

CITY OF BATAVIA BUSINESS MINUTES JULY 11, 2022

The regular business meeting of the City Council was held Monday, July 11, 2022 at 7:25 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Viele, Pacino, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski.

Council President Jankowski called the meeting to order at 7:25 PM immediately following the conference meeting.

The minutes from the June 2022 meetings and the May 2022 financials were approved.

The Council President assigned the agenda items.

* * *

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 at that time.

* * *

City Manager's Report

Rachael Tabelski noted that EnerGov was live and being used by Inspection and were looking to bring Utility Management and EnerGov online in the fall of 2022. She explained the opposition the City and other agencies had to Seneca Powers request to draw raw City water from well D as they owed over \$1,000,000 in unpaid taxes. Mrs. Tabelski noted that a mailer was going out to everyone about lead line replacement for self-reporting to obtain data for potential grants and that mall roof II and the police department roof were complete. She noted that the DRI design was under for the City Centre and silos and that the City was going to meet with the Town of Batavia regarding sewer usage permit for an increase in capacity. Mrs. Tabelski stated that the Restore NY grants just came out and some may need municipal support. Councilmember Canale asked what the timeframe was for the silos and wondered if there were plans to accomplish the other things the City wants to do with the City Centre. Mrs. Tabelski replied that construction would hopefully be in 2023 and looking to see if the City qualifies for Restore NY for possible funding to help with the City Centre interior design.

* * *

Committee Reports

Councilmember Pacino noted that the BID was having an Italian festival on August 20th from 1-9pm and soap box derby on August 27th.

* * *

Unfinished Business

None.

* * *

New Business

#60-2022

RESOLUTION TO AUTHORIZE ACQUISITION OF NATIONAL GRID LIGHTS IN THE CITY OF BATAVIA AND REQUEST NATIONAL GRID PREPARE A PURCHASE AND SALE AGREEMENT

Motion of Councilmember Pacino

WHEREAS, the City of Batavia is desirous to upgrade the lighting quality in the City of Batavia and is taking steps to replace all City owned street lights with LED (LED Phase I); and

WHEREAS, National Grid owns 948 street lights within the City, primarily in residential neighborhoods; and

WHEREAS, the City has the option to buy back or acquire the street lights from National Grid for \$226,038 and work with the New York Power Authority to complete a full LED Street Light Conversion (LED Phase II); and

WHEREAS, by purchasing the lights from National Grid the City will own and maintain the lights, continue to pay National Grid for electric and delivery, but not operations and maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia authorizes the City Manager to draft a letter to acquire National Grid Street lights, and request the preparation of a Purchase and Sale Agreement.

Second by Councilmember McGinnis and on roll call approved 9-0.

* * *

#61-2022

RESOLUTION TO SUBMIT A CONSOLIDATED FUNDING APPLICATION GREEN INNOVATION GRANT PROGRAM FOR A WATER METER UPGRADE PROJECT

Motion of Councilmember McGinnis

WHEREAS, the City of Batavia owns and operates a municipal water system that includes water meters for residential, commercial and industrial customers; and

WHEREAS, the City is desirous to upgrade meters to the latest technology that includes remote radio reads; and

WHEREAS, the City has invested in replacement of customer meters and has replaced 1/3 of the meters across the City; and

WHEREAS, the New York State Environmental Facilities Corporation will offer grants to municipalities to help mitigate the effects of climate change through the Green Innovation Grant Program and up to \$15 million has been made available for this round; and

WHEREAS, the City has estimated that the entire project will cost \$1,968,400 and will commit to a 25% local match; and

WHEREAS, the local match of \$492,100 will be funded through Water Fund Reserves.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia approves the submission of a NYS Consolidated Funding Application Green Innovation Grant Program and commits \$492,100 in Water Fund Reserves as a match to the project.

Second by Councilmember Canale and on roll call approved 9-0.

* * *

#62-2022

A RESOLUTION TO DECLARE SEQR TYPE II ACTION FOR WATER METER UPGRADE PROJECT

Motion of Councilmember Richmond

WHEREAS, This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law; and

WHEREAS, The City Council of the City of Batavia, as the only Agency authorized to effectuate improvements to the City water system and is, therefore, the only agency authorized to act as lead agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the proposed project involves the replacement of existing municipal water meters with new technology radio read meters to improve meter reading efficiency; and

WHEREAS, the proposed action described below is a Type II action, pursuant to 6 NYCRR 617.5(c)(2), and will not have a significant adverse effect on the environment; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(2) this project is a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4.

NOW, THEREFORE, BE IT RESOLVED, that based on City Councils review, and in consideration of the criteria set forth in 6 NYCRR 617.5 identifying Type II Actions under SEQRA, the replacement of existing water meters is a Type II action under SEQR pursuant to 6 NYCRR Part 617.5(c)(2) and requires no further review.

Second by Councilmember Viele and on roll call approved 9-0.

* * *

#63-2022

**A RESOLUTION TO ENTER INTO AN SCHOOL RESOURCE OFFICER
AGREEMENT WITH THE BATAVIA CITY SCHOOL DISTRICT FOR A SCHOOL
RESOURCE OFFICER**

Motion of Councilmember Schmidt

WHEREAS, the City of Batavia and the Batavia City School District (BCSD) are desirous of working together to promote and maintain an atmosphere of safety for students, staff, faculty, administrators and visitors to the District; and

WHEREAS, the City and the District have worked together since 2019 to place a police officer on site at the School District to serve as the School Resource Officer (SRO); and

WHEREAS, Both parties agree that the SRO has been successful in assisting the District, school officials, students and families prevent crime, enforce campus security, build relationships, and act as a liaison between the District and other law enforcement personnel; and

WHEREAS, the City and BCSD will continue working together and provide two officers (full-time) to encourage, develop and foster communications and dialogue between students, the school community and law enforcement; and

WHEREAS, The BCSD will reimburse the City of Batavia 100% of the officers salary and employee benefits and services for the SRO will be billed based on the amount budgeted for the police officer assigned SRO duties and the actual overtime incurred during the billing cycle.

WHEREAS, the billing cycle will be on a quarterly basis; and

WHEREAS, the City will assign two full-time SRO to the School according to a mutually agreeable schedule, between the first day of the academic year until the final day of the academic year; and

WHEREAS, the City remains responsible for providing a vehicle for the SRO's as well as the SRO's uniform, equipment, and training, and

WHEREAS, the term of this Agreement commences July 12, 2022 and expires on June 30, 2025.

NOW THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign a School Resource Officer (SRO) Agreement between the City of Batavia and the Batavia City School District.

Seconded by Councilmember Canale and on roll call approved 9-0.

* * *

#64-2022

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
ICE RINK LEASE AGREEMENT WITH BATAVIA SPORTS FACILITY
MANAGEMENT LLC.**

Motion of Councilmember Viele

WHEREAS, the City of Batavia is desirous to enter into a Lease Agreement with Batavia Sports Facility Management, LLC.; and

WHEREAS, the term of the lease commences on August 1, 2022 and will expire on July 31, 2027; and

WHEREAS, the City of Batavia and Batavia Sports Facility Management agree to extend the lease agreement for three consecutive five (5) year periods after the first term with written notice from Batavia Sports Facility Management; and

WHEREAS, Batavia Sports Facility Management, LLC. agrees to pay the City of Batavia rent and capital improvement fees and to undertake specific improvements and upgrades at the facility as outlines in the lease agreement.

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

Seconded by Councilmember Briggs and on roll call approved 9-0.

* * *

#65-2022

A RESOLUTION TO WAIVE RESIDENCY REQUIREMENT

Motion of Councilmember Briggs

WHEREAS, City Council of the City of Batavia has the authority to waive the residency requirement as established in the Batavia Code, Article II, § 22-9 if it is so determined that waiving of such requirement is in the best interest of the City of Batavia;

WHEREAS, it has been determined that it is in the best interest of the City of Batavia that the residency requirement for Erik Fix be waived.

NOW, THEREFORE, BE IT RESOVLED, by the Council of the City of Batavia that said waiver be granted for the above named employee.

Seconded by Councilmember Canale and on roll call approved 9-0.

* * *

#66-2022

A RESOLUTION TO SUPPORT THE SUBMISSION A NEW YORK MAIN STREET GRANT APPLICATION BY THE BATAVIA BUSINESS IMPROVEMENT DISTRICT

Motion of Councilmember Bialkowski

WHEREAS, the New York State Office of Community Renewal (NYSOCR) is offering New York Main Street grants that are due July 29, 2022; and

WHEREAS, the New York Main Street program provides funding for building and streetscape improvements; and

WHEREAS, the Batavia Business Improvement District is an eligible applicant for the New York Main Street program; and

WHEREAS, the Batavia Business Improvement District would like to apply for a New York Main Street Anchor grant funding during this NYSOCR funding cycle to assist 45 Batavia City Center with the completion of their project; and

WHEREAS, municipalities in which New York Main Street projects are located are required to provide a resolution supporting the application for funding.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia Council does hereby enthusiastically supports the submission of the grant application.

Seconded by Councilmember Schmidt and on roll call approved 9-0.

* * *

#67-2022

A RESOLUTION TO APPROVE THE USE OF THE ADMINISTRATIVE EQUIPMENT RESERVE FUND FOR PURCHASE OF A NEW FIREWALL HARDWARE AND SOFTWARE TECHNOLOGY TO BENEFIT THE CITY OF BATAVIA

Motion of Councilmember Canale

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Administrative Services Equipment and Software Reserve Fund; and

WHEREAS, in March 2015 the City Council created the Administrative Service Equipment and Software Reserve to assist with upgrading and meeting the City’s information technology and records management needs to include, but not limited to, replacing antiquated software utilized by the City; and

WHEREAS, the Administrative Services Equipment and Software Reserve has an approximate balance of \$486,847.48; and

WHEREAS, the City is currently working with an Information Technology consultant and upgrading multiple platforms of hardware and software across the entire network; and

WHEREAS, the City needs to update the existing Firewall hardware and software collectively “Firewall Technology Project.”

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby approve the use of \$12,000 from the Administrative Equipment Reserve to complete the Firewall Technology Project; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment:

Effective July 11, 2022, amending the 2022/2023 budget by increasing the following expenditure account: A.02.1680 200-2112 \$12,000.00

And by increasing the following revenue account:
A.00.0000.0000 0511-2112 \$12,000.00

Seconded by Councilmember McGinnis and on roll call approved 9-0.

* * *

A RESOLUTION TO AMEND THE 2022/2023 BUDGET RESERVE AND EXPENSE ACCOUNTS

Motion of Councilmember Vile

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established Facility Reserve Fund which has a current balance of approximately \$198,677.02; and

WHEREAS, the City of Batavia has approved a project to replace the roof on the City Centre concourse as part of a settlement agreement with the City Centre Merchants where bids were received on April 29, 2021; and

WHEREAS, a change order was required to complete unforeseen repairs and damage not included in the original scope of work including phenolic acid being found in insulation and decking; and

WHEREAS, the amount of original bid was \$161,890 and the project requires a change order for the amount of \$55,981.05; and

WHEREAS, Additional reserves funding is required to fund the completion of the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Director of Public Works is hereby authorized on behalf of the City to execute the change order for the City Centre Roof Project with Grove Roofing Services, Ice; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia authorizes the City Manager to amend the 2022/2023 budget by increasing the accounts as follows:

| | |
|---|--------------|
| Revenue A.00.0000.0000 0511-2106 Appropriated Facility Reserves | \$ 55,981.05 |
| Expense A.01.9950. 900-2106 Capital Projects transfers out | \$ 55,981.05 |

Seconded by Councilmember Canale and on roll call approved 9-0.

* * *

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 “...proposed, pending or current litigation”.

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 Briggs and on roll call approved 9-0. Council entered executive session at 7:48pm and exited at 7:54pm .

* * *

Meeting adjourned at 7:55 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**