

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, JANUARY 27, 2014**

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

### **Call to Order**

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

### **Public Comments**

Marty MacDonald, 210 E. Main St, noted that he saw four snow plows going down the road that morning and he was very appreciative of the work done. He thanked Ray Tourt, Sally Kuzon and Council. He stated that the job done this year had been fabulous.

Jim Rosenbeck, 13 Lewis Ave, thanked Council for listening to his comments even if they didn't agree with them. He noted that people leave because they can't afford to pay for growing government and that was probably part of the reason there were so many vacant properties. He didn't see the need for additional full-time code enforcement, felt flood insurance probably was an issue shared with the town and county, and asked why the Director of Public Works was necessary. Mr. Rosenbeck suggested looking at all positions to see if there were needed, asked Council to focus on saving money and to not spend people's hard earned money on electric car charging stations and wi-fi.

Mary Ellen Wilber, 205 Liberty St, was concerned with the idea of having an assistant city manager. She noted that Mr. Molino said the City didn't need one when he first started, no real business had been attracted in the City, and a newspaper article suggested people in other positions could work on the flood insurance problem. Ms. Wilber recommended using Peaceful Genesee to get solutions and utilize the knowledge we have right here in the City. She did not think a new assistant city manager was needed.

John Mortellaro, 3 Carolwood Dr, thought the City had a terrific Council who could help resolve the problems that the proposed assistant city manager would do. He noted that \$77,000 wouldn't cover the entire cost of the position. He asked what the City Manager did during his normal work day since he didn't have time to do anything extra. He noted that there were so many intelligent people running the City that maybe the current employees could do the work that needed to get done. Mr. Roach suggested asking service clubs to do the work and that if someone wanted to put up an electric car charging station then they should do it themselves.

John Roach, 116 Grandview Terr, was 100% against an assistant city manager but did think we needed help with the FEMA flood issue. He noted there were experts out there where the work could be contracted to, wi-fi wasn't real cheap and thus didn't agree with paying for it in seasonal locations and suggested the businesses pay for it instead or let the BID offer it. He couldn't see giving free electric away either.

John Deleo sent a letter saying he wouldn't be able to attend the meeting because he was at another meeting regarding issues that could potentially affect the City's VLT aid and that he was against hiring an assistant city manager.

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

Councilperson Canale noted that the wi-fi locations were just suggestions, he would like ideas as to where to put it if the public thought it was a viable option and he was pleased to hear the comments regarding the department of public works. He noted that there had been a lot of confusion regarding who last held the assistant city manager position and felt that Mr. Molino had addressed and cleared up the issue. Councilperson Canale noted that he was also concerned with finger pointing and noted that clean streets don't just happen and that it happened because the City had a qualified Director of Public Works. He noted that Mr. Molino had to deal with a financial mess, Ms. Kuzon had done a fantastic job by addressing several infrastructure problems and appreciated everything Ms. Kuzon had done.

Councilperson Doeringer noted that the City didn't set where the flood plains were, as opposed to a comment made by Ms. Wilber suggesting it was the City who determined those lines, and Mr. Molino noted that it was determined by the federal government.

Councilperson Pacino noted that flood plains weren't the only thing that needed to be addressed. She noted that Mr. Molino did 22 jobs and there was no room to stretch it any further. She said they all couldn't just volunteer for specialized jobs, couldn't ask someone to work on projects when they had additional time, and realized there was one big agenda for the City but that everyone had different backgrounds. Councilperson Pacino stated that if they were going to do all the wonderful things they wanted to do then they needed to get someone to help. She felt they needed the extra person.

Councilperson Jankowski felt that the public had already made up their mind on the subject and they may have to address the assistant city manager at a later time. He noted that Council may have seen the need for it but the public had not. He felt the City may have missed the boat on the wi-fi, it could be problematic and could be putting the City at risk. He didn't feel the Council had done its job making the case to the public for the assistant city manager.

Councilperson Christian thanked Ms. Kuzon for the street clearing but noted that the sidewalks were a mess and property owners needed to get out and clean their sidewalks.

Councilperson Briggs noted that they couldn't do everything at one, they needed to prioritize and contract out the work, and she was against the electric bill for the car charging.

Councilperson Cipollone reminded Council that they had gone through a strategic plan and identified 22 jobs they wanted done. He noted that they had to cut personnel as far as they could to get back on solid footing but now they needed to build up the City. He didn't think they could ask other departments to take on the extra work and it didn't make sense to eliminate the Director of Public Works. He didn't agree with the wi-fi and

didn't think the electric car charging station was worth it.

Council President Hawley noted that the budget wasn't set in stone, there was a lot of negativity floating around and he support the administration and staff.

### **Council Member Rules**

Councilperson Jankowski noted that he was looking for support for two minor changes in sections A and F of the council member rules. He felt that some items may not need to go through the City Manager, but rather right to the department heads, as that may delay the process of dealing with an issue that may be time sensitive if he doesn't have the chance to contact the department heads in a timely manner. He felt they were all adult enough not to harass the staff and just wanted to clarify the language and have a choice of who to speak with.

Councilperson Cipollone never liked when someone approached his employees without first going through him and just saw it as following the chain of command. He felt going through the City Manager was the right and respectful thing to do but he had no problem changing the language in section F.

Councilperson Briggs felt the change undermined Mr. Molino's authority and that he should know what was going on. She noted she had never had a problem.

Councilperson Pacino asked that, if the change was made, if there was language that could be added if someone did use it to their advantage.

Councilperson Christian felt that if you wanted to question the departments then you should have the right to do so. She liked the proposed change.

Councilperson Jankowski agreed there was no penalty if someone took their authority for granted and didn't want to give up his rights as a citizen to talk to department heads.

Councilperson Canale was confused by all of the discussion and wondered why they were wasting their time discussing it at all. He noted that the rules didn't say you couldn't ask questions but that you couldn't give orders.

Councilperson Cipollone noted that he had a request, e-mailed Ms. Kuzon about it and copied Mr. Molino. He felt the current wording was fine.

Mr. Molino noted that there was nothing prohibiting Council from asking questions, they couldn't give direction to department heads because that was his responsibility, and felt that requests for information was the real issue. He noted that Council as a whole should know what information is received by any Councilmember but the current rules already covered what Council was discussing.

Mr. Van Nest, City Attorney, noted that he would have to review the Charter to make sure the changes to the member rules didn't change the Charter and that the current rules were consistent with the Charter.

Councilperson Jankowski felt that if meetings and questions could be asked then he was alright with the current language.

### **Revised Purchase Manual**

Mr. Molino noted that the audit report had been finalized by the NYS Comptroller and they addressed purchase manual issues. He noted that the City delayed preparation of the manual because they wanted to incorporate suggestions from the Comptroller's office. He explained that there were three recommendations which were to update the purchasing manual, have the Council president sign all contracts, and to periodically issue RFPs for professional services. Lisa Neary, Deputy Director of Finance, gave history of how the new manual came about, that she had joined SAMPO, and obtained information from others to help put the manual together. She explained that she had gone on three site visits to learn how other municipalities operated regarding purchasing, there had been a great deal of upheaval in the purchasing area because of changes by the State, and felt the new document was more clear, comprehensive and a resource for employees. She said it made the gray areas black and white. Ms. Neary noted there were still language that needed to be added as to when an RFP was not done and the need to document the reason why and that the contract section added clarification that the clerk's office would get all original contracts for filing. Mr. Molino commented that Ms. Neary did a very thorough job and commended her for her work on the project. Council agreed to move the item to the next business agenda.

### **Surplus Properties**

Mr. Molino noted that there were two vacant land properties and four residential properties that the City would be potentially putting up for auction with the County on March 15<sup>th</sup> and thus there was the need to declare them surplus. Council agreed to move the item to the next business agenda.

### **Bid Net**

Ms. Neary noted that Bid Net was an online bidding network, it required a contract for the City to be a part of it even though there was no cost. Council agreed to move the item to the next business agenda.

### **Memorial Day Parade**

Councilperson Christian announced that she would not be in town for Memorial Day this year and was looking for someone else to take over the event. Councilpersons Cipollone and Pacino agreed to take over. Council President Hawley noted that Bob Bialkowski was a great help to the event and he should be contacted to assist as well.

### **Budget and Water Rate Public Hearing**

Mr. Molino noted that Council would need to pass resolutions at the next business meeting to set the public hearings for February 24<sup>th</sup> as they related to the budget and

water rates. Council agreed to move the item to the next business agenda.

### **Budget Work Session**

Mr. Molino instructed Council to ask questions of specific departments if they had any as they related to the budget.

Councilperson Jankowski asked that there be a written policy as to how the new surveillance cameras would be used and Chief Heubusch noted that he was working on it.

Councilperson Christian noted that she was not in favor of the 2.5% raise for non-union employees, would approve the assistant city manager if the salary could be less than \$60,000, not in favor of wi-fi or the electric car charging station. She also would like the town water rates higher and the taxes lower by about 2%.

Councilperson Briggs questioned if the non-union employees were being penalized for not being in a union and wondered if Councilperson Christian would agree to a 2% increase. She said no and would want it even lower.

Council wanted to see the budget without wi-fi, the car charging stations, and how much the non-union raises amounted to. Councilperson Canale suggested a list of changes before voting on what to change and Councilperson Pacino wanted Council to take their time with the budget and not rush to any decisions.

Councilperson Cipollone asked why the percentages were all over the place with regards to salaries. Mr. Molino noted that there could be step increases in addition to regular wage increases as well as retirements that may bring salary lines down. He asked about the election costs and it was explained that the costs were actual numbers provided by the County for the 2012 elections.

Councilperson Briggs asked about the BDC funding of \$10,000 and Mr. Molino noted that it should come out.

Councilperson Christian wanted half of the VLT aid to be put aside to reduce taxes for next year. Mr. Molino didn't recommend it because if the City didn't get the money in the following year there would be a shortfall to make up for with the taxes and felt that may be a reason the City got into the financial troubles it was in just a few years ago. He did not feel comfortable budgeting around the VLT aid until it became a stable source of revenue.

Council agreed to finish the water, sewer, and workers compensation funds at the next meeting.

### **Executive Session ... Collective Bargaining**

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

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

01/27/2014

**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...".

**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 Christian and all of Council agreed.**

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**Conference Meeting adjourned at 10:00 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**