

# **CITY OF BATAVIA**

## **BUSINESS MINUTES**

### **MARCH 8, 2021**

The regular business meeting of the City Council was held Monday, March 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, McGinnis, Bialkowski, Christian, and Karas. Councilmember Canale was absent.

Council President Jankowski called the meeting to order at 7:26 PM immediately following the special conference meeting.

The minutes from the February 2021 meetings and the January 2021 financials were approved.

The Council President assigned the regular agenda items.

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#### **Communications**

GLOW YMCA requested to hold a Corporate Cup on Thursday, August 5<sup>th</sup> at 6:00pm in Centennial Park. They are aware of COVID limitations and the need to pay for any overtime or material costs incurred by the City. Council approved.

Living Waters Apostolic Ministries submitted an application for a community outreach on Sunday, July 18<sup>th</sup> from 10:30am – 5:00pm in Austin Park. Council approved.

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#### **Council President's Report**

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

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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, Interim City Manager, noted that the Police Station Feasibility Study continues and they continue to meet with the public market board for a permanent location. She noted that on March 19<sup>th</sup> restaurants can open to 75% capacity per the governor's order. She thanked the individuals of the stakeholder group noting that it was a big process and they had done a great job. She discussed the DRI project progress and noted that the Senate passed a COVID relief bill that would allocate some funds to the City of Batavia but there were a lot of rules and regulations associated with the funds.

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## **Committee Reports**

Councilmember Pacino noted that the BID was still working on downtown wi-fi and Jackson Square.

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## **Public Comments**

Bob Gray, 8922 Fargo Rd, Stafford, asked, on behalf of the Friends of the Rink, that Council vote yes for the lease with Firland. He felt the proposed lease served both Firland and the City of Batavia's interests. He mentioned numerous groups who use the rink and thanked Council for appointing Mrs. Tabelski as City Manager. He noted that he had met with her and felt she was very approachable and professional.

Councilmember Bialkowski noted that he spoke with Vince Chilano, 7 Garfield, via a phone call and he had issues with code violations at a neighboring property who had a lot of junk in the yard. He noted that Mr. Tourt had been showed the pictures and was told the City would look into it.

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## **Council Responses to Public Comments**

None.

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## **Unfinished Business**

Council President Jankowski noted that he was still getting calls about street lights being out

and specifically mentioned one on South Jackson St which had been out for almost a year. Mrs. Tabelski noted that they were making progress on getting those fixed but would follow up again.

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## **New Business**

**#10-2021**

### **A RESOLUTION TO ADOPT 2021-2022 BUDGET ORDINANCE**

#### **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**, 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 \$27,784,991 including the General Fund at \$16,855,351; and

**WHEREAS**, said proposed budget includes revenues to be received through the property tax levy of \$5,864,597; and

**WHEREAS**, the City Council of the City of Batavia wishes to grant a one-time increase of five personal days in lieu of a salary increase for non-union City employees, and:

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

**WHEREAS**, the City Council held a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 22, 2021; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia hereby adopts the 2021-2022 Budget Ordinance pursuant to Section 16.6 of the City Charter; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the City Council of the City of Batavia hereby authorizes a one time increase of five personal days in lieu of a salary increase for non-union City employees.

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

**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
<b>TOTAL GENERAL FUND</b>	<b>\$ 16,855,351.00</b>

**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
<b>TOTAL WATER</b>	<b>\$ 5,120,690.00</b>

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
<b>TOTAL WASTEWATER</b>	<b>\$ 2,691,930.00</b>

Workers' Compensation	\$ 294,110.00
Transfer to Reserves	\$ .00
<b>TOTAL WORKER’S COMP</b>	<b>\$ 294,110.00</b>

<b>TOTAL WATER, WASTEWATER, WORKERS’ COMP</b>	<b>\$ 8,106,730.00</b>
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## CITY CENTRE & HEALTH INSURANCE FUNDS

Administration	\$	170,215.00
Contingency	\$	5,895.00
City Centre Fund-Transfer to Other Funds	\$	30,520.00
<b>TOTAL CITY CENTRE</b>	<b>\$</b>	<b>206,630.00</b>

Medical Insurance	\$ 2,616,280.00
Transfer to Reserves	\$ 0.00

TOTAL HEALTH INSURANCE	\$ 2,616,280.00
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TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 2,822,910.00
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**TOTAL ALL FUNDS** **\$ 27,784,991**

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**#11-2021**

**A RESOLUTION ADOPTING 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**

### **Motion of Councilmember Briggs**

**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**” was introduced before the City Council of Batavia, New York; and

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

**WHEREAS**, the City Council held a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 22, 2021; and

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

**BE IT RESOLVED**, the City Council of the City of Batavia hereby adopts Local Law No.



1 of the year 2021, entitled a “Local Law No. 1 of 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”

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

**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:**

<b>Type</b>	<b>Size in Inches</b>	<b>Quarterly Fee</b>
Disc	5/8	<del>\$11.06</del> <b>[\$11.45]</b>
Disc	3/4	<del>\$14.00</del> [\$14.49]
Disc	1	<del>\$14.75</del> [\$15.27]
Disc	1 ½	<del>\$25.06</del> [\$25.94]
Disc	2	<del>\$34.80</del> [\$36.02]
Compound	2	<del>\$29.48</del> [\$30.51]

Compound	3	<del>\$112.12</del> [\$116.04]
Compound	4	<del>\$178.46</del> [\$184.71]
Compound	6	<del>\$269.59</del> [\$279.02]
Turbo	3	<del>\$66.34</del> [\$68.66]
Turbo	4	<del>\$112.12</del> [\$116.04]
Fireline	4	<del>\$112.12</del> [\$116.04]
Fireline	6	<del>\$178.46</del> [\$184.71]
Fireline	8	<del>\$248.78</del> [\$257.48]
Fireline	10	<del>\$324.87</del> [\$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	<del>\$7.25</del> [\$7.97]
Disc	3/4	<del>\$9.18</del> [\$10.10]
Disc	1	<del>\$9.66</del> [\$10.63]
Disc	1 1/2	<del>\$16.43</del> [\$18.07]
Disc	2	<del>\$22.80</del> [\$25.09]
Compound	2	<del>\$19.33</del> [\$21.26]
Compound	3	<del>\$73.49</del> [\$80.84]
Compound	4	<del>\$116.97</del> [\$128.67]
Compound	6	<del>\$176.71</del> [\$194.38]
Turbo	3	<del>\$43.48</del> [\$47.83]
Turbo	4	<del>\$73.49</del> [\$80.84]
Fireline	4	<del>\$73.49</del> [\$80.84]
Fireline	6	<del>\$116.97</del> [\$128.67]
Fireline	8	<del>\$163.06</del> [\$179.37]
Fireline	10	<del>\$212.94</del> [\$234.24]

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

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#### #12-2021

### A RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF THE YEAR 2021 ENTITLED “AMENDING THE BUSINESS IMPROVEMENT DISTRICT PLAN”

#### Motion of Councilmember Bialkowski

**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” was introduced before the City Council of the City of Batavia, New York; and

**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. 2 of 2021 have been laid upon the desk of each member of the City Council; and

**WHEREAS**, a public hearing on this proposed Local Law No. 2 of 2021 was held on February 22, 2021 before this Council, pursuant to public notice duly published in *The Daily News*.

**BE IT RESOLVED**, that proposed Local Law No. 2 of 2021, 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 Councilmember Viele and on roll call approved 8-0.**

## **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 benefitted 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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**#13-2021**

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE A YOUTH SERVICES AGREEMENT WITH THE GENESEE COUNTY YMCA**

**Motion of Councilmember McGinnis**

**WHEREAS,** the City agrees to contract with the YMCA to provide Youth Services at the Liberty Center for Youth (114 Liberty St, Batavia, NY 14020) and Summer Recreation (multiple city park locations) for youth in the City of Batavia; and

**WHEREAS,** the YMCA, a non-profit organization servicing the community in sports, recreation, child care, education, health and wellbeing has extensive experience with afterschool programs as well as summer recreation programs; and

**WHEREAS,** the City is desirous to maintain services for youth in the community at the Liberty Center for Youth and during the summer; and

**WHEREAS,** the City agrees to the contract with the YMCA and the YMCA agrees to provide the services expressed in the Agreement.

**NOW, THEREFORE BE IT RESOLVED,** that the City of Batavia City Council authorize the City Council President to execute the Agreement for Youth Services and Summer Recreation effective April 1, 2021.

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

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**#14-2021**

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

**Motion of Councilmember Viele**

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

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

**WHEREAS**, on January 12, 2018 the City Council was presented with the proposed City of Batavia Strategic Plan for Fiscal Years 18/19 - 21/22 which contained ongoing and new initiatives for the upcoming and future fiscal years; and

**WHEREAS**, the Strategic Plan for Fiscal Year 21/22 has been updated and amended by the City Manager, reviewed by Department Heads and presented to City Council included in Budget Book.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia:

1. The Strategic Plan identifies initiatives and projects that allocate staff resources to ensure alignment with the adopted strategic priorities of City Council; and
2. The Strategic Plan is a working document, it is non-binding, but is the first of many steps toward improving rational, long-range planning for the City of Batavia.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the City Council of the City of Batavia hereby adopts the Strategic Plan for Fiscal Year 2021/22.

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

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#### **#15-2021**

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

#### **Motion of Councilmember McGinnis**

**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, 2023.

<u>PROJECT</u>	<u>PROJECT COST</u>	<u>FUNDING SOURCE</u>	<u>FISCAL YEAR</u>
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**General Fund**

Highway PM-Transportation Improvement Program (TIP)	\$ 2,040,370 \$ 382,569 \$ 127,523	Federal Grant Marchiselli CHIPs	18/19/20
Pedestrian Way – TAP	\$ 868,500 \$ 150,000 \$ 139,500	Federal Grant CHIPs Sidewalk Reserve	18/19/20
Facilities Capital Plan – Bureau of Maintenance /Fire Department	\$ 1,100,000	Facilities Reserve	18/19/20 *project on hold due to COVID-19
ERP Software Conversion Project	\$ 45,000 \$ 750,000	Admin. Reserves Finance	19/20/21
IT Capital Improvement Phase I	\$ 190,000	Administrative Reserves	19/21/22
IT Capital Improvement Phase II	\$ 200,000	Administrative Reserves	19/21/22
Richmond & Harvester	\$1,633,000 \$ 408,000	TIP Grant CHIPs/Marchiselli	20/21/22/23
Jackson Square Capital Project DRI	\$750,000	DOS Grant	21/22
LED NYPA Street Light Conversion	\$549,033	Finance	21/22
Police Station	\$8,000,000	Finance/Grants	21/22/23

**Water Fund**

Lead Services	\$ 554,112	DOH Grant	20/21/22
Richmond Ave water main abandonment	\$ 340,400	Reserves	21/22/23
Cohocton Water Line/ NMROW	\$612,500	Reserves	21/22

Well House Electric System Improvements	\$87,750	Reimbursed	21/22
Refurbish Water Treatment Plant Filters	\$360,000	Reimbursed	21/22

### **Sewer Fund**

WWTP air system blower, motor and VFD	\$1,000,000	Reserves	21/22/23
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### **City Centre Fund**

Facility Improvements - Roof, Skylights	\$ 763,594	Facility Reserve	2018/19/20/21
Mall Roof II	\$160,000	Facility Reserve	21/22
City Centre DRI	\$1,000,000	DRI Grant – Empire State Development	21/22/23

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

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### **#16-2021**

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

### **Motion of Councilmember Karas**

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

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

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

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

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

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

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

## **City of Batavia Investment Policy**

### **I. Scope**

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

### **II. Objective**

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

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

### **III. Delegation of Authority**

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

### **IV. Prudence**

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



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

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

## **V. Diversification**

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

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

## **VI. Internal Controls**

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

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

## **VII. Designation of Depositories**

The banks and trust companies that are authorized for the deposit of funds:

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

***\*Per a December 14, 2020 resolution passed by The City of Batavia City Council, this policy allows***

*the City Manager, in consultation with the City Clerk-Treasurer and Deputy Director of Finance, to authorize the deposit of funds into established financial institutions so the City can make investments in a timely manner to ensure maximum return of the taxpayer's money. Furthermore, to ensure full accountability and transparency, the City Manager must advise Council of the new financial institution added, if any, to the list of designated depositories at the next council meeting during the City Manager's report.*

### **VIII. Securing Deposits and Investments:**

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of Batavia that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided in GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Attachment A of this policy for a listing of "eligible securities."
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company
3. An "eligible surety bond" payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
4. An "irrevocable letter of credit" issued in favor of the City of Batavia by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.

### **IX. Collateralization and Safekeeping**

Eligible securities used for collateralizing deposits made by officers of the City of Batavia shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Batavia, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Batavia or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected security interest in the eligible securities and to otherwise secure the local government's interest in the collateral, and may contain other provisions that the governing board deems necessary.

## **X. Permitted investments**

As provided by General Municipal Law Section 11, the City of Batavia authorizes the City Manager to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- Through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii)
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- Obligations of the City of Batavia, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Batavia within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City of Batavia within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be

secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the City of Batavia authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City of Batavia within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

## **XI. Authorized financial institutions and dealers**

All financial institutions and dealers with which the City of Batavia transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the City of Batavia. The City Manager shall evaluate the financial position and maintain a listing of proposed depositaries, 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

<b>Date Revised/ Adopted</b>		4/11/11	2/27/12	3/11/13	2/19/14	3/9/15	3/14/16	3/13/17	3/12/18
<b>Revised by</b>			L Neary	L Neary	L Neary	L Neary	H Parker	H Parker	H Parker
<b>Date Adopted</b>		3/9/2020	12/14/2020						
<b>Revised by</b>		H Parker	H Parker						

#### **Attachment A**

##### **Schedule of Eligible Securities**

(i) Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal

corporation, school district or district corporation of this state or obligations of any public benefit corporation which under specific state statute may be accepted as security for deposit of public moneys.

(v) Obligations issued by states (other than this state) of the United States rated in one of the three highest categories at least one nationally recognized statistical rating organization.

(vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

(ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are being pledged.

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

\* \* \*

#### **#17-2021**

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

#### **Motion of Councilmember Viele**

**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 May 11, 2020; and

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

**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 Councilmember Karas and on roll call approved 8-0.**

\* \* \*

**#18-2021**

**A RESOLUTION TRANSFERRING \$4,450 TO THE PARKING LOT CAPITAL RESERVE FUND**

**Motion of Councilmember Briggs**

**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, 2021, received parking and dumpster permit revenue in the amount of \$4,450 and is desirous of transferring said \$4,450 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 \$4,450 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

\* \* \*

**#19-2021**

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

**Motion of Councilmember McGinnis**

**WHEREAS**, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees' service; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2021 has approximately \$274,028 of Employee Benefit Accrued Liability Reserve; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2021 will have had seven employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$124,617.89.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$124,617.89 of Employee Benefit Accrued Liability Reserve to make the following budget transfers:

Effective March 31, 2021, the following transfers are hereby approved:



Increasing expenditure accounts:

Police Department	A.04.1320.3120 100	\$ 37,299.87
Police Department	A.04.3120.3120 102	\$ 1,029.18
Police Department	A.04.3120.3120 103	\$ 1,473.36
Fire Department	A.05.3410.3410 100	\$ 56,685.57
Fire Department	A.05.3410.3410 101	\$ 4,248.11
Fire Department	A.05.3410.3410 102	\$ 5,080.28
Fire Department	A.05.3410.3410 103	\$ 2,958.91
Fire Department	A.05.3410.3410 105	\$ 2,990.30
City Manager	A.01.1230 100	\$ 5,815.38
Department of Public Works	A.03.1490 100	\$ 5,804.06
Department of Public Works	A.03.1490 103	\$ 1,232.87

Increasing revenue account:

Appropriated Employee Benefit		
Accrued Liability Reserve	A.00.0000.0000 0511.2109	\$124,617.89

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

\* \* \*

**#20-2021**

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

**Motion of Councilmember Pacino**

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

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

**Community Garden**

James A Chamberlain	December 31, 2024
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Susan Chiddy	December 31, 2024
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**Seconded by Councilmember Briggs and on roll call approved 8-0.**

\* \* \*

**#21-2021**  
**A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS**

**Motion of Councilmember McGinnis**

**WHEREAS,** The City of Batavia should periodically close capital projects which are completed; and

**WHEREAS,** projects completed at this time that require official closing are listed as follows:

#1503 TAP Healthy Schools Sidewalk Project  
#1904 Redfield Pillars Project  
#1703 Union Street Water Main Project  
#1169 Brooklyn Avenue Water Project  
#1802 South Main Water Project  
#2003 Franklin Street Project

**WHEREAS,** the City Council authorizes the City Manager to make the recommended transfers and close out the specified capital projects effective March 31, 2021; and

**WHEREAS,** in order to close the TAP Healthy Schools Sidewalk project, the City will need to transfer approximately \$38,710 from the Capital Projects Fund to the Sidewalk Reserve Fund.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the City of Batavia that the above referenced capital projects be closed effective March 31, 2021.

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

\* \* \*

**#22-2021**  
**A RESOLUTION TO TERMINATE THE YOUTH BUREAU  
OPERATING AGREEMENT WITH GENESEE COUNTY**

**Motion of Councilmember Karas**

**WHEREAS,** the City of Batavia entered into an inter-municipal agreement with Genesee County in 2018 regarding the operation and funding of the City Youth Bureau for a period between April 1, 2018 through December 31, 2021; and

**WHEREAS,** as of April 1, 2021 the City of Batavia will make alternative arrangements to provide youth services within the City for 2021 and thereafter; and

**WHEREAS,** the City of Batavia will no longer need to contract with Genesee County for the administration and oversight of the City Youth Bureau; and

**WHEREAS,** termination of the Youth Bureau Agreement will result in savings to the City

in the amount of \$20,711 for 2021 services.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Batavia hereby terminates the 2018 Youth Bureau Agreement effective March 8, 2021.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be provided to Genesee County confirming termination of the agreement.

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

\* \* \*

**#23-2021**

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE  
ICE RINK LEASE AGREEMENT WITH FIRLAND MANAGEMENT LLC**

**Motion of Councilmember Viele**

**WHEREAS**, the City of Batavia and Firland Management LLC desire to extend the Ice Rink Lease Agreement by two years; and

**WHEREAS**, due to the COVID-19 pandemic and substantial shut down of sports and hockey during 2020, the City of Batavia will extend the lease payment currently owed in March 2021 until January 1, 2022; and

**WHEREAS**, the City of Batavia and Firland Management agree to extend the lease agreement for two years; and

**WHEREAS**, the amended lease will expire on March 31, 2023; and

**WHEREAS**, Firland Management will continue to operate the activities at the City of Batavia Ice Arena.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia that the Council President be and hereby is authorized to execute an Ice Rink Lease Agreement whereby Firland Management will operate activities at the City of Batavia Ice Arena.

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

Councilmember Christian made a motion to amend the lease to one year and then look into privatizing the rink. She felt the City shouldn't be in that business. There was no second and thus the motion died.

\* \* \*

**#24-2021**

**A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS**

**Motion of Councilmember Bialkowski**

**WHEREAS**, the City has advertised for competitive, sealed bids for the purchase of various chemicals used for the operation of the Water and Wastewater Treatment facilities; and

**WHEREAS**, Twenty-two (22) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that one (1) year purchase contracts for various chemicals be awarded to the lowest responsible bidder hereinafter identified.

<b>Company Name</b>	<b>Chemical</b>	<b>Bid Amount</b>
Carmeuse Pittsburgh PA	Quicklime	\$190.40 a ton
Faesy & Besthoff Stamford, CT	Ferric Sulfate	\$925.00 a ton
PVS Technologies Detroit, MI	Fluosilicic Acid	\$625.00 a ton
Haun Albany, NY	Carbon Dioxide	\$220.00 a ton
Thatcher Salt Lake City, UT	Liquid Alum	\$281.38 a dry ton
Coyne Croydon, PA	Liquid Phosphate	\$337.49 a drum
JCI Jones Caledonia, NY	Sodium Hypochlorite	\$0.76 a gallon

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

\* \* \*

**#25-2021**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH  
NFP & SONS, INC.  
FOR THE REPLACEMENT OF LEAD SERVICE LINES**

**Motion of Councilmember Karas**

**WHEREAS**, a project that is funded by the Department of Health for the replacement of lead service lines in the City of Batavia in area of Swan Street, Hutchins Street and Otis Street in the amount of \$554,112; and

**WHEREAS**, a competitive bid was made by NFP & Sons, Inc., for the replacement of lead service lines as specified in the contract document titled City of Batavia Lead Services Replacement Project - 2021; and

**WHEREAS**, NFP & Sons, Inc. is the lowest responsible bidder (\$446,150.00);

**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 NFP & Sons, Inc. for replacement of lead service lines.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the Director of Public Works is hereby authorized on behalf of the City to execute any change orders for the remaining of the grant income of \$59,762.

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

\* \* \*

#### **#26-2021**

### **A RESOLUTION ADOPTING THE CITY OF BATAVIA'S POLICE REFORM PLAN UNDER EXECUTIVE ORDER NO. 203**

#### **Motion of Councilmember Briggs**

**WHEREAS on June 12, 2020** Governor Andrew M. Cuomo issued Executive Order No. 203 New York State Police Reform and Reinvention Collaborative; and

**WHEREAS**; the City of Batavia and the Batavia Police Department created the Batavia Police Advisory Collaboration Stakeholder Group "Stakeholder Group" that was comprised of various community stakeholders, including advocates and representatives from groups and organizations representing minority and communities of color in the City of Batavia as required by the Executive Order; and

**WHEREAS** the Stakeholder Group was created to "foster trust, fairness, and legitimacy devoid of racial bias" and its work was conducted by recognizing the concerns expressed by communities of color and other minorities in the city of Batavia; and

**WHEREAS** in developing its plan, the City of Batavia, the Batavia Police Department and the Stakeholder Group had discussions and reviewed various documents and materials related to evidence-based policing strategies highlighted in Executive Order 203; and

**WHEREAS**; the City of Batavia and the Batavia Police Department with the Stakeholder Group performed a comprehensive review of current police force deployments,

strategies, policies, procedures, and practices and heard from experts in relevant criminal justice agencies, mental health organizations, and human rights advocates as part of this review; and

**WHEREAS;** the Stakeholder Group conducted various meetings, including a City-wide survey and focus group to discuss and ascertain opinions and attitudes about these strategies, policies, procedures, and practices for the purposes of assessing the needs of the communities served by the Batavia Police Department, particularly communities of color; and

**WHEREAS;** this information was compiled as part of the Police Reform Plan developed by the City of Batavia and the Batavia Police Department in consultation with the Stakeholder Group to fulfill the conditions outlined in Executive Order 203; and

**WHEREAS,** the City Council reviewed the draft Plan on January 25, 2021 and posted it for public review and comment on the City's website, through press release and articles in the local media; and

**WHEREAS,** the members of the community had an opportunity to review and provide public comments on the draft Plan through February 26, 2021; and

**WHEREAS,** the City Council has had an opportunity to review and consider public comments on the draft Plan; and

**NOW, THEREFORE BE IT RESOLVED** that the City of Batavia Council hereby adopts the Plan developed by the City of Batavia and Batavia Police Department in consultation and input from the Stakeholder Group and certifies its submission to the New York State Division of Budget; and.

**Be It Further Resolved** that certified copies of this resolution be sent to the Director of the Division of the Budget prior to April 1, 2021.

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

\* \* \*

**#27-2021**

**A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN AN AMENDMENT TO THE BUILDING SPACE LEASE BETWEEN CITY CHURCH AND THE CITY OF BATAVIA**

**Motion of Councilmember Bialkowski**

**WHEREAS,** the City of Batavia entered into a Building Space Lease between the City of Batavia and City Church on August 1, 2019 for Youth Services programming at the location 114 Liberty St. Batavia, NY 14020; and

**WHEREAS,** the City of Batavia is desirous in contracting out Youth Services with the

Genesee, Livingston, Orleans, Wyoming (GLOW) YMCA Inc.; and

**WHEREAS**, due to this change in program operations, the lease will be amended to add the GLOW YMCA.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the Council President be and is hereby authorized to sign the Amendment to Building Space Lease between the City of Batavia and City Church, adding GLOW YMCA Inc. to the lease.

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

\* \* \*

**#28-2021**

**A RESOLUTION AMENDING THE 2020-21 GENERAL FUND BUDGET TO REFLECT THE RECEIPT OF \$193,500 FROM NEW YORK STATE DEPARTMENT OF STATE**

**Motion of Councilmember Bialkowski**

**WHEREAS**, the City of Batavia City Council approved a resolution in 2019 to apply for the New York State Department of State Brownfield Opportunity Area (BOA) Pre-Development Grant; and

**WHEREAS**, The City was awarded the grant for specific pre-development work at the City Center Campus and Harvester Camps; and

**WHEREAS**, The grant will advance re-development opportunities within the City's designated BOA.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Council President execute the BOA Pre-Development Master Grant Contract.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, That the City of Batavia City Council hereby authorize the City Manager to amend the 2020-2021 budget as set forth below.

**Effective March 8, 2021 amend the general fund budget:**

**Increase expenditure account**

Expense: A.01.6460 499-211197 Grant #211197, Community Development- Contract Services \$193,500

**Increase revenue accounts**

Revenue: A.00.0000.0000 3902 Grant #211197, State Aid, Planning Studies \$193,500

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

\* \* \*

**#29-2021**  
**A RESOLUTION TO APPOINT A CITY MANAGER**

**Motion of Councilperson Pacino**

**WHEREAS**, the prior City Manager resigned effective June 20, 2020 and the City Council appointed a search committee which has recommended a candidate; and

**WHEREAS**, City Council has had an opportunity to interview this candidate and a written agreement has been negotiated which is satisfactory to both City Council and the candidate;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia that Rachael J. Tabelski is hereby appointed the City Manager of the City of Batavia pursuant to Section 5.1 of the City Charter effective March 8, 2021; and

**BE IT FURTHER RESOLVED**, that the City Council does hereby approve the terms and conditions of written Agreement for the employment of Rachael J. Tabelski, and does hereby authorize the City Council President to execute this document on behalf of City Council.

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

Council President Jankowski thanked the committee who put a lot of hard work into the search and felt it was thorough process right up to the end. Councilmember Bialkowski thanked Mrs. Tabelski who, as the acting City Manager, really went the extra mile and did a great job.

\* \* \*

**Meeting adjourned at 8:00 PM.**

**Respectfully submitted,**

**Heidi J Parker**  
**Clerk - Treasurer**