

CITY OF BATAVIA BUSINESS MINUTES MARCH 11, 2024

The regular business meeting of the City Council was held Monday, March 11, 2024 at 7:00 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, Twichell, Geib, McGinnis, Briggs, Schmidt, Richmond and Bialkowski.

In attendance from the City was Erik Fix, Brett Frank, Rebecca McGee, Tom Phelps, Krista Galdun, Lisa Neary, and Scott Allen.

Council President Jankowski called the meeting to order at 7:00 PM. Councilmember Briggs led the Invocation and Pledge of Allegiance.

Public Comments

None.

Council Response to Public Comments

None.

Communications

Eli Fish requested to hold a relay foot race and patio party on Saturday, March 23, 2024 from 3-10pm in Jackson Square for an anniversary celebration. Council approved.

Kiwanis submitted an application for their annual Easter egg hunt on Saturday, March 30th at 9am in Centennial Park. Council approved.

All Babies Cherished requested to hold a 5K run on Saturday, June 1st at 9am starting and ending at 350 Bank St. Council approved.

Council President Report

Council President Jankowski announced the next regular City Council Meeting to be held on Monday, March 25, 2024 pm at the City Hall Council Board Room, 2nd Floor, City Centre.

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The financials from January 2024 and the minutes from February 2024 were approved.

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 but did have one matter for executive session.

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City Manager’s Report

Mrs. Tabelski noted that four grant applications had been submitted so hoping to get favorable results on those and they were getting ready for a police station kick-off meeting this week.

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Unfinished Business

Councilmember Bialkowski noted that the Memorial Day parade was coming up and was just asking that if anyone wanted to help out with it to please let him know.

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New Business

#21-2024

A RESOLUTION TO ESTABLISH AND UPDATE CURRENT CAPITAL PROJECTS AND TRANSFER FUNDS FOR CAPITAL PROJECT BUDGETS

Motion of Councilmember Viele

WHEREAS, the City of Batavia has included funds in its budget for capital projects and uses grant and reserve funds to complete projects.

NOW, THEREFORE, BE IT RESOLVED, that the following capital projects be established and budget be adjusted as follows; and

BE IT FURTHER RESOLVED, the following projects are authorized to be completed for no more than the said estimated amount and may extend no later than March 31, 2025 and that this resolution should take effect immediately upon passage.

<u>PROJECT</u>	<u>PROJECT COST</u>	<u>FUNDING SOURCE</u>	<u>FISCAL YEAR</u>
<u>General Fund</u>			

Facilities Capital Plan – Bureau of Maintenance /Fire Department	\$ 1,890,000	Facilities Reserve \$1,100,000 ARPA \$735,000 FEMA Grant \$55,000	22/23/24/25
Jackson Square Capital Project DRI	\$750,000	DRI- DOS Grant \$750,000	22/23/24/25
LED NYPA Street Light Conversion	\$1,700,000	Finance	22/23/24/25
Police Facility	\$15,500,000	Finance \$13,000,000 Grant \$2,500,000	22/23/24/25
Bureau of Maintenance Parking Lot	\$262,510	Parking Lot Reserve	24/25
Bank Street Streetscape	\$1,178,038	Grant \$942,430 CHIPS \$235,608	23/24/25
Ice Rink Chiller	\$2,700,000	Finance \$2,700,000 Grant pending	23/24/25
Playground at Austin Park	\$725,000	\$500,000 NYS Parks Grant \$225,000 DPW Reserves	24/25
FY 24/25 Sidewalk Project	\$300,000	Sidewalk Reserves	24/25

Water Fund

Cohocton Water Line/ NMROW/ Walnut	\$3,200,000	Finance	22/23/24/25
Refurbish Water Treatment Plant Filters	\$1,500,000	County WIIA Grant	22/23/24/25
Bank Street 8” Water Project	\$650,000	NBRC Grant \$334,000 Water Capital Reserves \$316,000	22/23/24/25
Jackson Street Water Project	\$1,560,000	CDBG Grant \$1,000,000 Water Capital Reserves \$560,000	22/23/24/25
Precipitator – Water Plant	\$2,410,000	County WIIA Grant	22/23/24/25
Lime and Ferric Feeders- Water Plant	\$1,000,000	County WIIA Grant	22/23/24/25
Backwash Pump Improvements- Water Plant	\$350,000	County WIIA Grant	22/23/24/25

Heating, Ventilation, Roof, Tunnel and Electrical- Water Plant	\$360,000	County WIIA Grant Water Capital Reserves \$51,500	22/23/24/25
Low Lift Pump Installation	\$300,000	County WIIA Grant	22/23/24/25
Water Valve Replacement	\$420,000	Finance	25/26
Water Meter Replacement	\$2,500,000	Grant eligible/ Finance	25/26
Pearl Street Water Project	\$3,400,000	Grant eligible/ Finance	25/26
Lead Line Service Inventory Pot Holing	\$5,000,000	Grant pending/ Finance	24/25/26

Sewer Fund

Bypass System Repairs & WWTP Air System Upgrades	\$1,500,000	Facility Reserves	24/25
Maple and Mill Street Sanitary	\$1,000,000	Finance	24/25
Aerated Pond No. 2 Sludge Removal	\$4,000,000	Sludge Reserves	24/25/26
Wastewater Treatment Plant Generator Replacement	\$120,000	Grant eligible/ Finance	24/25/26
Central Pump Station Fire Suppression System Improvements	\$80,000	Grant eligible/ Finance	24/25/26
Central Pump Station Pump No. 5 Replacement and Conduit Impr.	\$650,000	Grant eligible/ Finance	24/25/26
Aeration System Repairs	\$2,000,000	Grant eligible/ Finance	24/25/26
GIS System Development - Collection System	\$500,000	Grant eligible/ Finance	24/25/26

City Centre Fund

City Centre DRI Silos	\$1,250,000	DRI Grant \$1,000,000 National Grid \$250,000	22/23/24/25
Theater Roof Project	\$310,000	Facility Reserves	24/25

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

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#22-2024

A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR FISCAL YEARS 24/25

Motion of Councilmember Richmond

WHEREAS, the City Council has been engaged in the development of a City of Batavia Strategic Plan in recognition of the changing needs and challenges of the City of Batavia; and

WHEREAS, the intent of developing a Strategic Plan is to allocate our available resources to best meet the needs of our residents, while balancing the fiscal, infrastructure and environmental factors that may affect the community in the future; and

WHEREAS, on January 8, 2024 the City Council was presented with the proposed City of Batavia Strategic Plan for 2024-2029 that contained ongoing and new initiatives for the upcoming and future fiscal years; and

WHEREAS, the Strategic Plan for Fiscal Year 24/25 has been updated and amended by the City Manager, reviewed by Department Heads, presented to City Council, and included in Budget Book.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the City Council of the City of Batavia:

1. The Strategic Plan identifies initiatives and projects that allocate staff resources to ensure alignment with the adopted strategic priorities of City Council; and
2. The Strategic Plan is a working document, it is non-binding, but is the first of many steps toward improving rational, long-range planning for the City of Batavia.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Batavia hereby adopts the Strategic Plan for Fiscal Year 24/25.

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

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#23-2024

A RESOLUTION APPOINTING RYAN DUFFY TO THE CITY HISTORIAN POSITION

Motion of Councilmember Schmidt

WHEREAS, the position of City Historian is mandated by the Arts and Cultural Affairs Law of New York State; and

WHEREAS, a specific appointment process and certain specific responsibilities of the City Historian are also mandated by the Arts and Cultural Affairs Law of New York State; and

WHEREAS, both the New York State Museum and the Association of Public Historians of New York State have published at length the appropriate role of a City Historian; and

WHEREAS, Consistent with Article 57 of the Arts and Cultural Affairs Law of New York, guidelines published by the New York State Museum, and the job description recommended by the Association of Public Historians of New York State.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that Ryan Duffy is hereby appointed as the City Historian for the City of Batavia effective immediately, such appointment to remain in force until the end of the four year term.

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

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#24-2024

A RESOLUTION TO ADOPT 2024-2025 BUDGET ORDINANCE

Motion of Councilmember McGinnis

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2024-2025 fiscal year on January 8, 2024 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 \$37,061,280 including the General Fund at \$21,757,873.00; and

WHEREAS, said proposed budget includes revenues to be received through the property tax levy of \$6,710,000; and

WHEREAS, the City Council of the City of Batavia wishes to grant its non-union City employees a scheduled salary increase of 2.5%, effective April 1, 2024; 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 26, 2024; 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 2024-2025 Budget Ordinance pursuant to Section 16.6 of the City Charter.

Seconded by Councilmember Briggs and on roll call approved 8-1. Councilmember Bialkowski voted no.

Discussion – Councilmember Bialkowski noted that he was disappointed in the process, felt they could have done things differently, and heard from a lot of people who didn’t want any increase in the tax rate. Council President Jankowski noted that numerous people told him they thought we were on the right track, he encouraged the feedback, and heard from people that they were doing a great job. He also noted that, in hindsight, they should not get involved with the assessment process and agreed that no one is happy with any tax increase. Councilmember Twichell felt that the City Manager had done an excellent job and staying ahead of major increases like the Town of Amherst who is facing an 11% increase. Councilmember Richmond noted that if anyone felt strongly about something they should say what they want to cut and the reasons for it. He felt this was a good budget and couldn’t find anything to cut.

ORDINANCE #001-2024

AN ORDINANCE ADOPTING THE 2024-2025 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2024-2025 FISCAL YEAR

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

SECTION 1. The proposed Budget for 2024-2025, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 8, 2024, setting forth the estimates of revenues and expenditures for the fiscal year 2024-2025 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 2024-2025.

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 2024-2025 is \$6,710,000.

SECTION 3. The sum of \$6,710,000 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 2024-2025, 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 2024-2025.

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, 2024.

Budget Summaries

General Fund

General Fund – Reserves	\$	690,000.00
City Council	\$	45,717.00
City Manager	\$	147,638.00
Finance	\$	115,700.00
Legal Services	\$	230,167.00
General Fund - Contingency	\$	375,000.00
Community Development	\$	6,000.00
Economic Development	\$	113,300.00
Council on Arts	\$	5,000.00
Community Celebrations	\$	13,500.00
General Fund - Debt Service/Bonds	\$	440,463.00
General Fund - Debt Service/BAN	\$	40,000.00
General Fund – Interfund Transfer	\$	3,144,885.00
General Fund – Transfer to Cap Proj	\$	310,000.00
Administrative Services	\$	237,711.00
Clerk-Treasurer	\$	148,956.00
Elections	\$.00
Control of Dogs	\$	1,460.00
Vital Statistics	\$	21,916.00
Assessment	\$	146,328.00
Personnel	\$	196,065.00
Information Services	\$	89,000.00
Youth Bureau – Summer Recreation	\$	85,288.00
Youth Bureau – Youth Service	\$.00
Engineering	\$	13,000.00

Department of Public Works	\$ 107,260.00
City Facilities – Facilities	\$ 289,316.00
Facilities – Ice Rink	\$ 20,500.00
Facilities – Dwyer	\$ 43,500.00
Inspection	\$ 461,005.00
Public Works BOM Admin	\$ 173,205.00
Street Maintenance	\$ 533,974.00
CHIPS Perm Improv Highway	\$ 1,009,754.00
Public Works Garage	\$ 523,494.00
Snow Removal	\$ 465,890.00
Street Lighting Traffic Signals	\$ 107,791.00
Sidewalks	\$ 300,000.00
Parking Lots	\$ 278,510.00
Parks	\$ 605,747.00
Storm Sewer – BOM	\$ 163,672.00
Street Cleaning	\$ 129,593.00
Historic Preservation	\$ 6,283.00
Planning and Zoning	\$ 1,800.00
Storm Sewer – Water-WW	\$ 26,577.00
Refuse and Recycling	\$ 122,201.00
Police	\$ 4,768,850.00
Emergency Response Team	\$ 39,336.00
Police – Net	\$ 221,579.00
Community Policing & Events	\$ 18,147.00
K-9	\$ 950.00
Fire	\$ 4,700,470.00
State Internal EMS Program	\$ 2,035.00
State External EMS Program	\$ 9,513.00
Non-State EMS Program	\$ 9,827.00
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TOTAL GENERAL FUND	\$ 21,757,873.00

Water, Wastewater & Workers Comp Funds

**PROPOSED
2024/25**

Water Fund – Reserves	\$ 80,000.00
Water Fund Contingency	\$ 50,000.00
Water Administration	\$ 3,304,185.00
Pump Station and Filtration	\$ 2,048,967.00
Water Distribution	\$ 509,053.00
Water Fund – Debt Svc - Bonds	\$ 186,408.00
Water Fund– Debt Service - BAN	\$.00

Water Fund – Interfund Transfer \$ 392,588.00

TOTAL WATER \$ 6,571,201.00

WW Fund – Reserves \$ 1,110,000.00

Wastewater Administration \$ 724,077.00

WW Contingency \$ 100,000.00

WW Fund Sanitary Sewers BOM \$ 282,176.00

WW Fund Sanitary Sewer Water/WW \$ 432,180.00

WW Fund Wasterwater Treatment \$ 1,061,467.00

WW Fund – Debt Service - Bonds \$ 328,059.00

WW Fund – Interfund Transfer \$ 350,520.00

TOTAL WASTEWATER \$ 4,388,479.00

Workers' Compensation \$ 332,621.00

TOTAL WORKER’S COMP \$ 332,621.00

**TOTAL WATER,WASTEWATER,
WORKERS’ COMP** \$ 11,292,301.00

**CITY CENTRE & HEALTH
INSURANCE FUNDS**

Administration \$ 537,545.00

City Centre Fund-Interfund Transfer \$ 29,593.00

TOTAL CITY CENTRE \$ 567,138.00

Medical Insurance \$ 3,443,968.00

Transfer to Reserves \$ 0.00

TOTAL HEALTH INSURANCE \$ 3,443,968.00

**TOTAL CITY CENTRE & HEALTH
INSURANCE** \$ 4,011,106.00

TOTAL ALL FUNDS \$ 37,061,280

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#25-2024

A RESOLUTION ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2024 TO AMEND SECTION 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

Motion of Councilmember Viele

WHEREAS, Local Law No. 1 of the Year 2024 entitled “LOCAL LAW NO. 1 OF THE YEAR 2024 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 26, 2024; 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 (3) days prior thereto.

BE IT RESOLVED, that the City Council of the City of Batavia hereby adopts Local Law No. 1 of the year 2024, entitled “Local Law No. 1 of 2024 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 McGinnis and on roll call approved 9-0.

**LOCAL LAW NO. 1 OF THE YEAR 2024
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~~ [\$6.46] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

\$7.92 [~~\$8.16~~] per 1,000 gallons

~~B. Bulk rate at water plant fill station: \$7.61 [~~\$7.88~~] per 1,000 gallons; cards: \$12.50 each.~~

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2023 as billed on and after June 1, 2023~~ [April 1, 2024 billed on and after June 1, 2024]

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$15.45 [\$17.45]
Disc	3/4	\$19.55 [\$22.08]
Disc	1	\$20.60 [\$23.27]
Disc	1 ½	\$35.00 [\$39.53]
Disc	2	\$48.60 [\$54.90]
Compound	2	\$41.17 [\$46.50]
Compound	3	\$156.58 [\$176.85]
Compound	4	\$294.24 [\$281.50]
Compound	6	\$376.49 [\$425.23]
Turbo	3	\$92.65 [\$104.64]
Turbo	4	\$156.58 [\$176.85]
Fireline	4	\$156.58 [\$176.85]
Fireline	6	\$249.24 [\$281.50]
Fireline	8	\$347.43 [\$392.40]
Fireline	10	\$453.70 [\$512.44]

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 [\$18.97]
Disc	¾	\$16.44 [\$24.04]
Disc	1	\$17.30 [\$25.30]
Disc	1 ½	\$29.41 [\$43.01]
Disc	2	\$40.83 [\$59.72]
Compound	2	\$34.60 [\$50.60]
Compound	3	\$131.56 [\$192.41]
Compound	4	\$209.39 [\$306.26]
Compound	6	\$316.32 [\$462.66]
Turbo	3	\$77.84 [\$113.84]
Turbo	4	\$131.56 [\$192.41]

Fireline	4	\$131.56 [\$192.41]
Fireline	6	\$209.39 [\$306.26]
Fireline	8	\$291.90 [\$426.93]
Fireline	10	\$381.19 [\$557.53]

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

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#26-2024

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

Motion of Councilmember Twichell

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 Councilmember Viele and on roll call approved 9-0.

City of Batavia Investment Policy

I. Scope

This investment policy applies to all money and other financial resources available to the City of Batavia for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

II. Objective

The primary objectives of the local government's investment activities are, in priority order:

1. To conform with all applicable federal, State and other legal requirements (legality)
2. To adequately safeguard principal (safety)
3. To provide sufficient liquidity to meet all operating requirements (liquidity)
4. To obtain a reasonable rate of return (yield)

III. Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the City Manager who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

IV. Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Batavia to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety and liquidity of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. Diversification

It is the policy of the City of Batavia to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

VI. Internal Controls

It is the policy of the City of Batavia for all moneys collected by any officer or employee of the government to transfer those funds to the Clerk-Treasurer within one (1) day of receipt, or within the time period specified by law, whichever is shorter.

The City Manager is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. Designation of Depositories

The banks and trust companies that are authorized for the deposit of funds:

<u>Depository Name</u>	<u>Officer</u>
Bank of Castile	Jaime Sallome
Bank of America	Kevin Gilbert
JP Morgan Chase	Pamela Thompson
Key Bank	Amanda Vigneri
Manufacturers & Traders Trust Company	Glen Liucci
Five Star Bank	Elizabeth Nowak
Edward Jones Investments	
BankonBuffalo	David Paul

****Per a December 14, 2020 resolution passed by The City of Batavia City Council, this policy allows the City Manager, in consultation with the City Clerk-Treasurer and Deputy Director of Finance, to authorize the deposit of funds into established financial institutions so the City can make investments in a timely manner to ensure maximum return of the taxpayer's money. Furthermore, to ensure full accountability and transparency, the City Manager must advise Council of the new financial institution added, if any, to the list of designated depositories at the next council meeting during the City Manager's report.***

VIII. Securing Deposits and Investments:

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of Batavia that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided in GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Attachment A of this policy for a listing of "eligible securities."
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company
3. An "eligible surety bond" payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
4. An "irrevocable letter of credit" issued in favor of the City of Batavia by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.

IX. Collateralization and Safekeeping

Eligible securities used for collateralizing deposits made by officers of the City of Batavia shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Batavia, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Batavia or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected security interest in the eligible securities and to otherwise secure the local government's interest in the collateral, and may contain other provisions that the governing board deems necessary.

X. Permitted investments

As provided by General Municipal Law Section 11, the City of Batavia authorizes the City Manager to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- Through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii)
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- Obligations of the City of Batavia, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Batavia within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City of Batavia within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the City of Batavia authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City of Batavia within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. Authorized financial institutions and dealers

All financial institutions and dealers with which the City of Batavia transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the City of Batavia. The City Manager shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

The City of Batavia shall maintain a list of financial institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealers.

XII. Purchase of investments

The City Manager is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Batavia by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the City of Batavia, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the City of Batavia with a perfected interest in the securities.

The City Manager can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for their deposit with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. Courier service

The City Manager may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the City of Batavia and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The City of Batavia may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the City of Batavia in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the banking department or other federal or State authority.

XIV. Annual review and amendments

The City of Batavia shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. Definitions

The terms “public funds”, “public deposits”, “bank”, “trust company”, “eligible securities”, “eligible surety bond”, and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

XVI. Reference(s)

- City of Batavia Charter
- New York State General Municipal Code

Original Author: Lisa Neary, Deputy Director of Finance
Heidi Parker, Clerk/Treasurer

Date Revised/ Adopted		4/11/11	2/27/12	3/11/13	2/19/14	3/9/15	3/14/16	3/13/17	3/12/18
Revised by			L Neary	L Neary	L Neary	L Neary	H Parker	H Parker	H Parker
Date Adopted		3/9/2020	12/14/2020	3/14/22	3/13/23				
Revised by		H Parker	H Parker	H Parker	H Parker				

Attachment A

Schedule of Eligible Securities

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

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

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

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

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

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

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

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

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

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

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

* * *

#27-2024

A RESOLUTION TRANSFERRING \$6,200 TO THE PARKING LOT CAPITAL RESERVE FUND

Motion of Councilmember Bialkowski

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, 2023, received parking and dumpster permit revenue in the amount of \$6,200 and is desirous of transferring said \$6,200 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 \$6,200 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

* * *

#28-2024

A RESOLUTION TRANSFERRING \$7,110.31 FROM THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE AND TO AMEND THE BUDGET

Motion of Councilmember Twichell

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, 2024 will have approximately \$241,115 of Employee Benefit Accrued Liability Reserve; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2024 will have had three employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$7,110.31.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$7,110.31 of Employee Benefit Accrued Liability Reserve and to make the following budget transfers:

Effective March 31, 2024, the following transfers are hereby approved:

Increasing expenditure accounts:

Fire Department	A.04.3120.3120 100	\$ 7,110.31
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Increasing revenue account:

Appropriated Employee Benefit Accrued Liability Reserve	A.00.0000.0000 0511.2109	\$ 7,110.31
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Seconded by Councilmember Vile and on roll call approved 9-0.

* * *

#29-2024

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

Motion of Councilmember 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 March 13, 2023; 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.

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 Councilmember McGinnis and on roll call approved 9-0.

* * *

#30-2024

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

Motion of Councilmember Briggs

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 trade-in the equipment listed below towards the purchase of new 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:

16,000 rounds of AE40R3	- .40 caliber ammunition
2,000 rounds of P40HST3	- .40 caliber ammunition
1,000 rounds of LE12700	- 12 gauge ammunition
500 rounds of F127RS	- 12 gauge ammunition

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the surplus of said equipment for the purpose of trade-in.

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

* * *

#31-2024

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

Motion of Councilmember McGinnis

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:

2009 Chrysler Towne & Country	VIN - 2A8HR44E29R577372
2010 Chevrolet Impala	VIN - 2G1WA5EKXA1260452
2010 Chevrolet Impala	VIN - 2G1WA5EK4A1260432
2010 Chevrolet Impala	VIN - 2G1WASEN2A1147654
2012 Ford Escape	VIN - 1FMCU9DG2CKA51033
2020 Ford PI Utility	VIN - 1FM5K8AB1LGB22937

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 Councilmember Briggs and on roll call approved 9-0.

* * *

#32-2024

A RESOLUTION TO AMEND THE 2023-2024 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF ADDITIONAL STOP-DWI GRANT FUNDS IN THE AMOUNT OF \$12,550 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS

Motion of Councilmember Bialkowski

WHEREAS, the City of Batavia Police Department has received additional grant funding in the amount of \$12,550 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS AND EQUIPMENT; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2023-2024 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Increase expenditure accounts	
A.04.3120.3120.299-100001	\$ 12,550.00
Increase revenue accounts	
A.00.0000.0000 3389-100001	\$ 12,550.00

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

* * *

#33-2024

A RESOLUTION TO AMEND THE 2023-24 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT

Motion of Councilmember Viele

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$4,232 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise tested various locations to evaluate the effectiveness of New York State’s suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2023-2024 budget to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:	
A.04.3120.3120 199-100004	\$ 4,232
Increase revenue accounts:	
A.00.0000.0000 4389-100004	\$ 4,232

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

* * *

#34-2024

**RESOLUTION TO SUBMIT AN APPLICATION FOR THE 2023 ASSISTANCE
FIREFIGHTERS GRANT PROGRAM**

Motion of Councilmember McGinnis

WHEREAS, the Department of Homeland Security (DHS) is requesting funding proposals for the Fiscal Year 2023 Assistance to Firefighters Grant Program; and

WHEREAS, the purpose of the Assistance to Firefighters Grant (AFG) Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments for critically-needed resources to equip and train emergency personnel, enhance operational efficiencies, and support community resilience; and

WHEREAS, the City of Batavia Fire Department is seeking such assistance and will honor the AFG required 5% match of funds awarded should the application be successful.

NOW THEREFORE, LET IT BE RESOLVED by the City of Batavia Council that it hereby authorizes submission of an application to the Assistance to Firefighters Grant program.

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

* * *

#35-2024

**RESOLUTION TO APPROVE THE HEALTHCARE AND MENTAL HYGIENE
WORKER BONUS PROGRAM AND AMEND THE 2023/2024 CITY BUDGET**

Motion of Councilmember Richmond

WHEREAS, New York State allocated funding to the NYS Healthcare Worker Bonus Program for the purpose of recruitment and retention which mandates the payment of bonuses for certain frontline healthcare workers; and

WHEREAS, Human Resources submitted claims for eligible titles based on criteria designed by New York State two vesting periods; and

WHEREAS, the City of Batavia received two payments from the state including F.I.C.A. which was paid as a bonus to the City's frontline healthcare workers; and

WHEREAS, the City is requesting to amend the 2023-2024 budget to properly account for this revenue and expense.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to authorize the City Manager to accept the funding from NYS Healthcare Worker Bonus Program and to amend the budget for the 23/24 fiscal year as follows:

Increase expense:		
A.05.340.3410 100	Fire Department Salaries	\$99,000.00
A.05.340.3410 802	Fire Dept. Social Security	\$ 7,573.50
Increase revenue:		
A.00.0000.0000 3489	State Aid, other health	\$106,573.50

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

* * *

#36-2024

A RESOLUTION FOR THE CITY OF BATAVIA TO BECOME A PRO-HOUSING COMMUNITY

Motion of Councilmember Schmidt

WHEREAS, the City of Batavia believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being; and

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; and

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities; and

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant.

NOW THEREFORE, BE IT RESOLVED, that the City Council of Batavia, in order to take positive steps to alleviate the housing crisis, adopts the ProHousing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.

5. Enacting policies that encourage a broad range of housing development.

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

* * *

#37-2024

A RESOLUTION APPOINTING A PROHOUSING OFFICER

Motion of Councilmember Twichell

WHEREAS, the City of Batavia, State of New York, wants to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; and

WHEREAS, certification as a Pro Housing community opens doors to funding opportunities that would otherwise be unavailable to the City of Batavia; and

WHEREAS, the Pro Housing officer is committed to maintaining City Zoning Codes and permit data to maintain pro housing status; and

WHEREAS, the Pro Housing officer supports the fair housing officer and their directives.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Batavia appoints the Assistant City Manager to serve as the Pro Housing Officer for the City of Batavia.

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

* * *

#38-2024

RESOLUTION TO ACCEPT THE DRINKING WATER SOURCE PROTECTION PROGRAM TECHNICAL ASSISTANCE

Motion of Councilmember McGinnis

WHEREAS, the preservation and safeguarding of our drinking water sources is paramount to the health and well-being of our community; and

WHEREAS, the City of Batavia has applied for the Drinking Water Source Protection Program (DWSP2) free technical assistance from the New York Department of Environmental Conservation (DEC); and

WHEREAS, the City of Batavia has been awarded the technical assistance which will aid in the development and implementation of a Drinking Water Source Protection Program, developing actionable steps to protect our drinking water sources now and into the future.

NOW, THEREFORE, BE IT RESOLVED, that the City of Batavia accepts the offer of technical assistance for a Drinking Water Source Protection Program; and

BE IT FURTHER RESOLVED, that the committee tasked with overseeing the technical assistance adheres to the two-year timeline; and

BE IT FURTHER RESOLVED, that this resolution be communicated to all relevant stakeholders, including members of the community, to promote transparency and instill confidence in our commitment to safeguarding our drinking water sources.

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

Discussion – Councilmember Bialkowski noted that we probably have some of the best drinking water in the country but we have to stay on top of this so in favor of this program.

* * *

#39-2024

A RESOLUTION TO UPDATE AND USE RESERVES FOR CURRENT WATER PLANT IMPROVEMENT CAPITAL PROJECT

Motion of Councilmember Twichell

WHEREAS, Genesee County is required by agreement to fund the repair and replacement of water production equipment within the City of Batavia Water Treatment Plant; and

WHEREAS, the City of Batavia is making these improvements on behalf of Genesee County; and

WHEREAS, the City of Batavia has secured a Water Infrastructure Improvement Act (WIIA) grant in the amount of \$2,207,580 from the New York State Environmental Facilities Corporation to aid in the funding of these improvements; and

WHEREAS, by Inter-municipal Agreement, the County has committed to fund the remaining share of the capital improvement; and

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established Water Capital Improvement Reserve aid in funding capital improvements for the Water Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2024 has approximately \$3,245,106 of Water Capital Improvement Reserves; and

WHEREAS, the City has agreed to fund 50% of the necessary brick and mortar expenses using Water Capital Improvement Reserves at a cost of \$51,500.

NOW, THEREFORE, BE IT RESOLVED, the City of Batavia will assist the County of Genesee by funding 50% (\$51,500) of the necessary brick and mortar repairs at the Water Treatment Plant and will utilize the Water Capital Improvement Reserves to do so.

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

* * *

#40-2024

**RESOLUTION TO DECLARE BUREAU OF MAINTENANCE EQUIPMENT SURPLUS
FOR THE PURPOSE OF DISPOSAL**

Motion of Councilmember Viele

WHEREAS, The Bureau of Maintenance 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 Bureau of Maintenance desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future 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:

2019 GEHL Track Loader RT 105	GHLRT105K0D701399
2019 GEHL Track Loader RT 165	GHLRT165B0D302151

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 Bureau of Maintenance Equipment.

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

* * *

#41-2024

**A RESOLUTION TO ACCEPT A GRANT AWARD AND ENTER INTO AN
AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION AND AMEND THE 2023-2024 CITY OF BATAVIA
BUDGET**

Motion by Councilmember Twichell

WHEREAS, The City of Batavia applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Environmental Protection Fund Grant Program for the purpose of funding the Revitalization of Austin Park;

WHEREAS, that The City of Batavia is authorized and directed to accept these grant funds in an amount not to exceed \$500,000 for the project described in the grant application;

WHEREAS, that The City of Batavia is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for the Revitalization of Austin Park, City Project # 240001;

WHEREAS, pursuant to General Municipal Law 6-c, the City of Batavia has an established DPW reserve fund for payment of the acquisition of equipment for the Department of Public Works; and

WHEREAS, the City of Batavia has approximately \$960,822 of DPW reserves; and

WHEREAS, the above mentioned grant requires a match of 25% of the total grant award, a budget amendment is required to approve the use of DPW reserves for this match.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized as the signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual who holds the following position: City Manager; and

BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$225,000 of DPW reserves and to make the following budget amendment effective March 11, 2024:

Increase expenditure account:

A.01.9950 900-2102 Transfer to Capital Projects DPW reserve \$225,000.00

Increase revenue account:

A.00.0000.0000 0511-2102 Appropriated DPW Reserve \$225,000.00

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

* * *

**#42-2024
BOND RESOLUTION
CITY COUNCIL OF THE CITY OF BATAVIA
RESOLUTION NO. ____ 2024
March ____, 2024**

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OR
BOND ANTICIPATION NOTES OF THE CITY OF BATAVIA, GENESEE**

COUNTY, NEW YORK, TO FINANCE THE CONVERSION TO AND ACQUISITION OF A LED STREET LIGHTING SYSTEM, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Motion by Councilmember Bialkowski

WHEREAS, the **CITY OF BATAVIA** (the “**City**”), in the County of Genesee, by its City Council, by resolution No. 13-2023, adopted February 13, 2023 (“**Resolution 13-2023**”), determined it necessary for the City, to convert its street lighting system to an LED Street Lighting System (the “**System**”) for efficient illumination of City Streets; and authorized the acquisition of existing lighting facilities, the conversion thereof to LED Lighting and the construction related thereto at an estimated cost of \$1,700,000.00 (the “**Project**”); and

WHEREAS, the plan for the completion of the Project consisted of the City acquiring, by purchase, certain existing lighting facilities and related real property interests from the Niagara Mohawk Power Corporation d/b/a National Grid at a cost of \$220,952.00 (the “**National Grid Purchase**”) as well as the City’s conversion/replacement and installation of 1,591 LED streetlights (the “**Conversion**”), for a total project cost of \$1,700,00.00; and

WHEREAS, in furtherance of the Project the City elected to participate in the New York Power Authority’s (“**NYPA**”) Energy Efficiency Program for the completion of the Conversion, and on or about December 29, 2022, entered into an Amended Customer Project Commitment (the “**ACPC**”) whereby NYPA agreed to complete the Conversion and the City agreed to repay NYPA the costs of the Conversion upon its completion; and

WHEREAS, the ACPC provided that the conversion was to be completed in two separate phases as follows:

Phase 1: Consisting of 676 Service Classification 3 (SC-3) streetlights; 641 of which were to be converted to LEDS, while the remaining 34 streetlights which were already LEDS were to be left as is;

Phase 2: Consisting of 952 Service Classification 2 (SC-2) streetlights purchased pursuant to the National Grid Purchase prior to the Conversion, 950 of which were to be converted to LEDS and the remaining 2 fixtures while the remaining 2 streetlights which were already LEDS were to be left as is; and

WHEREAS, the Project has been completed by NYPA and, pursuant to the ACPC the City is fully obligated to repay NYPA the costs of the Project.

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 authorization of the Project is hereby reaffirmed in an aggregate principal amount of \$1,700,000.00.

Section 2. The Project is an object and/or purpose described in Subdivision 5 of Paragraph (a) of Section 11 of the LFL.

Section 3. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds or Bond Anticipation Notes of the City in an aggregate principal amount not exceeding the amount of \$1,700,00.00 which are hereby authorized to be issued therefor pursuant to the LFL.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 5. It is hereby determined that the period of probable usefulness of the System is thirty (30) years, pursuant to Subdivision 5 of Paragraph (a) of Section 11.00 of the LFL. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of thirty (30) years.

Section 6. 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 7. Subject to the provisions of this resolution and of the LFL and pursuant to the provisions of LFL Sections 21.00, 50.00, 56.00 to 60.00, 62.00 and 63.00, 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 prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized are hereby delegated to the City Manager, the chief fiscal officer of the City.

Section 8. All other matters except as provided herein relating to the bonds or notes 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 LFL Section 52.00 and shall otherwise be in such form and contain such recitals, in addition to those required by LFL Section 51.00, as the City Manager shall determine, consistent with all applicable LFL provisions.

Section 9. 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, 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 as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. 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 11. The validity of such bonds 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 12. 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 LFL 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. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2 and any other provision of the Internal Revenue Code or Internal Revenue Service Regulations relating to the qualification for reimbursement of costs related to the Project. 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 13. This resolution shall take effect immediately.

Section 14. 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 LFL.

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

Discussion – Council President Jankowski noted that he had heard a lot of positive feedback about the lights, hadn't seen any lights out, and hope this will improve our public safety.

* * *

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Viele

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...”.

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 Twichell and on roll call approved 9-0.

Council entered executive session at 7:35pm and exited at 8:00pm.

* * *

Meeting adjourned at 8:01 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**