

# **CITY OF BATAVIA – BUSINESS MINUTES**

## **JANUARY 14, 2013**

The regular business meeting of the City Council was held Monday, January 14, 2013 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Buckley presiding.

Present were Council President Buckley and Councilpersons Pacino, Briggs, Canale, Cipollone, Doeringer, Hawley and Russell. Councilperson Christian was absent.

Council President Buckley called the meeting to order at 7:00 PM. Councilperson Briggs led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the December meeting was approved.

The Council President assigned the regular agenda items.

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### **Public Hearing**

1.) Local Law No. 1 of the Year 2013 to Amend §134 by Adding §134-20 of the Code of the City of Batavia to Allow Revocation of License for Peddling and Soliciting

Motion to open by Councilperson Russell, seconded by Councilperson Cipollone and all of Council was in favor. There were no speakers. Motion to close by Councilperson Russell, seconded by Councilperson Briggs and all of Council was in favor.

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### **Communications**

None.

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

The following 2011-2012 Awards were presented:

Councilperson Hawley presented Tom and Fran Wigton with Homeowners of the Year for their property at 34 Richmond Ave.

Councilperson Doeringer presented Joan Barton with Community Volunteer of the Year for her countless hours of service and dedication on the Historic Preservation Commission.

Councilperson Briggs presented Valle Jewelers with Business of the Year who celebrated their 60<sup>th</sup> anniversary in 2011 of operation of their family owned business.

Councilperson Cipollone presented Tim Sequerth and Ben Dutton with Co-Employees of the Year who are co-workers in the Bureau of Maintenance sign shop. Tim had been with the City since 1978 and Ben since 1988.

Councilperson Canale presented a proclamation to Ben Dutton who retired after over 24 years of dedicated service to the City of Batavia and the Bureau of Maintenance.

Council President Buckley announced that the next regular City Council Conference Meeting would be held on Monday, January 28, 2013 at 7:00 PM at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

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### **City Attorney's Report**

Mr. Van Nest noted that they continued to work on a variety of matters but there was nothing specific to report.

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### **City Manager's Report**

Mr. Molino presented the proposed budget to Council. He explained the significant increase in cost of health care and retirement and noted there was little to no growth in taxable assessed value for the third year in a row. He noted that there was a proposed decrease in the tax rate of 14.58% primarily due to the removal of the refuse and recycling from the general fund. He explained that he propose a pay-as-you-throw program and residents would pay for their garbage collection and disposal based on how much they put at the curb. Mr. Molino noted the new refuse program would encourage recycling, increase curbside aesthetics, and increase equity for property owners. Mr. Molino also showed a video of the totes that were proposed in the PAYT program.

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### **Committee Reports**

None.

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## Public Comments

Ken Witt, 22 Pickthorn Dr., noted that when he was on Council he found few opportunities to save the amount of money that had been proposed by the City Manager and had wanted an equitable refuse program for a long time. Mr. Witt noted that the City hadn't moved far from the system that was used in 1970. He felt the new refuse program would have fewer trucks on the road making the City safer, improve aesthetics, and make for a cleaner City by eliminate garbage from blowing down the road. He felt the program was fair and that he resented the fact that he paid more than the next person even though he put out fewer bags. Mr. Witt noted that tax exempts were paying nothing but getting to use the current refuse system. Mr. Witt stated that the other issue was not ARC. He noted that Council was the board of directors for the City and responsible to the residents of the City of Batavia, not to ARC. He added that ARC already said they would help their employees find other jobs.

Blake Elliott, 33 Ellicott Ave., noted that he was on the CAT's team that dealt with trash and recycling and thought the proposed system was much better than even the CAT's team had suggested. He felt it was safer, more effective, more efficient, cleaner and kept animals out of the garbage bags. Mr. Elliott stated that there was never really any incentive to recycle and felt this program benefited everyone. He noted that the cost was not buried in an assessment and felt the City nailed it with that program. He felt the City was looking to do what was right for the City.

Wendy Spear, 19 Montclair Ave., stated that she was glad to hear the presentation and agreed that the City needed a newer system but wanted to keep the people who had done the work for the past 29 years. Ms. Spear asked several questions about the program and felt that the residents would lose financially if it wasn't considered carefully.

Al McGinnis, 16 Vernon Ave., noted that a week after the last major snow event he couldn't walk on the sidewalks because they weren't cleared. He noted that the City and schools did great jobs keeping their property cleared but the residents were not doing well. He noted that a paperboy had to walk in the road to deliver his papers and the City didn't need a tragedy just because property owners couldn't do their job. He felt the City needed to be more proactive and code enforcement should be used to enforce the rules.

Tom Houseknecht, 61 Ellicott Ave., applauded the efforts to save money in trash collection and noted that ARC had done a great job for the past 30 years. He felt that given ARC's service they could have been included when the BID specs were designed. Mr. Houseknecht stated that if the fee was taken out of the taxes they could no longer be deductible on tax returns. He asked if he could get his own hauler or if he had to use the City's service.

John Roach, 116 Grandview Ter., said that he wasn't there to represent ARC and everyone had a right to bid on the contract. He noted that the City goes with the lowest bidder and hoped Council would do just that. He noted that the taxpayers were still supporting ARC through other means. Regarding snow removal, Mr. Roach noted that the City had a code saying residents had to shovel and if the City didn't enforce it then the code should be changed.

John Brown, 33 Redfield Pkwy., gave the public works department an A+ for removal of snow on the roads but a failing grade on enforcement of sidewalk clearing. He felt that the City was closing its eyes to safety.

Donna Saskowski, 64 Walnut St., noted that Mr. Molino gave a great presentation but wondered, in a year from now, if the information would be the same. She asked how the projected numbers could increase over the next five years if the current system remained when there was a decrease in the previous five years. She noted that ARC had worked through every kind of weather to make sure all the trash was removed and no other City had collaborated with an agency like theirs. She noted they had an excellent team who put together a responsive bid and urged all of Council to review each submission. She hoped that Allied did all the value added items that were in ARC's bid.

Carolyn Dawson, 102 Union St., signed up to speak but decided not to at that time.

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### **Council Responses to Public Comments**

None.

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### **Unfinished Business**

None.

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### **New Business**

**#1-2013**

### **RESOLUTION TO AMEND THE CITY FEE SCHEDULE TO INCREASE SOLICITOR/VENDOR PERMIT FEES**

### **Motion of Councilperson Briggs**

**WHEREAS**, the fees for solicitor's permits have not been changed in at least 27 years;  
and

**WHEREAS**, the proposed increases more appropriately reflect associated costs in administering solicitor's permits and will differentiate between types of permits;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia to hereby authorize the increase of the City fee schedule for solicitor/vendor permits to \$100 for food vendors and \$200 for solicitors.

**Seconded by Councilperson Russell and on roll call approved 7-1. Councilperson Doeringer voted no.**

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Council President Buckley stated that he wanted to take his hat off to the police chief, his department and particularly Pat Corona for their hard work involving burglaries in his neighborhood.

**Meeting adjourned at 8:30 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**