

CITY OF BATAVIA

BUSINESS MINUTES

MARCH 12, 2018

The regular business meeting of the City Council was held Monday, March 12, 2018 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

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

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

The minutes from the February 2018 meetings and the January 2018 financials were approved.

The Council President assigned the regular agenda items.

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Communications

Z-Club of Batavia High requested to hold a 5K on Sunday, April 29th from 2:00 – 6:00pm starting and ending at the TVFCU. Council approved.

GLOW Progressives was looking to hold a rally and walk in support of victims of mass shootings on Saturday, March 24th at 12:00pm starting at Williams Park and ending at City Hall. 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 26, 2018 in the City Hall Council Board Room, 2nd Floor, City Centre.

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City Attorney's Report

Mr. Van Nest noted that he continued to work on a variety of matters across the spectrum but nothing specific to report.

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City Manager's Report

Matt Worth, Interim City Manager, noted that the search for a new City Manager had begun in earnest and was underway. He also noted that there was an update to the investment policy based on a meeting with the Bank of Castile. He noted that adding language to the policy would allow the City to utilize ICS and earn more interest on funds currently in CDs. Mr. Worth stated that favorable bids had been received for the lining of the sewer system so that would allow more to be done than thought and that chemical costs were in line with budget.

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Committee Reports

Councilperson Bialkowski noted that Ward 1 and 6 had a meeting at the Batavia Housing Authority and the biggest item was snow removal on the sidewalks and asked Mr. Worth to explain the responsibilities surrounding that. Mr. Worth noted that the City uses the sidewalk plow when there is over six inches of snow and is done in addition to what the property owners are expected to do. He noted that the City's plow of the sidewalks is a supplement to clearing homeowners should do. He also noted that if Council wants the City to keep up with this we would need to look into replacing the sidewalk plows.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Unfinished Business

None.

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#17-2018

A RESOLUTION TO ADOPT THE 2018-2019 BUDGET ORDINANCE

Motion of Councilperson Bialkowski

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2018-2019 fiscal year on January 12, 2018 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 \$26,982,985, including the General Fund at \$16,716,395; and

WHEREAS, said proposed budget includes revenues to be raised through the property tax levy of \$5,249,947; 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 2.0% effective April 1, 2018; and

WHEREAS, said proposed budget has been made public and available for public inspection since January 12, 2018 and a public hearing was held on February 26, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the 2018-2019 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

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

ORDINANCE #001-2018

AN ORDINANCE ADOPTING THE 2018-2019 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2018-2019 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2018-2019, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 12, 2018, setting forth the estimates of revenues and expenditures for the fiscal year 2018-2019, 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, 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 2018-2019.

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 2018-2019 is \$5,249,947.

SECTION 3. The sum of \$5,249,947 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 2018-2019, 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 2018-2019.

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, 2018.

Budget Summaries

GENERAL FUND

	PROPOSED 2018/19
General Fund - Capital Reserves	\$ 143,000.00
City Council	\$ 48,730.00
City Manager	\$ 166,290.00
Finance	\$ 112,405.00
Administrative Services	\$ 342,035.00
Clerk/Treasurer	\$ 141,780.00
City Assessment	\$ 142,750.00
Legal Services	\$ 220,819.00
Personnel	\$ 140,030.00
Engineering	\$ 32,000.00
Elections	\$ 24,830.00
Public Works Administration	\$ 108,540.00
City Facilities	\$ 398,440.00
Information Systems	\$ 123,300.00
General Fund - Contingency	\$ 125,000.00
Police	\$ 3,778,030.00
Fire	\$ 3,622,490.00
Control of Dogs	\$ 1,430.00
Inspection	\$ 317,270.00
Vital Statistics	\$ 18,920.00
Maintenance Administration	\$ 189,310.00
Street Maintenance	\$ 604,140.00
Public Works Garage	\$ 451,030.00
Snow Removal	\$ 522,010.00

Street Lights & Traffic Signals	\$ 282,300.00
Sidewalk Repairs	\$ 285,720.00
Parking Lots	\$ 126,000.00
Community Development	\$ 20,000.00
Economic Development	\$ 110,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 577,400.00
Summer Recreation	\$ 78,610.00
Youth Services	\$ 185,495.00
Historic Preservation	\$ 5,450.00
Community Celebrations	\$ 15,450.00
Planning & Zoning Boards	\$ 3,100.00
Storm Sewer	\$ 180,950.00
Refuse & Recycling	\$ 64,630.00
Street Cleaning	\$ 114,800.00
Medical Insurance	\$.00
General Fund - Debt Service/Bonds	\$ 466,665.00
General Fund – BAN	\$ 60,750.00
Install Pur Debt - Municipal Lease	\$ 64,843.00
Gen. Fund – Debt Svc-Energy Lease	\$ 80,117.00
General Fund - Transfer/Other Funds	\$ 2,217,286.00
TOTAL GENERAL FUND	\$ 16,716,395.00

WATER, WASTEWATER & WORKERS COMP FUNDS

PROPOSED 2018/19

Water Administration	\$ 2,514,240.00
Pump Station & Filtration	\$ 1,234,810.00
Water Distribution	\$ 390,600.00
Water Fund – Medical Insurance	\$.00
Water Fund Contingency	\$ 15,000.00
Water Fund - Debt Service/Bonds	\$ 94,112.00
Install Pur Debt – Municipal Lease	\$ 4,031.00
Water Fund– Debt Svc-Energy Lease	\$ 19,118.00
Water Fund – Transfers for Cap Proj	\$.00
Water Fund - Transfer to Other Funds	\$ 430,100.00
Water Fund - Reserve	\$ 99,568.00
Water Fund – Debt Service - BAN	\$.00
TOTAL WATER	\$ 4,801,579.00

Wastewater Administration	\$ 306,140.00
Sanitary Sewers	\$ 396,015.00
Wastewater Treatment	\$ 763,430.00
WW Fund Contingency	\$ 15,000.00
WW Fund – Medical Insurance	\$.00
WW Fund - Debt Service/Bonds	\$ 446,938.00
WW Fund – Debt Service/BAN	\$.00
WW Fund - Debt Svc-Energy Lease	\$ 7,931.00

Install Pur Debt – Municipal Lease	\$ 29,027.00
WW Fund – Transfer to Other Funds	\$ 206,120.00
WW Fund – Transfer for Capital Proj	\$.00
WW Fund - Reserve	\$ 465,000.00
TOTAL WASTEWATER	\$ 2,635,601.00
Workers' Compensation	\$ 270,230.00
TOTAL WORKER'S COMP	\$ 270,230.00
TOTAL WATER,WASTEWATER, WORKERS' COMP	\$ 7,707,410.00
CITY CENTRE & HEALTH INSURANCE FUNDS	PROPOSED 2018/19
Administration	\$ 172,582.00
Contingency	\$ 8,345.00
City Centre Fund-Transfer to Other Funds	\$ 22,903.00
TOTAL CITY CENTRE	\$ 203,830.00
Medical Insurance	\$ 2,355,350.00
TOTAL HEALTH INSURANCE	\$ 2,355,350.00
TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 2,559,180.00
TOTAL ALL FUNDS	\$ 26,982,985

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#18-2018

A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2018 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 Councilperson Canale

WHEREAS, City Council having found amendments to §184-84 (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, herein attached are in the public interest and that;

WHEREAS, copies of the aforesaid proposed local Law have been laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, a public hearing on this proposed Local Law No. 1 of 2018 was held on February 26, 2018 before this Council, pursuant to public notice duly published in *The Daily News*.

BE IT RESOLVED, that Local Law No. 1 of 2018 entitled Local Law No. 1 to Amend §184-41 (A), (B), (C), and (O) of the Code of the City of Batavia to Establish New Water Rates, Meter Fees and a Capital Improvement Fee be and the same is hereby enacted by City Council of the City of Batavia, New York.

Seconded by Councilperson Tabelski and on roll call approved 7-1. Councilperson Bialkowski voted no.

**LOCAL LAW NO. 1 OF THE YEAR 2018
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

~~\$5.12~~ [\$5.30] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$6.57~~ [\$6.80] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$6.86~~ [\$7.10] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2017~~
as billed on and after June 1, 2017 [April 1, 2018 as billed on and after June 1, 2018].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$-9.98 [\$10.33]
Disc	3/4	\$12.52 [\$13.07]
Disc	1	\$13.30 [\$13.77]
Disc	1 ½	\$22.61 [\$23.40]
Disc	2	\$31.39 [\$32.49]
Compound	2	\$26.59 [\$27.52]
Compound	3	\$101.13 [\$104.67]
Compound	4	\$160.96 [\$166.60]
Compound	6	\$243.15 [\$251.66]
Turbo	3	\$59.84 [\$61.93]
Turbo	4	\$101.13 [\$104.67]

Fireline	4	\$101.13 [\$104.67]
Fireline	6	\$160.96 [\$166.60]
Fireline	8	\$224.38 [\$232.24]
Fireline	10	\$293.01 [\$303.27]

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	\$5.45 [\$5.99]
Disc	3/4	\$6.90 [\$7.59]
Disc	1	\$7.26 [\$7.99]
Disc	1 1/2	\$12.34 [\$13.58]
Disc	2	\$17.13 [\$18.85]
Compound	2	\$14.52 [\$15.97]
Compound	3	\$55.21 [\$60.73]
Compound	4	\$87.88 [\$96.67]
Compound	6	\$132.77 [\$146.04]
Turbo	3	\$32.67 [\$35.94]
Turbo	4	\$55.21 [\$60.73]
Fireline	4	\$55.21 [\$60.73]
Fireline	6	\$87.88 [\$96.67]
Fireline	8	\$122.51 [\$134.76]
Fireline	10	\$159.99 [\$175.99]

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

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#19-2018

A RESOLUTION TO ADOPT A LOCAL LAW NO. 2 OF 2018 AMENDING §66, CITY OWNED PROPERTY, OF THE BATAVIA MUNICIPAL CODE

Motion of Councilperson McGinnis

WHEREAS, City Council having found amendments to §66, City owned property, of the Batavia Municipal Code, herein attached, are in the public interest; and

WHEREAS, that copies of the aforesaid proposed Local Law has been 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 No. 2 of 2018 on February 26, 2018 pursuant to public notice duly published in *The Daily News*.

BE IT RESOLVED, that Local Law No. 2 of the Year 2018 entitled Local Law No. 2 of the Year 2018 City of Batavia Amending the Local Law §66, City Owned Property, of the Batavia Municipal Code is hereby enacted by the City Council of the City of Batavia, New York.

Seconded by Councilperson Viele and on roll call approved 7-1. Councilperson Bialkowski abstained.

**LOCAL LAW NO. 2 THE YEAR OF 2018
CITY OF BATAVIA**

TO AMEND §66, CITY OWNED PROPERTY, OF THE BATAVIA MUNICIPAL CODE

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. Chapter 66. City-Owned Property

Article IV. City Centre Concourse User Fee

§ 66-16. General provisions.

- A. Title. This chapter shall be known as the City of Batavia "City Centre Concourse User Fee."
- B. Scope. This chapter establishes rules for the issuance and collection of the City Centre Concourse User Fee for purposes of the operation, maintenance, management and capital improvements of the City Centre Concourse.
- C. Purpose. It is the purpose of this chapter to provide the basis for the collection of the City Centre Concourse User Fee.
- D. Applicability. This chapter shall be applicable to all property owners whose property is physically adjacent to or abuts the City Centre Concourse, is part of the City Centre or is an adjoining hallway that provides access from parcels to the exterior of the City Centre. This shall include all property owners regardless of direct access to the City Centre Concourse, as this may change periodically due to alterations of individual properties. Parcel SBL No. 84.049-1-69 is not included as a parcel subject to this chapter.
- E. Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

CITY

The City of Batavia, a municipal corporation incorporated in 1915 pursuant to the laws of the State of New York.

CITY CENTRE CONCOURSE

Referred to as “Concourse” shall be the enclosed pedestrian structure constructed as part of the Jefferson Plaza Urban Renewal Project connecting individual parcels. This is to include the exterior loading dock and access hallway connecting the loading dock to the concourse.

CITY CENTRE CONCOURSE USER FEE

Referred to as “User Fee”, the fees charged to properties that are physically adjacent to or abutting the Concourse for purposes of the operation, maintenance, management and capital improvements of the Concourse.

PROPERTY OWNER

The owner of premises that is physically adjacent to or abutting the Concourse.

PARCEL

An address or location physically adjacent to or abutting the Concourse.

SINGLE PARCEL OWNER

At the effective date of this legislation, any Property Owner of a single Parcel that exceeds 11,500 contiguous square feet physically adjacent to or abutting the Concourse.

§ 66-17. City Centre Concourse User Fee.

- A. The user fee for the operation, maintenance, management and capital improvement of the Concourse shall be reviewed and proposed annually by the Director of Finance in order to determine whether there are sufficient funds to defray the fixed charges, amortization costs and annual costs of the Concourse. If the difference between the revenue derived from the user fee and the total annual costs is sufficient to justify an increase or decrease in the fees, the City shall make the appropriate change which shall be confirmed by resolution of the City Council and maintained on file in the office of the City Clerk.
- B. All revenues derived from the user fee shall be kept in a separate fund to be known as the Concourse Fund. No expenditures chargeable against the Concourse Fund shall be incurred except upon appropriation of the City Council and such expenditures must be for a purpose for which such Concourse Fund has been established.
- C. The amount of the user fee on each parcel will be apportioned annually and shall be billed separately from the parcel’s tax bill. The user fee shall be due and payable as follows: one-half the total user fee on the first day of May and the balance of the user fee, without payment of interest, on the first day of August of each year. Such user fee shall become delinquent 30 days after the due dates.
- D. Unpaid user fees shall be the personal liability of the owner of the property and charges remaining unpaid 30 days after the May and August user fee bills shall become a lien upon the property and be included in the following tax assessment.

- E. Each user fee bill shall include half of the annual user fee. A late charge shall be added to the entire amount of each bill, to include all delinquent amounts and late charges from the previous period that are not paid by the due date. This will be referred to as balance forward billing. The amount of the late payment charge shall be equal to 5% of the delinquent balance for charges which are billed twice a year and monthly plus a 1% late payment charge for every month thereafter. In addition, a \$20 processing fee shall be added to the total delinquent balance when the delinquent balance becomes a lien.
- F. User fees remaining unpaid 30 days after the May and August user fee bills shall be immediately credited to the City Centre Fund by the General Fund. The General Fund shall then assume all liability of unpaid user fees. All charges, penalties and interest collected in accordance with this section shall be paid to the General Fund.
- G. In the event the effective date of this law is after April 1, 2018, the user fee to be assessed hereunder will be pro-rated from such effective date through March 31, 2019.

§ 66-18. User Fee.

- A. The amount of user fee to be paid by each parcel owner shall be determined by dividing the total fixed charges, amortization costs and annual costs of the operation of managing the Concourse by the total square footage of all parcels as identified by the City Assessor, multiplied by the square footage of the parcel.
- B. Single Parcel Owners, as defined in § 66-16 of this chapter, shall be assessed the set user fee against square footage, however the multiplier for the assessment shall be 11,500 square feet for such single Parcels.
- C. Annual user fee schedule:
 - (1) \$2.00 per square foot effective April 1, 2018 – March 31, 2019
 - (2) \$2.00 per square foot effective April 1, 2019 – March 31, 2020
 - (3) \$2.00 per square foot effective April 1, 2020 – March 31, 2021
 - (4) \$2.04 per square foot effective April 1, 2021 – March 31, 2022
 - (5) \$2.06 per square foot effective April 1, 2022 – March 31, 2023
- D. Starting fiscal year April 1, 2022, in accordance with § 66-17 of this chapter, the user fee shall be determined by the revenue needed from the user fee to support the total annual costs of the operation, maintenance, management and improvement of the Concourse.

§ 66-19. Miscellaneous provisions.

- A. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

§ 66-20. Effective Date.

- A. This chapter shall be effective April 1, 2018.
- B.

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#20-2018

**A RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF THE YEAR 2018 ENTITLED
“AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN”**

Motion of Councilperson Pacino

WHEREAS, City Council having found that amendment of the Business Improvement 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 properties benefitted are included in the boundaries of the District, and

WHEREAS, that copies of the aforesaid proposed Local Law No. 3 of 2018 have been laid upon the desk of each member of the City Council; and

WHEREAS, a public hearing on this proposed Local Law No. 3 of 2018 was held on February 26, 2018 before this Council, pursuant to public notice duly published in *The Daily News*.

BE IT RESOLVED, that proposed Local Law No. 3 of 2018, entitled a Local Law to amend the Business Improvement District Plan in the City of Batavia in accordance with Article 19-A of the General Municipal Law be that the same is hereby enacted by City Council of the City of Batavia, New York.

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

**LOCAL LAW NO. 3 OF THE YEAR 2018
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 January 12, 2018.

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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#21-2018

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

Motion of Councilperson Briggs

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

WHEREAS, the City Council last adopted its Purchasing Manual on September 11, 2017; and

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

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

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

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

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#22-2018
**A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR
FISCAL YEARS 2018/19 - 2021/22**

Motion of Councilperson Viele

WHEREAS, the City Council has been engaged in the development of a City of Batavia Strategic Plan in recognition of the changing needs and challenges of the City of Batavia; and

WHEREAS, the intent of developing a Strategic Plan is to allocate our available resources to best meet the needs of our residents, while balancing the fiscal, infrastructure and environmental factors that may affect the community in the future; and

WHEREAS, on January 12, 2018 the City Council was presented with the proposed City of Batavia Strategic Plan for fiscal year 2018/19 - 2021/22 which contained ongoing and new initiatives for the upcoming and future fiscal years; and

NOW, THEREFORE BE IT FURTHER 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.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Batavia hereby adopts the Strategic Plan for fiscal years 2018/19 – 2021/22.

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

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#23-2018
**A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY
FOR THE CITY OF BATAVIA, NEW YORK**

Motion of Councilperson Canale

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

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

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

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

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

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

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

City of Batavia Investment Policy

I. Scope

This investment policy applies to all money and other financial resources available to the City of Batavia for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

II. Objective

The primary objectives of the local government's investment activities are, in priority order:

1. To conform with all applicable federal, State and other legal requirements (legality)
2. To adequately safeguard principal (safety)
3. To provide sufficient liquidity to meet all operating requirements (liquidity)
4. To obtain a reasonable rate of return (yield)

III. Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the City Manager who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

IV. Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Batavia to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety and liquidity of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. Diversification

It is the policy of the City of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

VI. Internal Controls

It is the policy of the City of Batavia for all moneys collected by any officer or employee of the government to transfer those funds to the Clerk-Treasurer within one (1) day of receipt, or within the time period specified by law, whichever is shorter.

The City Manager is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. Designation of Depositories

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Bank of Castile	\$15,000,000	Jaime Sallome
Bank of America	\$15,000,000	Timothy Clark
JP Morgan Chase	\$15,000,000	Pamela Thompson
Key Bank	\$15,000,000	Julie Holman
Manufacturers & Traders Trust Company	\$15,000,000	Joe Cosimeno
Five Star Bank	\$15,000,000	Jane Scott
Edward Jones Investments	\$15,000,000	Michael Marsh

VIII. Securing Deposits and Investments:

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of

Batavia that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of “eligible securities” with an aggregate “market value” (as provided in GML Section 10) that is at least equal to the aggregate amount of deposits by the officers.
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
Revised by			L Neary	L Neary	L Neary	L Neary	H Parker	H Parker

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#24-2018 A RESOLUTION TRANSFERRING \$3,250 TO THE PARKING LOT CAPITAL RESERVE FUND

Motion of Councilperson McGinnis

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, 2018, received parking and dumpster permit revenue in the amount of \$3,250 and is desirous of transferring said \$3,250 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 \$3,250 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

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#25-2018

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

Motion of Councilperson Tabelski

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, 2018 has approximately \$95,165.25 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2018 will have had 11 employees retire/terminate from General Fund employment with payable accrued employee benefits totaling \$148,890.12.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use \$45,000 of Employee Benefit Accrued Liability Reserve to make the following budget transfers:

Effective March 31, 2018, the following transfers are hereby approved:

Increasing expenditure accounts:

City Manager	001.1230.0100.2109	\$ 3,799.42
Department of Administrative Srvc	001.1315.0100.2109	\$ 1,979.06
Personnel	001.1430.0100.2109	\$ 1,466.48
City Facilities	001.1620.0100.2109	\$ 764.35
City Facilities	001.1620.0103.2109	\$ 180.00
Police Department	001.3120.0100.2109	\$ 3,093.63
Police Department	001.3120.0102.2109	\$ 2,062.06
Fire Department	001.3410.0100.2109	\$19,713.42
Fire Department	001.3410.0101.2109	\$ 3,549.29
Fire Department	001.3410.0103.2109	\$ 4,808.28

Street Lighting & Traffic Signals	001.5182.0100.2109	\$ 254.78
Street Lighting & Traffic Signals	001.5182.0103.2109	\$ 60.00
Storm Sewer	001.8140.0100.2106	\$ 443.64
Storm Sewer	001.8140.0103.2106	\$ 30.00
Medical Insurance	001.9060.0807.2106	\$ 2,795.59

Increasing revenue account:

Appropriated Employee Benefit		
Accrued Liability Reserve	001.0001.0511.2109	\$45,000.00

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

* * *

#26-2018

**A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS
OUTLINED IN THE 2018-2019 BUDGET**

Motion of Councilperson Viele

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 12, 2018, 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 Councilperson Pacino and on roll call approved 8-0.

* * *

#27-2018

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

Motion of Councilperson Canale

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	\$ 38,400.00	DOT	2016/17
(TAP)	\$ 9,600.00	Sidewalk Reserve	2016/17
	\$ 672,800.00	DOT	2017/18/19
	\$ 216,219.00	Sidewalk Reserve	2017/18/19
Highway PM- Transportation Improvement Program	\$ 2,040,370.00	Federal Grant	2018/19
(TIP)	\$ 382,569.00	Marchiselli	
	\$ 127,523.00	CHIPs	
Pedestrian Way - TAP	\$ 868,500.00	Federal Grant	2019/2020
	\$ 150,000.00	CHIPs	
	\$ 139,500.00	Sidewalk Reserve	
Facilities Capital Plan - BOM/FD	\$ 1,100,000.00	Facilities Reserve	2018-2020
Enterprise Information Management Solution	\$ 750,000.00	Admin. Reserves/Finance	2018-2020

Water Fund

Union Street Water	\$ 1,157,500.00	Finance	2017/18/19
Improvements	\$ 48,000.00	Filtration Reserve	

S. Main St. & Brooklyn Ave. Water Improvements	\$ 732,800.00	Finance/CDBG Grant	2017/18/19
	\$ 32,000.00	Filtration Reserve	

Sewer Fund

Mechanical Fine Screen & Grit Cyclone Classifier	\$ 331,050.00	Sewer Reserves	2017/18/19
Central Pump Station Pump	\$ 85,000.00	Sewer Equipment Reserves	2018/2019
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, Silo's & Skylights	\$ 650,000.00	Facility Reserve	2018/19/20/21
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Second by Councilperson McGinnis and on roll call approved 8-0.

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#28-2018

A RESOLUTION AUTHORIZING THE CREATION OF VARIOUS POSITIONS FOR THE OPERATION AND MAINTENANCE OF THE CITY CENTRE CONCOURSE

Motion of Councilperson Pacino

WHEREAS, the proposed budget for fiscal year 18/19 recommended the creation of certain positions related to the City taking over the operational and maintenance responsibilities of the City Centre Concourse; and

WHEREAS, after analysis and review it has been recommended that the City Council create one (1) full-time Building Maintenance Worker and four (4) part-time Custodians; and

WHEREAS, the full-time Building Maintenance Worker will be needed to cover the vast majority of operation and maintenance of the concourse and will be member of the Department of Public Works; and

WHEREAS, four part-time Custodian positions are needed on a part-time basis needed to cover odd hour shifts, weekend operations and possible special events. These are not be full part-time positions and hours may vary depending on employee availability; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia authorizes the creation of said positions.

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

* * *

#29-2018

A RESOLUTION AUTHORIZING THE PURCHASE OF A CAT LOADER WITH PLOW AND WING AND FURTHER AUTHORIZING THE CITY MANAGER TO DEVELOP A PLAN FOR FINANCING SAID PURCHASE AS HEREINAFTER PROVIDED

Motion of Councilperson Briggs

WHEREAS, the City Council has determined it necessary to undertake the purchase of one (1) CAT Loader with a plow and wing (the “Loader”); and

WHEREAS, the City Council has followed the established procurement policies so as to assure the prudent and economical use of public monies; and

WHEREAS, the City Council has determined that the purchase of the Loader through the New York State Office of General Services(the “OGS) by state contract bid pursuant to General Municipal Law Section 104 is in the best fiscal interest of the City; and

WHEREAS, it is desired by the City Council to authorize the expenditure of \$226,300 for such purchase and to authorize certain preliminary actions to develop a plan for financing such purchase which may include either the entry into an installment sale contract or lease pursuant to General Municipal Law Section 109-b or through the issuance of serial bonds or notes in anticipation thereof pursuant to the Local Finance Law; and

WHEREAS, the City Council further desires to delegate to the City Manager the authority to competitively bid, approve, execute and deliver the most cost effective manner of such financing and to carry out all other necessary or appropriate preliminary actions in furtherance thereof; and

BE IT RESOLVED, by an affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York as follows:

Section 1. The purchase of the Loader at a cost of \$226,300 through the OGS by state contract bid pursuant to General Municipal Law Section 104 is hereby authorized.

Section 2. The financing of the purchase of the Loader is hereby authorized at a maximum estimated aggregate amount of \$226,300 plus the costs of issuance as permitted by law. The City Manager is hereby authorized to develop a plan of such financing which may include purchase by installment sales contract or the issuance of serial bonds (either method hereinafter referred to as the “Obligations”), whichever is demonstrably more cost effective.

Section 3. The financing of said equipment is exempt from SEQR regulations.

Section 4. It is hereby determined that the period of probable usefulness for the Loader is fifteen (15) years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the Obligations authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the City’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 6. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Obligations as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the authorized by this resolution as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3)(B)(i) of the Code.

Section 7. The City Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the City, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the City, which newspaper has been designated by the City Council in a separate resolution. The validity of the serial bonds authorized hereby, or of any bond anticipation notes issued in anticipation of the sale of such serial bonds, may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
2. such obligations are authorized in violation of the provisions of the Constitution

of the State of New York.

Section 8. This resolution is effective immediately and shall be placed in the official minutes of the City as an official action of the City Council.

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

* * *

#30-2018

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE REPAIR AND INSTALLATION OF CERTAIN CITY STREET IMPROVEMENTS, AS HEREINAFTER DEFINED, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilperson Bialkowski

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake the repair and installation of improvements to certain City streets, namely Clinton Street, East Avenue, Liberty Street, South Liberty Street, Swan Street and Vine Street. The improvements shall consist of pavement milling and overlay with a combined centerline length of 3.5 miles (the “Street Improvements”); and

WHEREAS, the estimated cost of the Street Improvements is \$2,550,000.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The design, construction and implementation of the Street Improvements are hereby authorized at the estimated combined cost of \$2,550,000.

Section 2. The financing of the Street Improvements, and the costs of issuance of such financing, (the “specific object or purpose”), is hereby authorized at a maximum estimated aggregate cost of \$2,560,000.

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

Section 4. The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, hereby determines the construction and installation of the Street Improvements to be a TYPE II Action that does not necessitate the preparation of and Environmental Impact Statement

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not

exceeding \$2,560,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

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

Section 7. It is hereby determined that the period of probable usefulness of the Street Improvements is 15 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 15 years.

Section 8. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the New York State Local Finance Law ("LFL"), and pursuant to the provisions of LFL Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of LFL Sections 21.00, 50.00, 56.00 to 60.00, 62.00 and 63.00, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 10. All other matters, except as provided herein, relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in LFL Section 52.00, and shall otherwise be in such form and contain such recitals, in addition to those required by LFL Section 51.00, as the City Manager shall determine, consistent with all applicable LFL provisions.

Section 11. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The City Manager is further authorized to enter into a continuing

disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution shall take effect immediately.

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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#31-2018

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY
OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE
INSTALLATION AND CONSTRUCTION OF CERTAIN SIDEWALK
IMPROVEMENTS, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND
ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.**

Motion of Councilperson McGinnis

WHEREAS, the CITY OF BATAVIA (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake the installation and construction of new sidewalk improvements on Washington Avenue, Tracy Avenue and Liberty Street (the “Sidewalk Improvements”); and

WHEREAS, the estimated cost of the Sidewalk Improvements is \$800,000.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The design, construction and implementation of the Sidewalk Improvements is hereby authorized at the estimated total cost of \$800,000.

Section 2. The financing of the Sidewalk Improvements, and the costs of issuance of such financing, (the “specific object or purpose”), is hereby authorized at a maximum estimate not to exceed cost of \$900,000.

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

Section 4. The City Council, acting as Lead Agency under the regulations of the State of New York (“SEQRA”), hereby determines that the installation and construction of the Sidewalk Improvements will not give rise to any adverse environmental impacts, and hereby adopts a Negative Declaration pursuant to SEQRA.

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$900,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

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

Section 7. It is hereby determined that the period of probable usefulness of the Sidewalk Improvements is 10 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 10 years.

Section 8. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the New York State Local Finance Law (“LFL”) and pursuant to the provisions of LFL Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of LFL Sections 21.00, 50.00, 56.00 to 60.00, 62.00 and 63.00, the powers and duties of the City Council

pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 10. All other matters except as provided herein relating to the bonds or notes herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in LFL Section 52.00, and shall otherwise be in such form and contain such recitals, in addition to those required by LFL Section 51.00, as the City Manager shall determine, consistent with all applicable LFL provisions.

Section 11. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures

(to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution shall take effect immediately.

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

* * *

#32-2018

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE PURCHASE AND INSTALLATION OF MANAGEMENT SYSTEMS COMPUTER SOFTWARE, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilperson Briggs

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to purchase and install certain computer software to implement an integrated enterprise resource planning system to utilize best practices, automated workflow, project management tools and other suitable applications (the “Software System”); and

WHEREAS, the estimated cost of the Software System is \$750,000.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The purchase, installation and implementation of the Software System is hereby authorized at the estimated total cost of \$750,000.

Section 2. The financing of the Software System, and the costs of issuance of such financing, (the “specific object or purpose”), is hereby authorized at a maximum estimate not to exceed cost of \$800,000.

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

Section 4. The City Council, acting as Lead Agency under the regulations of the State of New York ("SEQRA"), hereby determines that the purchase, installation and implementation of the Software System to be a TYPE II that does not necessitate the preparation of an Environmental Impact Statement.

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$800,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

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

Section 7. It is hereby determined that the period of probable usefulness of the Software System is 5 years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 5 years.

Section 8. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the New York State Local Finance Law ("LFL") and pursuant to the provisions of LFL Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of LFL Sections 21.00, 50.00, 56.00 to 60.00, 62.00 and 63.00, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 10. All other matters except as provided herein relating to the bonds or notes herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in LFL Section 52.00, and shall otherwise be in such form and contain such recitals, in addition to those required by LFL Section 51.00, as the City Manager shall determine, consistent with all applicable LFL provisions.

Section 11. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution shall take effect immediately.

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

* * *

#33-2018

A RESOLUTION TO ESTABLISH DEBT SERVICE RESERVES FOR WATER AND WASTEWATER FUNDS

Motion of Councilperson Tabelski

WHEREAS, pursuant to General Municipal Law Section 6-h debt service reserves are established when excess bond funds result upon the completion of a capital project; and

WHEREAS, the City of Batavia received \$1,400,000 of bond funding in the 2017/2018 fiscal year for the Vine and Elm Streets Water and Sewer System Improvements project, \$785,400 and \$614,600 respectively; and

WHEREAS, the total actual cost for the Vine and Elm Streets Water and Sewer System Improvements project was \$706,057.86 and \$578,045.20, respectively, creating excess bond revenue of \$79,342.14 and \$36,554.80, respectively; and

WHEREAS, this excess bond revenue must be placed in a Debt Service Reserve for the Water and Wastewater Fund to be used first and solely for the payment of debt in those respective funds.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City's Water Fund Debt Service Reserve and Wastewater Fund Debt Service Reserve be established in accordance with General Municipal Law 6-h.

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

* * *

#34-2018

A RESOLUTION AWARDED PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilperson 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, Fifteen (15) companies submitted bids, and seven (7) low bidders were identified for the 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	\$ 153.14/Ton
Thatcher Corp.	Ferric Sulfate	\$723.00 /Ton
Univar	Fluosilicic Acid	\$500.00 /Ton
Irish Welding	Carbon Dioxide	\$342.30 /Ton
Chemtrade	Liquid Alum	\$216.00 /Ton
Slack Chemical	Liquid Phosphate	\$ 341.82/Drum
Bison Laboratories	Sodium Hypochlorite	\$.70/gallon

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

* * *

#35-2018

A RESOLUTION AGREEMENT FOR APPROVAL OF INTERMUNICIPAL AGREEMENT WITH GENESEE COUNTY FOR YOUTH BUREAU OPERATION

Motion of Councilperson Bialkowski

WHEREAS, the Youth Bureau Director did present an agreement with Genesee County that for the oversight of the Youth Bureau Executive Director position and

WHEREAS, the City of Batavia and Genesee County are desirous of continuing the Inter-Municipal Agreement to which Genesee County shall provide administrative, supervisory and planning services to the City of Batavia in connection with the operations of the Batavia City Youth Bureau; and

WHEREAS, the Agreement between the City and County for these services would begin April 1, 2018 expire December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Inter-Municipal Youth Bureau Operating Agreement between the City of Batavia and Genesee County.

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

* * *

#36-2018

A RESOLUTION TO AMEND THE BATAVIA YOUTH BOARD BY-LAWS

Motion of Councilperson Pacino

WHEREAS, the Batavia Youth Board conducted a review of the current by-laws, and

WHEREAS, the Batavia Youth Board has recommended revisions to the by-laws pertaining to membership, organization, officers, committees and meetings/quorums, and

WHEREAS, the City Council does recommend the changes be made at this time.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Batavia does hereby approve the changes to the Batavia Youth Bureau By-Laws, as recommended by the Youth Board.

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

* * *

#37-2018

**A RESOLUTION TO APPROVE CASH SETTLEMENT FOR COMPENSATION FOR
THE CITY OF BATAVIA IN REMEDIAL ACTIVITIES DUE TO TRAIN
DERAILMENT ON MARCH 8, 2017**

Motion of Councilperson McGinnis

WHEREAS, CSX Transportation, Inc. was involved in a train derailment adjacent to the City of Batavia Wastewater Treatment Plant on March 8, 2017; and

WHEREAS, CSXT requested permission to access the site through the on-site road at the City of Batavia Wastewater Treatment Plant to remove effected train cars and repair any damage to property; and

WHEREAS, CSXT has offered the City of Batavia payment of \$16,139.03 for the restoration of the City property; and

WHEREAS, it is deemed in the best interest of the citizens of the City of Batavia to approve the Settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the settlement is hereby accepted, and that City Council President is authorized to execute the provisions of the settlement including the collection of Sixteen Thousand, One Hundred and Thirty Nine Dollars and three cents. (\$16,139.03) from CSXT.

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

* * *

#38-2018

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE
A THIRD AMENDMENT TO THE LEASE AGREEMENT WITH BELL ATLANTIC
MOBILE SYSTEMS OF ALLENTOWN, INC. DBA VERIZON WIRELESS,
SUCCESSOR INTEREST TO NEW YORK RSA NO. 3 CELLULAR PARTNERSHIP**

Motion of Councilperson Vile

WHEREAS, the City of Batavia (“Lessor”) and Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (“Tenant”) are parties to that certain Lease Agreement dated May 5, 1995, as extended by that certain Lease Extension and Amendment dated December 17, 2008 and second amendment to Lease Agreement date January 2, 2014 (collectively, the “Lease”) with respect to certain premises owned by LESSOR at 220 Richmond Avenue (Rear), in the City of Batavia, County of Genesee, State of New York, Tax Map Parcel Number 71.014-2-35 (f/k/a 71.13-3-1.111 and prior thereto as 71.17-3-1) (the “Property”) for the purposes state in the Lease; and

WHEREAS, Lessor and Tenant now desire to further amend the Lease to allow the Tenant to modify its existing equipment; and

WHEREAS, Lessor and Tenant desire to amend the Lease and pursuant to the terms of the Third Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia to hereby authorize the City Council President to execute the Third Amendment to the Lease Agreement with Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless, successor in interest to New York RSA No. 3 Cellular Partnership, d/b/a Verizon Wireless.

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

* * *

#39-2018

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
LAYNE INLINER, LLC FOR THE CAST IN-PLACE PIPELINING**

Motion of Councilperson Canale

WHEREAS, in accordance with General Municipal Law Section 103, on February 16, 2018 the City of Batavia issued a competitive bid request for Cast in-place pipelining of sanitary sewers ; and

WHEREAS, on March 5, 2018, six (6) companies submitted sealed bids which were publicly opened and read aloud; and

WHEREAS, a competitive bid was made by Layne Inliner LLC for the City of Batavia Pipelining 2018, BID # 2018-01 as specified in the bid document issued February 16, 2018; and

WHEREAS, in accordance with General Municipal Law Section 103, the City of Batavia has canvassed all bids and evaluated responsiveness to the City of Batavia's bid specifications; and

WHEREAS, Layne Inliner LLC is the lowest responsible bidder meeting all bid specifications as set forth herein:

The unit pricing bid is as follows:

Item 603R – Maintenance and Protection of Traffic – Lump Sum – \$ 100.00

Item 604 – Install CIPP Lining 8" Dia. – 4902 Linear Feet @ \$26.00/LF - Total of \$127,452.00

Item 604 – Install CIPP Lining 10" Dia. – 76 Linear Feet @ \$35.00/LF - Total of \$2,660.00

Item 603R – Clean & Video Inspection – 5000 Linear Feet @ \$3.00/LF – Total \$15,000

Project total bid cost of - \$145,212.00

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Layne Inliner, LLC – 195A Norridgewock Road, Fairfield, ME 04937-3177 for the Cast in-place pipelining of sanitary sewers.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia authorizes additional cast in-place pipeline of sanitary sewers to be conducted to not exceed the budgeted amount of \$191,000 based on the Department of Public Works assessment of current sanitary sewer needs.

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

* * *

#40-2018

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
THE TREE DOCTOR FOR THE REMOVAL AND TRIMMING OF TREES**

Motion of Councilperson Briggs

WHEREAS, in accordance with General Municipal Law Section 103, on February 6, 2018 the City of Batavia issue a competitive bid request for the removal and trimming of trees; and

WHEREAS, on February 16, 2018 four (4) companies submitted sealed bids which were publicly opened and read aloud; and

WHEREAS, a competitive bid was made by The Tree Doctor of Clarence, NY for the City of Batavia Removal and Trimming of Trees 2018, BID # 2018-03 as specified in the bid document issued February 6, 2018; and

WHEREAS, in accordance with General Municipal Law Section 103, the City of Batavia has canvassed all bids and evaluated responsiveness to the City of Batavia's bid specifications; and

WHEREAS, The Tree Doctor of Clarence, NY is the lowest responsible bidder meeting all bid specifications as set forth herein:

The unit pricing bid is as follows:

Tree Removal 12.0" to 15.0" - \$200 per each

Tree Removal 15.1" to 18.5" - \$275 per each

Tree Removal 18.6" to 24.5" - \$350 per each

Tree Removal 24.6" to 30.5" - \$960 per each

Tree Removal 30.6" to 36.5" - \$1300 per each

Tree Removal 36.6" to 42.5" - \$2180 per each

Tree Removal 42.6" to 48.5" - \$2600 per each

Tree Removal Over 48.5" - \$3290 per each

Tree Trimming - \$310 per each

For the contract period ending March 31, 2019; with the ability for the City and the Tree Doctor to extend for two additional years if mutually agreed upon.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with The Tree Doctor of Clarence NY for the removal and trimming of city trees.

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

* * *

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation..." and;

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 Bialkowski and on roll call approved 8-0.

* * *

Meeting adjourned at 7:34 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**