

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, OCTOBER 22, 2018**

Present were Council President Jankowski and Councilpersons Canale, Bialkowski, Viele, Briggs, Pacino, Tabelski, and Christian. Councilperson McGinnis was absent.

### **Call to Order**

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

### **Public Comments**

John Roach, 116 Grandview Ter, noted that he was in favor of the sales tax agreement and couldn't see why anyone wouldn't be in favor of it.

Erica O'Donnell, 3 Pearl St, noted that she had an event application in for a January event for a Women's March and explained they were the only official chapter in New York State outside of New York City. She noted that the rally would start in Jackson Square and then march to City Hall. She asked Council to consider extending the concourse hours to 3:00 p.m. in support of the event.

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

Councilperson Christian noted that the march would be beneficial to everyone, not just women. Councilperson Pacino was surprised that there were only two chapters in the state.

### **Communications**

Batavian's Original requested to hold their annual Halloween Parade on Sunday, October 28<sup>th</sup> at 1:00 p.m. starting at Dan's Tire and ending at 500 E. Main St. Council approved.

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

Council President Jankowski announced the next regular City Council Business meeting to be held on Tuesday, November 13, 2018 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

### **Presentation – Audit Report 2017/2018 by Laura Landers, Freed Maxick**

Laura Landers, Freed Maxick, presented a summary of the financial statements as of 3/31/18. She noted that she met with the audit committee regarding the financial statements and an unmodified opinion was given on them. She noted that there was excess revenue over expenditures from operations, budgeted expenditures exceeded actual expenditures, and fund balance increased slightly. Ms. Landers reviewed the general fund balance sheet and explained that the result was good because of conservative budgeting. The water fund balance sheet was reviewed and it was noted that it was in a healthy position. The sewer

fund balance sheet was reviewed and ended in an operating deficit of under \$100,000 but noted it was still in good net position. Ms. Landers noted that there were no material weaknesses or significant deficiencies in the City.

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

Council President Jankowski noted this was a recommendation of appointment to the Youth Board. Council agreed to move the item forward.

### **Sign Code Changes**

Mr. Worth noted that the planning board reviewed the sign code for changes needed to be in accordance with the intent of the original changes made about 18 months ago. He noted that the changes were approved and will go to the County planning board for approval. Councilperson Bialkowski was concerned with enforcement of the rules. Councilperson Christian noted that Batavia Downs had wanted a change and wondered if the change was in the new proposed code. Mr. Worth noted that the appeal process is now in place so they could at least appeal the decision now. Council approved moving the item to County planning.

### **Liberty Street Rezoning SEQR Lead Agency Designation**

Mr. Worth noted that they were moving forward with the proposed Liberty Street zoning change and Council just needed to accept as lead agency for the SEQR. Councilperson Bialkowski asked if this zoning change went through the City planning board and Mr. Worth said it had and that was presented at the last Council meeting. Council approved moving the item forward.

### **Liberty Street Rezoning Public Hearing**

Mr. Worth explained that to move forward, a public hearing was required so this needed to move forward so the public hearing could be set. Council agreed to move the item to the special business meeting immediately following this meeting.

### **Lead Agency to Conduct SEQR for Brooklyn Avenue**

Mr. Worth noted that Brooklyn Ave received CDBG money for a water line project that requires various processes. He noted that Council needs to approve the City as lead agency for the project. Council agreed to move the item forward.

### **Senator Ranzenhofer Funding Award**

Chief Heubusch noted that the police department was awarded \$13,000 for technology and wanted to use it towards the body-worn cameras. He noted that Council just needed to accept the funding. Council agreed to move the item to the next business meeting.

### **Police Traffic Services Grant 2019**

Chief Heubusch noted they were awarded funding for designated traffic enforcement amounting to \$11,400 and needed Council to accept the funding. Council agreed to move the item to the next business meeting.

### **2018-2019 GTSC Crackdown Grant Award** – this item was added to the agenda

Chief Heubusch asked to move the STOP DWI Crackdown to the special business meeting so it could start ASAP. He noted that the crackdowns were to begin on 10/31/18 and the resolution would allow the budget to be amended to accept the grant. Council agreed to move resolution 89 to the special business meeting immediately following.

### **Watson Street / Thorp Street Intersection Review**

Chief Heubusch explained that several residents had safety concerns regarding the intersection of Watson and Thorp Streets. He noted that a 4-way stop couldn't be put there but they looked at other options and was now suggesting that Thorp be a one-way from Watson to Maple. Ray Tourt, Superintendent of Maintenance, noted that there wasn't enough right-of-way to put up a stop sign. Chief Heubusch stated that the one-way street would also allow some on-street parking. Councilperson Briggs noted that she was excited about the change and the residents felt like it was a start. She also thanked Mr. Worth, Mr. Tourt, and Chief Heubusch for addressing the issue. Mr. Van Nest, City Attorney, noted that the code would need to be changed because of the one-way street so a public hearing will be needed. He suggested moving this to the next business meeting to schedule the public hearing.

### **City Centre Roof Replacement**

Mr. Worth noted that they intended to make repairs to the City Centre roof this fall but the projects were bid and came in 25-30% over what was expected, or approximately \$50,000 more. He noted that the bidders were interested in doing the work in the spring and that the cost would be lower. Mr. Worth explained they can make some temporary repairs until they can get better pricing and thus recommended rejecting the bids. Councilperson Bialkowski asked how much the temporary fix costs would be. Mr. Worth stated they would be approximately \$3,000 - 4,000. Council agreed to move the item to the special business meeting immediately following.

### **Sexual Harassment Changes to Policy**

Mr. Van Nest explained that the state required sexual harassment policy changes to be in place by October 9<sup>th</sup> and that a training requirement was also put in place. He noted that this resolution was for Council to adopt the revised policy which follows the sample policy provided by the state. Council agreed to move the item to the special business meeting immediately following.

## **Approve the Sales Tax Allocation Second Amended Agreement**

Mr. Worth noted that this would be a 1-year extension of the current sales tax agreement. Council agreed to move the item to the special business meeting immediately following.

## **Executive Session ... Real Property and Attorney-Client Communication**

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

#### **Motion of Councilperson Pacino**

**WHEREAS**, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...".

**WHEREAS**, legal counsel for the City will have an attorney-client privileged communication that is exempt from the Open Meetings 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 Councilperson Viele and on roll call approved 8-0.**

Council entered executive session at 8:14 p.m.

Motion to adjourn executive session made by Councilperson Christian, seconded by Councilperson Viele, and on roll call, approved 8-0. Council came out of executive session at 8:28 p.m.

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**Conference Meeting adjourned at 8:28 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

10/22/2018