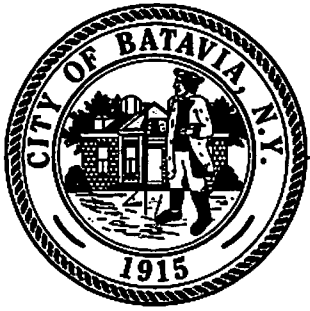


BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, November 23, 2020**

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Viele
- 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 Conference and Business Meeting to be held on Monday, December 14, 2020 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
 - b. Proclamation for Matthew J. Worth, Director of Public Works
 - c. Proclamation for Retired Fire Fighter Tom Douglas and Tim Stengel
 - d. Donation Presentation from Retired Fire Fighter Tom Douglas to City of Batavia Fire Department
 - e. City of Batavia – City Court Part-time Judge
- VIII. Investment Policy
- IX. Property Access for Remedial Action- 267 Bank Street
- X. Fiber/Broadband Connectivity Solution Project
- XI. Scheduling City Council Meetings for 2021
- XII. Youth Bureau – Path Forward
- XIII. Adjournment



City of Batavia

Memorandum

To: Honorable Council Members

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

Date: November 16, 2020

Subject: Investment Policy Change

In May of 2020, the City Council added BankonBuffalo (formerly Bank of Akron) to the list of designated depositories in accordance with the City of Batavia Investment Policy because there was an opportunity for a favorable return on investment.

At that time, the City Clerk in conjunction with 3+1 (investment firm), discussed a comprehensive proposal that would allow the City to invest funds and earn maximum interest on a timely basis when rates are good.

To achieve “real time” investing that would maximize the interest return on City funds I recommend that the City of Batavia amend the City of Batavia Investment Policy to allow the City Manager to authorize the deposit of funds into established financial institutions. This would allow the City to make investments in a quickly manner to ensure maximum return of the taxpayer’s money and lock in favorable rates.

Furthermore, to ensure full accountability and transparency, the City Manager would advise council of all new financial institutions added to the list of designated depositories at the next council meeting during the City Manager’s report.

The City of Batavia Investment Policy will be reviewed, and approved annually, by the City Council and will continually reflect any changes in designated depositories.

#-2020

A RESOLUTION TO AMEND THE INVESTMENT POLICY TO ALLOW THE CITY MANAGER TO ADD DESIGNATED DEPOSITORIES AND DEPOSIT FUNDS INTO ESTABLISHED FINANCIAL INSTITUTIONS

Motion of Councilmember

WHEREAS, the City invests funds on a regular basis into designated depositories; and

WHEREAS, sometimes better interest can be earned from financial institutions not listed in the policy; and

WHEREAS, To achieve “real time” investing that would maximize the interest return on City funds the City of Batavia will amend the City of Batavia Investment Policy to allow the City Manager to authorize the deposit of funds into established financial institutions; and

WHEREAS, to ensure full accountability and transparency, the City Manager would advise council of the new financial institution added to the list of designated depositories at the next council meeting during the City Manager’s report.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia amends the City of Batavia Investment Policy to reflect the authority of the City Manager to authorize the deposit of funds into established financial institutions.

BE IT FURTHER RESOLVED, that to ensure full accountability and transparency, the City Manager must advise council of all new financial institutions added to the list of designated depositories at the next council meeting during the City Manager’s report.

**Seconded by Councilmember
and on roll call**

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 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 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

Date Revised/ Adopted	4/11/11	2/27/12	3/11/13	2/19/14	3/9/15	3/14/16	3/13/17	3/12/18
Revised by		L Neary	L Neary	L Neary	L Neary	H Parker	H Parker	H Parker
Revised by	2/18/20	H Parker						

Attachment A

Schedule of Eligible Securities

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

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

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

(iv) Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under specific state statute may be accepted as security for deposit of public moneys.

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

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

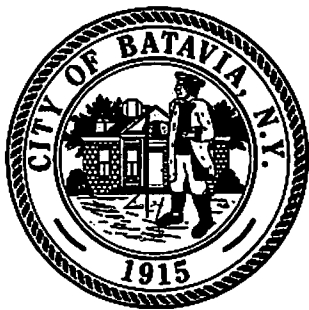
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating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

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

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

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

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



City of Batavia

Memorandum

To: Honorable Council Members

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

Date: November 16, 2020

Subject: Property Access for Remedial Action- 267 Bank Street

The New York State Department of Environmental Conservation (DEC) is requesting access to 267 Bank Street as part of their efforts to clean up environmental contamination on the Batavia Iron and Metal site. In 2017 the City granted DEC site access to address off-site impacts on 299 Bank Street.

Attached is a letter from the DEC confirming the presence of site related contamination on a portion of the Dwyer Stadium property located at 267 Bank Street. A similar letter was also received confirming that additional remedial work will be necessary on 299 Bank Street as part of the Batavia Iron remedial project.

The DEC expects minimal disturbance in the Dwyer Stadium parking area as depicted in the attached drawing. The perimeter of the property will be secured (blue hatching on map) by temporary fencing to delineate the work boundary, and offer buffer with planned site excavation work. No interruption to the ingress/egress is expected.

The timing of the work or remedial action (RA) has not been confirmed but DEC tentatively plans to advertise the work in the spring of 2021 for a late summer/early fall start.

I recommend that the City Council grant the DEC to access 267 Bank Street for the planned remedial action in relationship to the Batavia Iron and Metal site.

#-2020

A RESOLUTION TO GRANT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) ACCESS TO 267 BANK STREET FOR REMEDIAL ACTION IN RELATION TO THE BATAVIA IRON & METAL SITE

Motion of Councilmember

WHEREAS, parcels addressed at 301 Bank Street (SBL No. 71.019-1-12) and 305 Bank Street Rear (SBL No. 71.019-1-15), formerly known as the Batavia Iron and Metals Co. Inc., were used to reclaim iron, metal and wire materials for sale to recycling and manufacturing firms; and

WHEREAS, both parcels were accepted into the New York State Environmental Restoration Program (ERP) administered by the New York State Department of Environmental Conservation (DEC); and

WHEREAS, after performance of a comprehensive site investigation on the parcels under the ERP program, significant environmental contamination has been identified at both parcels; and

WHEREAS, DEC has placed the Batavia Iron and Metals Site into the New York State Superfund Program and identified the need for significant environmental remediation at both properties; and

WHEREAS, the City owns property contiguous to the Batavia Iron & Metal Site, 267 Bank Street, and been requested to grant DEC access the property for remedial action on the southeast corner of the property as depicted by the site diagram.

WHEREAS, the City previously granted DEC site access authorization for 299 Bank associated with off-site impacts and additional remedial work will be performed on the parcel as part of the Batavia Iron & Metal remedial project; and

WHEREAS, its in the City's interest to cooperate with DEC to grant site access and facilitate the remediation of the Batavia Iron & Metal Site; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorizes the City Council President to execute the NYS DEC Property Access for Remedial Action at 267 State Street.

**Seconded by Councilmember
and on roll call**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

RECEIVED

OCT 22 2020

October 15, 2020

City Manager's Office

Certified Mail
Return Receipt Requested

City of Batavia
One Batavia City Centre
Batavia, New York 14020
Attn: Rachael J. Tabelski, Interim/Acting City Manager (rtabelski@batavianewyork.com)

**RE: Property Access for Remedial Action
267 Bank Street, City of Batavia
Batavia Iron & Metal Inc., Inactive Hazardous Waste Disposal Site
Registry Site No. 819018, (C) Batavia, Genesee County**

Dear Ms. Tabelski:

The New York State Department of Environmental Conservation (the "Department" or "DEC") is continuing its efforts to clean-up the Batavia Iron and Metal Company Site located at 301 Bank Street, in the City of Batavia, Genesee County, New York (the "Site"). Recently completed remedial design investigations confirmed the presence of Site related contamination existing on your property, located at 267 Bank Street. The Department's records indicate that the City of Batavia (City) is the owner of property located near the Site at 267 Bank Street and identified on the County of Genesee Tax Map as Parcel Numbers 71.019-1-11 (see attached figure).

Environmental Conservation Law (ECL) Article 27 §§1309(3)-(4) and ECL Article 27 §1313(8) authorizes the Department or its authorized agents to enter upon any site, areas near such site, or area on which it has reason to believe that contaminants were disposed or discharged for purposes of inspection, sampling and testing, implementing a remedial program, long-term operation and maintenance, and temporary occupancy. The Department is remediating hazardous waste contamination that has occurred on or near the Site. Pursuant to ECL Article 27 §§1309(3)-(4) and ECL Article 27 §1313(8), DEC and its contractors are authorized to enter onto property for these purposes.



Department of
Environmental
Conservation

The Department, acting through its officers, employees, agents, consultant and contractors, requires access to your real property, above specified for the purpose of implementing remedial activities associated with the Site. Those activities will generally include, but not be limited to, excavation and offsite disposal of contaminated soils and sediment, soil sampling, backfilling excavations with clean soil, surveying, and property restoration.

The name of the remedial contractor who will conduct the remediation is not currently known. However, following award of the contract, DEC representatives will be on site full time to inspect, manage, and report their work. A DEC representative will follow up with the City and provide you with the name of the contractor along with a schedule to perform the remediation. Currently, it is our objective to publicly advertise and bid the contract by the end of the year and initiate the cleanup work in Spring 2021.

The DEC prefers to act in cooperation with private parties. Therefore, it is requested that you please sign the duplicate copies of the enclosed form acknowledging and consenting to the Department's Right-of-Entry onto your property. Two (2) copies of the property owner access acknowledgement form are enclosed (one copy for your records and one signed copy to be returned to the Department). Please return the completed form to the attention of Lisa Gorton, the Department Project Manager for the Site, in the enclosed self-addressed stamped envelope within one (1) week from the receipt of this letter.

The Department will make every effort to cooperate with you so that any adverse impact of its entry on and occupancy of the City's property will be minimized. Prior to entering City property, to conduct any activities associated with the remedial action, the Department will make every attempt to provide the City at least two (2) business days advance notice. The Department's Contractor will have comprehensive general liability insurance for the activities being conducted on City property. The Department will cooperate with the owner in pursuing with the insurer any claim that may arise. The Department will pay the cost of the work to be conducted on City property and will return the ground surface of the property to its condition before it entered the property, unless the City otherwise agree.

Any questions or concerns about the Department's activities on your property should be directed to Lisa Gorton, DEC Project Manager, at (518) 402-9813, lisa.gorton@dec.ny.gov or at the above address.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held pursuant to any applicable state and/or federal law or a release for any party from any obligations held under those same laws.

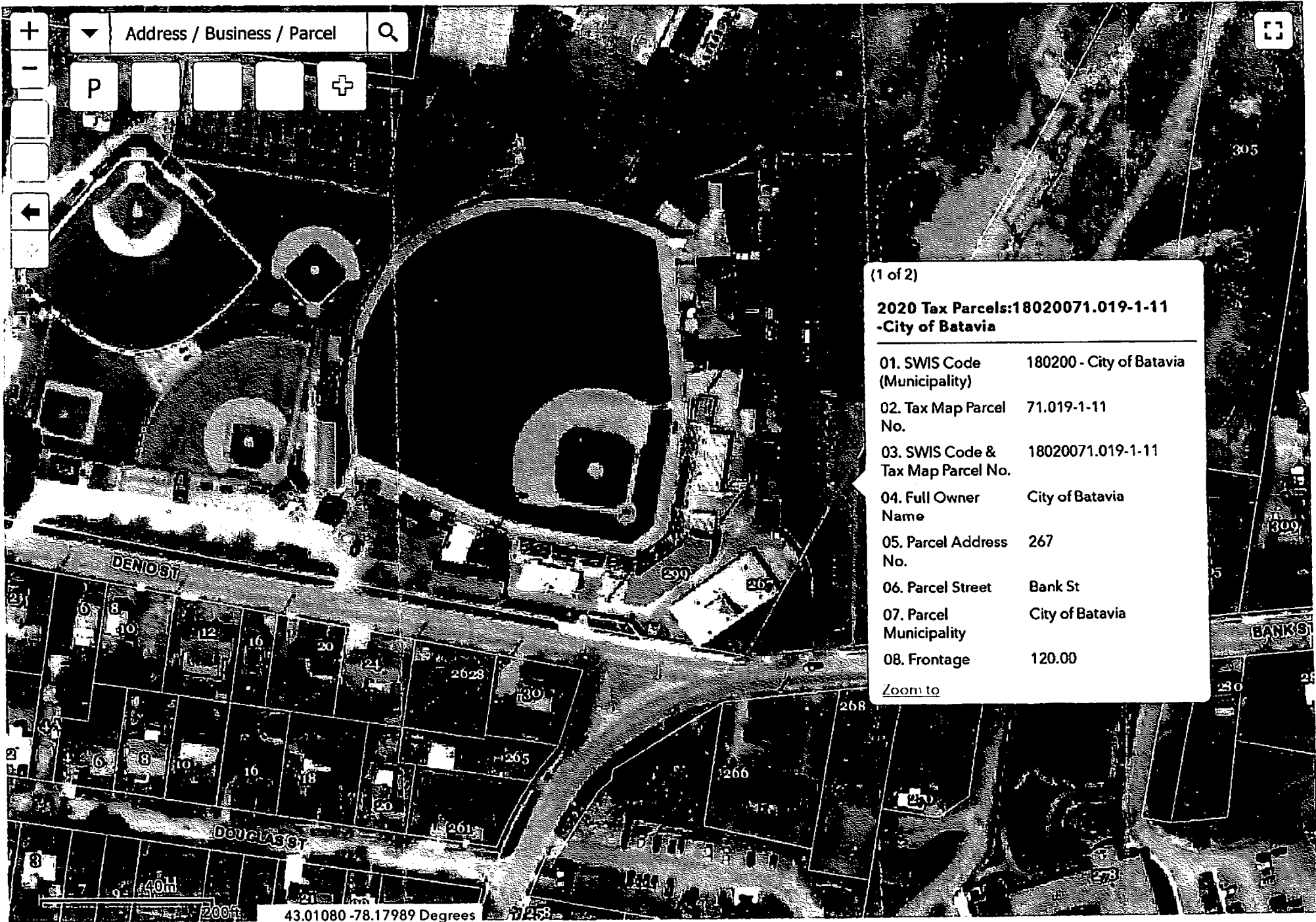
Sincerely,



Michael J. Ryan, P.E.
Director
Division of Environmental Remediation

Enclosures

ec: G. VanNest, Esq. (gvannest@underbergkessler.com)
W. Kuehner, DOH
G. Heitzman, DER
M. Cruden, DER
D. Harrington, DER
L. Gorton, DER
J. Andaloro, Esq., OGC
T. Caffoe, DER, Region 8

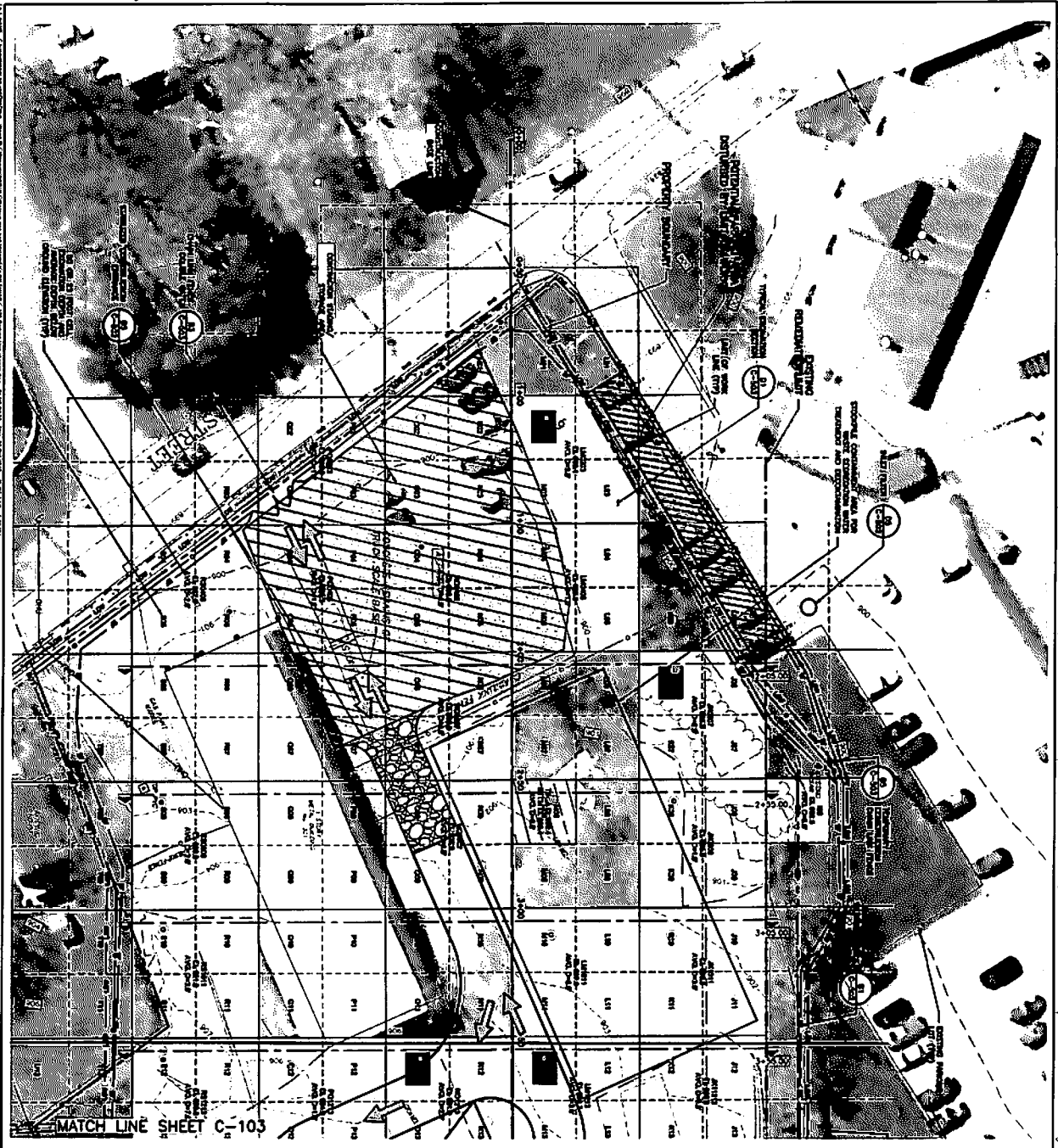


(1 of 2)

2020 Tax Parcels:18020071.019-1-11
-City of Batavia

01. SWIS Code (Municipality)	180200 - City of Batavia
02. Tax Map Parcel No.	71.019-1-11
03. SWIS Code & Tax Map Parcel No.	18020071.019-1-11
04. Full Owner Name	City of Batavia
05. Parcel Address No.	267
06. Parcel Street	Bank St
07. Parcel Municipality	City of Batavia
08. Frontage	120.00

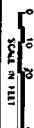
[Zoom to](#)



MATCH LINE SHEET C-103

NOTES:

1. ALL OLD CURB, SIDEWALK, DRIVE, AND PAVEMENT SHALL BE REMOVED AND RECONSTRUCTED TO THE ORIGINAL GRADE AND FINISH. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF PUBLIC WORKS, SECTION 24-207, AND THE CITY OF NEW YORK DEPARTMENT OF PUBLIC WORKS, SECTION 24-208. ALL OLD CURB, SIDEWALK, DRIVE, AND PAVEMENT SHALL BE RECONSTRUCTED TO THE ORIGINAL GRADE AND FINISH.
2. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES BELOW THE FINISHED GRADE OF THE EXCAVATION. ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES BELOW THE FINISHED GRADE OF THE EXCAVATION.
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4. THE EXCAVATION SHALL BE TO THE FINISHED GRADE OF THE EXCAVATION. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES BELOW THE FINISHED GRADE OF THE EXCAVATION. ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES BELOW THE FINISHED GRADE OF THE EXCAVATION.
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		MACTEC Engineering and Consulting, P.C. 114 Commerce Street, P.O. Box 1000 Parkville, MO 64152-7526 (816) 799-9600		REMEDIAL ACTION PLAN BATAVIA IRON AND METAL SITE BATAVIA, NEW YORK NYSDEC SITE NO. 819018 NYSDEC CONTRACT NO. D-011945		A 04/30/20 30% DESIGN SUBMISSION NO DATE 1 REVISION BY AP/D 05/04 DR M. PETERS R. KROUPEK M. PETERS M. STELMACK	
EXCAVATION PLAN 1		DATE 03/11/2021 TIME 10:00 AM SHEET 8 OF 8		REVISION BY AP/D 05/04 DR M. PETERS R. KROUPEK M. PETERS M. STELMACK		MAP 100	

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Property Owner Access Acknowledgment

Target Property Addresses: 267 State Street, Batavia, New York

Target Parcel Grid ID No: 71.019-1-11

Printed Name of Property Owner: City of Batavia

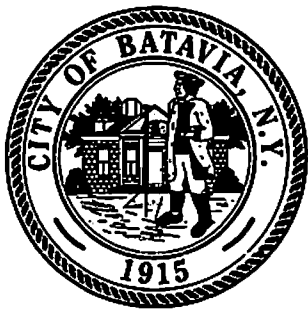
Authorized Property Owner Signature: _____

Date: _____

Day Time Phone Number: _____

(ECL)§ 27-1309 (3)-(4) and § 27-1313 (8) authorizes the DEC and its contractors (or the duly authorized Responsible Person, its employees, agents, consultants, contractors and subcontractors acting at the direction of the DEC, so authorized by the DEC in writing) to enter any inactive hazardous waste disposal site and properties near such site to inspect and collect samples, and to implement an inactive hazardous waste disposal site remedial program for such site. This is not a notice that the DEC intends to acquire the above-specified property nor is it an offer to acquire it.

Keep This Copy for Your Records



City of Batavia

Memorandum

To: Honorable Council Members

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

Date: November 17, 2020

Subject: Fiber Internet Provider Selection

The City of Batavia currently connects City facilities to internet with a point-to-point/multi-point radio controlled wireless system to each facility. The employees who operate at these locations have long since had challenges with sporadic internet connectivity, and very slow connection speeds.

These connectivity issues are a direct result of aging technology of the radios that we currently use. These radios also are very costly replace and to maintain.

In October 2020, the City issued an RFP for a fiber/internet service firm to provide the City with a comprehensive solution to connect all city facilities with high-speed internet and to provide the City with a long-term service agreement and subscription. The City received nine proposals from various companies, and these proposals are under review by the selection team.

An update on scoring will be provided to City Council prior to the December 14th Business Meeting.

The cost of the project was included in the 2020-21 budget and not deferred in the modified COVID-19 austerity budget.

#-2020

**A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH XXXXX FOR FIBER INTERNET SERVICE FOR THE CITY OF
BATAVIA**

Motion by Councilmember

WHEREAS, the City of Batavia, in accordance with the 2020-21 budget, released an request for proposals (RFP) for a fiber/broadband connectivity solution project; and

WHEREAS, RFP's were received to provide the City with secure fiber internet to safely connect all facilities with a long-term service contract; and

WHEREAS, a committee of City personnel and the City's contract information technology firm selected XXXXXXXX to perform the work.

NOW, THEREFORE, be it resolved that City Council approves the award of a contract for fiber internet solution to XXXXX in the amount of \$XX,XX.

**Seconded by Councilmember
And on roll call**

#-2020

**A RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH
DECEMBER 31, 2021**

Motion of Councilmember

WHEREAS, the Batavia City Council, pursuant to the City Charter, is required to schedule regular Council meetings through the standard resolution process; and

WHEREAS, City Council historically meets on the second and fourth Monday of each month except during the months of July, August and December where the Council meets only on the second Monday; and

WHEREAS, City Council must designate the specific location and time of meetings on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby designates the Council Board Room located at City Hall, One Batavia City Centre, as the regular meeting place for the scheduled Council meetings through December 31, 2021; and

BE IT FURTHER RESOLVED, that the City Council shall meet at 7:00 p.m. at the City Council Board Room on the designated dates as outlined on Attachment "A" through December 31, 2021.

**Seconded by Councilmember
and on roll call**

DRAFT

2021 City of Batavia Council Meetings

January 11, 2021 (Business)

January 25, 2021 (Conference)

February 8, 2021 (Business)

February 22, 2021 (Conference)

March 8, 2021 (Business)

March 22, 2021 (Conference)

April 12, 2021 (Business)

April 26, 2021 (Conference)

May 10, 2021 (Business)

May 24, 2021 (Conference)

June 14, 2021 (Business)

June 28, 2021 (Conference)

July 12, 2021 (Business and Conference)

August 9, 2021 (Business and Conference)

September 13, 2021 (Business)

September 27, 2021 (Conference)

Tuesday, October 12, 2021 (Business)

October 25, 2021 (Conference)

Monday, November 8, 2021 (Business)

November 22, 2021 (Conference)

December 13, 2021 (Business and Conference)