

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, FEBRUARY 25, 2019

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

Erica O'Donnell, 3 Pearl St, noted that she has been more involved politically in the last few years and found that the best way to get government's attention is to coordinate our actions. She noted that this was the third Council meeting that this issue has taken up time not dealing with local issues. She suggested putting the issue to bed and noted Council had other issues to deal with. She told Council to stick to City business.

Jim Russell, 4 Lacrosse Ave, asked Council to support Councilperson Christian regarding the letter to be sent to Albany. He noted that it was a moral issue, not a political issue, and this won't hurt anyone but will harm many. He believed that a majority believe it's wrong to kill a baby, born or unborn.

Ann Marie Scalia, 8817 Rollin Circle West, noted that she was here to speak for the babies in the womb. She noted that those babies are very much alive and there is no such thing as an emergency abortion. She explained that the baby will feel the pain of the abortion, the woman has other choices and doesn't have to resort to murder. She suggested being a sanctuary city for the unborn and the City would be an attraction.

Raelene Christian, 29 Williams St, noted that for years pro-choice has hid behind it's my body and I can do whatever I want with it and government can't tell me what to do. She explained, however, that when she is pregnant it's not just her body anymore. She stated that you can't sit on the fence on this one and Council should let their opposition be heard. She noted that you won't make everyone happy all the time and that a letter from a governing board holds more weight than from individuals.

Beth Cerminara, 647 Harris Hill Rd, Lancaster, asked Council to make Batavia a sanctuary city for the unborn and be the first to stand against the state government. She noted that a baby in the mother's womb has only one chance to live and it's never alright to murder someone.

Susan Sherman, 1212 Perry Rd, Pavilion, noted that she works at All Babies Cherished at 445 Ellicott St and that it's a privilege to work with the ladies there, most of whom have unplanned pregnancies. She noted we need to stand up as a community and make our voices heard. She stated that it's a start and there are always life choices.

Mona Doyon, 394 Garden Dr, works at All Babies Cherished and noted that God is calling each member of Council to make a stand for life. She told them to write the letter and their families would thank them.

John Speed, 1812 Valley Dr, Syracuse, believed that Council had the courage to do the right thing and make the City of Batavia a sanctuary city for the unborn. He noted that we need to fear God more than we fear men or Cuomo, amongst others.

Charlie Speed, 1812 Valley Dr, Syracuse, noted that he was born in Batavia but lived in Syracuse. He told Council that luckily their parents chose life or they wouldn't be here today.

Sarah Cleveland, 423 S Marion St, Cardington, OH, explained to Council that people across the country are watching what they are doing. She asked that the City be a sanctuary city for the unborn and that she is for the total abolition of abortion. She noted that abortion isn't necessary, she is an ultrasound technician, and has seen how terrified the babies are when an amniocentesis is performed which isn't targeted to harm them. She asked Council to think how terrified the baby must be then they are the target.

Marcus Pittman, 424 W Brown Rd, Mesa, AZ, a documentary film maker, noted that he has seen people all over the country telling their councils to stop the madness. He stated that if Council believed abortion was murder they would be standing up there with all of the speakers and begging people to come to Batavia. He noted that we don't have to prove that an unborn baby is a baby.

Alex Feig, 142 Elizabeth St, Medina, noted that he was here to love his neighbor – big and small. He noted that the issue of abortion has become political and asked Council to end murder in Batavia.

Judi Piscitello, 205 Bank St, noted that God is the ultimate authority and trumps all laws. She noted that abortion is murder, UMMC is a safe haven for babies, and any child can be brought there without fear of prosecution. She noted that they have been fighting with state and federal government for years and getting nowhere but City Council could help. She gave specifics as to what it would be like to be a sanctuary city.

Chris Connelly, 137 Pearl St, noted that we've come to a point where we can all agree that an unborn baby is a human and if you don't believe that, stand up and defend it. He asked that we be consistent in our definitions and this is murder. He noted that Council didn't think they had the authority to do this but told them they do. He noted that everything supports the position they are telling them.

Brittany Connelly, 137 Pearl St, read the state constitution and noted that abortion had to be abolished. She noted that being a sanctuary city would be justice for the child. She explained that she tried to listen to the opposition and understand but felt we were going back in humanity by allowing people to murder their baby. She noted they support Council in writing letter as a start and thanked Council for listening.

Kathy Stefani, 220 Ross St, noted that approximately one week prior to the last meeting

she called all of Council and that seven of the eight she spoke to agreed with her that this law is abhorrent. She noted that God had given them a spirit of power and they are strong men and women.

Diana Kastenbaum, 71 Ellicott Ave, noted that she was born and raised in Batavia but the last few weeks she felt like she wasn't welcome here as her views are different from almost all who were there. She noted that she was Jewish and could make an issue about saying the Lord's Prayer but she didn't. She didn't think she was an immoral person because she is pro-choice. She told Council that they were voted to Council to vote on local issues. She felt that their position on abortion had to be left at the door and thought that Council wouldn't want this to constantly be a gallery about state and federal issues. She noted that of the 15 speakers in favor of writing the letter, only seven were City residents. She asked Council to do their job and not write the letter.

Council Response to Public Comments

Councilperson Christian noted that the meeting was supposed to be civil but Council President Jankowski allowed pro-choice to snap their fingers and didn't allow pro-life to do anything. Council President Jankowski asked when that was and she said at the last meeting. He said we were discussing the current meeting. Councilperson Christian then began speaking to one of the speakers who had a differing opinion and voices were raised. Council President Jankowski noted that he would adjourn the meeting if the discussion with a speaker didn't end as this was for Council to respond to each other about the comments.

Council President Jankowski noted that he appreciated listening to all of the speakers but felt that busloads of people opposing the law in Albany would garner better response than a letter. He noted that he is pro-life and if 15,000 letters went to Albany that would make a point. He understood the emotions but felt there was a different way to handle it. He noted that he wrote a letter personally and encouraged others to do the same. He noted that there is no way to tell who the majority is on this issue and who the minority is.

Councilperson Canale felt that there was some public confusion and that the letter would not make the City a sanctuary city. He noted that the issue is to decide whether a letter should be sent in opposition of the state's law. He noted that if Council sends a letter it's as though the whole City believes the content of the letter and Council needs to equally represent everyone. He noted that he would be upset if it was the other way around and Council was asked to write a letter in support of the act. Councilperson Canale stated that, as an elected official, he can't write the letter because the entire City doesn't oppose it. He asked that the speakers respect Council as Council respected them.

Councilperson Bialkowski stated that there was no such thing as a sanctuary city and it's real easy to blame others for our short fallings. He noted that somehow Cuomo got elected so we have to deal with it.

Councilperson Christian told Councilperson Canale that the only thing she disagreed with him about was that he wasn't standing up for the unborn.

Council President Jankowski felt that as individuals we have more power than as a Council on this matter. He noted that individuals vote, councils don't, and there are other people in this community who don't agree with a letter opposing the law.

Communications

Living Waters requested to hold a community outreach on Sunday, July 21st from 10:30am – 5:00pm in Austin Park. Council approved.

Batavia Concert Band requested to hold their summer series in Centennial Park on Wednesdays from June 26th – August 7th from 7:00 – 8:30pm.

Council President's Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, March 11, 2019 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Opposing the New York State Senate Assembly Reproductive Health Act

Council President Jankowski asked for a show of hands who was in favor of sending a letter opposing the Health Act. Councilperson Christian was the only one who voted to move the item forward and thus it did not move forward.

Public Hearings

a. A Public Hearing Introducing 2019/2020 Budget Ordinance

Councilperson Viele made a motion to open the public hearing, seconded by Councilperson Tabelski and on roll call, approved 9-0.

John Roach, 116 Grandview Ter, noted that four years ago Council decided to build a new police station and asked for an update on that. He also asked how much the restoration of the Redfield Pillars was going to cost. Council President Jankowski noted that there was \$70,000 budgeted for the pillars and the police station is ongoing. He noted they were putting money into reserves to help fund it and were currently looking for a location.

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

b. A Public Hearing to Propose a Local Law No. 1 of the Year 2019/2020 Amending Section 184.41 (A), (B), (C), and (O) of the Batavia Municipal Code to Establish New Water Rates, Meter Fees and a Capital Improvement Fee

Councilperson Tabelski made a motion to open the public hearing, seconded by Councilperson Pacino and on roll call, approved 9-0.

There were no speakers.

Councilperson Viele made a motion to close the public hearing, seconded by Councilperson Tabelski and on roll call, approved 9-0.

- c. A Public Hearing to Propose a Local Law Amending Section 190-3, Zoning, Entitled “Definitions” and Section 190-43, Entitled “Signs” and Exhibit A of the Batavia Municipal Code

Councilperson Briggs made a motion to open the public hearing, seconded by Councilperson Bialkowski and on roll call, approved 9-0.

There were no speakers.

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

Presentation from City Historian – Larry Barnes

Larry Barnes thanked Council for the invitation to explain what the City Historian does. He noted that it was a position mandated by state law in the Arts and Cultural Affairs division. He noted that there had been six historians since 1919 and historians are appointed by the City Manager. Mr. Barnes explained the job description that he and former City Manager Jason Molino came up with. He stated that he spends most of his time on research of Batavia’s history and each January he submits an annual report to various agencies. He explained that he has been involved in the writing of three books, erecting historic markers, and he gets requests every 10 days or so, usually from people outside of Batavia, for historical information. He noted that we have a history of not always appreciating our history and hopefully we will learn from those lessons and appreciate the history of Batavia. Council President Jankowski suggested some sort of compensation for all the work that Mr. Barnes does and noted Council would look at what other communities pay for their historian. Mr. Barnes thinks Batavia is the only government in the area who doesn’t pay its historian. He noted that he doesn’t need the pay but that it may be nice for whoever follows in his footsteps. Councilperson Tabelski thought there should at least be an expense line in the budget for mailings and other miscellaneous costs. Councilperson Bialkowski noted that he appreciated all the work Mr. Barnes had done, he has done some great work and dispelled some myths.

2019-2020 Budget Ordinance

Council agreed to move the item forward.

Local Law No. 1 of 2019 Amending Batavia Municipal Code to Establish New Water Rates, Meter Fees, and a Capital Improvement Fee

Council agreed to move the item forward.

Local Law No. 2 of 2019 Amending Sign Code

Council agreed to move the item forward.

Sign Code Change – SEQR Determination

Mr. Van Nest, City Attorney, noted that this would be voted on before voting on the sign code changes. Council agreed to move the item forward.

Year-end Close Out Resolutions

Mr. Moore reviewed the following resolutions and Council agreed to move all forward:

Purchasing manual, 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 project budgets, capital project close out

Councilperson Tabelski noted that he was concerned with the continued use of facilities reserves because we need that money for the new police facility.

Foreclosure Property Auction

Mr. Van Nest noted that these properties are eligible for public auction and the vote will be done in conjunction with the auction results. He noted this is just for informational purposes at this time.

National Grid Grant Applications

Rachael Tabelski, Batavia Development Corp, noted that they work with National Grid for grants and asking to apply for a grant of \$100,000 for 35 Batavia City Centre. She noted they can also apply for up to \$250,000 for City Centre improvements. She noted there was no cost to apply. Council agreed to move it item forward.

Community Garden By-laws Revision

Jocelyn Sikorski, Youth Bureau Director, noted that in light of the recent issues with the residency of some Community Garden members, this was a revision to allow two liaisons to the board. Council agreed to move the item forward.

Minnow Harvesting Bid

Matt Worth, Director of Public Works, noted that we are the only wastewater treatment plant with fat head minnows that can be sold. He noted that the high bid this year was \$34,000 and that money would go into the sewer fund. Council agreed to move the item forward.

Chemical Bids

Mr. Worth noted that the City annually bids for all chemicals and the cost has been relatively flat. He noted that the low bids were from vendors used before. Council agreed to move the item forward.

Lime Sludge Removal

Mr. Worth noted that lime sludge is generated at the water filtration plant and the cost of disposal is about \$1,000 less per removal and removals are done around seven times per year. Council agreed to move the item forward.

Shared Services Agreement with NYSDOT

Mr. Worth stated that the DOT reached out to the City for shared services agreements that would be beneficial to both agencies. He presented a four-year agreement to share equipment and manpower not to exceed \$10,000 per event. Council agreed to move the item forward.

Water Main Improvements and Drainage Improvements

Mr. Worth noted that this resolution was for improvements on South Main, Union, and drainage at Williams Park. He noted that the bids would be open on March 5th and hadn't had a lot of action so may extend the bid time if deemed necessary. He noted that Council has been extremely proactive with the City's infrastructure and he appreciated that. Councilperson Canale wasn't aware of a drainage issue. Mr. Worth noted Williams Park does get some flooding and backup and this qualifies for CDBG funding to replace the 6 inch drain line with a 12 inch line. Councilperson Bialkowski applauded the guys at the Bureau of Maintenance as they were ready for the storm and proud of their preparedness.

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Councilperson Pacino noted that every year a lot of money is spent bringing chairs to the Batavia Concert Band but they had now purchased their own chairs. She noted they hoped to be able to use the City Centre stage in the event of rain in exchange for no longer needing the chairs. Council approved.

Conference Meeting adjourned at 9:35 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**

02/25/2019