

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, FEBRUARY 24, 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, Christopher Camp, and Lisa Neary.

### **Call to Order**

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

### **Presentation from Batavia Development Corp (BDC)**

Andrew Maguire, Director of the BDC, explained the BDC and why economic development is important. He reviewed demographics, housing needs and market analysis, quality of life, planning initiatives, DRI project tracking, and Building Improvement Fund. Mr. Maguire noted that the BDC administers many of the projects in that fund along with some from the DRI project. He further explained that the BDC administers the revolving loan fund and RLF grant program, promotes opportunity zones (there currently have two – one in Ward 3 and one in Ward 6), and works on Brownfield opportunity area sites. Mr. Maguire noted that they are continuing with the Pathway to Prosperity which was instituted in 2016 and is a partnership with the city, county, school district, and GCEDC. He reviewed the BDC's results and all in which they are involved. Councilmember Canale asked what the difference was between the BDC, BID and GCEDC. Mr. Maguire noted that they all have similar goals but ultimately the focuses are different in that GCEDC focuses on the County as a whole, the BDC on the City of Batavia, and the BID on just the downtown portion within the City.

### **Public Comments**

None.

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

N/A

### **Communications**

Eli Fish requested to hold a luau in Jackson Square on Saturday, March 30, 2020 from 5:00 – 9:00pm with music and they would let the neighbors know of the event. Council approved.

The BID submitted an application for the Jackson Square Summer Concert Series to be held on Fridays from June 12<sup>th</sup> through August 28<sup>th</sup> from 7:00 – 9:00pm in Jackson Square. Council approved.

All Babies Cherished requested to hold a 5K on Saturday, June 13, 2020 from 9:00 – 11:00am. The race would start and end at 350 Bank St and run throughout city streets. Council approved.

Batavia Concert Band submitted their application for concerts in Centennial Park on Wednesdays from June 24<sup>th</sup> through August 5<sup>th</sup> at 7:00pm. Council approved.

Living Waters requested to hold their community outreach event on Saturday, July 19, 2020 from 10:30am – 5:00pm in Austin Park. There will be games, food, prayer and music for the community. Council approved.

### **Council President's Report**

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, March 9, 2020 at 7:00pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilmember Bialkowski read a summary of how we got to the budget situation we are in and, even as close as we were to the end of the budget preparation, how the state impacted this situation. He noted that he was proud of Council and management for re-doing the budget on short notice. He stated that Council doesn't like raising taxes because they are also all homeowners and don't like raising taxes on themselves either.

### **Public Hearings**

a – Public Hearing introducing 2020/2021 Local Law No. 1 of the Year 2020, City of Batavia, a Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-C

Councilmember Bialkowski made a motion to open the public hearing, seconded by Councilmember Pacino and, on roll call, approved 9-0. No speakers signed up but Council President Jankowski noted that he was disappointed at the last minute Governor's budget and hope next year to get some things back that we had to cut this year. Councilmember Christian asked why we don't have an opportunity to say what we want in the budget. Council President Jankowski responded that Councilmember Bialkowski asked a bunch of questions during the budget sessions and that is when any questions should have been asked and not during a public hearing.

Councilmember Bialkowski made a motion to close the public hearing, seconded by Councilmember Karas and, on roll call, approved 9-0.

b – Public Haring introducing 2020/2021 Budget Ordinance #001-2020

Councilmember Viele made a motion to open the public hearing, seconded by Councilmember Bialkowski and, on roll call, approved 8-1. Councilmember Christian voted no.

David Twichell, 166 Summit St, noted that he was a current member of the Youth Board and asked Council to reconsider cuts to the youth budget. He noted they have a new youth center, have done wonderful work there, and almost twice as many kids registered than when they were on MacArthur. He asked what a better way to invest in our community than to invest in the kids.

John Roach, 116 Grandview Ter, noted that he understood the VLT situation. He didn't like that we were giving the BDC \$100,000 for a person who is not a city employee but cutting the public safety budget, like another SRO.

Councilmember McGinnis noted that he was the Council liaison for the Youth Bureau but he understood that we have to take cuts equally. He asked if any funds came back he would like them to come back to the youth budget. He didn't like the cuts but understood everyone had to bear the burden. Councilmember Bialkowski noted that it would be hard to find volunteers who would work as many hours as Mr. Maguire and we could be in real trouble if there is no one to help move these projects along. He felt we would become like so many other cities with unfinished projects. Council President Jankowski noted that he has been here all his life and often we are right there but then we crash and burn. He noted that this budget took the wind out of our sails and he's not happy about it but not giving up that easy. He would like to see the city get these projects over the hump because they are good for the community. He noted that the cuts were hasty but not irresponsible and once projects are finished it will increase our tax base and, as a community, we need to pull together. Councilmember Briggs noted that if any money comes back in we can fund some of the cuts. She also thanked Councilmember Bialkowski for summarizing the situation. Mr. Moore noted that the County and Town of Batavia have gone to their respective legislators and have drafted something to Albany expressing their issue with the cut to VLT and staff are working on additional items.

Councilmember Bialkowski made a motion to close the public hearing, seconded by Councilmember McGinnis and, on roll call, approved 9-0.

c – Public Hearing introducing an amendment to Local Law No. 2 of the Year 2020/2021 §184-41 (A), (B), (C), and (O) of the Batavia Municipal Code to establish new water rates, meter fees, and a capital improvement fee

Councilmember McGinnis made a motion to open the public hearing, seconded by Councilmember Viele and, on roll call, approved 9-0. No speakers signed up but Mr. Worth explained that the program to increase water rates goes back about 10 years and includes investments into the water system. He noted that a lot of work has been done in the last few years because of the rate increases. He noted that the water system is over 100 years old and there are a lot of investment plans for the future. Mr. Worth stated that the increases are designed to fund these investments plus our cost to purchase water has increased. The increases help to support the general fund to an extent and they plan to review the rate structure going forward. He noted that they are being proactive instead of reactive and everyone pays for water including tax-exempt properties. He noted there would be on change in the sewer rate so only the water portion of the water/sewer bill would be increasing. Mr. Worth noted that, as an example, a \$100 water bill would increase about \$2. Councilmember Viele made a motion to close the public hearing, seconded by Councilmember Briggs and, on roll call, approved 9-0.

**Local Law No. 1 of the Year 2020 City of Batavia A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-C**

Council agreed to move the item forward through a vote of 7-2. Councilmembers Viele and Christian voted no.

**2020/2021 Budget Ordinance**

Council agreed to move the item forward through a vote of 7-2. Councilmembers Viele and Christian voted no.

**Local Law No. 2 of 2020 Amending Batavia Municipal Code to Establish New Water Rates, Meter Fees and a Capital Improvement Fee**

Council agreed to move the item forward through a vote of 7-2. Councilmembers Viele and Christian voted no.

**Year-end Close Out Resolutions**

Mr. Moore noted that the following items were regular annual resolutions to close out the fiscal year and would all come over as separate resolutions on the business agenda:

Strategic plan, investment policy, parking permits and employee accrued liability reserves, capital improvement plans for 2019-2020 budget, establish and update current capital projects and transfer funds for capital projects budgets

Mr. Moore recommended removing the funding limits in the investment policy to allow deposits and investing to the best of our needs and not being limited by the arbitrary amounts. Council agreed to move the item forward.

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

Councilmember Pacino noted that both applicants were vetted and are residents of Batavia. Council agreed to move the item forward.

**Discovery Reform**

Mr. Moore noted that there is a request from NYCOM to jump onto a resolution related to discovery reform and would love to see an outright repeal but at least pushing for some reform. Council agreed to move the item forward.

**Health Insurance Reserve**

Mr. Moore noted that this is a correction to get health insurance reserve tied to the health insurance fund. Council agreed to move the item forward.

### **Comprehensive Plan – Committed Fund Balance**

Mr. Moore noted that, in 2014, the City moved forward with the comprehensive plan and \$100,000 is remaining in the committed fund balance. This resolution would put the funds back into uncommitted fund balance because the comprehensive plan project is done. Council agreed to move the item forward.

### **Vibrant Batavia - Committed Fund Balance**

Mr. Moore noted that there was \$27,711 tied to this program and asking that it go back to uncommitted fund balance as we no longer have Vibrant Batavia. Council agreed to move the item forward.

### **Chemical Bids**

Mr. Worth noted that this was the annual contract for chemicals. He stated that they received over 20 bids, reviewed the bids and, some were up a bit, but still within range. Council agreed to move the item forward.

### **Review Zoning Use for Public Repair Garage**

Mr. Worth explained that Mr. Biscaro provided a petition for a zoning change and this resolution will send the request to the planning committee. He noted that all I-1 zones would be affected. Council agreed to refer the item to the planning board. Mr. Van Nest reminded Council that the ultimate decision to make these changes lies with the Council.

### **Disposition of Surplus Property – Obsolete Information Technology Equipment**

Mr. Moore noted that the City was left with old computers to dispose of because of the requirements of Windows 10 and they have to be disposed of properly. Council agreed to move the item forward.

### **PBA Tentative Agreement**

Mr. Moore noted that there was a lot of back and forth and feels we have a fair and equitable agreement. He recommended moving forward with the agreement. Council agreed to move the item forward.

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Council President Jankowski asked Mr. Moore to provide a list of the additional \$350,000 that would be cut if the budget did not pass on March 9<sup>th</sup>. Mr. Moore noted that the residents can't afford that much more in cuts and Council President Jankowski noted that we run a tight budget so there is not a lot of room to cut. Councilmember Canale noted that the last two budgets were 0% tax increases and this one would have been under 1% if the budget went through. He noted that we sat through budget sessions and talked through the budget and doesn't understand why we are now second guess ourselves when we already worked through all of this. He stated that he doesn't want to override the tax cap, we never have, but we are forced to do it and our constituents

aren't idiots – they see what the Governor did. Councilmember Christian noted that she is very concerned about homeowners who are going to have to pay this. She noted that she doesn't mind a 2% tax increase at all but we got way out of line with this. Council President Jankowski noted that the approximate cost increase on a property assessed at \$100,000 is about \$67 and it's not a percent increase on the whole tax bill - just the City portion of the bill. He noted that we don't want these projects to fail and we don't want to get to the bridge of success and then bail out. He asked, if BDC gets cut, who will be out there pushing these projects through. Councilmember Briggs noted that no one wants to do this. She wondered why we are asking the City Manager to give us the scenario of cuts if the budget doesn't pass because we can't have \$350,000 more in cuts. She stated that we can't do that to the departments. Council President Jankowski noted that we need to have a plan and, based on what he heard tonight from some councilmembers, he was afraid we may have to consider the additional cuts. He felt that people weren't happy about the increase but that they understood and were behind Council. He noted that the lack of people coming to speak out against the increase told him they at least understand and know where the blame lies.

### **MOTION TO ENTER EXECUTIVE SESSION**

#### **Motion of Councilmember Pacino**

**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..."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 8:53pm and adjourned at 9:01pm.

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**Conference Meeting adjourned at 9:02 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

02/24/2020