

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, JANUARY 27, 2020**

Present were Council President Jankowski and Councilmembers Bialkowski, Briggs, Pacino, McGinnis, Canale, Viele, Karas, and Christian.

In attendance from the City of Batavia were Matt Worth, Chief Napolitano, Chief Heubusch, Rachael Tabelski, Dawn Fairbanks, Lisa Casey, and Lisa Neary.

### **Call to Order**

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

### **Public Comments**

Mike Reich, 7 Carolwood Dr, noted that he was very optimistic about the City's future and that his family has been involved in the ice rink since 1990. He noted that he coached for years, the rink was created by a very passionate group of people, and thousands of families have had great times there. Mr. Reich explained that, like a 40 year old home, the rink needs some help and some major repairs. He suggested investing in the rink so the next 40 years will be as successful as the last 40 years. He offered to be part of any committee if one is created to support the rink. He stated that he appreciated how Council was managing this but knows how much the rink means to the community.

John Roach, 116 Grandview Ter, noted that it has been in the news that the Governor may withhold the VLT aid and suggested that the City reconsider funding the BDC since the VLT money used to be used to fund that position. He noted that the extra \$4,000 given to GoArt in the past couple of years shouldn't stay in the budget and we shouldn't be subsidizing a private group. Mr. Roach also suggested being more aggressive with Ellicott Station regarding their code violations.

James Thorman, 6380 Freeman Rd, Byron, noted that he started attending meetings in Wyoming County to discuss mental well-being and there is a lot of support for the gun community amongst themselves. He heard that 14 of 20 suicide victims were not known to the medical community but they could qualify for programs if they would just reach out for help. He noted that a lot of veterans won't go for mental health care because they are afraid their guns will be taken away.

### **Council Response to Public Comments**

Councilmember Viele noted that having kids come off the ice with smiles on their faces is phenomenal and he agreed with Mr. Reich. He asked what we can do to help the rink like we help Dwyer Stadium. Council President Jankowski noted that he talked with Mr. Gray and he had some good ideas including creating a Friends of the Rink with members of the community. He felt that volunteering some elbow grease could make a big difference. He also noted that Mr. Moore was looking into it. Councilmember Christian asked how many

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years we have had a reserve fund for the ice rink. Mr. Moore confirmed that the City does have an ice rink reserve and he can give her more information at the budget sessions. Councilmember Bialkowski asked if it was Firland's responsibility to clean up the rink and take care of some of these issues.

Councilmember Pacino noted that Go Art did more than people may know and may just not be interested in so she was not concerned with giving them the \$4,000 they have asked for. She also noted that they are constantly fundraising.

Councilmember Briggs asked if we were keeping on top of the Ellicott St project. Mr. Moore noted that not all windows are boarded up, Code has the green light to enforce correction of the code violations, and will continue to put pressure on them. Councilmember Bialkowski asked if Savarino boarded up the windows or if the City did and if they have paid everything yet. Mr. Moore noted that they boarded up the windows, they have not yet paid everything but they were not yet in default. Council President Jankowski asked if there have been any unauthorized people in the building. Mr. Moore was not aware of any. Council President Jankowski felt that, due to the excitement, the project was announced about 2 ½ years early and thus we feel like it has taken longer than it should have. Councilmember Christian noted that business owners were disgusted with the tax abatements going into this project and she mentioned last year that we shouldn't rely on VLT money. Council President Jankowski hoped that the City, with other communities, can be a voice against the removal of VLT revenue.

## **Communications**

Batavia Business Improvement District submitted an application for a craft beer walk, FeBREWary, on Saturday, February 22, 2020 from 4:00 – 8:00pm at the downtown businesses. Council approved.

## **Council President's Report**

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, February 10, 2020 at 7:00pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Heidi Parker, City Clerk, performed ceremonial swearing-in ceremonies in recognition of promotions for Christopher Camp to Assistant Police Chief, Matthew Lutey to Detective Sergeant, and Mitch Cowen and Marc Lawrence to Police Sergeant.

## **I-1 Industrial District Modification for Motor Vehicle Repair**

Councilmember Christian noted that Mr. Biscaro owns Classic Home Improvement and wants to open a vehicle repair shop at his business in the City but the property is not zoned to allow that. She noted that zoning changes were made for other businesses and wondering what we can do to help. Mr. Moore noted that the language for this type of business wasn't in the zoning code. Mr. Worth explained that a public garage wasn't allowed and there was no pathway to allow for a variance and suggested a zoning change to allow for this. He noted that he had been working with the code officers to see how this could work and

recommended allowing staff to review the request and see what options they can find. Councilmember Viele asked why this has to take so long, thought the process was bologna, and said we need to help Mr. Biscaro out. Council President Jankowski noted that the process was this way for a reason and so we don't make quick decisions. Mr. Van Nest noted that this was not an easy process by design, Mr. Worth was analyzing the project for other concerns and felt this was a good first step. Mr. van Nest also noted this was a legislative function requiring a local law change. Mr. Worth noted that the County kicked the application out completely because it didn't check any of the boxes and reminded Council that this change wouldn't just affect Mr. Biscaro but the entire area. He stated that the zoning code needs to be looked at comprehensively and asked that they are allowed to review this request with a critical eye as they just found out about very recently. Councilmember Bialkowski commented that if changed we would change all of I-1 to allow for this. Council President Jankowski noted that the quickest way would be a variance so that might be where the problem lies and asked Mr. Worth to look into it.

### **Budget Resolutions that Require Public Hearing**

Mr. Moore noted that this was the process to start the public hearings related to the budget and water rate local law. Council agreed to move the item forward.

### **Capital Close-out Projects**

Mr. Moore noted that some projects have been completed so this will officially close those projects. Council agreed to move the item forward.

### **Adopt Genesee County 2019 Hazard Mitigation Plan**

Mr. Moore noted that in order for the City to continue to receive funds we have to adopt this plan. Chief Napolitano stated that the County receives \$100,000 and we are an annex to this plan which allows us to piggyback and garner more funding than if we were a stand along entity. Council agreed to move the item forward.

### **Amend 2019-2020 Police Budget to Reflect STOP DWI Grant**

Chief Heubusch noted that the City applied for and received a grant for \$25,481 for Stop-DWI grant from the County. This resolution would allow us to accept this grant. Council agreed to move the item forward.

### **Sale of City Owned Property – Jackson Square**

Mrs. Tabelski, Assistant City Manager, noted that AGRV properties is interested in purchasing a portion of property adjacent to Eli Fish and the parcel was appraised at \$840. Council President Jankowski noted that there was no cost to the City and we would actually be receiving money for the property. Councilmember Bialkowski asked if, at the time the property was appraised, the changes to Jackson Square were considered and Mrs. Tabelski said yes.

### **New York Main Street Grant RFP for Professional Services**

Mrs. Tabelski noted that in December the City was awarded \$300,000 for a Main Street Grant and allowed to use some for professional services. She noted that this would be for the professional services part of the grant, she would identify which firm they would be using on February 10<sup>th</sup>, and they would be scoring the businesses on February 6<sup>th</sup>. Council agreed to move the item forward.

### **Appoint Members to Various City Committees / Boards**

Councilmember Briggs noted that this was to reappoint a member to the Board of Assessment Review as there were no new applicants for this vacancy. Council agreed to move the item forward.

### **Appoint Marriage Officer**

Mr. Moore noted that Councilmember Christian's term as marriage officer had expired and the law didn't limit Council to appointing just one person so if anyone else wanted to be appointed they could. Councilmember Christian was interested in serving again and Councilmember Viele also asked to be appointed as a marriage officer.

Councilmember Christian noted that she was having a neighborhood meeting on February 4<sup>th</sup> at City Hall at 6:30pm.

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## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilmember Pacino**

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

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

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

Council entered executive session at 8:10pm and adjourned at 8:20pm.

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**After executive session, Council was given a budget update by Mr. Moore.  
Conference Meeting adjourned at 9:10 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

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