

CITY OF BATAVIA

BUSINESS MINUTES

MARCH 9, 2020

The regular business meeting of the City Council was held Monday, March 9, 2020 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 Councilmembers Pacino, Briggs, Viele, Christian, McGinnis, and Bialkowski. Councilmember Karas was absent. Councilperson Canale arrived at 7:15 PM.

In attendance from the City of Batavia were Matt Worth, Chief Napolitano, Chief Heubusch, Rachael Tabelski, Lisa Neary, and Lisa Casey.

Council President Jankowski called the meeting to order at 7:05 PM immediately after the conference meeting.

The minutes from the February 2020 meetings and the January financials were approved

The Council President assigned the regular agenda items.

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Communications

GoArt! submitted an application for Picnic in the Park on Saturday, July 4th from 11:00am – 5:00pm in Centennial Park. Council approved.

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Council President's Report

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, March 23, 2020 at 7:00 p.m. in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on the same basic suite of matters but there was nothing specific to report.

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City Manager's Report

Martin Moore, City Manager, noted that Theatre 56 was progressing well and the MRI machine had been removed. He also noted that Mr. Gautieri was moving forward with on the DRI project. The deer committee expressed interested in coming to a conference meeting to give an update. He noted they were on their third draft of the deer management plan and DEC was involved in it as well.

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Committee Reports

Councilmember Pacino said that BID annual meeting was going to be on April 24th at 8:00 am. Councilmember Christian noted that the sixth ward met and want more patrols in the area. She noted they discussed landlords and the Boy Scouts would be coming in April to help with spring cleaning. Councilmember Canale stated that, regarding the deer committee, he had never met a committee like it and it was unbelievable. He noted that they have taken the ball and run with it and it showed him that community members get involved when it's something that affects them. Councilmember Bialkowski noted that he submitted the application for the Memorial Day parade and information to other organizations and possibly a fly over.

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Public Comments

Robert Gray, 8922 Fargo Rd, Stafford, asked for Council's support in making much needed ice rink updates. He noted that he was a long-time user of the rink and then read a newspaper article from 2007 about the need for more youth activity. He noted that we have the facility that fulfills these needs but gets little attention. He said to just ask local restaurants how their businesses have been positively affected by the use of the rink. He noted that the rink is used all year round and we should reinvest in what we already own.

Nancy Ewert, 4 Charles St, noted that she had serious questions about the proposed budget and didn't see the value in the dollar in what Council has proposed. She asked what justifies the increase and stated that as a customer, she wasn't buying what they were selling.

John Roach, 116 Grandview Terrace, noted that he wasn't happy with the 7% tax increase but there was no wiggle room now and this was the fault of the governor. He noted that if the governor hadn't taken the VLT money then we wouldn't have this issue.

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Council Responses to Public Comments

Councilmember Bialkowski noted that Council doesn't have private meetings and all meetings are open to the public. He noted that he agrees with Mr. Roach and we all worked really hard. He noted that we used VLT money to help with budget spending and are now doing the best we can.

Councilmember Canale noted that he had asked the question in the budget meeting about saving the VLT money but the state demanded we use it towards operating costs and that is why residents have enjoyed level or slight tax increases over the last few years. He stated that this was an event we weren't expecting and up until this point the tax increase was proposed at less than 1%. However, he stated that this was taken by the governor to help with his budget so we had to give it to him.

Council President Jankowski noted that we had a budget work session scheduled and then right before that we had a \$700,000 deficit. He noted that this was a temporary thing, we now have time to figure out how to cut the costs, and we can't exceed the tax cap every year.

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Unfinished Business

None.

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#17-2020

A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF YEAR 2020 TO OVERRIDE THE TAX CAP LIMIT FOR THE BUDGET FISCAL YEAR COMMENCING APRIL 1, 2020

Motion of Councilmember Bialkowski

WHEREAS, according to New York State's Property Tax cap legislation, if a City government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the City government must pass a local law to override that cap; and

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide the City of Batavia flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State re-calculation of the applicable limit will not make the City inadvertently out of compliance, and;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2020 entitled "**LOCAL LAW NO. 1 OF THE YEAR 2020 CITY OF BATAVIA A LOCAL LAW**"

AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C” be introduced before the City Council of Batavia New York; and

WHEREAS, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, that the City Council will held a public hearing on said proposed Local Law in the Council Room, Second Floor, One Batavia City Centre, Batavia New York, at 7:00 p.m. on Monday, February 24, 2020; and

WHEREAS, the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia hereby Adopts Local Law No. 1 of the Year 2020, entitled, “ A Local Law to Authorizing a Property Tax Levy in Excess of the Limit Established in the General Municipal Law section § 3-C.”

Seconded by Councilmember Briggs and on roll call approved 6-2. Councilmembers Viele and Christian voted no.

**LOCAL LAW NO. 1 OF THE YEAR 2020
CITY OF BATAVIA**

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE
LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C**

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

Section 1. Legislative Intent

It is the intent of this Local Law No. 1 to override the limit on the amount of real property taxes that may be levied by the City of Batavia, County of Genesee, State of New York (hereinafter “City of Batavia” pursuant to General Municipal Law § 3-c, and to allow the City of Batavia to adopt a budget for the fiscal year commencing April 01, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to Subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the City Council to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override

The City Council of the City of Batavia is hereby authorized to adopt a budget for the fiscal year commencing April 1, 2020 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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#18-2020

A RESOLUTION TO ADOPT 2020-2021 BUDGET ORDINANCE

Motion of Councilmember McGinnis

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2020-2021 fiscal year on January 13, 2020 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, the City Council has reviewed and amended the City Manager's proposed budget.

WHEREAS, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$28,542,068 including the General Fund at \$17,598,636; and

WHEREAS, said proposed budget includes revenues to be received through the property tax levy of \$5,779,333; and

WHEREAS, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union City employees at a salary increase of 2.75%, longevity schedule and retirement healthcare effective April 1, 2020; and

WHEREAS, the City Council of the City of Batavia wishes to grant a salary adjustment due to the minimum wage increase for all seasonal and part-time employees; and

WHEREAS, the City Council held 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 24, 2020; and

WHEREAS, the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia hereby adopts the 2020-2021 Budget Ordinance pursuant to Section 16.6 of the City Charter.

Seconded by Councilmember Briggs and on roll call approved 6-2. Councilmembers Viele and Christian voted no.

ORDINANCE #001-2020

AN ORDINANCE ADOPTING THE 2020-2021 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2020-2021 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2020-2021, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 13, 2020, setting forth the estimates of revenues and expenditures for the fiscal year 2020-2021, including all wage adjustments and salary schedules for all employees covered under collective bargaining agreements, and non-union, part-time and seasonal employees, of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, City Centre Fund, Workers' Compensation Fund, and Health Insurance 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 2020-2021.

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 2020-2021 is \$5,779,333.

SECTION 3. The sum of \$5,779,333 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 2020-2021, 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 2020-2021.

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, 2020.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 177,500.00
City Council	\$ 46,867.00
City Manager	\$ 180,626.00
Finance	\$ 132,605.00
Administrative Services	\$ 369,045.00
Clerk/Treasurer	\$ 174,760.00
City Assessment	\$ 146,130.00
Legal Services	\$ 234,917.00
Personnel	\$ 155,510.00
Engineering	\$ 26,800.00
Elections	\$ 21,230.00
Public Works Administration	\$ 105,430.00
City Facilities	\$ 314,790.00
Information Systems	\$ 109,300.00
General Fund - Contingency	\$ 240,000.00
Police	\$ 3,844,350.00
Fire	\$ 3,838,795.00
Control of Dogs	\$ 1,450.00
Inspection	\$ 357,810.00
Vital Statistics	\$ 19,615.00
Maintenance Administration	\$ 199,680.00
Street Maintenance	\$ 834,290.00
Public Works Garage	\$ 468,720.00
Snow Removal	\$ 481,881.00
Street Lights & Traffic Signals	\$ 271,940.00
Sidewalk Repairs	\$ 111,000.00
Parking Lots	\$ 60,620.00
Community Development	\$ 20,157.00
Economic Development	\$ 110,000.00
Council on Arts	\$ 6,250.00
Parks	\$ 544,130.00
Summer Recreation	\$ 84,925.00
Youth Services	\$ 168,791.00
Historic Preservation	\$ 2,177.00
Community Celebrations	\$ 15,080.00

Planning & Zoning Boards	\$ 2,300.00
Storm Sewer	\$ 184,890.00
Refuse & Recycling	\$ 94,790.00
Street Cleaning	\$ 124,880.00
General Fund - Debt Service/Bonds	\$ 459,022.00
General Fund – BAN	\$ 14,843.00
Install Pur Debt - Municipal Lease	\$ 28,487.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 85,043.00
Gen. Fund – Transfer for Cap Proj	\$ 335,500.00
General Fund - Transfer/Other Funds	\$ 2,391,710.00
TOTAL GENERAL FUND	\$ 17,598,636.00

**Water, Wastewater &
Workers Comp Funds**

**PROPOSED
2020/21**

Water Administration	\$ 2,650,738.00
Pump Station & Filtration	\$ 1,264,470.00
Water Distribution	\$ 378,610.00
Water Fund Contingency	\$ 20,000.00
Water Fund - Debt Service/Bonds	\$ 89,025.00
Install Pur Debt – Municipal Lease	\$.00
Water Fund– Debt Srvc-Energy Lease	\$ 16,294.00
Water Fund - Transfer to Other Funds	\$ 470,790.00
Water Fund – Reserve	\$ 69,246.00
Water Fund – Debt Service - BAN	\$ 37,621.00
TOTAL WATER	\$ 4,996,794.00

Wastewater Administration	\$ 331,528.00
Sanitary Sewers	\$ 459,190.00
Wastewater Treatment	\$ 836,490.00
WW Fund Contingency	\$ 15,000.00
WW Fund - Debt Service/Bonds	\$ 297,269.00
WW Fund - Debt Srvc-Energy Lease	\$ 8,419.00
Install Pur Debt – Municipal Lease	\$.00
WW Fund – Transfer to Other Funds	\$ 214,760.00
WW Fund – Reserve	\$ 610,265.00
TOTAL WASTEWATER	\$ 2,772,921.00

Workers' Compensation	\$ 363,180.00
Transfer to Reserves	\$.00
TOTAL WORKER'S COMP	\$ 363,180.00
TOTAL WATER, WASTEWATER, WORKERS' COMP	\$ 8,132,895.00

CITY CENTRE & HEALTH INSURANCE FUNDS

Administration	\$ 173,872.00
Contingency	\$ 2,665.00
City Centre Fund-Transfer to Other Funds	\$ 29,910.00
TOTAL CITY CENTRE	\$ 206,447.00

Medical Insurance	\$ 2,494,090.00
Transfer to Reserves	\$ 110,000.00

TOTAL HEALTH INSURANCE	\$ 2,604,090.00
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TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 2,810,537.00
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TOTAL ALL FUNDS \$ 28,542,068

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#19-2020

**A RESOLUTION TO ADOPT A LOCAL LAW NO. 2 OF 2020 ENTITLED 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**

Motion of Councilmember Briggs

WHEREAS, Local Law No. 2 of the Year 2020 entitled “**LOCAL LAW NO. 2 OF
THE YEAR 2020 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**” was introduced before the City
Council of Batavia, New York; and

WHEREAS, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, the City Council held 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 24, 2020; and

WHEREAS, the City Clerk published or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (5) days prior thereto.

BE IT RESOLVED, the City Council of the City of Batavia hereby adopts Local Law No. 2 of the year 2020, entitled a “Local Law No. 2 of 2020 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”

Seconded by Councilmember McGinnis and on roll call approved 7-1. Councilmember Christian voted no.

**LOCAL LAW NO. 2 OF THE YEAR 2020
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

~~\$5.49~~ [\$5.68] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$7.04~~ [\$7.29] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$7.35~~ [\$7.61] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2019~~
~~as billed on and after June 1, 2019~~ [April 1, 2020 billed on and after June 1, 2020]

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$10.69 [\$11.06]
Disc	3/4	\$13.53 [\$14.00]
Disc	1	\$14.25 [\$14.75]
Disc	1 ½	\$24.22 [\$25.06]
Disc	2	\$33.62 [\$34.80]
Compound	2	\$28.48 [\$29.48]
Compound	3	\$108.33 [\$112.12]
Compound	4	\$172.43 [\$178.46]
Compound	6	\$260.47 [\$269.59]
Turbo	3	\$64.10 [\$66.34]
Turbo	4	\$108.33 [\$112.12]
Fireline	4	\$108.33 [\$112.12]
Fireline	6	\$172.43 [\$178.46]
Fireline	8	\$240.36 [\$248.78]
Fireline	10	\$313.88 [\$324.87]

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	\$6.59 [\$7.25]
Disc	¾	\$8.35 [\$9.18]
Disc	1	\$8.78 [\$9.66]
Disc	1 ½	\$14.93 [\$16.43]
Disc	2	\$20.73 [\$22.80]
Compound	2	\$17.57 [\$19.33]
Compound	3	\$66.81 [\$73.49]
Compound	4	\$106.34 [\$116.97]
Compound	6	\$160.65 [\$176.71]
Turbo	3	\$39.53 [\$43.48]
Turbo	4	\$66.81 [\$73.49]
Fireline	4	\$66.81 [\$73.49]
Fireline	6	\$106.34 [\$116.97]
Fireline	8	\$148.24 [\$163.06]
Fireline	10	\$193.59 [\$212.95]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

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#20-2020
A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR
FISCAL YEAR 2020-2021

Motion of Councilmember 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 13, 2020 the City Council was presented with the proposed updated City of Batavia Strategic Plan for fiscal year 2017-2022 which contained ongoing and new initiatives for the upcoming fiscal year; and

NOW, 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.

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia that the Strategic Plan for Fiscal Year 2017-2022 is hereby adopted.

Seconded by Councilmember Bialkowski and on roll call approved 8-0.

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#21-2020
A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY
FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilmember Viele

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 Councilmember Christian 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 funds:

<u>Depository Name</u>	<u>Officer</u>
Bank of Castile	Jaime Sallome
Bank of America	Timothy Clark
JP Morgan Chase	Pamela Thompson
Key Bank	Julie Holman
Manufacturers & Traders Trust Company	Joe Cosimeno
Five Star Bank	Jane Scott
Edward Jones Investments	

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
- Through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii)
- 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

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	3/14/16	3/13/17	3/12/18
Revised by			L Neary	L Neary	L Neary	L Neary	H Parker	H Parker	H Parker
Revised by		2/18/20	H Parker						

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 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 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 categories 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 being pledged.
- (xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

* * *

#22-2020
**A RESOLUTION TRANSFERRING \$3,075 TO THE PARKING LOT CAPITAL
RESERVE FUND**

Motion of Councilmember Pacino

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, through January 31, 2020, received parking and dumpster permit revenue in the amount of \$3,075 and is desirous of transferring said \$3,075 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$3,075 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

#23-2020

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

Motion of Councilmember McGinnis

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, 2020 has approximately \$419,000.00 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2020 will have had 10 employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$146,146.56.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$146,146.56 of Employee Benefit Accrued Liability Reserve to make the following budget transfers:

Effective March 31, 2020, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100.2109	\$40,633.05
Police Department	001.3120.0101.2109	\$ 7,253.10
Police Department	001.3120.0102.2109	\$ 2,685.87
Police Department	001.3120.0103.2109	\$ 3,302.20
Fire Department	001.3410.0100.2109	\$86,191.69
Fire Department	001.3410.0101.2109	\$ 935.90
Fire Department	001.3410.0102.2109	\$ 1,522.82
Fire Department	001.3410.0103.2109	\$ 1,928.07
Fire Department	001.3410.0104.2109	\$ 487.99
City Facilities	001.1620.0100.2109	\$ 638.88
City Facilities	001.1620.0101.2109	\$ 51.11
City Facilities	001.1620.0103.2109	\$ 113.92
Street Lighting and Traffic Signals	001.5182.0100.2109	\$ 212.96
Street Lighting and Traffic Signals	001.5182.0101.2109	\$ 17.04
Street Lighting and Traffic Signals	001.5182.0103.2109	\$ 37.97
Storm Sewer	001.8140.0100.2109	\$ 106.48
Storm Sewer	001.8140.0101.2109	\$ 8.52
Storm Sewer	001.8140.0103.2109	\$ 18.99

Increasing revenue account:

Appropriated Employee Benefit

Accrued Liability Reserve

001.0001.0511.2109 \$146,146.56

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

* * *

#24-2020

**A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS
OUTLINED IN THE 2020-2021 BUDGET**

Motion of Councilmember 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 and Facility 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 13, 2020, with staff recommendations for the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan and Facility 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 Councilmember Bialkowski and on roll call approved 8-0.

* * *

#25-2020

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

Motion of Councilmember Briggs

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; and

BE IT FURTHER RESOLVED, the following projects are authorized to be completed for no more than the said estimated amount and may extend no later than March 31, 2021.

<u>PROJECT</u>	<u>PROJECT COST</u>	<u>FUNDING SOURCE</u>	<u>FISCAL YEAR</u>
<u>General Fund</u>			
Healthy Schools	\$ 57,600.00	DOT	2015/16
Corridor-Transportation	\$ 14,400.00	Sidewalk Reserve	2015/16
Alternatives Program (TAP)	\$ 38,400.00	DOT	2016/17
	\$ 9,600.00	Sidewalk Reserve	2016/17
	\$ 672,800.00	DOT	2017/18/19/20
	\$ 216,219.00	Sidewalk Reserve	2017/18/19/20
Highway PM-Transportation Improvement Program (TIP)	\$ 2,040,370.00	Federal Grant	2018/19/2020
	\$ 382,569.00	Marchiselli	
	\$ 127,523.00	CHIPs	
Pedestrian Way – TAP	\$ 868,500.00	Federal Grant	2018/19/2020
	\$ 150,000.00	CHIPs	
	\$ 139,500.00	Sidewalk Reserve	
Facilities Capital Plan – Bureau of Maintenance /Fire Department	\$ 1,100,000.00	Facilities Reserve	2018/19/2020
Enterprise Information Management Solution	\$ 45,000.00	Admin. Reserves	2019-2021
	\$ 750,000.00	Finance	
Redfield Pillars	\$ 70,000.00	Facilities Reserve	2019-2021
IT Capital Improvement	\$ 190,000.00	Administrative Reserves	2019-2021

Water Fund

Union Street Water Improvements	\$ 1,157,500.00 \$ 48,000.00	Finance Filtration Reserve	2018/19/20
S. Main St. & Brooklyn Ave. Water Improvements	\$ 732,800.00 \$ 32,000.00	Finance/CDBG Grant Filtration Reserve	2018/19/20

Sewer Fund

Franklin Street Sanitary Sewer Replacement	\$ 1,048,596.00	Finance	2018/19/20
Maple Street & Mill Street Sanitary Sewer Realignment	\$ 409,803.00	Finance	2018/19/20

City Centre Fund

Facility Improvements - Roof, Silos & Skylights	\$ 650,000.00	Facility Reserve	2018/19/20/21
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Second by Councilmember McGinnis and on roll call approved 8-0.

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#26-2020**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/BOARDS****Motion of Councilmember Pacino**

WHEREAS, certain vacancies exist on various City Committees/Boards.

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

Historic Preservation Commission

Caroline Hosek

December 31, 2022

Batavia Business Improvement District

Patti Ann Pacino (Councilmember)

March 31, 2022

Seconded by Councilmember Bialkowski and on roll call approved 8-0.

* * *

#27-2020

A RESOLUTION REQUESTING AMENDMENTS TO NEW YORK STATE CRIMINAL JUSTICE REFORMS

Motion of Councilmember Bialkowski

WHEREAS while there was a need to reform New York's criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Batavia, New York supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted resolution of the City Council of the City of Batavia, New York be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Michael Ranzenhofer and Assembly Member Steve Hawley, the New York State Conference of Mayors, and local media outlets.

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

* * *

#28-2020

A RESOLUTION TO COMBINE HEALTH INSURANCE RESERVE FUNDS

Motion of Councilmember Viele

WHEREAS, pursuant to General Municipal Law 6-n, the City of Batavia has an established Self-Insurance Health Benefit Plan Reserve fund for payment of healthcare benefits claims in the General Fund; and

WHEREAS, the City of Batavia is desirous to move this reserve from the General Fund to the Health Insurance Fund that was formed April 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to transfer the Health Insurance Reserve from the General Fund to the Health Insurance Fund effective 4/1/2020.

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

* * *

#29-2020

**A RESOLUTION TRANSFERRING \$100,000 FROM COMMITTED FUND BALANCE
TO UNASSIGNED FUND BALANCE AFTER COMPLETION OF THE CITY'S
COMPREHENSIVE MASTER PLAN**

Motion of Councilmember Briggs

WHEREAS, the City of Batavia committed fund balance in the amount of \$100,000 in October of 2014 to cover the cost of updating the City's comprehensive master plan; and

WHEREAS, the City of Batavia contracted with Elan Planning, Design and Landscape Architecture PLLC in order to complete the update of the City's comprehensive plan; and

WHEREAS, in resolution #93-2017, effective October 10 of that same year, the City of Batavia adopted the 2017 City of Batavia Comprehensive Master Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby release the commitment of Comprehensive Master Plan funds and transfer \$100,000 from committed General Fund balance to unassigned General Fund balance.

Seconded by Councilmember McGinnis on roll call approved 8-0.

* * *

#30-2020

**A RESOLUTION TRANSFERRING \$27,711 FROM COMMITTED FUND BALANCE
RELATED TO VIBRANT BATAVIA TO UNASSIGNED FUND BALANCE**

Motion of Councilmember Pacino

WHEREAS, in 2013 the City of Batavia completed a Community Improvement Plan which outlined a multitude of neighborhood revitalization strategies, community development initiatives and downtown business objectives that identified ways to reinvest and build the community with limited resources; and

WHEREAS, the City of Batavia committed fund balance in the amount of \$45,000 (#36-2013) in 2013 to support the first year's recommendations from the Vibrant Batavia Task Force; and

WHEREAS, in the City's 14/15 fiscal year, \$70,000 of additional funds, from VLT, were committed to Vibrant Batavia; and

WHEREAS, as of February, 2020, there remains \$27,711 of committed fund balance for the purpose of Vibrant Batavia.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby release the commitment of Vibrant Batavia funds and transfer \$27,711 from the committed General Fund balance to unassigned General Fund balance.

Seconded by Councilmember Viele on roll call approved 8-0.

* * *

#31-2020

A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilmember McGinnis

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 (20) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals.

NOW, THEREFORE, BE IT RESOLVED, by the 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	Quicklime	\$ 183.22/Ton
Faesy & Bestoff	Ferric Sulfate	\$ 903.00/Ton
Univar Solutions	Fluosilicic Acid	\$ 599.00/Ton
Irish Welding	Carbon Dioxide	\$ 376.00/Ton
Thatcher Corp.	Liquid Alum	\$ 286.00/Ton
Coyne Chemical	Liquid Phosphate	\$349.2216/Drum
JCI Jones Chemical Inc.	Sodium Hypochlorite	\$.78/gallon

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

* * *

#32-2020

**A RESOLUTION REFERRING THE REVIEW OF THE PERMITTED ZONING USE
OF PUBLIC REPAIR GARAGE IN THE BATAVIA MUNICIPAL CODE TO THE
PLANNING AND DEVELOPMENT COMMITTEE**

Motion of Councilmember Bialkowski

WHEREAS, the City Council is desirous of reviewing the Batavia Municipal Code, Section §190, in response to a petition from Eric V. Biscaro, owner of 653 Ellicott Street, in relation to the lack of permitted zoning use of public repair garage; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee is to review permitted zoning of public repair garage in the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make a recommendation to the City Council for consideration.

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

* * *

#33-2020

A RESOLUTION TO DECLARE COMPUTERS, COMPUTER EQUIPMENT, ELECTRONICS, AND ELECTRONIC EQUIPMENT, AND OTHER INFORMATION TECHNOLOGY EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL

Motion of Councilmember Viele

WHEREAS, the Department of Administration has declared the lot of outdated and obsolete equipment surplus, with no other use by the Department of Administration or other city departments or bureaus; and

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

WHEREAS, any revenue received from disposal is to be put into the respective department's reserve fund.

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 of any proceeds:

- 40 Lenovo personal desktop computers
- 2 HP Desktop computer
- 1 Epson
- 6 Monitors
- 2 Typewriters
- Security appliances
- Cords
- Keyboards
- 8 Casino Verizon flip phones
- 19 Samsung Flip Phones
- 2 Motorola Flip Phones
- 6 LG Flip Phones
- 1 Kyocera Flip Phone
- Projector
- TV
- DVD Player
- VCR
- Obsolete Phone cases
- Obsolete Check Scanner

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

* * *

#34-2020

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE POLICE BENEVOLENT ASSOCIATION (PBA)**

Motion of Councilmember Briggs

WHEREAS, the City of Batavia and the PBA have had collective bargaining sessions; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on January 30, 2020 the PBA Union secured the necessary votes to ratify the tentative agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

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

#35-2020

**A RESOLUTION SUPPORTING AND URGING THE RESTORATION OF
VIDEO LOTTERY TERMINAL (VLT) REVENUE**

Motion of Councilmember Bialkowski

WHEREAS, Video Lottery Terminal (VLT) revenue in the City of Batavia budget is the fourth largest source of revenue within the City's General Fund; and

WHEREAS, the Governor of the State of New York in his proposed budget has terminated Video Lottery revenue for host municipalities such as the City of Batavia; and

WHEREAS, if the Governor's proposed is adopted the City will lose \$440,789 in VLT revenue in its fiscal year 2020/2021; and

WHEREAS, a revenue loss of that magnitude would result in a combination of:

1. a significant expense cut to the City's Fire, Police, Public Works, and Administrative Services Departments that impact equipment replacement, youth programs, information technology services, and the addition of a second School Resource Officer to improve student safety; and
2. a general City tax rate increase of \$0.67/\$1,000 to retain services and current employees that exceeds our tax cap limit, requiring a local law tax cap override; and

WHEREAS, with the proposed property tax increase, a property owner with an assessed valuation of \$100,000 would pay \$67.00 more per year so the City can avoid deep program cuts and employee layoffs; and

WHEREAS, the Governor's proposed elimination of this revenue stream eliminates the reimbursement to the City of Batavia for its incurred expenses associated with hosting the Batavia Downs Race Track and Casino.

BE IT THEREFORE RESOLVED, That the City Council of the City of Batavia, New York supports and urges the full restoration of the Video Lottery Terminal (VLT) Aid Fund; and

BE IT FURTHER RESOLVED, that the maintenance of the sum of \$400,789 must be sustained in order to preserve the quality of services that the citizens/tax payers of the City of Batavia expect and deserve; and

BE IT FURTHER RESOLVED, that Clerk Certified copies of this resolution shall be sent to the Governor of the State of New York, the Lieutenant Governor of the State of New York, the Speaker of the New York State Assembly, the Temporary President of the New York State Senate,

New York State Senator Ranzenhofer, Assemblymember Hawley, and Chair of the Batavia Downs/WROTB Board, Henry Wojtaszek.

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

* * *

Meeting adjourned at 8:15 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**