

CITY OF BATAVIA BUSINESS MINUTES DECEMBER 13, 2021

The regular business meeting of the City Council was held Monday, December 13, 2021 at 7:20 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding. The meeting was held immediately following the conference meeting.

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

Council President Jankowski called the meeting to order at 7:20 PM.

The minutes from the November 2021 meetings and the October 2021 financials were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

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

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City Manager's Report

Mrs. Tabelski welcomed Angie Dickson, the new Confidential Secretary to the City Manager, addressed the Governor's mask mandate which was in effect until January 15, 2022, and noted the wind storm affected a lot of people but 90% had power restored. She noted that downed limbs could be put curbside to be picked up by the City and the yard waste station hours were extended until the weekend due to the storm. Mrs. Tabelski noted that the City Centre roof project was almost complete and that Jackson Square needed to be put back out to bid because the estimates came in at two times the estimated cost. She also noted that there were job openings in the police department, fire department, for an HEO and laborer and she was working on the budget book to be reviewed on January 10th.

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Committee Reports

Councilmember Pacino noted that Christmas in the City was an incredible success and that Beth Kemp was retiring as director of the BID and looking for someone to fill her shoes.

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Unfinished Business

None.

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New Business

#94-2021

A RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH DECEMBER 31, 2022

Motion of Councilmember McGinnis

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, 2022; 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, 2022.

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

2022 City of Batavia Council Meetings

January 10, 2022 (Organizational)

January 10, 2022 (Business)

January 24, 2022 (Conference)

February 14, 2022 (Business)

February 28, 2022 (Conference)

March 14, 2022 (Business)

March 28, 2022 (Conference)
April 11, 2022 (Business)
April 25, 2022 (Conference)
May 9, 2022 (Business)
May 23, 2022 (Conference)
June 13, 2022 (Business)
June 27, 2022 (Conference)
July 11, 2022 (Business and Conference)
August 8, 2022 (Business and Conference)
September 12, 2022 (Business)
September 26, 2022 (Conference)
Tuesday, October 11, 2022 (Business)
October 24, 2022 (Conference)
November 14, 2022 (Business)
November 28, 2022 (Conference)
December 12, 2022 (Business and Conference)

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#95-2021

BOND RESOLUTION

CITY COUNCIL OF THE CITY OF BATAVIA

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE REHABILITATION, REPAIR AND REPLACEMENT OF CERTAIN CITY STREET IMPROVEMENTS ON RICHMOND AND HARVESTER AVENUES, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilmember Canale

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake the rehabilitation and repair and replacement of certain city street improvements on Richmond Avenue and Harvester Avenue. Said rehabilitation, replacement and repair to consist of the removal of the existing street surfaces, repair to the base, repair/replacement of defective curbing, corrections to the drainage systems, corrective measures to comply with the current ADA requirements for sidewalks and a new roadway surfaces and markings (jointly referred to as the “Projects”); and

WHEREAS, the estimated cost of the Projects is \$3,600,000.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The design, construction and implementation of the Projects are hereby authorized at the estimated combined cost of \$3,600,000.

Section 2. The financing of the Projects, and the costs of issuance of such financing, (the “specific object or purpose”), is hereby authorized at a maximum estimated aggregate cost of \$3,600,000.

Section 3. The specific objects or purposes are objects or purposes described in Section 11 of the Local Finance Law.

Section 4. The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, hereby determines the Projects to be TYPE II Actions that do not necessitate the preparation of and Environmental Impact Statement

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$3,600,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 6. The aforementioned principal amount of serial bonds authorized hereby shall be reduced dollar for dollar by any amount otherwise available and allocated for the costs of the Improvements by funds made available to the City for said purpose from authorized City Sidewalk Reserve funds as well as any State and/or Federal funds/grants.

Section 7. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 8. It is hereby determined that the period of probable usefulness of the Projects is 15 years, pursuant to subparagraph 1 of Section 11.00.a. subsection 20 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of 15 years.

Section 9. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 10. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties

of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 11. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 12. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 13. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 15. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 16. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures

(to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 17. This resolution shall take effect immediately.

Section 18. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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#96-2021

BOND RESOLUTION

CITY COUNCIL OF THE CITY OF BATAVIA

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO FINANCE THE COST OF DESIGN, ENGINEERING, ARCHITECTURAL PLANS, SPECIFICATIONS AND ESTIMATES FOR THE POTENTIAL CONSTRUCTION OF CAPITAL IMPROVEMENTS CONSISTING OF POLICE DEPARTMENT SAFETY HEADQUARTERS, AS WELL AS AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS.

Motion of Councilmember Bialkowski

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to undertake the advance planning, engineering and design of capital improvements to consist of the City’s Policy Headquarters (hereinafter referred to as the “Design Project”); and

WHEREAS, the estimated cost of the Design Project is \$1,500,000.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The preliminary planning and design expenses (the “Design Expenses”) in connection with the capital improvements consisting of the police department safety headquarters (the “Design Project”) are hereby authorized at the estimated combined cost of \$1,500,000. (the expenses for the

Section 2. The financing of the Design Expenses, and the costs of issuance of such financing, (the “specific object or purpose”), are hereby authorized at a maximum estimated aggregate cost of \$1,500,000.

Section 3. The specific objects or purposes of the Design Project are objects or purposes described in Section 11 of the Local Finance Law.

Section 4. The City Council, acting as Lead Agency under the SEQRA regulations of the State of New York, hereby determines that the expenditure of the Design Expenditures in furtherance of the Design Project to be a TYPE II Action that does not necessitate the preparation of and Environmental Impact Statement

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding \$1,500,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 6. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

Section 7. It is hereby determined that the period of probable usefulness of the Design Project is 5 years, pursuant to - Section 11.00.a. subsection 62 (2nd) of **paragraph a of Section 11** of the Local Finance Law.

Section 8. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Manager, the chief fiscal officer of the City. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 10. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such

bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 11. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution shall take effect immediately.

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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#97-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL
SERVICES AND PROJECT MANAGEMENT OF THE BUILDING OF THE NEW
POLICE FACILITY**

Motion of Councilmember Briggs

WHEREAS, the City Council of the City of Batavia has determined it necessary to contract with a professional architectural firm to assist the City with pre-construction and construction services; and

WHEREAS, Architecture Unlimited has worked on behalf of the City on numerous facility projects in a professional capacity; and

WHEREAS, Architecture Unlimited will act as project manager and owners representative for the new police facility project assisting the City Manager and Department of Public Works; and

WHEREAS, Architecture Unlimited will be responsible for project budget control services, project quality control services, design management services and construction management services; and

WHEREAS, the fee for services is \$370,000 and is an eligible expense as part of the other overall capital project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorize the City Council President to execute an agreement for professional services and project management for the new police facility with Architecture Unlimited.

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

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#98-2021

**RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR
THE PURPOSE OF DISPOSAL**

Motion of Councilperson Pacino

WHEREAS, The Police Department has declared the equipment listed below surplus; and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

- 2015 Ford Police Interceptor Utility VIN - 1FM5K8AR8FGC68237

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

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#99-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATAVIA
AUTHORIZING THE CITY MANAGER TO AMEND THE FY21/22 BUDGET FOR
THE ACQUISITION OF EQUIPMENT FOR EMERGENCY PERSONNEL**

Motion of Councilmember Viele

WHEREAS, the City Council of the City of Batavia has determined that operational equipment for the Police and Fire Department needs to be purchased and replaced; and

WHEREAS, the equipment was not purchased as part of the FY21/22 budget due to cuts related to COVID-19 and reductions in revenue; and

WHEREAS, Video Lottery Terminal (VLT) funds (\$440,789) were received by the City of Batavia after being reinstated by the State Legislature into the New York State final budget; and

WHEREAS, these funds are considered a windfall to the City as they were not budgeted for and should only be used on one-time purchases and to cover end-of year overruns; and

WHEREAS, \$150,000 of VLT funds will be used to purchase essential equipment including Mobile Data Terminals, radios, bail-out-kits, and fire-fighter helmets that are end of life and need to be replaced.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorize the City Manager to recognize VLT revenue and amend the FY21/22 budget as follows:

Increase Revenue:

A.00.0000.0000 3014	State Aid, VLT/Tribal Compact Monies	\$150,000
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Increase Expense:

A.04.3120.3120 201	Police Small Equipment	\$100,000
A.05.3410.3410 201	Fire Small Equipment	\$ 50,000

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

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#100-2021

**A RESOLUTION AUTHORIZING THE CITY OF BATAVIA TO ACCEPT THE
TRANSFER OF AN EASEMENT RELATED TO THE ELLICOTT TRAIL AND
EXECUTE THE EASEMENT AGREEMENT**

Motion of Councilperson Bialkowski

WHEREAS, the City Council for the City of Batavia approved an Inter-Municipal Agreement with the Town of Batavia to construct the Ellicott Trail; and

WHEREAS, the Ellicott Trail has been constructed and specific easements will be assigned from the Town of Batavia to the City; and

WHEREAS, the following permanent easement related to the trail will be assigned to the City-60 Evans Street; and

WHEREAS, the City commits to maintain and repair the Ellicott Trail inside City limits from Pearl Street Rd. to Cedar St. including the easement areas.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Batavia accepts the assignment of easements and authorizes the City Council President to execute the Ellicott Trail Permanent Easement Agreement.

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

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#101-2021

**A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH LABELLA ASSOCIATES FOR ENGINEERING SERVICES FOR THE BOA
PRE-DEVELOPMENT SERVICES GRANT**

Motion by Councilmember Canale

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

WHEREAS, the grant was awarded in late December 2019 with a total project budget is \$215,000 including \$193,500 of grant funds, and \$21,500 of in-kind (staff support) from the City and the Batavia Development Corporation (BDC); and

WHEREAS, proposals were received for a consultant to perform the engineering and professional services associated with the grant, and a committee of City personnel and stakeholders selected LaBella Associated to perform the work.

NOW, THEREFORE, be it resolved that City Council approves the award of a contract for Professional Services for the BOA Pre-Development Services Grant to LaBella Associates in the amount of \$187,130.

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

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#102-2021

RESOLUTION AUTHORIZING RECLASSIFICATION OF THE POSITION OF HUMAN RESOURCES SPECIALIST TO HUMAN RESOURCES DIRECTOR

Motion of Councilperson McGinnis

WHEREAS, the City Council of the City of Batavia is desirous in reclassifying the position of Human Resources Specialist to Human Resources Director; and

WHEREAS, for several years the duties, expectations and responsibilities of the Human Resources Specialist have grown in terms of directing, planning and maintaining all human resources functions of the City; and

WHEREAS, the Human Resources Specialist also manages all personnel budgets across the City, manages the hiring process for new employees, has in-depth knowledge of all union contracts, performs extensive compilation of financial data for the annual audit, administers the workers' compensation programs, and the City's self-funded health care; and

WHEREAS, the Human Resources Specialist position assists the City Manager in negotiating labor contracts, compiling cost analysis of the economic impact of union proposal's on the City, oversees and investigates personnel-related charges, ensures compliance with Civil Service as it relates to current personnel and new employees, and develops, maintains, and administers the City's Personnel Policies Manual in compliance with all state and federal rules, regulations and laws; and

WHEREAS, after Genesee County Civil Service review of the current duties performed by the Human Resources Specialist it has been determined that the job should be reclassified as Human Resources Director.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the Human Resources Specialist position is hereby reclassified to Human Resources Director.

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

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#103-2021
**RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/
BOARDS**

Motion of Councilperson Pacino

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

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

Board of Assessment Review

Bernie Penfield

September 30, 2026

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

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#104-2021
**A RESOLUTION AWARDDING PURCHASE CONTRACTS FOR SODIUM
HYPOCHLORITE**

Motion of Councilmember Bialkowski

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of sodium hypochlorite used for the operation of the Water Treatment facility; and

WHEREAS, Seven (7) companies submitted bids, and the low bidder was identified for Sodium Hypochlorite.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that fifteen month (15) purchase contract for sodium hypochlorite be awarded to the lowest responsible bidder hereinafter identified.

Company Name	Chemical	Bid Amount
AMREX	Sodium Hypochlorite	\$1.45

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

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#105-2021

**A RESOLUTION TO USE RESERVE ICE RINK FUNDS FOR EMERGENCY REPAIRS
AND AMEND THE 21/22 BUDGET**

Motion of Councilmember Viele

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established Ice Rink Capital Reserve Fund; and

WHEREAS, the Ice Rink Capital Reserve Fund has a current balance of approximately \$400,680; and

WHEREAS, the City has purchased and installed a new compressor at the Ice Rink facility; and

WHEREAS, the system needs 400 pounds of refrigerant at a cost of \$19,800; and

WHEREAS, this was not a budgeted item and is an emergency repair. It is requested that the funds come from the Ice Rink Reserve account.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized the utilize Ice Rink Reserves of \$19,800 and to amend the FY 21/22 budget by increasing the accounts as follows:

Revenue	A.00.0000.0000	511-2103	Ice Rink Reserve Appropriation	\$19,800.00
Expense	A.03.1620.1621	400-2103	Ice Rink Other Expense -Reserves	\$19,800.00

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

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Pacino

WHEREAS, Article 7, Section 105(1)(e), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...collective negotiations pursuant to article fourteen of the civil service law...” and;

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation...”and;

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the proposed

acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...”.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

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

Council entered executive session at 7:43 PM and ended at 8:40 PM.

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Meeting adjourned at 8:41 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**