

CITY OF BATAVIA BUSINESS MINUTES MARCH 13, 2023

The regular business meeting of the City Council was held Monday, March 13, 2023 at 7:10 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, Canale, McGinnis, Briggs, Schmidt, Richmond and Bialkowski. Councilmember Pacino was absent.

Council President Jankowski called the meeting to order at 7:10 PM immediately following the special conference meeting.

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Public Comments

None.

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Council Responses to Public Comments

None.

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Communications

Windy Brew, in the Harvester Center, submitted a liquor license application and there were no objections from the police department. Council approved.

Go Art submitted an application for a Steel Band festival on Saturday, April 15th from 3-6 pm on the stage in the City Centre. Council approved.

Eli Fish requested to hold an outdoor carnival on Saturday, July 8th from 4-10pm in Jackson Square. Council approved.

The Batavia Development Corp continued to hold their indoor mall market on Saturdays from February 4th through May 27th (with a couple of exceptions) from 10am – 1:30pm in the City Centre concourse. Council approved.

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Council President's Report

Council President Jankowski announced the next City Council meeting to be held on Monday, March 27, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.

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The minutes from the February 2023 meetings and the January 2023 financials were approved. Council President Jankowski explained that, due to a timing issue, there was a transaction that was not on the last financials that Council received which made it look like there was a significant decrease in revenue but that was not the case.

The Council President assigned the regular agenda items.

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report.

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City Manager's Report

Mrs. Tabelski noted that Council received the update from the departments via e-mail and touched on some items already communicated to them.

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Committee Reports

Councilmember Bialkowski noted that he was moving forward with the Memorial Day parade and working with Mr. Frank to coordinate.

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Unfinished Business

None.

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New Business

#19-2023

A RESOLUTION TO ADOPT A LOCAL LAW TO OVERRIDE THE TAX CAP LIMIT FOR THE BUDGET FISCAL YEAR COMMENCING APRIL 1, 2023

Motion of Councilperson Canale

WHEREAS, Local Law No. 1 of 2023 entitled “LOCAL LAW NO. 1 OF THE YEAR 2023 CITY OF BATAVIA A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C” was introduced before the City Council of Batavia New York; and

WHEREAS, according to New York State’s Property Tax cap legislation, if a City government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the City government must pass a local law to override that cap; and

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide the City of Batavia flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State re-calculation of the applicable limit will not make the City inadvertently out of compliance.

WHEREAS, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, the City Council held a public hearing on said proposed Local Law in the Council Room, Second Floor, One Batavia City Centre, Batavia New York, at 7:00 p.m. on Monday, February 27th, 2023; and

WHEREAS, the City C City Clerk publish or cause to be published a public notice in the official newspaper of the City of Batavia of said public hearing at least three (3) days prior thereto.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia herby adopts Local Law No. 1 of 2023 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2023 CITY OF BATAVIA A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C.**”

Seconded by Councilperson Viele and on roll call approved 6-2. Councilmembers Schmidt and Bialkowski voted no.

**LOCAL LAW NO. 1 OF THE YEAR 2023
CITY OF BATAVIA**

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

Be it enacted, by the City Council of the City of Batavia, New York, as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Batavia, County of Genesee, State of New York (hereinafter “City of Batavia” pursuant to General Municipal Law § 3-c, and to allow the City of Batavia to adopt a budget for the fiscal year commencing April 01, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to Subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the City Council to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override

The City Council of the City of Batavia is hereby authorized to adopt a budget for the fiscal year commencing April 1, 2023 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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#20-2023

A RESOLUTION TO ADOPT 2023-2024 BUDGET ORDINANCE

Motion of Councilmember Viele

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2023-2024 fiscal year on January 9, 2023 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk’s Office; and

WHEREAS, the City Council has reviewed and amended the City Manager’s proposed budget.

WHEREAS, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia are \$ 33,588,472 including the General Fund at \$ 19,462,273.00 ; and

WHEREAS, said proposed budget includes revenues to be received through the property tax levy of \$6,600,000; and

WHEREAS, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union City employees and the City Manager for a salary schedule adjustment of 5% to combat wage compression issues with unionized employees and a scheduled salary increase of 3%, effective April 1, 2023; and

WHEREAS, the City Council of the City of Batavia wishes to grant a salary adjustment due to the minimum wage increase for all seasonal and part-time employees; and

WHEREAS, the City Council held a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 27, 2023; and

WHEREAS, the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia hereby adopts the 2023-2024 Budget Ordinance pursuant to Section 16.6 of the City Charter.

Seconded by Councilmember Briggs and on roll call approved 6-2. Councilmembers Bialkowski and Schmidt voted no.

ORDINANCE #001-2023

AN ORDINANCE ADOPTING THE 2023-2024 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2023-2024 FISCAL YEAR

BE IT ENACTED, by the Council of the City of Batavia, New York:

SECTION 1. The proposed Budget for 2023-2024, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 9, 2023, setting forth the estimates of revenues and expenditures for the fiscal year 2023-2024 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, City Centre Fund, Workers’ Compensation Fund, and Health Insurance Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2023-2024.

SECTION 2. The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2023-2024 is \$6,600,000.

SECTION 3. The sum of \$6,600,000 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2023-2024, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2023-2024.

SECTION 4. The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

SECTION 5. The budget summaries, as filed in the Clerk-Treasurer’s Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

SECTION 6. This Ordinance shall become effective April 1, 2023.

Budget Summaries

General Fund

General Fund – Reserves	\$ 588,667.00
City Council	\$ 62,620.00
City Manager	\$ 208,975.00
Finance	\$ 129,441.00
Legal Services	\$ 225,160.00
General Fund - Contingency	\$ 371,480.00
Community Development	\$ 6,000.00
Economic Development	\$ 115,498.00
Council on Arts	\$ 6,500.00
Community Celebrations	\$ 12,932.00
General Fund - Debt Service/Bonds	\$ 353,572.00
General Fund – Interfund Transfer	\$ 3,073,660.00
General Fund – Transfer to Cap Proj	\$ 65,000.00
Administrative Services	\$ 259,603.00
Clerk-Treasurer	\$ 145,097.00
Elections	\$.00
Control of Dogs	\$ 1,403.00
Vital Statistics	\$ 20,909.00
Assessment	\$ 143,560.00
Personnel	\$ 280,430.00
Information Services	\$ 107,500.00

Youth Bureau – Summer Recreation	\$ 78,846.00
Youth Bureau – Youth Service	\$ 130,744.00
Engineering	\$ 12,750.00
Department of Public Works	\$ 96,140.00
City Facilities – Facilities	\$ 282,369.00
Facilities – Ice Rink	\$ 15,340.00
Facilities – Dwyer	\$ 31,750.00
Inspection	\$ 413,907.00
Public Works BOM Admin	\$ 130,518.00
Street Maintenance	\$ 552,270.00
CHIPS Perm Improv Highway	\$ 264,174.00
Public Works Garage	\$ 540,935.00
Snow Removal	\$ 472,934.00
Street Lighting Traffic Signals	\$ 253,660.00
Parking Lots	\$ 205,000.00
Parks	\$ 548,060.00
Storm Sewer – BOM	\$ 173,620.00
Street Cleaning	\$ 125,840.00
Historic Preservation	\$ 6,290.00
Planning and Zoning	\$ 1,300.00
Storm Sewer – Water-WW	\$ 30,300.00
Refuse and Recycling	\$ 107,980.00
Police	\$ 4,323,847.00
Emergency Response Team	\$ 32,480.00
Police – Net	\$ 4,850.00
Community Policing & Events	\$ 12,440.00
K-9	\$ 950.00
Fire	\$ 4,410,287.00
State Internal EMS Program	\$ 2,250.00
State External EMS Program	\$ 9,625.00
Non-State EMS Program	\$ 12,810.00
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TOTAL GENERAL FUND	\$ 19,462,273.00
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Water, Wastewater & Workers Comp Funds

**PROPOSED
2023/24**

Water Fund – Reserves	\$ 79,730.00
Water Fund Contingency	\$ 5,050.00
Water Administration	\$ 2,788,861.00

Pump Station and Filtration	\$ 1,619,377.00
Water Distribution	\$ 478,330.00
Water Fund – Debt Srvc - Bonds	\$ 241,986.00
Water Fund– Debt Service - BAN	\$ 15,000.00
Water Fund – Interfund Transfer	\$ 634,900.00

TOTAL WATER	\$ 5,863,234.00
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WW Fund – Reserves	\$ 1,158,918.00
Wastewater Administration	\$ 534,069.00
WW Contingency	\$ 100,000.00
WW Fund Sanitary Sewers BOM	\$ 476,430.00
WW Fund Sanitary Sewer Water/WW	\$ 221,170.00
WW Fund Wasterwater Treatment	\$ 1,212,130.00
WW Fund – Debt Service - Bonds	\$ 386,393.00
WW Fund – Interfund Transfer	\$ 296,540.00

TOTAL WASTEWATER	\$ 4,385,650.00
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Workers' Compensation	\$ 245,560.00
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TOTAL WORKER’S COMP	\$ 245,560.00
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TOTAL WATER,WASTEWATER, WORKERS’ COMP	\$ 10,494,444.00
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**CITY CENTRE & HEALTH
INSURANCE FUNDS**

Administration	\$ 218,235.00
City Centre Fund-Interfund Transfer	\$ 34,990.00

TOTAL CITY CENTRE	\$ 253,225.00
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Medical Insurance	\$ 3,378,530.00
Transfer to Reserves	\$ 0.00

TOTAL HEALTH INSURANCE	\$ 3,378,530.00
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TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 3,631,755.00
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TOTAL ALL FUNDS \$ 33,588,472

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#21-2023

A RESOLUTION ADOPTING A LOCAL LAW NO. 2 OF THE YEAR 2023 AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE

Motion of Councilmember McGinnis

BE IT RESOLVED, that Local Law No. 2 of the Year 2023 entitled “LOCAL LAW NO. 2 OF THE YEAR 2022 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE” was introduced before the City Council of Batavia, New York; and

WHEREAS, copies of the aforesaid proposed Local Law were laid upon the desk of each member of the City Council by the City Clerk; and

WHEREAS, the City Council held a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 27, 2023; and

WHEREAS, the City Clerk published or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (5) days prior thereto.

BE IT RESOLVED, the City Council of the City of Batavia hereby adopts Local Law No. 2 of the year 2023, entitled a “Local Law No. 2 of 2023 City of Batavia to Amend §184-41 (A), (B), (C), And (O) of the Code of The City Of Batavia to Establish New Water Rates, Meter Fees And A Capital Improvement Fee”

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

**LOCAL LAW NO. 2 OF THE YEAR 2023
CITY OF BATAVIA**

A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. § 184-41. Water rates.

A. Water Rates

City – Water – Quarterly Schedule

\$6.27 per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

\$7.92 per 1,000 gallons

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed April 1, 2023 billed on and after June 1, 2023.

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$15.45
Disc	3/4	\$19.55
Disc	1	\$20.60
Disc	1 ½	\$35.00
Disc	2	\$48.60
Compound	2	\$41.17
Compound	3	\$156.58
Compound	4	\$294.24
Compound	6	\$376.49
Turbo	3	\$92.65
Turbo	4	\$156.58
Fireline	4	\$156.58
Fireline	6	\$249.24
Fireline	8	\$347.43
Fireline	10	\$453.70

All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$12.97
Disc	¾	\$16.44
Disc	1	\$17.30
Disc	1 ½	\$29.41
Disc	2	\$40.83
Compound	2	\$34.60
Compound	3	\$131.56
Compound	4	\$209.39
Compound	6	\$316.32

Turbo	3	\$77.84
Turbo	4	\$131.56
Fireline	4	\$131.56
Fireline	6	\$209.39
Fireline	8	\$291.90
Fireline	10	\$381.19

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#22-2023
RESOLUTION TO URGE THE NEW YORK STATE LEGISLATOR AND
GOVERNOR HOCHUL TO RE-EVALUATE GOVERNOR HOCHUL’S HOUSING
COMPACT PROPOSAL

Motion of Councilmember Bialkowski

WHEREAS, Governor Hochul announced a housing compact as a part of the FY 2024 Budget Proposal with the goal of building 800,000 housing units across New York State over the next ten years; and

WHEREAS, The New York Housing Compact will require cities, towns, and villages across the state to achieve housing thresholds over three-year periods and require upstate municipalities to increase their housing stock by 1% annually; and

WHEREAS, Municipalities such as the City of Batavia may be stripped of any local zoning, planning or land-use regulations powers if housing targets are not met and allow mixed-income, multifamily projects to take advantage of a fast-track housing approval process by the proposed creation of a State Housing Approval Board; and

WHEREAS, new home building and construction should not take priority over the well-being of residents and a community, which is what could be at stake if the new State Housing Approval Board is given overriding authority to local regulations; and

WHEREAS, the City of Batavia strongly urges the New York State Legislature to make the appropriate revisions to the Governor’s Housing Compact that protect local decision making; and

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia urges the New York State Legislature to re-evaluate Governor Hochul’s housing compact proposal and potential impacts on municipalities especially in upstate communities, including Batavia.

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Governor Hochul’s Office and the Rochester and Finger Lakes delegation of the New York State Legislature.

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

#23-2023

A RESOLUTION AUTHORIZING OPPOSING THE NEW YORK CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT SCOPING PLAN

Motion of Councilmember Richmond

WHEREAS, New York's Climate Leadership and Community Protection Act (CLCPA) is seeking to achieve carbon free emission targets of 70% by 2030 and 100% by 2040; and

WHEREAS, a final scoping plan was approved by the Climate Action Council, which was created by the CLCPA, in December 2022 to create a roadmap to meet the statutory targets that will fundamentally transform all aspects of everyday life, ranging from transportation, homes, commercial buildings to local project approvals; and

WHEREAS; the scoping plan calls for the complete transition to zero emission vehicles (ZEV) by 2035; smart growth development to enhance density, mixed use development and reduced need for vehicle transportation while increasing public transit and walkable communities; and the phasing out of natural gas, propane and other fuels used to heat and cool homes and businesses among many other mandates, rules and regulations; and

WHEREAS; the historic blizzards and storms that hit our region in November 2022 and December 2022 demonstrated the efficacy of gasoline and diesel engines that powered the cars, trucks and plows and homes heated by natural gas and propane that helped Western New Yorkers get through these generational storms and most importantly saved lives; and

WHEREAS; the proposed technologies such as battery storage to replace combustion engines and heating systems are acknowledged repeatedly in the plan as not being ready for deployment because the technologies are not advanced enough; and

WHEREAS; the plan will ban gas heating equipment and cooking appliances and will require that all new residential construction projects in single-family and low-rise buildings must install zero emission equipment starting in 2025 and high rise residential and commercial buildings to use zero emission equipment starting in 2028; and

WHEREAS; New York residents with existing homes will be required to replace heating systems and natural gas appliances after 2030 with zero emission systems that according to a statewide study by the New York State Realtors Association are estimated to be in the range of \$20,000 to \$50,000; and

WHEREAS; these mandates will require investments in the billions of dollars to the power grid to improve delivery of electricity and integration of renewable energy which based on these timeframes are simply unachievable and will create significant reliability concerns leading to power outages and other energy interruptions; and

WHEREAS; the Climate Action scoping plan is the most expansive environmental plan in New York, if not the United States, with the various mandates fundamentally transforming the lives of our residents without a clear analysis of its costs.

NOW, THEREFORE, BE IT RESOLVED, the Batavia City Council supports clean energy initiatives that are reliable, sustainable, affordable, and provide benefits to the residents of Batavia of which the current scoping plan clearly does not.

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the Governor, Senate Majority Leader, Assembly Speaker and the Western New York and Finger Lakes Delegation to the State Legislature.

Seconded by Councilmember Schmidt and on roll call 8-0

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24-2023

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY
FOR THE CITY OF BATAVIA, NEW YORK**

Motion of Councilperson McGinnis

WHEREAS, the City of Batavia is the custodian of moneys and is authorized to invest such money; and

WHEREAS, the City's independent auditor had recommended an investment policy be updated and reviewed annually by Council; and

WHEREAS, the Council of the City of Batavia originally adopted the Investment Policy April 11, 2011 and has subsequently revised and adopted it each year thereafter; and

WHEREAS, such policy is in compliance with the current legal requirements under New York State General Municipal Law Sections 10 and 11 and is in the required format mandated by the State Comptroller; and

WHEREAS, said policy has been reviewed and approved by both the City's Fiscal Advisor and the City's Independent Auditor.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

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

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#25-2023

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR
THE CITY OF BATAVIA, NEW YORK**

Motion of Councilperson Schmidt

WHEREAS, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

WHEREAS, the City Council last adopted its Purchasing Manual on May 9, 2022; and

WHEREAS, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

WHEREAS, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

NOW THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

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

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#26-2023

**A RESOLUTION TRANSFERRING \$8,100 TO THE PARKING LOT CAPITAL
RESERVE FUND**

Motion of Councilmember Richmond

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

WHEREAS, the City of Batavia, through December 31, 2022, received parking and dumpster permit revenue in the amount of \$8,100 and is desirous of transferring said \$8,100 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the transfer \$8,100 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

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#27-2023

A RESOLUTION TRANSFERRING \$73,316.31 FROM THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE AND TO AMEND THE BUDGET

Motion of Councilmember Viele

WHEREAS, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees’ service; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2023 has approximately \$206,321 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2023 will have had three employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$73,316.31.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$73,316.31 of Employee Benefit Accrued Liability Reserve and to make the following budget transfers:

Effective March 31, 2023, the following transfers are hereby approved:

Increasing expenditure accounts:

Fire Department	A.05.3410.3410 100	\$ 59,985.23
Fire Department	A.05.3410.3410 105	\$ 1,858.43
Bureau of Maintenance	A.03.5010.5110 100	\$ 11,472.65

Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	A.00.0000.0000 0511.2109	\$ 73,316.31
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Seconded by Councilmember Schmidt and on roll call approved 8-0.

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#28-2023

RESOLUTION AUTHORIZING THE ADOPTION OF A CAPITAL ASSET POLICY AND A LEASE POLICY FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilperson Canale

WHEREAS, during the City of Batavia’s financial audit for the year ending 3/31/22, the City’s audit firm, Drescher & Malecki, identified certain operating matters and future reporting

requirements for the City’s consideration to be acted upon prior to the end of the current fiscal year ending 3/31/23; and

WHEREAS, the City does not have a formalized capital asset policy outlining thresholds, useful lives and depreciation methods, therefore it was recommended by Drescher & Malecki that the City formalize a capital asset policy to ensure treatment of the City’s assets is consistent; and

WHEREAS, the Governmental Accounting Standards Board (GASB) Statement No. 87 “Leases” is required to be implemented for the fiscal year ending March 31, 2022, therefore it was recommended that the City implement a formal lease policy based on GASB Statement No. 87 guidelines to ensure a standard set of guidelines are followed for reporting leases.

NOW THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Capital Asset Policy and the attached Lease Policy effective immediately; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the adoption of the attached Fund Balance Policy is consistent with the City’s Strategic Plan in achieving Key Intended Outcome’s identified under the Financial Health strategic priority.

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

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#29-2023

A RESOLUTION TO USE ADDITIONAL ADMINISTRATIVE RESERVES FOR THE PITNEY BOWES FOLDING MACHINE AND AMEND THE 22/23 BUDGET

Motion of Councilmember Schmidt

WHEREAS, pursuant to General Municipal Law 6-c and per City of Batavia resolution #11-2015, the City of Batavia has an established Administrative Reserve; and

WHEREAS, the Administrative Reserve has a current balance of approximately \$480,368; and

WHEREAS, the City previously received approval via resolution #98-2022 to purchase a document folding and envelope stuffing machine using Administration Reserves; and

WHEREAS, Resolution #98-2022 contained a transposition error requesting \$6,481.58 of reserves and budget amendment instead of the required \$6,841.58.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to use an additional \$360.00 of Administrative reserves for the Pitney Bowes folding and envelope stuffing machine, and make the following budget amendment to the 2022/2023 budget, effective March 13, 2023:

Increase revenue accounts:

A.00.0000.0000 0511-2112 Appropriated Administrative Reserves \$360.00

Increase expenditure accounts:

A.01.1310 200-2112 Finance Bureau Equipment (Reserves) \$360.00

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

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#30-2023

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

Motion of Councilperson Richmond

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; and

WHEREAS, the Police Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the Police Equipment Reserve account.

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:

- Taser X26P Serial number X13002TF3
- Taser X26P Serial number X13001R9C
- Taser X26P Serial number X13001R3W
- Taser X26P Serial number X13007E2A
- Taser X26P Serial number X1300470C
- Taser X26P Serial number X130043RE
- Taser X26P Serial number X1300470Y
- Taser X26P Serial number X130043YD
- Taser X26P Serial number X13002T4M
- Taser X26P Serial number X130043R0
- Taser X26P Serial number X13004685
- Taser X26P Serial number X130043Y7
- Taser X26P Serial number X13002T4F
- Taser X26P Serial number X13004706
- Taser X26P Serial number X130046YN
- Taser X26P Serial number X130043R1

Taser X26P Serial number X130043V3
Taser X26P Serial number X13004714
Taser X26P Serial number X13002T3N
Taser X26P Serial number X13004680
Taser X26P Serial number X1300470X
Taser X26P Serial number X130043R3
Taser X26P Serial number X13004708
Taser X26P Serial number X130043Y6
Taser X26P Serial number X130043R6
Taser X26P Serial number X130043Y8
Assorted cartridges and accessories
~~2017 Ford Police Interceptor Utility VIN 1FM5K8ARXHGD07105~~
~~2013 Ford Police Interceptor Utility VIN 1FM5K8AR0DGC73203~~

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the transfer of the proceeds from the sale of said equipment to the Police Equipment Reserve Fund.

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

* * *

#31- 2023

A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS

Motion of Councilmember Briggs

WHEREAS, The City of Batavia should periodically close capital projects which are completed; and

WHEREAS, projects completed at this time that require official closing are listed as follows:

#210005	Police Station Roof
#220002	Walnut Street Paving Project
#201188	Water Fund Lead Services Project
#210002	City Centre Roof II Project

WHEREAS, in order to close the Police Station Roof project, approximately \$9,550.44 of unspent reserves will need to be transferred back to the Facility Reserves; and

WHEREAS, the City Council authorizes the City Manager to make the recommended transfer and close out the specified capital projects effective March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the above referenced transfer and capital projects be closed effective March 31, 2023.

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

* * *

#32-2023

**A RESOLUTION AUTHORIZING AGREEMENT WITH
TY LIN INTERNATIONAL FOR ENGINEERING SERVICES FOR THE BANK AND
ALVA STREET TRAFFIC CALMING AND STREETScape ENHANCEMENTS
(BANK AND ALVA TAP)**

Motion of Councilmember Bialkowski

WHEREAS, a project to improve non-driver safety and access to public transportation and enhanced mobility along Bank Street, City of Batavia, Genesee County, PIN 4761.31 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the project that has been previously approved as part of the New York State Transportation Alternatives Program (TAP)

WHEREAS, a request for proposals was issued, and a committee of City and NYSDOT personnel selected TY LIN International to perform the work out of five proposals that were received;

NOW THEREFORE, be it resolved that City Council approves the award of a contract for Engineering services for PIN 4761.31 City of Batavia Bank and Alva Street to TY LIN International for \$372,870.00 or as otherwise modified by New York State Department of Transportation.

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

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#33-2023

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR MASTER FEDERAL
AID/MARCHISELLI AID PROJECT AGREEMENT BANK AND ALVA STREET
STREETScape ENHANCEMENTS**

Motion of Councilmember Canale

WHEREAS, a project for the Bank and Alva Street Streetscape Enhancements, City of Batavia, Genesee County, P.I.N. 4761.31 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the cost for PE/Design, R.O.W. Incidentals and Construction/CI/CS.

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

IT IS FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share for the cost of PE/Design, R.O.W. Incidentals, and Construction/CI/CS for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$1,181,168 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid and/or Marchiselli aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

IT IS FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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#34-2023

**A RESOLUTION TO ENTER INTO A SHARED SERVICES AGREEMENT BETWEEN
NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CITY OF
BATAVIA**

Motion of Councilperson Briggs

WHEREAS, Pursuant to Section 99-r of the General Municipal Law, the State of New York and City of Batavia wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways; and

WHEREAS, these shared services will provide a cost savings by maximizing the effective utilization of both parties' resources; and

WHEREAS, the Provider's employees shall remain under the full supervision and control of the Provider; and

WHEREAS, if the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipients use, the Recipient shall be responsible for such repairs; and

WHEREAS, the City agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement; and

WHEREAS, the State of New York shall hold the City of Batavia harmless from and indemnify it for any final judgement attributable to the negligence of the State or their officers or employees when acting in the course and scope of their employment; and

WHEREAS, the term of this Agreement shall be for four years, not to exceed \$25,000 for any given shared service event.

NOW, THEREFORE BE IT RESOLVED, that the Council President be and is hereby authorized to execute the necessary agreement on behalf of City Council with New York State Department of Transportation in connection with the Shared Services Agreement; and

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

* * *

#35-2023

**A RESOLUTION TO ACCEPT A NYS DEPARTMENT OF CRIMINAL JUSTICE
SERVICES DISCOVERY REFORM GRANT IN THE AMOUNT OF \$16,000 TO
RECOVER EXPENSES ASSOCIATED WITH DISCOVERY REFORM MANDATES
INCURRED BY THE POLICE DEPARTMENT**

Motion of Councilperson McGinnis

WHEREAS, Genesee County was the recipient of a New York State Division of Criminal Justice Services grant intended to recover costs associated with the NYS Discovery Reform Mandates; and

WHEREAS, the City of Batavia Police Department received \$16,000 as a sub-recipient of said grant for expenses already incurred directly related to the NYS Discover Reform Mandates; and

WHEREAS, to properly account for the receipt of funds the City must formally accept the grant, and;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to accept the grant to recover costs already incurred by the Police Department associated with the Discovery Reform Mandates:

Increase revenue accounts		
A.00.0000.0000 3389	\$	16,000.00

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

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#36-2023

A RESOLUTION TO DECLARE A NEGATIVE DECLARATION UNDER SEQR FOR THE BATAVIA POLICE FACILITY PROJECT

Motion of Councilmember Viele

WHEREAS, the City of Batavia is undertaking a construction project at the corner of Alva and Bank Street, in an existing parking lot, to build a new Police Facility (the “Project”); and

WHEREAS, the Project will be approximately 20,000 square feet, with a secure parking area and an ADA accessible public entrance; and

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the City Council of the City of Batavia announced its intent to serve as Lead Agency on February 13, 2023, to conduct an environmental review of proposed Project; and

WHEREAS, the City commissioned LaBella Associates, DPC to prepare an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, The City Council has determined that the proposed action is an “Unlisted Action” as defined under SEQR; and

WHEREAS, the City Council has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, the City Council, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

BE IT FURTHER RESOLVED, The City Council declares that, based on the Environmental Record which has been prepared, the Project will result in no major impacts and, therefore, will not cause significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the City Manager of the City of Batavia is hereby authorized and directed to prepare and issue, on behalf of the City, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

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

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#37-2023

A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE OF GLOCK FIREARMS FOR THE POLICE DEPARTMENT

Motion of Councilmember Schmidt

WHEREAS, the City has solicited bids for the purchase of Glock firearms for the Police Department; and

WHEREAS, Two (2) bids was received on February 28, 2023 following a public bid process of authorized Glock distributors; and

WHEREAS, AmChar Wholesale, Inc. of Rochester, N.Y., was the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a contract is hereby awarded to AmChar Wholesale, Inc. of Rochester, N.Y., for the purchase of Glock firearms in the amount of \$24,011.89.

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

* * *

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Viele

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...”.

WHEREAS, Article 7, Section 105(1)(d), 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 Councilperson Briggs and on roll call approved 8-0.

Council entered executive session at 7:40 PM and ended at 8:13 PM.

* * *

Meeting adjourned at 8:14PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**