

CITY OF BATAVIA BUSINESS MINUTES APRIL 8, 2024

The regular business meeting of the City Council was held Monday, April 8, 2024 (total eclipse day!) at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Pro Tem Viele presiding.

Present were Councilmembers Viele, Twichell, Geib, McGinnis, Briggs, Schmidt, and Richmond. Council President Jankowski and Councilmember Bialkowski were absent.

Present from the City were Chief Heubusch, Chief Graham, Brett Frank, Erik Fix, Tom Phelps, Krista Galdun, and Rebecca McGee.

Council President Pro Tem Viele called the meeting to order at 7:00 PM and asked for a moment of silence for James Pacino who passed away and was the husband of former Councilmember Patti Pacino. He then led the Invocation and Pledge of Allegiance.

Public Comments

None.

Council Response to Public Comments

None.

Communications

EverPresent Church submitted an application for a community outreach on Saturday, June 22nd from 5-10pm in Austin Park. There will be food trucks and live music. Council approved.

Council President Report

Council President Pro Tem Viele announced that the next regular City Council Meeting to be held on Monday, April 22, 2024 pm at the City Hall Council Board Room, 2nd Floor, City Centre.

He also asked Council to sign a letter to Senator Schumer that was being circulated in support of funding for Theater 56.

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

The Council President Pro Tem assigned the regular agenda items.

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City Attorney's Report

Mr. Van Nest noted that he had nothing specific to report at this time but continued to work on a variety of matters.

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City Manager's Report

Mr. Fix noted that Mrs. Tabelski was at home recovering from ankle surgery. Mr. Frank noted that the Bank St and Jackson St water projects were complete except for paving and would be complete in April. He noted that the police department would be starting in the next couple of weeks, lift station repairs were moving along nicely, and all four mall entrances were scheduled to start on April 22nd.

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Unfinished Business

None.

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New Business

#43-2024

A RESOLUTION TO PROCLAIM AN OFFICIAL ARBOR DAY CELEBRATION

Motion to Councilmember McGinnis

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and;

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

WHEREAS, Arbor Day is now observed throughout the nation and the world, and;

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and;

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and;

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and;

WHEREAS, trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia, does hereby proclaim May 23rd as Arbor Day.

BE IT FURTHER RESOLVED, that the City of Batavia urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Seconded by Councilmember Richmond and on a roll call approved 7-0.

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#44-2024

A RESOLUTION TO BECOME A CLIMATE SMART COMMUNITY

Motion of Councilmember Briggs

WHEREAS, the City of Batavia believes that weather change can pose a threat to our local environment;

WHEREAS, the effects of climate change pose a threat to our infrastructure, economy, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and poses health issues; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures.

NOW, THEREFORE, BE IT RESOLVED that the City of Batavia, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

1. Build a climate-smart community.
2. Inventory emissions, set goals, and plan for climate action.
3. Decrease energy use.
4. Shift to clean, renewable energy.
5. Use climate-smart materials management.

6. Implement climate-smart land use.
7. Enhance community resilience to climate change.
8. Support a green innovation economy.
9. Inform and inspire the public.
10. Engage in an evolving process of climate action.

Seconded by Councilmember McGinnis and on roll call approved 7-0.

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#45-2024

**A RESOLUTION APPOINTING A CLIMATE SMART COMMUNITIES
COORDINATOR**

Motion of Councilmember Richmond

WHEREAS, the City of Batavia, State of New York, seeks to become a Climate Smart Community; and

WHEREAS, the City believes that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Batavia appoints the Assistant City Manager to serve as the Climate Smart Communities Coordinator for the City of Batavia.

Seconded by Councilmember Schmidt and on roll call approved 7-0.

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#46-2024

**A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQR”)
AND ISSUING A NEGATIVE DECLARATION**

Motion of Councilmember Twichell

WHEREAS, the City of Batavia has received a grant from NYS Office of Parks, Recreation and Historic Preservation to begin Phase 1 of the Austin Park renovations; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR §617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the Austin Park Phase 1 renovations.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia, having reviewed the SEQR environmental assessment form and supporting documents hereby issues a negative declaration on this unlisted action in accordance with 6 NYCRR §617.6.

BE IT FURTHER RESOLVED, the City Council does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

Seconded by Councilmember Briggs and on roll call approved 7-0.

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#47-2024

A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS

Motion of Councilmember Schmidt

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of various chemicals used for the operation of the Water and Wastewater Treatment facilities; and

WHEREAS, Thirteen (13) companies submitted bids, and seven (7) bidders meeting criteria were identified for the seven (7) chemicals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that one (1) year purchase contracts for various chemicals be awarded to the lowest responsible bidder hereinafter identified.

Company Name	Chemical	Bid Amount
Carmeuse Lime	Quicklime	\$ 416.48 /Ton
PVS-CDI Chemicals	Ferric Sulfate	\$ 1,332.54 /Ton
Slack Chemical	Fluosilicic Acid	\$ 1,119.42 /Ton
Haun Specialty Gas	Carbon Dioxide	\$ 473.00 /Ton
Chemtrade Chemicals	Liquid Alum	\$ 410.00 /Ton
Coyne Chemical	Liquid Phosphate	\$ 563.16 /Drum
JCI Jones	Sodium Hypochlorite	\$ 2.36 /Gal

Seconded by Councilmember Geib and on roll call approved 7-0.

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#48-2024
A RESOLUTION AWARDING PURCHASE CONTRACTS
FOR LABORATORY SERVICES

Motion of Councilmember McGinnis

WHEREAS, the City has advertised for competitive, sealed bids for the purchase of various laboratory services required for the operation of the Water and Wastewater Treatment facilities; and

WHEREAS, Three (3) companies submitted bids, and one (1) was identified as the low bidder with a cost to the City of \$9,185.00 for laboratory services at the Water Treatment Facility, and \$12,965.00 for laboratory services at the Wastewater Treatment Facility.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that a two (2) year purchase contract for various laboratory services be awarded to the lowest responsible bidder hereinafter identified as Pace Analytical.

Seconded by Councilmember Twichell and on roll call approved 7-0.

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#50-2024
A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH LABELLA ASSOCIATES FOR ADMINISTRATIVE SERVICES FOR THE
CDBG HOUSING REHABILITATION GRANT

Motion by Councilmember Briggs

WHEREAS, the City of Batavia received a \$350,000 Community Development Block Grant to complete Housing Rehabilitation; and;

WHEREAS, the project will assist ten low-to-moderate income single family households with essential home rehabilitation projects; and;

WHEREAS, the City has a long-standing working agreement with LaBella Associates to provide multiple services including administrative services for grant administration; and;

WHEREAS, the City put out a request for proposals and LaBella Associates submitted the sole proposal totaling \$20,000 for the two year span of grant administration.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is hereby authorized to enter into an agreement with LaBella Associates to administer the grant.

Seconded by Councilmember Schmidt and on roll call approved 7-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilmember Briggs

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...”.

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 Richmond and on roll call approved 7-0. Council entered executive session at 7:11 PM and ended at 7:33 PM.

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Meeting adjourned at 7:34 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**