

SPECIAL BUSINESS MEETING MINUTES

CITY OF BATAVIA

JANUARY 28, 2013

The special business meeting of the City Council was held Monday, January 28, 2013 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, Christian, Canale, Cipollone, Doeringer, Hawley and Russell.

Council President Buckley called the meeting to order at 7:00 PM.

Councilperson Pacino led the Invocation and the Pledge of Allegiance.

Public Comments

Bob Bialkowski, 16 Union St., noted that czb identified Batavia as having millions of dollars leaking out of Batavia. He said that the user fee discriminates against single family homes and suggested making rental property owners pay full price for the additional totes. He suggested using VLT money to partner with ARC, keep 30 jobs in the City and noted the need to start working together to keep money in Batavia.

Bill Cox, 109 Elm St., explained that the primary job of City government was to service citizens as efficiently as possible. He noted that the City had done that with examples like the consolidated dispatch and elimination of the ambulance service. He noted that the current cost of garbage was about \$1 million per year and taxpayers were subsidizing tax-exempt properties. He noted that was an unnecessary burden on homeowners and businesses and the new garbage plan provided tax relief across the board. If you put out five bags you pay more than if you put out one or two. He noted that the savings would be more than \$200,000 per year and property owners would see a decrease in taxes for the first time in years. He noted that the program would increase recycling and acknowledged ARC as a vital part of the community.

Ed DeJaneiro, 104 River St., stated that he was fine taking refuse and recycling out of the taxes but felt that the City should be able to say ARC should be the vendor. He noted that ARC expanded when they were asked to do so before and even though their bid would cost more money he would rather see ARC with the contract.

Carol Grasso, 45 Oak St., didn't see the need to fix something that wasn't broken. She wanted to know where people were going to put the totes, noted that most people didn't have rooms for the huge totes and didn't like that you had to buy the tote but wouldn't

own them. Ms. Grasso noted that there would be a loss of \$450,000 to the City if ARC people lost their jobs because that was how much they made and how much they spent in the City. She noted that some small cities needed to stay small and reminded Council who voted them in.

Tom Houseknecht, 61 Ellicott Ave., was opposed to ARC's loss of the contract. He recognized the thankless job that Council did and welcomed the tax rate decrease. He noted that he would respect whatever decision was made but he still had a lot of questions. He felt that most people would be paying more, it would harm those that could least afford it, and felt the issues needed further scrutiny. Mr. Houseknecht felt the current proposal was detrimental to many homeowners and asked Council to act in the best interest of all constituents.

Paula Fisher, 104 Naramore Dr., noted that she didn't support the current trash proposal and wondered why the tote system wasn't included on the citizen survey. She asked Council to reconsider the current proposal, work with ARC to keep jobs local, and thought it would be a burden for older residents. She acknowledged it was the City Manager's job to make recommendations but Council's job was to do what was best for the citizens.

Michelle Mahler, 228 Ross St., stated that too much money is going outside of Batavia. She favored retaining ARC as the vendor to keep dollars and jobs local. She didn't agree with the tote system and felt it wasn't fair to burden people with totes including the elderly and those with no space to put them. She asked Council to vote down the tote system and give ARC the contract for at least one year to work together on an equitable solution.

Kyle Couchman, 62 Swan St., felt there needed to be a lot more answers before jumping into the tote system and if the system wasn't broke, don't fix it. He said that from experience he knew that the totes would wear down in the weather. He was concerned with snow piles around the City and on the sidewalks. He also noted that the taxpayers were getting tired of being talked down to.

Al McGinnis, 16 Vernon Ave., proposed a service fee that would be a modest fee charged to groups that didn't pay taxes. He noted that the rest of the tax payers were subsidizing these groups and a service fee would allow the City to keep services with the police and fire and deal with unfunded mandates. He said it wasn't meant to be mean, just for them to pay for some of the services they receive and he was in favor of the tote system.

Pat Dieck, Garden Dr., asked Council to postpone voting on the ordinance change and felt that ARC was a preferred source vendor. She noted that facts and figures didn't show the whole picture and wondered why residents didn't find out about the change until December even though the idea had been talked about since August. Ms. Dieck was concerned that 10-20 employees would lose their jobs, felt the discount for multi-family units was unreasonable, and there were too many unknowns at that time.

John Roach, 116 Grandview Ter., noted that he wanted a fair price for trash pickup, he did like the idea of the totes, he had some issue with the rental units paying less and the totes lasted forever. He stated that the Buffalo suburbs using the same system had even smaller driveways and they didn't have a problem. He just wants the best price, didn't care who got the contract, liked the service fee idea and felt that a token payment was not a bad idea.

Ed Duncan, 30 Oak St., was in favor of keeping ARC but also in favor of the tote system. He wanted to know what would happen to the blue bins currently used for recycling and if the totes would blow around in a wind storm.

Dave O'Geen, East Ave., agreed that the City wasn't responsible to ARC but that it wasn't that black and white. He noted that if a business wanted to relocate to Batavia incentives would most likely be offered to get them to come so he wondered about the opposite. What could be done to help retain 30 jobs? He noted that the City didn't always have to accept the lowest bid if they could provide reasons. He felt that ARC deserved the preferred source vendor status and NYSID said the City hadn't followed the preferred source guidelines.

Blake Elliott, 33 Ellicott Ave., noted that he spent a lot of time looking at trash and recycling and how to better it. He looked at advantages and disadvantages and didn't like the cost being tied to assessed values. He liked the idea of totes, most people could fit what they need into totes and it encouraged recycling.

John Mortellaro, 3 Carolwood Dr., noted that he made an effort to talk to all of the Council members about the totes. He said that they worked for the City and the residents and if the residents preferred ARC have the contract then they should listen. He asked where the new company would be located and if they could get to Batavia in the event of a storm. He felt the information in the paper and what was presented to the public was difficult to understand, the totes could be a problem to older people, and making decisions was difficult for anyone in control. He still didn't know how much he was going to save, wanted better explanations and felt what the City had now seemed to be the best.

Frank Spiotta, Gateway Dr., didn't want to get rid of ARC, couldn't see the advantage of it and still had a lot of questions. He hoped Council voted to keep ARC.

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The Council President assigned the regular agenda items.

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New Business

#2-2013
RESOLUTION INTRODUCING 2013-2014 BUDGET ORDINANCE AND
SCHEDULING A PUBLIC HEARING

Motion of Councilperson Pacino

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2013-2014 fiscal year on January 14, 2013 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 11, 2013 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2013-2014 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

Seconded by Councilperson Russell and on roll call approved 9-0.

ORDINANCE #001-2013
AN ORDINANCE ADOPTING THE 2013-2014 BUDGET AND DETERMINING THE
AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2013-2014
FISCAL YEAR

BE IT ENACTED, by the Council of the City of Batavia, New York:

SECTION 1. The proposed Budget for 2013-2014, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 14, 2013, as amended, setting forth the estimates of revenues and expenditures for the fiscal year 2013-2014 of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, Refuse Fund and Workers' Compensation Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2013-2014.

SECTION 2. The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2013-2014 is \$4,901,470.

SECTION 3. The sum of \$4,901,470 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2013-2014, be and the same is hereby levied on all the real

property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2013-2014.

SECTION 4. The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

SECTION 5. The budget summaries, as filed in the Clerk-Treasurer's Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

SECTION 6. This Ordinance shall become effective April 1, 2013.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 123,500.00
City Council	\$ 53,470.00
City Manager	\$ 177,510.00
Finance	\$ 129,853.00
Administrative Services	\$ 230,000.00
Clerk/Treasurer	\$ 122,230.00
City Assessment	\$ 141,300.00
Legal Services	\$ 206,215.00
Personnel	\$ 587,260.00
Engineering	\$ 34,000.00
Elections	\$ 23,365.00
Public Works Administration	\$ 109,440.00
City Facilities	\$ 243,310.00
Information Systems	\$ 66,800.00
General Fund - Contingency	\$ 250,000.00
Police	\$ 3,912,700.00
Fire	\$ 3,830,285.00
Control of Dogs	\$ 1,335.00
Inspection	\$ 319,740.00
Vital Statistics	\$ 17,700.00
Maintenance Administration	\$ 195,360.00
Street Maintenance	\$ 606,315.00
Public Works Garage	\$ 516,570.00
Snow Removal	\$ 577,290.00
Street Lights & Traffic Signals	\$ 281,075.00
Sidewalk Repairs	\$ 75,000.00

Community Development	\$ 25,000.00
Economic Development	\$ 10,000.00
Council on Arts	\$ 2,250.00
Parking Lots	\$ 42,350.00
Parks	\$ 669,670.00
Summer Recreation	\$ 60,840.00
Youth Services	\$ 158,805.00
Medical Insurance	\$ 7,440.00
Historic Preservation	\$ 2,395.00
Community Celebrations	\$ 14,500.00
Planning & Zoning Boards	\$ 3,200.00
Storm Sewer	\$ 231,520.00
Refuse & Recycling	\$ 79,900.00
Street Cleaning	\$ 153,460.00
General Fund - Debt Service/Bonds	\$ 546,418.00
Install Pur Debt - Municipal Lease	\$ 7,198.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 69,007.00
Gen. Fund – Other Gov’t Debt	\$ 92,559.00
General Fund - Transfer/Other Funds	\$ 286,530.00
TOTAL	\$ 15,294,665.00

**Water, Wastewater & Workers
Comp Funds**

**PROPOSED
2013/14**

Water Administration	\$ 2,314,060.00
Pump Station & Filtration	\$ 1,354,070.00
Water Distribution	\$ 436,100.00
Water Fund – Medical Insurance	\$ 1,130.00
Water Fund Contingency	\$ 31,700.00
Water Fund - Debt Service/Bonds	\$ 28,023.00
Install Pur Debt – Municipal Lease	\$ 3,999.00
Water Fund– Debt Srvc-Energy Lease	\$ 16,467.00
Water Fund – Transfers for Cap Proj	\$ 64,398.00
Water Fund - Transfer to Other Funds	\$ 288,920.00
Water Fund - Capital Reserve	\$ 55,200.00
TOTAL	\$ 4,594,067.00

Wastewater Administration	\$ 291,360.00
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Sanitary Sewers	\$	431,816.00
Wastewater Treatment	\$	870,440.00
WW Fund Contingency	\$	28,636.00
WW Fund – Medical Insurance	\$	760.00
WW Fund - Debt Service/Bonds	\$	154,193.00
WW Fund - Debt Srvc-Energy Lease	\$	6,830.00
Install Pur Debt – Municipal Lease	\$	28,792.00
WW Fund – Transfer to Other Funds	\$	28,310.00
WW Fund – Transfer/Capital Fund	\$	580,000.00
WW Fund - Capital Reserve	\$	118,860.00
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TOTAL	\$	2,539,997.00
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Workers' Compensation	\$	410,700.00
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TOTAL	\$	410,700.00
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Refuse Fund

Refuse & Recycling	\$	849,224.00
Debt Service - BAN	\$	66,394.00
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TOTAL	\$	915,618.00
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TOTAL	\$	23,755,047.00
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#3-2013

RESOLUTION INTRODUCING A LOCAL LAW 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 AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Motion of Councilperson Doeringer

BE IT RESOLVED, that Local Law No. 2 of the Year 2013 entitled “**LOCAL LAW NO. 2 OF THE YEAR 2013 CITY OF BATAVIA TO AMEND §184-41 (A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 11, 2013; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

Seconded by Councilperson Hawley and on roll call approved 9-0.

**LOCAL LAW NO. 2 OF THE YEAR 2013
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE
CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A
CAPITAL IMPROVEMENT FEE**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. § 184-41. Water rates.

A. Water Rates

City – Water – Quarterly Schedule

~~First 300,000 gallons \$4.44 per 1,000 gallons
Over 300,000 gallons \$3.70 per 1,000 gallons~~

[First 300,000 gallons \$4.53 per 1,000 gallons
Over 300,000 gallons \$3.77 per 1,000 gallons]

Town Served Directly by the City – Building and Hydrants

~~First 300,000 gallons \$5.70 per 1,000 gallons
Over 300,000 gallons \$4.71 per 1,000 gallons~~

[First 300,000 gallons \$5.81 per 1,000 gallons
Over 300,000 gallons \$4.80 per 1,000 gallons]

B. Bulk rate at water plant fill station: ~~\$5.94~~ [\$6.06] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2012 as billed on and after July 1, 2012~~ [April 1, 2013 as billed on and after June 1, 2013].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$8.65 [8.82]
Disc	3/4	\$10.95 [11.17]
Disc	1	\$11.53 [11.76]
Disc	1 1/2	\$19.60 [19.99]
Disc	2	\$27.21 [27.75]
Compound	2	\$23.05 [23.51]
Compound	3	\$87.67 [89.42]
Compound	4	\$139.54 [142.33]
Compound	6	\$210.80 [215.01]
Turbo	3	\$51.87 [52.91]
Turbo	4	\$87.67 [89.42]
Fireline	4	\$87.67 [89.42]
Fireline	6	\$139.54 [142.33]
Fireline	8	\$194.52 [198.41]
Fireline	10	\$254.02 [259.10]

All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$2.00 [2.50]
Disc	3/4	\$2.53 [3.17]
Disc	1	\$2.67 [3.33]
Disc	1 1/2	\$4.53 [5.67]
Disc	2	\$6.30 [7.87]
Compound	2	\$5.33 [6.67]
Compound	3	\$20.28 [25.35]
Compound	4	\$32.28 [40.35]
Compound	6	\$48.77 [60.96]
Turbo	3	\$12.00 [15.00]
Turbo	4	\$20.28 [25.35]
Fireline	4	\$20.28 [25.35]
Fireline	6	\$32.28 [40.35]
Fireline	8	\$45.00 [56.25]
Fireline	10	\$58.77 [73.46]

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

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#4-2013
**RESOLUTION INTRODUCING A LOCAL LAW AMENDING §155, SOLID WASTE,
OF THE BATAVIA MUNICIPAL CODE AND PROVIDING FOR PUBLIC NOTICE
AND HEARING**

Motion of Councilperson Briggs

BE IT RESOLVED, that Local Law No. 3 of the Year 2013 entitled “**LOCAL LAW NO. 3 OF THE YEAR 2013 CITY OF BATAVIA TO AMEND §155, SOLID WASTE, OF THE BATAVIA MUNICIPAL CODE**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 11, 2013; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (3) days prior thereto.

Seconded by Councilperson Cipollone and on roll call approved 9-0. Council President Buckley noted this was not a final vote on the topic but just moving it to a public hearing.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Russell

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, Article 7, Section 105(1)(e), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...collective

negotiations pursuant to article fourteen of the civil service law...”.

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...”.

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.

The motion was seconded and all of Council approved.

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Meeting adjourned at 8:55.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**