

CITY OF BATAVIA BUSINESS MINUTES FEBRUARY 8, 2021

The regular business meeting of the City Council was held Monday, February 8, 2021 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Pacino, Briggs, Viele, Canale, Christian, and Karas. Councilmembers McGinnis and Bialkowski were absent.

Council President Jankowski called the meeting to order at 7:00 PM. Councilmember Pacino led the Invocation and the Pledge of Allegiance.

The minutes from the January 2021 meeting and the December 2020 financials were approved.

The Council President assigned the regular agenda items.

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Communications

None

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Council President's Report

Council President Jankowski announced that the next City Council Conference Meeting would be held on Monday, February 22nd at 7:00 p.m. at City Hall, Council Board Room, 2nd Floor.

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Public Hearing

Public Hearing to Provide Information to the Public on the Community Development Block Grant (CDBG) Program.

Councilmember Briggs made a motion to open the public hearing, seconded by Councilmember Viele and, on roll call, approved 7-0. No speakers were registered.

Councilmember Viele made a motion to close the public hearing, seconded by Councilmember Briggs and, on roll call approved 7-0.

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City Attorney's Report

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

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City Manager's Report

Rachael Tabelski, Acting City Manager, gave an overview of the following items:

Police Station Feasibility Study – She said that she is prepared to work on preliminary items that might require us to be on site over the summer. She noted that she had been meeting with Market Treasurer Sharon Brant since August of 2020 to identify City owned property located downtown for the market for this summer and a long-term location downtown as well.

Community Garden on MacArthur Drive – She noted that the project is going forward this year and applications need to be submitted. She also said that Ray Tourt and the DPW crews were coordinating communications with the garden board.

Jackson Square DRI project – She said the public engagement meeting for the \$750,000 Downtown Revitalization Initiative project at Jackson Square is scheduled for 6 p.m. on February 18 via Zoom. She noted that this is an opportunity for citizens to hear about the project and help shape what that project would look like.

City Centre Feasibility Study – She noted that the City Centre feasibility study is being finalized and will be posted on the City's website very soon.

She also noted that the City's new Pandemic Policy had been distributed to all of the City's unions last week. She also said that DPW was training for the new government permitting software project, and that Utility Billing side is moving forward with planning and implementation in the next year. She also indicated the City's current third party health administrator was no longer able to provide the service and that Dawn Fairbanks, Human Services Director, would be looking at a new administrator after the budget was finished.

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Committee Reports

None.

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Public Comments

Gene (Matthew Gray) supporting 2021-22 proposed budget for Batavia ice rink.

Mary Ellen Reardon, e-mail, said that she supported the proposed 2021-22 budget as it relates to the Batavia ice rink. She noted that her family strongly supports the upgrades and much needed improvements to the rink. She also said that sadly there have been no real upgrades to the rink since her husband had played as a child. She additionally noted that our rink is one of the most poorly maintained rinks in the WNY region.

Robert Bialkowski, Councilmember at Large, said that he apologized for not attending the meeting tonight, but would like to thank all of the City Department Heads and staff for their efforts preparing the budget during such a difficult time.

John Roach, Batavia, said that he thought the Police Department Stakeholder group, whose mandate expires in March should move forward with a Committee. He noted that this group should only include City residents, as he didn't want people from outside the City telling us how to run our local Police Department. He then asked the status of the search for a new City Manager, department staffing numbers, and equipment numbers in the Public Works Department.

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Council Responses to Public Comments

Rachel Tabelski, Interim City Manager, said that a subcommittee or focus group was being formed. She noted that the focus group planned to meet with the Police Chief, Batavia City School District and community members as needed. She noted that keeping the group as a standing committee wouldn't be recommended. She also noted that the Police Department currently has two vacant positions, with one position being frozen for three years with an early retirement incentive and the other will be filled when funding becomes available. She additionally noted that the Fire Department currently has four vacant positions, with one to be filled and three to remain vacant.

Raymond Tourt, DPW Superintendent, said that the department has 16 employees and is currently down one staff member, which is frozen into 2022. He also said that the department currently has 14 primary pieces of equipment with one in the process of being repaired.

Councilmember Canale said that he couldn't really comment on the current search for a new City Manager other than the City was currently engaged with the recruiter and they were preparing to do a new national search.

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Unfinished Business

None.

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#6-2021

A RESOLUTION INTRODUCING 2021-2022 BUDGET ORDINANCE AND SCHEDULING A PUBLIC HEARING

Motion of Councilmember Viele

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2021-2022 fiscal year on January 11, 2021 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 22, 2021 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2021-2022 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 22, 2021; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

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

ORDINANCE #001-2021
AN ORDINANCE ADOPTING THE 2021-2022 BUDGET AND DETERMINING THE
AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2021-2022
FISCAL YEAR

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

SECTION 1. The proposed Budget for 2021-2022, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 11, 2021, setting forth the estimates of revenues and expenditures for the fiscal year 2021-2022, including all wage adjustments and salary schedules for all employees covered under collective bargaining agreements, and non-union, part-time and seasonal employees (due to minimum wage increases), of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, City Centre Fund, Workers' Compensation Fund, and Health Insurance Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2021-2022. Approval is also hereby given for the allocation of five (5) additional personal days to all non-union employees to be used in the 2021 calendar year.

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 2021-2022 is \$5,864,597.

SECTION 3. The sum of \$5,864,597 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 2021-2022, 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 2021-2022.

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, 2021.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 214,813.00
City Council	\$ 46,870.00
City Manager	\$ 180,560.00
Finance	\$ 130,845.00
Administrative Services	\$ 313,371.00
Clerk/Treasurer	\$ 146,348.00
City Assessment	\$ 141,385.00
Legal Services	\$ 235,100.00
Personnel	\$ 163,340.00
Engineering	\$ 16,800.00
Elections	\$ 21,267.00
Public Works Administration	\$ 107,350.00
City Facilities	\$ 315,870.00
Information Systems	\$ 84,300.00
General Fund - Contingency	\$ 213,644.00
Police	\$ 3,794,260.00
Fire	\$ 3,787,520.00
Control of Dogs	\$ 1,390.00
Inspection	\$ 332,590.00
Vital Statistics	\$ 19,860.00
Maintenance Administration	\$ 200,100.00
Street Maintenance	\$ 798,730.00
Public Works Garage	\$ 461,920.00
Snow Removal	\$ 485,070.00
Street Lights & Traffic Signals	\$ 263,920.00
Sidewalk Repairs	\$ 0.00
Parking Lots	\$ 5,000.00
Community Development	\$ 15,000.00
Economic Development	\$ 95,000.00
Council on Arts	\$ 2,250.00
Parks	\$ 497,770.00
Summer Recreation	\$ 70,000.00
Youth Services	\$ 127,136.00
Historic Preservation	\$ 900.00
Community Celebrations	\$ 8,200.00
Planning & Zoning Boards	\$ 1,610.00

Storm Sewer	\$ 182,840.00
Refuse & Recycling	\$ 97,360.00
Street Cleaning	\$ 126,390.00
General Fund - Debt	
Service/Bonds	\$ 354,031.00
General Fund – BAN	\$ 0.00
Install Pur Debt - Municipal Lease	\$ 28,586.00
Gen. Fund – Debt Srvc-Energy	
Lease	\$ 82,005.00
Gen. Fund – Transfer for Cap Proj	\$ 160,000.00
General Fund - Transfer/Other	
Funds	\$ 2,524,050.00
TOTAL GENERAL FUND	\$ 6,855,351.00

**Water, Wastewater & Workers
Comp Funds** **PROPOSED
2021/22**

Water Administration	\$ 2,655,571.00
Pump Station & Filtration	\$ 1,278,550.00
Water Distribution	\$ 370,538.00
Water Fund Contingency	\$ 4,930.00
Water Fund - Debt Service/Bonds	\$ 239,941.00
Install Pur Debt – Municipal Lease	\$.00
Water Fund– Debt Srvc-Energy	
Lease	\$ 19,570.00
Water Fund - Transfer to Other	
Funds	\$ 551,590.00
Water Fund - Reserve	\$ 0.00
Water Fund – Debt Service - BAN	\$ 0.00
TOTAL WATER	\$ 5,120,690.00

Wastewater Administration	\$ 331,216.00
Sanitary Sewers	\$ 389,995.00
Wastewater Treatment	\$ 863,190.00
WW Fund Contingency	\$ 19,190.00
WW Fund - Debt Service/Bonds	\$ 381,079.00
WW Fund - Debt Srvc-Energy	
Lease	\$ 8,118.00
Install Pur Debt – Municipal Lease	\$.00
WW Fund – Transfer to Other	
Funds	\$ 229,570.00

WW Fund - Reserve	\$ 469,572.00
TOTAL WASTEWATER	\$ 2,691,930.00
Workers' Compensation	\$ 294,110.00
Transfer to Reserves	\$.00
TOTAL WORKER'S COMP	\$ 294,110.00
TOTAL WATER, WASTEWATER, WORKERS' COMP	\$ 8,106,730.00

**CITY CENTRE & HEALTH
INSURANCE FUNDS**

Administration	\$ 170,215.00
Contingency	\$ 5,895.00
City Centre Fund-Transfer to Other Funds	\$ 30,520.00
TOTAL CITY CENTRE	\$ 206,630.00
Medical Insurance	\$ 2,616,280.00
Transfer to Reserves	\$ 0.00
TOTAL HEALTH INSURANCE	\$ 2,616,280.00
TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 2,822,910.00

TOTAL ALL FUNDS \$ 27,784,991

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#7-2021

**A RESOLUTION INTRODUCING A LOCAL LAW NO. 1 OF THE YEAR 2021
AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL
CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL
IMPROVEMENT FEE AND PROVIDING FOR PUBLIC NOTICE AND HEARING**

Motion of Councilmember Canale

BE IT RESOLVED, that Local Law No. 1 of the Year 2021 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2021 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

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

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 22, 2021; and

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

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

**LOCAL LAW NO. 1 OF THE YEAR 2021
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

~~\$5.68~~ **\$5.88** per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$7.29~~ [\$7.54] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$7.64~~ [\$7.88] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2020 as~~

~~billed on and after June 1, 2020~~ [April 1, 2021 billed on and after June 1, 2021]

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$11.06 [\$11.45]
Disc	3/4	\$14.00 [\$14.49]
Disc	1	\$14.75 [\$15.27]
Disc	1 ½	\$25.06 [\$25.94]
Disc	2	\$34.80 [\$36.02]
Compound	2	\$29.48 [\$30.51]
Compound	3	\$112.12 [\$116.04]
Compound	4	\$178.46 [\$184.71]
Compound	6	\$269.59 [\$279.02]
Turbo	3	\$66.34 [\$68.66]
Turbo	4	\$112.12 [\$116.04]
Fireline	4	\$112.12 [\$116.04]
Fireline	6	\$178.46 [\$184.71]
Fireline	8	\$248.78 [\$257.48]
Fireline	10	\$324.87 [\$336.24]

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	\$7.25 [\$7.97]
Disc	¾	\$9.18 [\$10.10]
Disc	1	\$9.66 [\$10.63]
Disc	1 ½	\$16.43 [\$18.07]
Disc	2	\$22.80 [\$25.09]
Compound	2	\$19.33 [\$21.26]
Compound	3	\$73.49 [\$80.84]
Compound	4	\$116.97 [\$128.67]
Compound	6	\$176.71 [\$194.38]
Turbo	3	\$43.48 [\$47.83]
Turbo	4	\$73.49 [\$80.84]
Fireline	4	\$73.49 [\$80.84]
Fireline	6	\$116.97 [\$128.67]
Fireline	8	\$163.06 [\$179.37]
Fireline	10	\$212.94 [\$234.24]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

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#8-2021

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING AND INTRODUCE PROPOSED
LOCAL LAW NO. 2 OF THE YEAR 2021 ENTITLED “AMENDING THE BUSINESS
IMPROVEMENT DISTRICT PLAN”**

Motion of Councilmember Pacino

BE IT RESOLVED, that proposed Local Law No. 2 of the year 2021 entitled “LOCAL LAW NO. 2 OF THE YEAR 2021 AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN” is introduced before the City Council of the City of Batavia, New York; and

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

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law at City Hall, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 22, 2021; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least ten (10) days prior thereto.

Seconded by Councilmember Viele and on roll call approved 7-0.

**LOCAL LAW NO. 2 OF THE YEAR 2021
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 25, 2021.

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, and further amended by Local Law No 3 of 2018 on March 12, 2018, 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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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..."and;

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation..."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 Canale and on roll call approved 7-0.

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Meeting adjourned at 7:23 PM.

Respectfully submitted,

**Aimslee M. Cassidy
Deputy Clerk**