

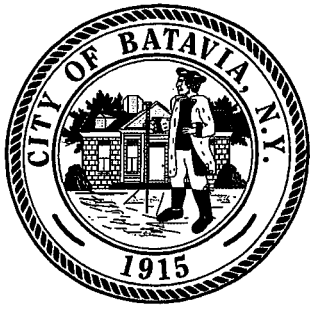


BATAVIA CITY COUNCIL SPECIAL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday November 8, 2021
(Prior to Business Meeting)**

AGENDA

- I. Call To Order
- II. Invocation – Councilmember Pacino
- III. Pledge Of Allegiance
- IV. Water Infrastructure Investment Act (WIIA) Grant Application For Water Plant
- V. Genesee County Water Plant Water Infrastructure Investment Act (WIIA) Grant Application And Capital Projects Inter Municipal Agreement
- VI. Adjournment



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: November 2, 2021

Subject: Water Infrastructure Improvement Act Grant Application

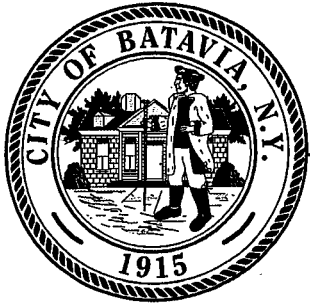
The City of Batavia has provided the operation and maintenance of the Batavia Water Treatment Plant (WTP) on behalf of Genesee County since 2001 through an Operation and Maintenance Agreement, most recently executed in 2019.

City staff operate the WTP, maintain the facility, and ensures that water transmitted from the plant meets or exceeds the minimum drinking water standards as established by the United States Environmental Protections Agency and the New York State Department of Health.

Over the last year the City has been working with GHD Engineers to identify improvements necessary at the plant. Currently the plant needs \$3,400,000 in improvements and investments to continue safe and efficient operations.

The following projects need to be undertaken at the plant:

- Replace filter media in 9 of the City's 12 water filters to address significant calcification that has reduced their performance.
- Replace the existing 3 MGD low lift pump with a larger capacity 5 MGD pump in order to reliably meet maximum daily demands.
- Replace the 30 year old precipitators and associated framing, mixing system, motors and appurtenances due to deteriorated condition and failure.
- Replace and rehabilitate the lime feeder and ferric systems in order to reduce maintenance and improve reliability of these systems that are crucial to maintaining a safe water supply.
- Improve heating and ventilation systems in order to mitigate the corrosive environment that is contributing to deterioration throughout the water plant.
- Rehabilitate Well A in order to improve reliability and possibly increase water supply.



City of Batavia

- Improve the secondary backwash system in order to provide adequate backwash flow for all 12 filters, eliminate leaded pipe joints, and provide redundancy for the existing backwash system installed in the 1950s.
- Replace a portion of the WTP roof and repair the crumbling façade in order to protect WTP equipment that is currently subject to corrosion due to a deteriorated building envelop.
- Replace the existing transformer that powers the WTP controls and SCADA system and retain the existing transformer as an emergency backup.

As Genesee County assumes the responsibility for the cost of operations and maintenance of the plant they have partnered with the City to apply for Water Infrastructure Improvement Act (WIIA) grant. The City of Batavia will act as the lead grant applicant and the County will be the co-applicant. The County will fully fund the Water Treatment Plant projects in cash on a quarterly reimbursement base to the City of Batavia as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City.

I recommend that the City Council of the City of Batavia approve a resolution to apply for the WIIA grant on behalf of the WTP and to approve a second resolution entering into an Intermunicipal Agreement with Genesee County to jointly apply for the grant.

#-2021

A RESOLUTION TO SUPPORT THE SUBMISSION OF A WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION AND TO UNDERTAKE CRITICAL PROJECTS AT THE WATER TREATMENT PLANT

Motion of Councilmembers

WHEREAS, the City of Batavia has provided the operation and maintenance of the Batavia Water Treatment Plant to Genesee County since 2001 through an Operation and Maintenance Agreement; and

WHEREAS, the City as the operator of the Water Plant manages, operates and maintains the facility so that water transmitted from the plant meets or exceeds the minimum drinking water standards as established by the United States Environmental Protections Agency and the New York State Department of Health; and

WHEREAS, the City of Batavia has identified an estimated \$3,400,000 in construction related improvements and investments that are needed to continue to operate the water plant that include: replacement of filter media, replace 3MGD low lift pump with a 5MGD pump, replace 30 year old precipitators and associated framing, mixing system and motor, replace and rehabilitate the lime and ferric sulfate systems to improve reliability, rehabilitate well A, improve secondary backwash pumping system for all 12 filters, facility repairs (roof, tunnel, and brick work, facade), as well as electrical and HVAC ventilation system improvements, and replace the existing transformers that power the controls and SCADA system; and

WHEREAS, the City of Batavia is eligible to apply for Water Infrastructure Improvement Act (WIIA) grant and is doing so with the full authorization and support of Genesee County partnering as an applicant; and

WHEREAS, The City of Batavia will act as the lead grant applicant and the County will be the co-applicant; and

WHEREAS, the County will fully fund the Water Treatment Plant projects in cash on a quarterly reimbursement base to the City of Batavia as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City; and

WHEREAS, this action is a Type II Action under SEQR.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia City Council supports the submission of a grant application to the Water Infrastructure Improvement Act grant and the undertaking of the listed improvement projects.

BE IT FURTHER RESOLVED, that the City of Batavia has found that the action is a type Type II Action under SEQR and requires no further review.

**Seconded by Councilmember
and on roll call**

#-2021

**A RESOLUTION TO ENTER INTO AN INTER MUNICIPAL AGREEMENT
WITH GENESEE COUNTY TO APPLY FOR A WATER INFRASTRUCTURE
IMPROVEMENT GRANT**

Motion of Councilmembers

WHEREAS, the City of Batavia has provided the operation and maintenance of the Batavia Water Treatment Plant to Genesee County since 2001 through an Operation and Maintenance Agreement; and

WHEREAS, the City as the operator of the Water Plant manages, operates and maintains the facility so that water transmitted from the plant meets or exceeds the minimum drinking water standards as established by the United States Environmental Protections Agency and the New York State Department of Health; and

WHEREAS, the City of Batavia has identified an estimated \$3,400,000 in construction related improvements and investments, exclusive of legal, administrative and engineering costs, that are needed to continue to operate the water plant; and

WHEREAS, the City of Batavia is eligible to apply for Water Infrastructure Improvement Act (WIIA) grant and is doing so with the full authorization and support of Genesee County partnering as an applicant; and

WHEREAS, The City of Batavia will act as the lead grant applicant and the County will be the co-applicant; and

WHEREAS, the County will fully fund the Water Treatment Plant projects in cash on a quarterly reimbursement base to the City of Batavia as previously agreed upon in the 2019 Operation and Maintenance agreement between the County and the City.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia City Council supports authorizes the City Council President to execute the intermunicipal agreement between the City and Genesee County to jointly apply for a water infrastructure improvement grant.

**Seconded by Councilmember
and on roll call**

**INTERMUNICIPAL AGREEMENT TO JOINTLY
APPLY FOR A WATER INFRASTRUCTURE IMPROVEMENT GRANT**

THIS AGREEMENT, made the _____ day of _____, 2021, between the **COUNTY OF GENESEE**, a municipal corporation of the State of New York with offices located at 15 Main Street, Batavia, New York (hereinafter "County") and the City of Batavia, a municipal corporation of the State of New York with offices located at One Batavia City Centre, Batavia, New York 14020 (hereinafter "City").

WITNESSETH:

WHEREAS, on November 13, 2019, the County and the City entered into three interrelated Second Amended and Restated Agreements regarding the City of Batavia Water Treatment Plant and its related facilities (hereinafter "Water Plant") that were for the following term periods, and for the following purposes;

1. The County to be the exclusive supplier of water to the City of Batavia residents (40 years).
2. The County is leasing the Water Plant from the City, with the County to be responsible for all costs and related expenses of any kind or nature (10 years).
3. The City of Batavia to perform all operation and maintenance duties related to the Water Plant (10 years). and

WHEREAS, since 2001 the County and the City have had the same legal relationship concerning the Water Plant pursuant to similar Agreements, and

WHEREAS, approximately \$3.4 million is needed to make improvements to the Water Plant in order to keep it operational, and

WHEREAS, the parties desire to make a joint application for a grant from the New York State Water Infrastructure Improvement Act (hereinafter "WIIA"), to be applied towards the Water Plant improvements, pursuant to the terms and conditions herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. The City shall act as the lead grant applicant, with the County as a co-applicant.
2. The City, with the assistance of the County, shall prepare and submit all necessary grant documents, and complete all other requirements required by the WIIA (ex. State Environmental Quality Review Act).
3. The County shall pay for any and all costs and expenses related to the WIIA grant process.

4. As per the existing Agreements, the County shall pay for any and all expenses related to the Water Plant, including, but not limited to, any costs and expenses for improvements that are not eligible or received from the WIIA grant.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

CITY OF BATAVIA

COUNTY OF GENESEE

By: _____

By: _____

Eugene Jankowski, Jr.

Rochelle M. Stein, Chairperson

City Council President

County of Genesee Legislature

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this ___ day of _____, 2021, before me, the subscriber, personally appeared Eugene Jankowski, Jr., who being by me duly sworn, deposes and says: That he is the President of the City of Batavia Council, a municipal corporation of the State of New York named in and which executed the above and within instrument; that he knows the seal of said City and that the seal affixed to said instrument is the seal of the City of Batavia that is was so affixed by order of the City Council of the City of Batavia, and that he signed his name thereto by like order.

NOTARY PUBLIC

STATE OF _____)
COUNTY OF _____) SS:

On the ___ day of _____, 2021, before me came Rochelle M. Stein, to me known, who, being by me duly sworn, did depose and say that she resides in Leroy, New York; that she is the Chair of the County Legislature; described in and who executed the foregoing Amended Agreement; and that she signed her name thereto by like order.

NOTARY PUBLIC