aid in 2017-2018 fiscal year and \$9,494 less aid in 2018-2019 fiscal year, despite increases in unfunded mandates such as retirement expenditures.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia call on Governor Andrew Cuomo and the State Legislature to not decrease existing VLT aid negatively impacting existing host communities and provide additional funding for new host communities from existing State shares of VLT revenues; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley and all others deemed necessary and proper.

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

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#21-2017

**A RESOLUTION SUPPORTING THAT THE STATE BUDGET RAISE THE
ARTERIAL REIMBURSEMENT FORMULA TO \$1.77 PER SQUARE YARD AND
INDEX IT ANNUALLY TO CPI**

Motion of Councilperson Tabelski

WHEREAS, 38 cities, including the City of Batavia, have arterial maintenance agreements with the State of New York in which the Cities maintain certain designated State-owned arterial highways and the State compensates those Cities for this service; and

WHEREAS, the City of Batavia maintains 204,588 square yards, or approximately 7 miles of State highway throughout the City and those services include, but are not limited to, street cleaning, snow and ice control, pothole patching, traffic signal maintenance and signage and pavement marking; and

WHEREAS, since its inception in 1951, the arterial reimbursement agreement has been a very effective and efficient shared service model for maintenance of State highways, as it has relieved the State of maintenance responsibilities and provided municipalities a certain amount of autonomy of how roads are maintained; and

WHEREAS, the reimbursement rate of \$.85 per square yard paid to Cities has not increased since 1987, however the Cities have continued their shared service responsibility in a prompt and efficient manner and the updating of the shared, service agreement with the State of New York has not been parallel with local government efforts; and

WHEREAS, material costs alone, excluding labor, healthcare and retirement costs, such as salt for roadways has increased 167% from \$29.90/ton in 2006 to \$49.97/ton in 2016, asphalt has increased 213% from \$32.20/ton in 2005 to \$68.60/ton in 2016 and the cost of concrete has increased 142% from \$87.50/cubic year to \$125/per cubic year in 2016; and

WHEREAS, given the fact that these maintenance costs, like almost every other municipal expense, are on the rise, and clearly have experienced substantial increases during the last 28 years, the amount of money that Cities are currently receiving for this service is well below what we expend; and

WHEREAS, the City of Batavia, like most Cities in the State, have made a vigilant effort to maximize municipal resources and lessen the tax burden on taxpayer by actively engaging in, and seeking shared service models when practically possible, shared service agreements can only be successful when all parties involved receive meaningful benefits in return.

NOW, THEREFORE BE IT RESOLVED, the City of Batavia supports the New York Conference of Mayors request that the State Budget raise the reimbursement formula to \$1.77 per square yard, a rate which reflects the Consumer Price Index (CPI) increase since 1987, and index it annually to CPI; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley and all others deemed necessary and proper.

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(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 Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

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

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Council entered executive session at 8:40 PM and came out at 9:00PM.

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Meeting adjourned at 9:00 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**