

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, JUNE 25, 2018

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

Call to Order

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

Public Comments

Kathy Owen, 2 Redfield Parkway, asked who owns the pillars. She noted that Dunkin Donuts planned stone work to compliment the pillars on Redfield and the pillars ought to be saved in a city where so much has been lost. She noted there are a lot of negative attitudes about the pillars on social media and everything is not always going to benefit everyone. She suggested using Vibrant Batavia money and budget the rest next year.

James Pierce, 15 Redfield Parkway, thought the City owned the pillars and had acknowledged the need for repair. He wanted the City to take care of its property. He noted that we all pay our taxes towards the upkeep of the city as a whole and there shouldn't be a special assessment for the pillars.

John Roach, 116 Grandview Ter, wants the City to take the MRAP and felt we could use it. With the pillars, he said to use the balance of the Vibrant Batavia money and assess the balance to the Redfield residents. He noted that some people have an attachment to the pillars but others don't. Mr. Roach suggested the YWCA as a potential location for a new police department.

Council Response to Public Comments

None.

Communications

St. Anthony's/City Church requested to hold a public picnic on Thursday, July 5th from 5:00 – 8:30pm at 114 Liberty St with outdoor grilling, bounce houses and other activities. Council approved.

The BID submitted an application for their annual wine walk on Saturday, October 6th from 4:00 – 8:00pm in the downtown district. Councilperson Christian was not in favor but Council approved.

Go Art requested to hold Shakespeare in the Park on Thursday, August 9th at 6:30pm in Centennial Park. Council approved.

The Batavia Ramble requested to hold their music and arts festival on Saturday, July 7th from 10:00am – 9:00pm in Jackson Square and on Center and School streets. Council approved.

Council President's Report

Council President Jankowski announced the next regular City Council Business and Conference meeting to be held on Monday, July 9, 2018 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Presentation - MRAP

Chief Heubusch noted that the Emergency Response Team (ERT) was formed in 1997 and was made up of Batavia police only to deal with high risk situations. In 2007 the Sheriff's Department was added to the team. Chief Heubusch noted that the current ERT is commanded by Sgt Christopher Camp and the vehicles currently used are not able to protect them from bullets. Sgt Camp explained why the City needs an armored vehicle including the fact that it has ballistic protection and is versatile in rugged terrain. He noted that the 1033 Program can help transfer excess military equipment to local law enforcement agencies. The federal government would still own the vehicle and there may be a cost to return the vehicle if we no longer wish to possess it. He explained that the Mine Resistant Ambush Protected, MRAP, vehicle is being offered to local law enforcement agencies through this 1033 Program and we could get the vehicle for free with minimal one-time costs for things like transportation and repairs. The total cost would be split 50/50 with the Genesee County Sheriff's office and funds to pay will come from asset forfeiture, not tax dollars. Sgt Camp noted that training is required and they are looking into storage options. He hopes we never need it but noted that armored vehicles save lives and the 1033 Program will help get it at a low overall cost. Councilperson Christian noted that she spoke to Legislator Maha about this and anything to protect us she is for it. Mr. Worth noted they are looking for approval for the application so they can get on the list. Councilperson Tabelski asked how long it took Livingston County to get theirs. The representative from Livingston County didn't know how long it took but noted they got one in the fall of 2016. He said it depended on when one becomes available. Council approved the item to move forward.

Appoint Audit Advisory Committee

Mr. Worth noted that annually they need two Council representatives to be on the audit committee. Councilperson McGinnis and Bialkowski volunteered. Council agreed to move the item forward.

Appoint Historic Preservation Commission

Mr. Worth noted this was a resolution to appoint two members to the HPC. Council agreed to move the item forward.

Sale of Surplus Properties to Genesee County

Mr. Worth was asking for authorization to transfer the properties on South Lyon and South Main to the County to assist with their bridge repair. Council agreed to move the item forward.

Schedule a Public Hearing to Provide Information for CDBG Program

Mr. Worth noted this was a grant application for the feasibility of a second sheet of ice at the ice arena or the possibility of a field house. He noted it was a tight timeline and asked it be moved to the special business meeting immediately following. Council approved moving the item to the business meeting immediately following.

City Sidewalk Replacement

Mr. Worth noted that they opened bids for sidewalk replacement in June and would like to award the contract so the work can get done. Councilperson Bialkowski noted that Rive St needed sidewalks for those who walk in that area.

Sign Ordinance Review

Mr. Worth noted that a new sign ordinance was enacted in 2017 and a few items have come up since wondering if those restriction were the intention of the original ordinance. He recommended sending the ordinance back to the planning board to see if it needs tweaking for more flexibility. Council agreed to move the item forward.

Redfield Pillar Project

Mr. Worth explained that Council had been provided several options for the pillar repairs with estimated costs for each. He noted that the project didn't go through the normal budget process and Vibrant Batavia funds could be used but there would still be a shortfall. He noted it wasn't an emergency so he didn't recommend using unassigned fund balance. Mr. Worth thought that maybe the Historic Preservation Commission or Redfield Association could do some fundraising to help with the costs. Per the engineers, Mr. Worth stated that the pillars aren't in eminent danger of falling down. Councilperson Tabelski felt the best way to deal with the project was putting it through the normal budget process and maybe some community fundraising could be done by then. Councilperson Canale agreed with Councilperson Tabelski and felt that assessing the residents was ridiculous. He noted they needed to be maintained as a housekeeping matter and felt it should be part of next year's budget. Councilperson McGinnis agreed with both Councilperson Tabelski and Canale. Councilperson Bialkowski noted that this issue has split the community and stated we have to take of this as a community. Council President Jankowski noted that the question was how do we fund this and the budget process seemed to be the most viable and responsible option. Councilperson Pacino thought residents just wanted to hear that it will get done and it will get done. Council President Jankowski directed Mr. Worth to have the item on the 2019-2020 budget.

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OARS Website

Mr. Worth noted that Councilperson Christian asked if phone numbers could be on the OARS website. He noted that the County said they don't put the phone numbers on there and City staff does not have that information either. Councilperson Christian noted that she would like to see the telephone numbers so people can just call and ask why someone doesn't cut their grass or something like that.

Overnight Parking

Mr. Worth noted that he reviewed the idea with the police and public works departments and they didn't see a remarkable outcry for overnight parking. He mentioned some potential pitfall like someone parking on the street all summer long and nothing that could be done about it. He noted that once the change is made we probably can't go back. Councilperson Bialkowski noted there were a lot of negatives and not many positives so thought it should be left alone. Councilperson Canale noted that he could see both sides and there was definitely benefits in the summer months. He suggested having limits to how long someone can park on the street before the vehicle has to be moved and just thought it was something to consider. Chief Heubusch noted that time limit parking is always an issue and that anyone can call for a parking exemption so no ticket will be given. Council agreed to leave as is for now.

Refuse Collection Zones

Councilperson Bialkowski noted that he received numerous complaints that there is trash out every day of the week and the City should be broken down into zones so trash collectors collect all the trash on the same day for a particular area. He noted it's hard for code enforcement to know what should and shouldn't be at the curb. Mr. Van Nest, City Attorney, noted that most other communities that do this have contracts with the collectors and we would basically be telling private vendors when they can be on the streets. Councilperson Bialkowski didn't think we were telling vendors when they could be on the streets but rather telling people when they could put their trash out. Councilperson McGinnis had a problem with a municipality interfering with the private sector at all. Councilperson Canale noted that when we turned this over to the private sector we knew there could be concerns. He stated that some constituents asked if the City could get back into regulating trash so some of these issues would go away. Council President Jankowski asked to have Mr. Van Nest look at the code and see what other options we have to help rectify the problems.

MacArthur Park Baseball Field Update

Mr. Worth noted that his recommendation was still that the field should be fenced based on the suggestions of the engineers regardless of age. He noted that age might determine the height of the fence but the field should be accessible to any others for use as well. Councilperson Canale felt that Council had been backed into a corner on this and it was never an issue before now. He noted that now we have to put up a fence because if we don't we would be liable. He felt that since the fence has to go up we should restrict it to

U6 or less and open it to public use. Councilperson McGinnis felt we needed to step away from this and let the teams handle their own affairs. Council President Jankowski was glad that the leagues brought it to Council's attention so the fields can be made safe before anyone gets hurt. He felt we never should have been involved but think Council should follow Mr. Worth, the City Attorney and the engineer's recommendations. He noted that no tax dollars will be spent and no liability because we are doing the best we can to prevent injury. Councilperson Briggs noted that if we don't do this we will be liable. Mr. Van Nest suggested that Council defer the layout and design to the engineers who are the experts in the field. Council President Jankowski directed Mr. Worth to move forward with the engineers recommendations. Mr. Van Nest noted that Council was not in a position to resolve this by resolution and suggested no action be taken and rather aske public works to take care of it in the safest manner.

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Conference Meeting adjourned at 8:52 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**

06/25/2018