



## BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room  
One Batavia City Centre  
January 25, 2021 at 7:00 p.m.

### AGENDA

- I. Call to Order
- II. Invocation – Councilmember Briggs
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
- VII. Council President Report
  - a. Announcement of the next City Council Business Meeting to be held on Monday, February 8, 2021 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
  - b. Budget Work Sessions:
    - i. Monday, January 25<sup>th</sup> after the Conference Meeting (DPW)
    - ii. Monday, February 1<sup>st</sup> at 6:00 p.m. (Police, Fire, General Gov't & Admin)
    - iii. Wednesday, February 3<sup>rd</sup> at 6:00 p.m. (if needed)
- VIII. Batavia Development Corporation 2021 Presentation
- IX. Police Reform Presentation
- X. Appointing Member(s) to City Committees/Boards
- XI. Introducing 2021-2022 Budget Ordinance And Scheduling A Public Hearing
- XII. Introducing a Proposed 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
- XIII. Introducing a Proposed Local Law No. 2 of The Year 2021 Entitled “Amending The Business Improvement District Plan” And Providing For Public Notice And Hearing

- XIV. Introducing the City of Batavia's Police Reform Plan Under Executive Order No. 203
- XV. Batavia City School District – My Brother's Keeper Initiative
- XVI. Schedule a Public Hearing to Introduce a Community Development Block Grant (CDBG)
- XVII. Adjournment

**#-2021**  
**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/  
BOARDS**

**Motion of Councilmember**

**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:

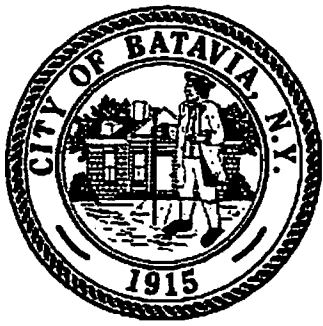
**Youth Board**

Lydia Schauf

December 31, 2023

**Seconded by Councilmember  
and on roll call**

**DRAFT**



To: Honorable City Council  
From: Rachael Tabelski, Interim City Manager  
Date: January 14, 2021  
Subject: Budget Resolutions that require Public Hearings

Attached are three resolutions introducing the proposed Budget Ordinance, Water Rate changes and Business Improvement District (BID) Plan amendments. All three actions require a public hearing prior to consideration to execution. It is recommended that the Budget Ordinance, Water Rate changes and Business Improvement District (BID) Plan amendments be introduced at the February 8<sup>th</sup> Business Meeting and the public hearings be conducted at the February 22<sup>nd</sup> Conference meeting.

Any resolution can be amended prior to the public hearing; however any substantial changes following the public hearing would require another public hearing prior to adoption.

It is recommended that all three resolutions be moved to the February 8<sup>th</sup> Business meeting so that public hearings can be scheduled for February 22<sup>nd</sup>

**#-2021**

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

**Motion of Councilmember**

**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  
and on roll call**

**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	\$ 3,768,110.00
Fire	\$ 3,787,520.00
Control of Dogs	\$ 1,390.00
Inspection	\$ 301,970.00
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>\$ 16,798,581.00</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
<b>TOTAL HEALTH INSURANCE</b>	<b>\$</b>	<b>2,616,280.00</b>

<b>TOTAL CITY CENTRE &amp; HEALTH INSURANCE</b>	<b>\$</b>	<b>2,822,910.00</b>
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**TOTAL ALL FUNDS** **\$ 27,728,221**

**#-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**

**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  
and on roll call**

**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	\$11.06 [ <b>\$11.45</b> ]
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	<del>\$7.25</del> [\$7.97]
Disc	3/4	\$9.18 [\$10.10]
Disc	1	\$9.66 [\$10.63]
Disc	1 1/2	\$16.43 [\$18.07]
Disc	2	<del>\$22.80</del> [\$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]

**#-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**

**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  
and on roll call**

**DRAFT**

**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.

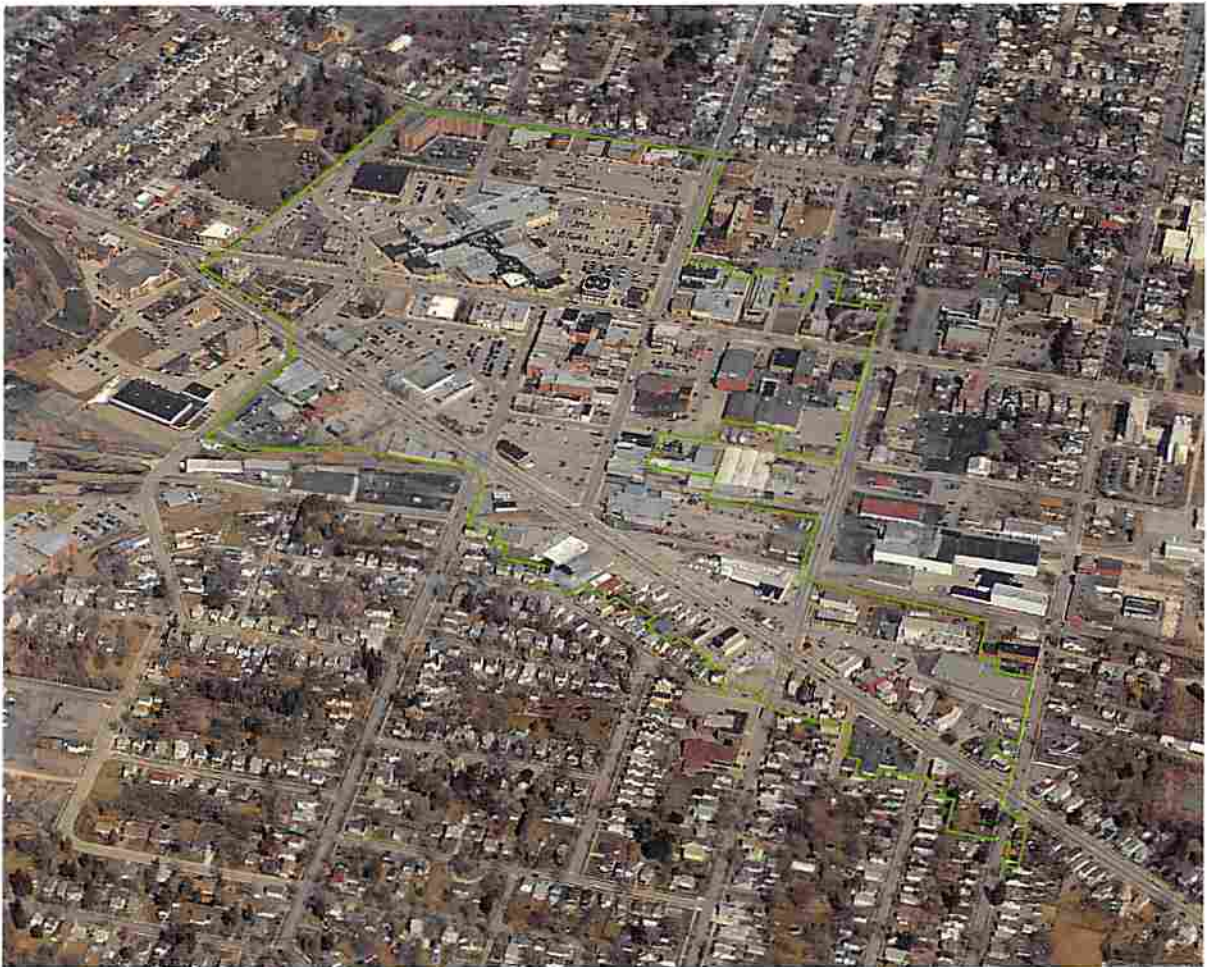
**SECTION 2.** The provision of services within the district shall be pursuant to said amended district plan of the Downtown Batavia Business Improvement District (BID). All said services shall be in addition to, and not a substitution for required municipal services provided by the City of Batavia on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

A PLAN UPDATE FOR THE  
**BUSINESS IMPROVEMENT DISTRICT**



January 14, 2020

*Prepared by City of Batavia*

In 1997, a core group of property owners within Downtown Batavia Business District asked the City of Batavia to form a Business Improvement District (BID) to help foster streetscape improvements and business growth. The boundaries of the district included the historic downtown Main Street from Liberty/Summit Streets to the Upton Monument and areas to the north and south between Washington Avenue and Ellicott Street. In March 1998 these owners also formed the non-profit Batavia Business Improvement District Management Association Incorporated (Management Association) to provide marketing, promotional and other business improvement district development services for the BID to the City of Batavia.

Since 1998, the BID and the Management Association have had many accomplishments and were fortunate to benefit from numerous development and streetscape projects the City has initiated, including a complete redevelopment of Main Street. The Management Association has also partnered with the City on a number of streetscape and beautification projects throughout the downtown core, administered a popular facade improvement program and promoted a summer concert series.

Because of the BID's success, and its visual transformation, interest in the BID grew and owners in the adjacent Ellicott Street area, just southeast of downtown, requested the City of Batavia to consider an amendment of the Downtown BID boundaries that would annex their properties to the BID. Consequently, in 2005 the City Council authorized the extension of the BID to include the adjacent Ellicott Street area.

Because the BID Plan has not been updated since 2005, the City of Batavia has prepared updates to the Plan including a change in the district assessment charge to properly reflect operations, capital accounting for surplus funds, compliance with the Open Meetings Law and Freedom of Information Law and additional budgetary compliance reporting.

### **I. Map and Boundary of the District**

Exhibit A is a description of the boundaries of the district. Exhibit B is a list of benefitted properties by address and property owner.

### **II. Land Uses**

Allowed uses within the district comply with the City of Batavia Zoning Ordinance. The current BID includes the C-3 zoning district and allows such uses as retail stores, banks, offices, restaurants, hotels, places of amusement, services, shopping centers, residential uses and government buildings. Other districts included in the current BID boundaries are the C-2 zoning district which allows such uses as retail stores, restaurants, hotels, places of amusement, offices, banks and shopping centers, a small section of industrial zoned property and the P-2 planned development district on Main Street for the United Memorial Center Bank Street Campus.

There are no immediate plans to change the allowed uses within the current zoning district.

### **III. Activities allowed by Business Improvement District Law (Article 19-A)**

The main objectives of the improvement district are to provide for attractive and functional infrastructure improvements, and to have an operational budget for marketing, communications, events and administration. The concept has created an attractive downtown area that has encouraged investment in the area and provided a pedestrian friendly environment to downtown shoppers, businesses and other downtown users.

An operational budget insures that the City and the Management Association can communicate and



market the district to the public, downtown owners and potential investors. The operational budget also provides funds for basic administration of the Management Association activities such as meetings and staff.

The General Municipal Law authorizes the legislative body of a participating municipality to exercise the following powers with respect to a business improvement district:

a.) To provide for district improvements located within the municipality to promote business activity in the district:

1. construction and installation of landscaping, planting and park areas;
2. construction of lighting and heating facilities;
3. construction of physically aesthetic and decorative safety fixtures, equipment and facilities;
4. construction of improvements to enhance security of persons and property within the district;
5. construction of pedestrian overpasses and underpasses and connections between buildings;
6. closing, opening, widening or narrowing of existing streets;
7. construction of ramps, sidewalks, plazas and pedestrian malls;
8. rehabilitation or removal of existing structures as required;
9. removal and relocation of utilities and vaults as required;
10. construction of parking lot and parking garage facilities; and
11. construction of fixtures, equipment, facilities and appurtenances as may enhance the movement, convenience and enjoyment of the public and be of economic benefit to surrounding properties such as: bus stop shelters; benches and street furniture; booth, kiosks, display cases, and exhibits; signs; receptacles; canopies; pedestrian shelters and fountains.

b.) To provide for the operation and maintenance of any district improvement.

c.) To provide for additional maintenance or other additional services required for the enjoyment and protection of the public and the promotion and enhancement of the district whether or not in conjunction with improvements authorized by this section, including:

1. enhanced sanitation services;
2. services promoting and advertising activities within the district;
3. marketing education for businesses within the district;
4. decorations and lighting for seasonal and holiday purposes; and
5. services to enhance the security of persons and property within the district.

d.) To construct improvements on the properties of businesses located within the BID for the specific purpose of increasing access from public areas to the businesses for persons with disabilities. This is the only exception to the requirement that BID improvements be made on or within municipal or district owned or leased property.

Note: Funding from a source other than the BID assessment may be spent for improvements and services that are not listed in the General Municipal Law §980-c.

#### **IV. Improvements, operation costs and the maximum costs thereof**

a) Capital Infrastructure Improvements

The BID has enjoyed millions in infrastructure and facade improvements over the last 15 years. While most of the streetscape improvements on Main Street were funded by the state and federal

governments, the remainder of streetscape and facade improvements were funded through an \$830,000 bond that will be retired with payments from BID special assessments and City general funds in 2016.

In 2005 the City expanded the BID boundaries to include Ellicott Street businesses. The district plan was subsequently amended providing for an increase in the annual BID assessment to \$120,000. An additional \$350,000 of downtown infrastructure improvements was proposed along Ellicott Street as part of district plan amendment. The improvements desired included trees, decorative lighting and sidewalk improvements that mimic the improvements already in place within the current BID. The district plan continued to outline that BID assessments would cover 60% of the debt service related to capital improvements and the City would contribute general funds for 40% of the debt service. In addition, any outside sources of funds would be dedicated toward reducing the annual bond costs proportionally. Following the BID expansion the City received a \$500,000 Transportation Enhancement Program (TEP) grant and the Ellicott Street Scape project was expanded to a \$750,000 total project cost, making the local match between the City and the BID \$250,000 to complete Ellicott Streetscape improvements. At the conclusion of the project both the City and BID paid for the remaining cost of the project with available funds and the City did not issue a bond or incur debt service for the project as was originally planned in the 2005 district plan amendment.

There are no immediate infrastructure or physical improvements planned; however, the City and the Management Association expect to begin a district plan update to include infrastructure and capital improvements.

#### b.) Operations

1. A primary concern regarding the BID assessment and levy is that the 2016/17 BID assessment get exceeds the General Municipal Law limits for district assessment charges used for operations. As outlined in General Municipal Law §980-k, the City is limited in the amount of money that can be raised for a BID through the assessment. The district assessment charge, excluding debt service, may not exceed 20 percent of the total general municipal taxes levied in a year against the taxable property in the BID. For 2016/17 the total general municipal taxes levied in the 2016/17 year is \$275,194. Therefore, the maximum amount of district assessment charge that can be raised for operational use, excluding debt service, is \$55,038.

The City debt service payment for the 1999 infrastructure bond improvements for the 2016/17 year is \$25,651.08. The proportional share of infrastructure bond payments is 60 percent for the BID owners and 40 percent for the City of Batavia. Thus the BIDs share of debt service is \$15,391, while the City's share is \$10,260. This is the last debt service payment for the 1999 infrastructure bond improvements.

Therefore, the maximum amount of district assessment charge that should have been levied should be no greater than \$70,429 (\$55,038 for operation + \$15,391 for debt service). The actual BID assessment levied for this year, \$120,000, exceeds the authorized amount allowed for operations and debt service payments under the General Municipal Law. As a result, the BID assessment that was levied May 1, 2016 was an additional \$49,571 in conflict with the General Municipal Law and the district plan with no authorized use of the additional funds.

The following BID budget amendments were made by the City:

- i. The Management Association has budgeted \$55,020 for annual operations and management of the district.
- ii. The BIDs share of debt service is \$15,391, while the City's share is \$10,260. August 1,

- 2016 is the last debt service payment for the 1999 infrastructure bond improvements.
- iii. In 2018 the additional levy of \$49,571 was held by the City until the BID plan was updated and approved by City Council to include a capital infrastructure project.
  - iv. **The BID Capital Infrastructure Fund currently has \$259,996.18 designated to be used for a capital project(s).**
  - v. **The BID intends to undertake three capital projects on behalf of the district in FY21/22 including the purchase of:**
    - a. **Downtown marketing banners- estimated- \$9,000**
    - b. **Downtown music equipment- estimated- \$30,000**
    - c. **Downtown Christmas decorations- estimated- \$38,000**
2. Prior to the May 2016 BID levy, the City has paid over to the Management Association 100% of the amount of the BID levy and the Management Association has remitted to the City an amount equal to the BID's 60% share of debt service payments as described. The Management Association has kept any BID assessment proceeds in excess of the amount allowed in a reserve fund. As of June 6, 2016, the balance of this reserve was \$202,865.54. The Management Association will maintain these funds in a separate bank account and on a monthly basis provide the City's Chief Fiscal Officer with statements verifying the funds have been retained. The City and the BID Association will utilize these funds for capital improvements, either on a "pay as you go basis" or through the issuance of debt, as made mutually agreeable to the City and the Management Association as incorporated into an updated district plan. The funds will remain unutilized until the update district plan is adopted outlining new capital and infrastructure improvements.
3. In future years, the Management Association's proposed budget shall be forwarded to the City's Chief Fiscal Officer (City Manager) no later than January 15th of every year. The City Manager will then review the proposed budget and complete a statement to the City Council and Management Association Board of Directors indicating that the provisions of General Municipal Law 19-A have been met. This step will serve to ensure that the proposed levy by the City of Batavia for the BID is compliant with the General Municipal Law.

## V. Time for Implementation

Once this plan is amended and approved by the City of Batavia, the City and Management Association will undertake the implementation of actions set forth herein in the updated district plan..

## VI. Rules & Regulations of the District and the District Management Association

The Management Association will continue to provide BID operational, management, marketing and other BID-related services to the City of Batavia as an independent contractor as permitted under Article 19-A of the General Municipal Law.

The Management Association's Board of Directors will manage the business of the corporation and consist of a majority of property owners. Three public representatives shall also continue to make up the Board of Directors and one each will be appointed by the City's Chief Executive Officer, City's Chief Financial Officer, and the City of Batavia Council.

Offices for the Management Association will be within the district. This office shall be staffed by an Executive Director and other staff as budgeted by the Board of Directors.

Subject to any provisions of General Municipal or City Law, the Not-for Profit Corporation Law or any

similar laws, the Management Association may buy, sell or exchange real property. The Management Association may also accept and apply for funds and contributions of real estate.

Because a substantial portion of the Management Association's activities are funded by a special assessment levied by the City and its activities are important to the economic health and vitality of the City, it is necessary that the business of the Management Association be performed in an open and public manner. This provides for the residents and businesses in the community to be fully aware of and able to observe the activities of the Management Association Board of Directors, as well as attend and listen to the deliberations and decisions that go into the making of BID policy. In addition, providing access to meeting minutes allows residents and businesses to observe the decision-making process by the Board and to review the documents leading to those determinations.

Under General Municipal Law §980-a the requirements of a district plan may provide for *"any other item or matter required to be incorporated therein by the legislative body."* Therefore, the Batavia City Council is requiring that the Management Association Board of Directors comply, conform and abide by the State of New York Open Meetings and Public Information Laws. This will apply to all Management Association and sub-committee meetings, including Executive Committee meetings. The Management Association will further post all by-laws, Board and Committee meeting minutes, annual budgets, audited financial statements and annual reports on the Management Association's website for public viewing.

## VII. Business Improvement District Assessment

As outlined in Section IV of this document two sources have been identified for funding the activities of the Business Improvement District: the Business Improvement District assessment (BID Assessment) and the City of Batavia. The BID Assessment for each property is calculated by multiplying the assessed valuation of the property by the BID assessment rate.

**The district assessment charge for the FY 21/22 year, in accordance with the General Municipal Law 980-k, a BID is limited in the amount of money that can be raised through the assessment. The district assessment charge, excluding debt service, may not exceed 20% (percent) of the total general municipal taxes levied in a year against the taxable property in the BID.**

**As of January 18, 2021 it is estimated that 20 percent of the total general municipal taxes levied in FY21/22 against the taxable property in the BID is \$58,000, based on current taxable assessed values and the existing City property tax rate. The BID assessment is estimated to be \$1.810873 per \$1,000 of assessed value. There is currently no debt service to be paid for with district assessment charges.**

## VIII. Description of Boundaries

See the attached description of the boundaries of the existing BID.

## IX. List of Benefitted Properties

A list of benefitted properties is attached.

**2020 BID Tax Amounts**

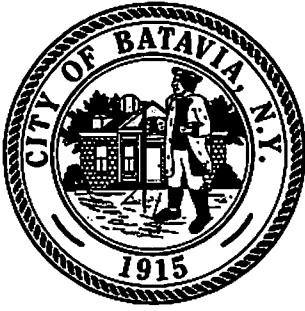
<b>Tax Map #</b>	<b>Location</b>	<b>Owner</b>
84.011-1-35	21-25 Bank St	Bank of America
84.049-1-52	2 Batavia City Centre	The City of Batavia
84.049-1-19	4 Batavia City Centre	EverPresent Church
84.049-1-18	5 Batavia City Centre	RTMS Properties, LLC
84.049-1-17	6 Batavia City Centre	Visler, LLC
84.049-1-16	7 Batavia City Centre	Kumpf, Charles
84.049-1-13	8 Batavia City Centre	Chelliott Holdings, LLC
84.049-1-14./A	9 Batavia City Centre	Chelliott Holdings, LLC
84.049-1-14./B	9A Batavia City Centre	Chelliott Holdings, LLC
84.049-1-14	10 Batavia City Centre	Chelliott Holdings, LLC
84.049-1-12	11 Batavia City Centre	The City of Batavia
84.049-1-11	12 Batavia City Centre	MG Services, LLC
84.049-1-58	17-20 Batavia City Centre	The City of Batavia
84.049-1-8	25,26 Batavia City Centre	DelPriore, Loretta A
84.049-1-7.1	27 Batavia City Centre	Idrees, Muhammad S
84.049-1-7.2	28 Batavia City Centre	Seland, Keith A
84.049-1-6	29 Batavia City Centre	Danla, Inc.
84.049-1-5	30 Batavia City Centre	Jaeger, John C
84.049-1-4	31 Batavia City Centre	Zipkin, Arne H
84.049-1-3	32 Batavia City Centre	Siverling, Erika D
84.049-1-55.1	35 Batavia City Centre	The City of Batavia
84.049-1-61.1	37 Batavia City Centre	Smile Development, LLC
84.049-1-61.1/P	37 Batavia City Centre	Smile Development, LLC
84.049-1-56	39 Batavia City Centre	The City of Batavia
84.049-1-9	40 Batavia City Centre	40 Batavia Centre, LLC
84.049-1-68	43 Batavia City Centre	Idrees, Muhammad S
84.049-1-66	44 Batavia City Centre	Chiarmonite, Robert A
84.049-1-69	45 Batavia City Centre	Batavia Showtime, Inc.
84.049-1-65	46 Batavia City Centre	Yasses, Theresa S
84.049-1-73	47 Batavia City Centre	ALS Enterprises, LLC
84.049-1-70	48 Batavia City Centre	DiLaura Enterprises, LLC
84.049-1-67	50 Batavia City Centre	Hillside Children's Center
84.049-1-74.2	51 Batavia City Centre	City Of Batavia
84.049-1-2	One Batavia City Centre	City of Batavia
84.049-1-27	8 Center St	Davis Wheel Goods Inc
84.049-1-28	12-16 Center St	McDonald, Michael P
84.058-1-55	15-23 Center St	City Church, Inc.
84.049-1-29	20 Center St	Center Street Smokehouse, Inc
84.049-1-30	22 Center St	Verizon of New York
84.058-1-53	31 Center St	Riedel William M
84.058-1-52	33 Center St	JPH Holdings, LLC
84.058-1-51	35-37 Center St	Kemp & Kemp, LLC
84.058-1-48	39-41 Center St	BMP Holdings, LLC
84.058-1-50	43 Center St	Anderson, Marianne
84.015-1-28.1	45 Center St	Java Farm Supply, Inc.
84.011-3-9	6 Court St	Happy Investments, LLC
84.058-1-4.1	East Main St	Main & Ellicott Properties LLC
84.058-1-57.1	East Main St	Main & Ellicott Properties LLC
84.058-1-57.2	East Main St	The City Church, Inc.

84.058-1-1	200 East Main St	Howe, David E
84.011-1-31	201 East Main St	Genesee-Orleans Regional, Arts Council
84.058-1-2	206 East Main St	Just Chez Realty, LLC
84.058-1-4.2	210-212 East Main St	City Church, Inc.
84.011-1-28	213 East Main St	United Memorial Medical Center
84.011-1-23	215 East Main St	Smile Development, LLC
84.058-1-5	216 East Main St	Main & Ellicott Properties LLC
84.011-1-22.1	217 East Main St	Broadscope Properties, LLC
84.058-1-6	218 East Main St	Genesee Patrons Ins Coop
84.058-1-7	220 East Main St	Walker Estates Inc
84.058-1-34	214 East Main St Rear	Mancuso Restaurant & Bowling, Lanes Inc
84.015-1-1.11	32 Ellicott St	R & J Enterprises of Batavia
84.011-3-8	33-39 Ellicott St	Kathy A. DuRei, LLC
84.015-1-2.1	40-70 Ellicott St	Ellicott Station, LLC
84.011-3-7./A	45-47 Ellicott St	VJ Gautieri Constructors, Inc
84.015-1-37.32	109 Ellicott St	Wescott Jason
84.057-1-12	198 Ellicott St	Tenney, Paul E
84.057-1-13	200 Ellicott St	Tenney, Paul E
84.057-1-14	204-206 Ellicott St	Dietrick Brothers, Inc.
84.057-1-15	210 Ellicott St	Dietrick Brothers, Inc.
84.057-1-16	212 Ellicott St	Dietrick Brothers, Inc.
84.057-1-17	214 Ellicott St	MKP Realty, LLC
84.057-1-18.1	216 Ellicott St	Nigro, Erin
84.057-1-20	220 Ellicott St	Marchese, Paul A
84.066-1-2	224 Ellicott St	B & W III Appliances, LLC
84.066-1-3	226 Ellicott St	Baiocco, John L
84.066-1-4	228-230 Ellicott St	Habitat for Humanity of Genese
84.015-1-29./1	229 Ellicott St	Louie's Barber Shop
84.066-1-5	232 Ellicott St	Borrell, Richard
84.015-1-29./2	233 Ellicott St	Agway Inc
84.066-1-6	234 Ellicott St	B & W III Appliances, LLC
84.066-1-8	238-240 Ellicott St	238 Ellicott Corporation
84.066-1-9	242 Ellicott St	Vance Group, LLC
84.066-2-80	300 Ellicott St	Heubusch, Jeffrey G
84.066-2-81	302 Ellicott St	Heubusch, Jeffrey G
84.066-2-82.1	306 Ellicott St	Piscitelli, Paul V
84.066-2-3	309 Ellicott St	Wortzman Furniture Inc
84.066-2-84	310 Ellicott St	Towner, Dewey E
84.066-2-5	315-317 Ellicott St	Brakel, LLC
84.066-2-47	318-326 Ellicott St	Main & Ellicott Properties LLC
84.066-2-6.1	319 1/2 Ellicott St	Voltura, Nicole
84.066-2-8	323 Ellicott St	Colangelo, Amelita
84.066-2-9	327 Ellicott St	Mainell, LLC
84.066-2-10.1	329 Ellicott St	Wortzman, Harry
84.066-2-46.1	330 Ellicott St	Hein Matthias H
84.066-2-11.1	331 Ellicott St	Dommer, James H
84.066-2-12	333 Ellicott St	Dommer, James H
84.066-2-13	335 Ellicott St	Dommer, James H
84.066-2-15	339-341 Ellicott St	Superior Process Service, Inc.
84.074-2-1	400 Ellicott St	Pontillo, James D
84.066-1-58	Ellicott St Rear	The City of Batavia
84.015-1-35	7 Evans St	R & J Enterprises of Batavia

84.049-1-24	14 Jackson Sq	13 Jackson Square LLC
84.049-1-45	5-7 Jackson St	105 of Batavia, Inc.
84.049-1-44.1	9 Jackson St	Geib Land, Inc.
84.049-1-42.1	13 Jackson St	Geib Industries Corp
84.049-1-40	17 Jackson St	Sielski, Edward A
84.049-1-39	19-21 Jackson St	MValle, LLC
84.049-1-38	23 Jackson St	Matlen Corp
84.049-1-37	35-37 Jackson St	Batavia Showtime, Inc.
84.049-1-36	39-43 Jackson St	Waggoner Holdings, LLC
84.015-1-7.2	61 Jackson St	Angotti Beverage Corporation
84.015-1-30	99 Jackson St	United Refining Holdings, Inc
84.049-1-35	39 Jackson St Rear	Waggoner Holdings, LLC
84.011-1-1	Jefferson Sq	Tonawanda Valley Federal , Credit Union
84.058-1-8	2 Liberty St	Walker Estates Inc
84.058-1-33.2	4 Liberty St	Rivers, Martin
84.058-1-33.1/A	16 Liberty St	Main & Ellicott Properties LLC
84.015-1-25.1	37 Liberty St	Ellicott Square Plaza, LLC
84.015-1-24	39 Liberty St	Wortzman Furniture Co
84.015-1-23.3	41-43 Liberty St	Porter, Bruce D
84.015-1-28.2	50 Liberty St	Fifty Liberty Street, LLC
84.015-1-29	60 Liberty St	I.D. Booth, Inc.
84.066-1-10	102-108 Liberty St	Vance Group, LLC
84.015-1-25.2	37 Liberty St Rear	Ellicott Square Plaza, LLC
84.015-1-23.1	41-43 Liberty St Rear	Ellicott Square Plaza, LLC
84.015-1-22	45 Liberty St Rear	Ellicott Square Plaza, LLC
84.011-1-38.21	20 Main St	Tim Donut U.S. Limited, Inc
84.011-3-2	39-45 Main St	Noonan, Robert C
84.049-1-72.1	44 Main St	FX WEN Portfolio 1, LLC
84.049-1-53.1	50 Main St	Hawley & Associates LLC , Stephen M.
84.011-3-3	55 Main St	Batavia 55 Main Street, LLC
84.011-3-4.1	59 Main St	59 of Batavia, LLC
84.049-1-51	60 Main St	Burns, Robert
84.011-3-5	69-71 Main St	First Niagara Bank, N.A.
84.049-1-50	73 Main St	73 on Rotary, LLC
84.049-1-49	75 Main St	Williams, Gerald O
84.049-1-48	79-81 Main St	Loraul Properties, LLC
84.049-1-47	83 Main St	93 NYRPT, LLC
84.049-1-46	85-89 Main St	85 of Batavia, Inc.
84.011-1-38.12	90 Main St	Tompkins Trust Company
84.049-1-20	97 Main St	Mistler, Andrew J Sr
84.049-1-21	99 Main St	Neppalli Holdings, LLC
84.011-1-37	100 Main St	Bank of America
84.049-1-22	101-103 Main St	105 of Batavia, Inc.
84.049-1-23	105-107 Main St	105 of Batavia, Inc.
84.049-1-25	109-111 Main St	AGRV Properties, Inc.
84.049-1-26	113-119 Main St	Tompkins Insurance Agencies
84.049-1-26./P	113-119 Main St	Tompkins Insurance Agencies,
84.049-1-34	3 School St	Batavia Showtime, Inc.
84.049-1-33	3 1/2 School St	Batavia Showtime, Inc.
84.049-1-32	5 School St	Ewell, Kent
84.049-1-31	5 1/2 School St	Lullo, Michael
84.058-1-41	7-9 School St	Main & Ellicott Properties LLC

84.058-1-40	11 School St	Main & Ellicott Properties LLC
84.058-1-36	19 School St	Main & Ellicott Properties LLC
84.058-1-35	21 School St	Main & Ellicott Properties LLC
84.011-1-5.21	2 State St	Stivali II, LLC
84.011-1-5.22	4 State St	Graziano, Frank Jr
84.015-1-19	56-58 Swan St	Ellicott Square Plaza, LLC
84.066-2-18	60-62 Swan St	61 Swan Street of Batavia
84.015-1-21	56 Swan St Rear	Ellicott Square Plaza, LLC
84.011-1-6.1	150 Washington Ave	Crofts, John W
84.011-1-41	156 Washington Ave	Johnson, Marc A
84.011-1-42	160-162 Washington Ave	Johnson, Marc
84.011-1-43	164 Washington Ave	United Memorial Medical Center
84.011-1-45	166 Washington Ave	166 Washington Avenue, LLC
84.011-1-44	168 Washington Ave	United Memorial Medical Center
84.011-1-7	176 Washington Ave	Batavia Neurological
84.011-1-39	178 Washington Ave	Triple A. Resources, LLC
84.011-1-8	180 Washington Ave	TRA Dental Properties, LLC
84.011-1-40	184 Washington Ave	TRA Dental Properties, LLC
84.011-1-49	190 Washington Ave	United Memorial Medical Center
84.011-1-50	194 Washington Ave	University of Rochester





# City of Batavia

## *Memorandum*

To: Honorable Members of the Batavia City Council

From: Rachael J. Tabelski, MPA, Interim City Manager

Date: January 15, 2021

Subject: City of Batavia Police Reform Plan

On June 12, 2020 New York State Governor Andrew Cuomo signed an Executive Order (Number 203) "New York State Police Reform and Reinvention Collaborative", part of the "Say Their Name Agenda" that required local police agencies to develop a plan based on community input.

The plan shall be adopted by the local municipality by April 1, 2021 and sent to the Governor's Office of Management and Budget (OMB).

In August 2020, in response to the Executive Order, the City formed a Police Collaboration Advisory Stakeholder Group, comprised of multiple stakeholders, residents, and specifically persons of color from our community. The group met several times and engaged in productive dialog about community policing in Batavia.

### Request to Council

1. January 25, 2021 Conference Meeting - Review the plan and issue it for public comment
2. March 8, 2021 Business Meeting
  - a. Interim City Manager and Police Chief review public comments with Council
  - b. Council adopts the resolution to adopt the City's Police Reform Plan
  - c. Certified Resolution sent to NYS Office of Management and Budget (OMB)

#-2021

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

**Motion of Councilmember**

**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  
and on roll call**



## City of Batavia Police Reform Plan



*January 20, 2021*

*In response to Governor Andrew M. Cuomo's Executive Order 203  
New York State Police Reform and Reinvention Collaborative*



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## *Table of Contents*

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Executive Summary .....	3
Relevant Information about Batavia .....	6
Community Engagement and Outreach: Batavia Stakeholder Group .....	9
Evidence-Based Policing Strategies Considered and Discussed .....	14
Action Items .....	16
Training: .....	16
Community Engagement/Community Policing:.....	17
Transparency in sharing crime data and reporting information:.....	18
Implementation of Crime Watch™ Technology:.....	18
Accreditation through the New York State Accreditation Council: .....	18
New York State Civil Service Reform:.....	19
Officer Wellness: .....	20
Appendix A: .....	21
Monroe County Crime Statistics from 7/15/2020 .....	21
Appendix B: .....	22
Citywide Survey and Results and Focus Group Summary/Report .....	22
Appendix C: .....	23
Materials Shared and Discussed Regarding Evidence Based Policing Strategies.....	23



## Executive Summary

The City of Batavia and the Batavia Police Department on behalf of the residents and other stakeholders in the City, are pleased to submit a response to Governor Andrew M. Cuomo's Executive Order 203 – New York State Police Reform and Reinvention Collaborative.

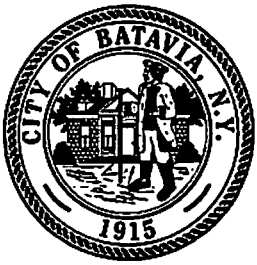
In Batavia, we are very proud of the collaborative effort that was made in developing our response to Executive Order 203. Every effort was made to conduct outreach and engagement in the communities highlighted in the Governor's order. This engagement and outreach is highlighted in significant detail in the contents of the plan.

In fulfilling Executive Order 203, the City of Batavia and the Batavia Police Department performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices. It also included various presentations and discussions with mental health professionals, advocates and representatives from minority communities.

It should be noted that upon review of these policies and procedures they were all found to be compliant with current federal and state laws as well as model policies as promulgated by the New York State Municipal Police Training Council.

It also should be noted that the Batavia Police Department adheres to a plethora of policies and procedures. This runs the gamut from rules and regulations pertaining to Body Worn Cameras to Bias-Based Policing to Use of Force. It is expected that every Batavia police officer adheres to the department's Standards of Conduct. All of these policies and procedures were reviewed by community stakeholders as part of the public and community outreach in developing the City of Batavia and Batavia Police Department plan submitted to New York State.

In accordance with Executive Order 203, the City of Batavia and the Batavia Police Department developed a plan that considered the needs and concerns of the communities served by the Batavia Police Department, particularly minority populations.



The City of Batavia and the Batavia Police Department consulted and engaged with various stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials.

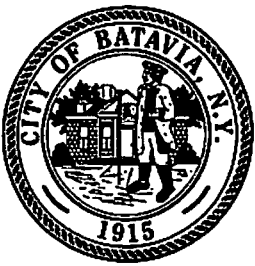
All of this was accomplished through the creation of the Batavia Police Advisory Collaboration Stakeholder Group (Stakeholder Group) which was comprised of a diverse representation reflective of the community, including the entities outlined above.

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.

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.

In addition to the 7 meetings of the Stakeholder Group, the City of Batavia and the Batavia Police Department conducted a city-wide online survey in which approximately 840 respondents participated. A focus group also was conducted that was comprised primarily of representatives from minority neighborhoods.

This engagement resulted in not only the creation of the plan but also a commitment by all parties to continue the discussion regarding community policing and the various action steps outlined in the plan, including but not limited to conducting annual implicit bias training; maintaining a certified de-escalation instructor and defensive tactics instructor; mental health training through a partnership with Genesee County Department of Mental Health and crisis intervention training for members of the police force; and, investing in *Crime Watch™* software platform technology that is intended to keep the community informed about the various aspects of policing in the City.



The plan was made available for public comment to all citizens in the City of Batavia during February 2021 through the creation of a feedback form that was made available on the City of Batavia and Batavia Police Department websites. This feedback was considered prior to the adoption of the final plan.

The attached plan was adopted by resolution by the Batavia City Council affirming that the processes identified in Executive Order 203 were factored into the plan that was submitted to New York State.





## Relevant Information about Batavia

### *Demographics:*

Batavia is the only city in Genesee County and serves as the county seat with a corporate boundary of 5.2 square miles. The county sits between the metropolitan regions of Buffalo, NY and Rochester, NY.

According to the U.S. Census Bureau as of July 2019 the City of Batavia had a population of 14,379 residents.

Also, according to the Census Bureau, the population of the City is 86.5% white; 5.1% Black or African American; 4.6% are Hispanic or Latino; and 5.2% are two or more races.

The median household income is \$47,712 and the per capita income in 2019 dollars is \$25,945. Nineteen percent of the population lives in poverty.

Slightly over one-quarter of the households in the City of Batavia do not have a broadband internet subscription while 15.5% of households (Black, American Indian/Alaskan, Asian, Pacific/Islander) do not own a computer.

The percentage of those persons 25 years of age or older with at least a high school diploma or higher is 89% while those with a bachelor's degree or higher is 23.8%.

According to the New York State Education Department, the City of Batavia School district is comprised of students who are 76% white and 24% who are American Indian/Alaska Native, Black or African American (6%), Hispanic or Latino (8%), Asian Pacific Islander and Multi-Racial (10%).

Approximately 59% of the school district's students are from minority and economically distressed households and 12% are students with disabilities.



*Crime:*

According to a crime statistics evaluation by the Monroe Crime Analysis Center from July 2020, the general trend for Part I (aggravated assault, larceny, burglary, etc.) and Part II (criminal mischief, loitering, etc.) crimes committed in Batavia, NY shows a decline.

When looking at the average of percent change in Part I crimes over a 5-year period (2015 – 2019), the only crimes that experienced an increase were Rape (+9%) and Aggravated Assault (+2%). When looking at the average of percent change in Part II crimes over a 5-year period (2015 – 2019), 10 of the listed 28 crime types saw an increase, with the largest being for Unauthorized Use of Vehicle (+67%). An infographic and chart highlighting these statistics are attached in Appendix A.

Violent crime is not an issue in the City of Batavia and when it occurs it is in most instances among people who knew each other. When a violent crime occurs it unfortunately skews overall crime statistics, but statistically the City of Batavia is very safe. In fact, a Batavia Police Department officer has not discharged his/her weapon in the line of duty in over a decade.

Batavia also is unique in that it is a small city that is located between two large metro regions – Buffalo and Rochester - that have significantly more violent crime than Batavia. Because of its geographic location, there is more drug-related criminal activities that occur in Batavia than other small cities of similar demographics.

The Batavia Police Department responds to 911 calls/dispatches and general calls for service. The Department also spends an inordinate amount of time investigating crimes which is a contributing factor to limiting more pro-active engagement with the community.

At the same time, the Batavia Police Department is engaged in the local community through community efforts and initiatives such as the Summit Street Group, Police Explorers Post and providing details and staffing for community events such as National Night Out and parades, carnivals and other special events.



These are ideal opportunities for Batavia police officers to build a rapport with the local community and are the foundation for community policing and engagement. Through anecdotal evidence and conversations with people in the community, there would more opportunities to do this, but there are significant budget restraints that prevent the Batavia Police Department to allocate any additional resources towards community policing and engagement.

Finally, police officers in the City of Batavia are required to wear nameplates on their uniforms, which must be worn at all times. Officers wear body cameras and follow policies as far as the usage of cameras as it pertains as to when a camera gets turned on and turned off. Officers also are equipped with pepper spray and electronic controlled devices (tasers). These are all tools that are at the disposal of officers when responding to calls. It should be noted that all Batavia police officers receive significant training on the use of these items.



## Community Engagement and Outreach: Batavia Stakeholder Group

In August 2020, various city leaders met to discuss the creation of a group of concerned citizens and stakeholders in order to engage key segments of the community for input and guidance in developing the plan.

The Batavia Police Advisory Collaboration Stakeholder Group was officially formed and announced to the community in August 2020.

The Stakeholder Group is comprised of a diverse group of individuals who volunteered their time to discuss police policies and ideas for reform over a five-month period.

The Stakeholder Group members include:

- Jerry Ader, Genesee County Office of the Public Defender
- Brandon Armstrong, Black Business Community
- Lynda Battaglia, Genesee County Mental Health Services, Director of Mental Health and Community Services
- Bill Blackshear, City of Batavia minority resident
- Kathy Briggs, City of Batavia City Council Member
- Chris Camp, Assistant Chief, Batavia Police Department
- Julie Carasone, Lake Plains Community Care, Cultural Competence and Health Literacy Operations Specialist
- Raelene Christian, City of Batavia resident
- Cassandre DiPiazza, LMSW, Clinical Mental Health Social Worker
- Kevin Finnell, Genesee County District Attorney, First Assistant District Attorney
- Erik Fix, Batavia Stakeholder Group Moderator
- Jay Gsell, Batavia Stakeholder Group Moderator
- Bill Hayes, Business Owner, City of Batavia
- Michael Henry, City of Batavia resident
- Shawn Heubusch, Chief of Police, Batavia Police Department
- Marty Macdonald, Pastor, City Church



- Francis Marchese, City of Batavia resident
- Gregory Munroe, City of Batavia minority resident
- David Rumsey, Commissioner, Genesee County Department of Social Services
- Anibal Soler, City of Batavia Schools Superintendent
- Lydia Schauf, City of Batavia resident
- Rachael Tabelski, Interim Manager, City of Batavia
- Victor Thomas, Just Kings
- Millie Tomidy-Pepper, Executive Director, YWCA of Genesee County
- Nate Varland, City of Batavia Housing Authority
- George Van Nest, Esq., City of Batavia Attorney
- Christi Waldron, Restore Sexual Assault Services (Certified NYS DOH Rape Crisis Program)
- Matt Wojtaszczyk, Batavia Police Department Detective and President, Batavia Police Benevolent Association

The Stakeholder Group met on several occasions throughout the process in developing the plan. It should be noted that due to the COVID19 pandemic and in adhering to Governor Cuomo's restrictions on gatherings, many of the meetings were conducted virtually and were recorded. These meetings also were open to the public, including the media and were posted live to the Department's social media page as well as the recordings were posted to the Department's YouTube page immediately following. Press releases were issued for each meeting and in some instances, media outlets attended and reported on the meetings.

The Stakeholder Group conducted meeting on the following dates:

- Thursday September 24, 2020
- Thursday October 8, 2020
- Thursday October 22, 2020
- Thursday November 5, 2020 (virtual)
- Thursday December 10, 2020 (virtual)
- Thursday, January 7, 2021 (virtual)
- Thursday, January 14, 2021 (virtual)



Among the scope of work of the Stakeholder Group, included an electronic survey that was conducted city-wide in which approximately 840 residents responded.

Recognizing that there may be some reticence among Black, Hispanic and other minority groups to participate in the survey, members from the Stakeholder Group made outreach to stakeholders in order to enhance participation by residents in these neighborhoods. Approximately 6.3% of survey respondents were comprised of these groups.

In addition to this outreach, the survey was announced through a news release and through various social media channels and email Listservs. The survey was extended another week to increase responses through similar outreach tactics.

Among the highlights from the survey conducted December 8, 2020 through December 22, 2020:

- Despite all of the tumult over the last several months regarding incidents involving law enforcement, respondents were asked if their opinion of the Batavia Police Department had changed as a result. Approximately 81% stated their opinion had not been impacted.
- Approximately 1/3 of respondents to the survey indicated that their last interaction with the City of Batavia Police Department was at a community event.
- Almost 80% rated their interaction as being professional and/or very professional while 10.8% rated their interaction as unprofessional and/or very unprofessional.
- Additionally, of the 8 individuals that reported their last interaction with the Department was due to an arrest, 75% reported their interaction was professional or very professional.



- Recent public discussions have involved assigning non-law enforcement professionals to certain types of 911 calls such as a call when a suspect has been determined to have potential mental health issues.
  - Approximately 47% believe that police officers should respond to the scene first and then request non-law enforcement professionals once the scene is safe and 36% stated that both the police officers and non-law enforcement professionals should respond together at the same time.
- Respondents strongly agreed and/or agreed overwhelmingly that the “presence of City of Batavia police officers in my neighborhood makes me feel safer” and “if I encounter a City of Batavia police officer I am confident that I will be treated fairly and with respect” versus disagreeing and/or strongly disagreeing that “if I see a City of Batavia police officer I get nervous that I might be unfairly targeted due to my race or gender identity.”
- When asked to prioritize what you believe the City of Batavia Police Department should focus on in order to continue to develop its relationship with the community the top three responses were:
  - Engage more with the community
  - Assign more resources to assist youth in the community
  - Assign more resources to assist those with substance abuse issues

Full survey results, including demographic information and comments from survey participants are included and attached in Appendix A.

After reviewing the results from the survey, the Batavia Stakeholder Group recognized there was low participation from various cultural groups. Therefore, a focus group was developed and it was comprised of various individuals representing these constituencies.

The meeting resulted in participation from members of Just Kings, a local organization whose mission is to provide a voice for the local Black community and



works to educate and mentor the youth, neighbors and its members in efforts to continue the fight to end racism.

Among the highlights from the focus group discussion that occurred on January 4, 2021 included:

- An acknowledgement of the importance of “working” and “building bridges” with the police department.
- Addressing the inequities of the judicial system e.g. sentencing.
- Getting more people of color engaged in the community discussion about policing.
- Finding ways to get more community engagement with the police department.

The highlights from the focus group and results from the survey are addressed and considered in some fashion in the various action items that the Batavia Police Department identified as the community engagement process continues moving forward.

At the last meeting of the Stakeholder Group on January 14, 2021 the members enthusiastically agreed to maintain the group and continue meeting after the submission of the plan to New York State. The members of the focus group also committed to continue meeting.

On January 25, 2021, the draft of the plan was presented to the Batavia Council for an initial review by that body. At that meeting the Council issued the draft for public review which occurred throughout February 2021. The draft of the plan was made available online and at the Batavia Public Library. Due to COVID19 restrictions and protocols, the City urged residents to review and submit comments to the document online.





## Evidence-Based Policing Strategies Considered and Discussed

Executive Order 203 outlines various evidence-based policing strategies to review and consider in developing reform plans, including use of force policies; procedural justice; model policies and guidelines; studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; problem-oriented policing; hot spots policing; focused deterrence; violence prevention and reduction interventions; community-based outreach and conflict resolution; and, crime prevention through environmental design.

In addition to general discussions about policing in the City of Batavia, the Stakeholder Group reviewed various relevant materials, including the following presentations:

- A review of Governor Cuomo Police Reforms to Address Racial Inequity
- Procedural Justice Survey from the City of Poughkeepsie
- Police Reform and Reinvention Collaborative Process: Making it Work for Your Community (New York Conference of Mayors)
- Office of the Governor: New York State Police Reform and Reinvention Collaborative
- Presentation by the Genesee County Sheriff's Office – Role of the Genesee County Emergency Dispatch Center in Community Policing
- Unacceptable Terminology
- Person Centered Language
- Fighting Against Cognitive Biases (United States Army)
- Batavia Police Department Organizational Chart
- Basic Course for Police Officers – New York State Division of Criminal Justice Services
- City of Batavia Police Department Policy 423 – Body Worn Cameras
- City of Batavia Police Department Policy 339 – Police Assisted Addiction and Recovery Initiative Program
- City of Batavia Police Department Policy 401 – Bias-Based Policing
- City of Batavia Police Department Policy 300 – Use of Force



- City of Batavia Police Department Policy 319 – Standards of Conduct
- City of Batavia Police Department Policy 338 – Community Relations
- City of Batavia Police Department Policy
- Lake Plains Community Care Network – Implicit Association/Bias

At its meetings, members from the Stakeholder Group conducted various presentations as it pertains to evidence-based policies from members of the group, including presentations by the Director of the YWCA Domestic Violence Crisis Prevention and Services and the Director of Mental Health and Community Services, Genesee County Department of Mental Health.



## Action Items

Based on discussions with the Stakeholder Group, as well as responses and information from the city-wide survey and from the community focus group, a number of items were raised and discussed to enhance community policing in the City of Batavia. Below is an overview of those items and various action items that were identified.

### Training:

- A national issue related to police training of late pertains to officers arriving on a scene where a suspect may be experiencing mental or other behavioral issues. The Batavia Police Department will work to enhance current mental health training through a partnership with Genesee County Department of Mental Health and enhance crisis intervention training for members of the police force.
- This is a subject matter in which a broader discussion is currently taking place among all law enforcement agencies across Genesee County as part of an effort to explore developing a plan for shared services.
- The Batavia Police Department is committed to conducting implicit bias training for its officers on an annual basis. The Department will identify and utilize professionals skilled in such training to develop the annual program, including discussions regarding potential opportunities for inter-agency and inter-departmental shared services.
- The Department will continue to strive to continue to maintain a certified de-escalation instructor and defensive tactics instructor. These are important aspects of training, especially in situations that involve use of force measures.

It is important to note that due to limited financial and human resources could impact implementing the breadth and depth of this and other training. The



Stakeholder Group recognizes this dilemma and to the degree practicable will work to advocate for support of these training programs and services.

#### Community Engagement/Community Policing:

One of the findings from the community survey and in the focus group was a desire for more foot and bike patrol by police officers. This is an action item that the leadership of the Batavia Police Department will review and implement the necessary steps and neighborhood/community groups and organizations to increase community policing.

The Batavia Police Department is committed to creating a community liaison program. Community liaison officers work with both the police department and neighborhoods to build relationships.

Among the responsibilities of a community liaison officers across the nation include crime prevention education and conflict resolution e.g., using nonviolent methods to handle disputes.

There are a number of emerging training programs and services to address these topics particularly related to dispute resolution. There is a movement for developing such training through various groups and organizations across the nation and conduct them virtually with law enforcement agencies.

Again, though, these are instances where funding could impede the ability to create such programming.

#### Other:

- Continuation of a School Resource Officer Program through the Batavia City Schools
- Establishment of a Citizens Academy Program\*
- Maintaining a DARE Officer\*



**\*Denotes programs that require financial resources that due to budget constraints may not be available to the police department and the City. Alternative funding sources should be explored and considered.**

#### [Transparency in sharing crime data and reporting information:](#)

The Batavia Police Department is committed to developing a plan to share timely and relevant information regarding the most up to date crime statistics and data in the City of Batavia. This includes utilizing the New York State Department of Criminal Justice Services database to release information on the City of Batavia's website.

#### [Implementation of Crime Watch™ Technology:](#)

The City of Batavia and Batavia Police Department are investing in *Crime Watch™* software platform technology that is intended to keep the community informed about all aspects of policing in the City.

The technology enables the Batavia Police Department to enhance its information sharing with the community and will drive public engagement among key stakeholders, including community groups, local government entities such as the Batavia City Schools and the media. The technology works across multiple platforms including social media, mobile apps and email and traditional sources such as media and website.

The Batavia Police Department also will be able to communicate to the community about the various aspects of the action items listed in this document.

#### [Accreditation through the New York State Accreditation Council:](#)

The Batavia Police Department will seek initial accreditation from the New York State Accreditation Council which is under the auspices of the Division of Criminal Services. This is a matter that the Department has been focusing on and dedicating resources to, including a police officer as point of contact in coordinating the



information and materials in seeking accreditation, even prior to the issuance of the Executive Order.

The Council meets quarterly and “adopts standards, sets policy and has exclusive authority to grant accreditation to law enforcement agencies. The Council also provides guidance for the overall direction of the program”.

According to the New York State Accreditation Council website the accreditation standards are divided into three categories:

- Standards in the Administration Section
- Training Standards
- Operations Standards

The website further states that “the standards provide a detailed blueprint for professionalism that every law enforcement agency in the state can meet”.

The Police Department will commit to ensuring the Department applies for reaccreditation as per the Accreditation Council.

#### [New York State Civil Service Reform:](#)

The City of Batavia and the Batavia Police Department share the sentiments of other local government municipalities and agencies calling for sweeping changes of New York State Department of Civil Service requirements.

One of the challenges confronting police departments in recruiting in the minority community are the antiquated and rigid requirements and procedures that have been an obstacle in being able to recruit minority candidates to not only law enforcement positions, but government employment opportunities in general.

The New York State Criminal Justice System should reform the current Civil Service hiring requirements to promote a more diverse and inclusive workforce. The City of Batavia will encourage its state representatives, in conjunction with other government entities in Genesee County, to do the same.



At the same time, the City will work with our local government partners, groups, and organizations in reaching out to the minority community to promote and publicize job opportunities.

#### Officer Wellness:

Finally, the Stakeholder Group recognizes that being a law enforcement officer can be extremely stressful and challenging and as such there are aspects of the job that can impact the mental wellness of police officers. As such, the Batavia Police Department will implement an Officer Wellness Program that supports the safety, health (both physical and mental), and wellness of every member of the force. Officers, and family members, will be provided with additional resources to help them cope with the acute and long-term trauma of police work and the effects it can have on one's personal life. Resources such as the Police Chaplain program, peer support programs and professional counselling resources will be made available to the members on a confidential basis.



Appendix A:

Monroe County Crime Statistics from 7/15/2020

DRAFT





Appendix B:

Citywide Survey and Results and Focus Group Summary/Report

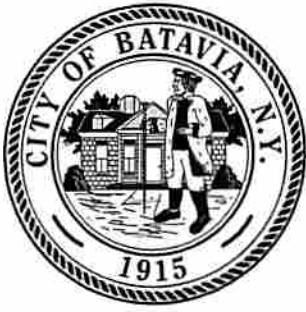
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Appendix C:

Materials Shared and Discussed Regarding Evidence Based Policing Strategies

DRAFT



# City of Batavia

## *Memorandum*

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, Interim City Manager

Date: January 22, 2021

Subject: Batavia City School District My Brother's Keeper Initiative

The Batavia City School District (BCSD) has requested the City of Batavia's collaboration to apply for funding to a New York State Education (NYSED) grant program, My Brother's Keeper Initiative (MBK). The purpose of this partnership is to increase the academic achievement and college and career readiness of boys and young men of color.

The City's role in the partnership will include:

1. Supports BCSD MBK program.
2. Provide support when available to BCSD efforts to provide parent engagement and education, mentorship, college and career pathways, and other evidence-based strategies that will accomplish the goals of the program.
3. Provide display space on bulletin boards and brochure racks to help advertise MBK program activities and any other early education programs offered by the district.
4. Provide ADA-accessible public meeting room space for programs and meetings when available.
5. Provide opportunities for mentors to meet with mentees at the City's Liberty Center for Youth afterschool program.
6. Provide homework assistance at the Liberty Center for Youth Center to help reduce the drop-out rate and increase the graduation rate.

Recommendation: I recommend that City Council pass a resolution to support the BCSD MBK grant application and authorize the City Council President to execute the Partnership Agreement.

#-2021

**A RESOLUTION TO EXECUTE A PARTNERSHIP AGREEMENT WITH THE  
BATAVIA CITY SCHOOL DISTRICT (BCSD) FOR THE MY BROTHER'S  
KEEPER PROGRAM (MBK)**

**Motion of Councilmembers**

**WHEREAS**, the City seeks to support the mission and vision of the Batavia City School District (BCSD) in providing the highest quality education programs for City residents; and

**WHEREAS**, BCSD has requested the City to partner on a potential program that will provide boys and young men of color with a family and community engagement program that will help to increase their academic achievement and college and career readiness; and

**WHEREAS**, BCSD will apply to NYSED for a grant to start and run My Brother's Keeper Initiative (MBK) benefiting many City youth; and

**WHEREAS**, The grant requires local municipal partners who will assist BCSD with community engagement, advertising, providing ADA meeting space, and partnering on youth programs.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia hereby authorizes the City Council President to execute the Partnership Agreement.

**Seconded by Councilmembers  
and on roll call**

**Batavia City School District and City of Batavia  
MBK Partnership Agreement**

This cooperative agreement reflects the overall commitment as well as the specific responsibilities and the roles of the City of Batavia and Batavia City School District to encourage mutual support and collaboration in the education of youth. The purpose of this partnership is to increase the academic achievement and college and career readiness of boys and young men of color.

**UP FRONT PLANNING ACTIVITIES**

Batavia City School District and City of Batavia held discussions in developing the Batavia My Brother's Keeper agreement.

**SPECIFIC ROLES AND RESPONSIBILITIES**

The partnership of the City of Batavia and the Batavia City School District entails the following:

<b>City of Batavia agrees to:</b>	<b>Batavia City School District agrees to:</b>
<ol style="list-style-type: none"><li>1. The City of Batavia supports Batavia City School District's My Brother's Keeper program and will provide support when available to Batavia City School District's efforts to provide parent engagement and education, mentorship, college and career pathways, and other evidence-based strategies that will accomplish the goals of the program.</li><li>2. Provide display space on bulletin boards and brochure racks to help advertise MBK program activities and any other early education programs offered by the district.</li><li>3. Provide ADA-accessible public meeting room space for programs and meetings when available.</li><li>4. Provide opportunities for mentors to meet with mentees at the city's Liberty Center for Youth afterschool program.</li><li>5. Provide homework assistance at the Liberty Center for Youth Center to help reduce the drop-out rate and increase the graduation rate.</li></ol>	<ol style="list-style-type: none"><li>1. Act as fiscal and implementation agent for the My Brother's Keeper Family and Community Engagement Program.</li><li>2. Provide information to students and help the City of Batavia advertise the program provided by the City of Batavia to include the Liberty Center for Youth afterschool program.</li><li>3. Provide transportation to the Liberty Center for Youth afterschool program for participating students.</li></ol>

**Batavia City School District and City of Batavia  
MBK Partnership Agreement**

**Batavia City School District**

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Superintendent Signature

Date

Anibal Soler, Jr., Superintendent

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Printed Name of Superintendent

**City of Batavia**

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Signature of Director

Date

Eugene Jankowski, Jr., City Council President

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Printed Name Director

## **My Brother's Keeper Initiative**

**Purpose:** The Batavia CSD proposes a partnership with City of Batavia to provide boy and young men of color with a Family and Community Engagement Program that will help to increase their academic achievement and college and career readiness. The initial deliverable for this partnership is an additional Partnership Agreement in NYSEDS format for this grant that is approved no later than February 1, 2021.

**General:** A NYSED funded program to increase the academic achievement and college and career readiness of boys and young men of color while fostering the development of effective relationships with families to promote the success of all students. This initiative is an extension of the NYSED My Brother's Keeper Guidance Document: Emerging Practices for Schools and Communities which provides an overview of outcome trends among boys of color in K-12 school environments, and a research review. Family and Community Engagement Program initiatives can include parent advocacy; incorporating the use of mentors to improve student achievement and creating outreach materials languages spoken in homes so families can learn how to enhance school success for their children, beginning at the earliest ages, through high school and beyond.

**Goal 1:** Develop the knowledge and skills of school and district personnel, as well as families and community members, to increase required trust and relationships necessary to address student learning needs and abilities at each grade level.

**Goal 2:** Provide access to multi-level networks that foster respect and trust in building family relationships with the school and school community.

**Goal 3:** Create an environment where partnerships thrive in a comfortable, culturally diverse, and engaging atmosphere that fosters respect and trust.

**Goal 4:** Commit to building and sustaining child-centered roles for the school, family, and community that values student learning and social and emotional development as equal educational partners.

### **Measurable Improvements for boy and young men of color to be gained:**

- improved early learning measures,
- improved literacy,
- reduced drop-out rate,
- increased graduation rates,
- comparison improvement on Regents performance,
- increased number of AP course completions,
- comparative improvement on accumulation of college credits, and
- increased retention rates.

**Discussion:** Batavia CSD proposes the following points of discussion for City of Batavia's role in the project:

- Parent education from birth to school age.
- Youth Leadership development
- Mentorship
- Community Service
- Enrichment activities.
- Other evidenced-based strategies that will help accomplish the goals and measurable improvements of the program.



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Rachael Tabelski, Interim City Manager

Date: January 22, 2021

Subject: Community Development Block Grant (CDBG) application

**Background:** The NYS Office of Homes and Community Renewal has opened a Notice of Funding Availability (NOFA) for the 2020 Community Development Block Grant (CDBG) program. The program provides resources to communities to improve quality of life and enhance economic opportunities across the state. The NOFA was released at the end of December and applications are due March 5, 2021 for public infrastructure, public facilities and planning.

Any proposals must address an activity that, if implemented, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low-or moderate-income persons, or 2) the plan addresses a slum or blighted area in the community.

The City is currently reviewing potential projects in the City that best align with the City's Strategic Plan, specifically infrastructure projects including water, wastewater and facility projects. The City has already committed to improving and investing in our infrastructure with the State recognized water and sewer capital plan. Capturing additional funding for water, sewer or facility projects would allow the City to advance capital infrastructure investments.

As part of the application process, the City is required to conduct a public hearing providing the public an opportunity to comment regarding potential projects. Note the public hearing will apply to any CDBG applications the City submits in 2021 (additional NOFAs are anticipated soon for housing and an economic development NOFA was also recently released). In addition, the City is required to adopt a resolution to submit the application.

Due to the timing of the grant submission (March 5<sup>th</sup> 2021) it is recommended that the City Council

1. Advance the resolution to set the public hearing to the Special Business Meeting on January 25<sup>th</sup>.





# City of Batavia

2. Conduct a Public Hearing on February 8<sup>th</sup> at 7 PM.
3. Approve a resolution to submit the application at a Special Business Meeting on February 22<sup>nd</sup> to meet the grant submission deadline.

#-2021

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

**Motion of Councilmembers**

**WHEREAS**, it is the desire of the City of Batavia to submit applications for the 2020 New York State Community Development Block Grant (CDBG) program; and

**WHEREAS**, the process for CDBG applications involve holding one public hearing prior to submission of any 2020 CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

**WHEREAS**, residents are invited to attend the hearing to assist the City in defining community development priorities.

**NOW THEREFORE, BE IT RESOLVED**, that the City of Batavia will hold a Public Hearing on the CDBG program at the City Hall, One Batavia City Centre, Batavia, New York at 7:00 p.m. on February 8, 2021; and

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

**Seconded by Councilmembers  
and on roll call**