

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, FEBRUARY 23, 2015**

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

### **Call to Order**

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

### **Public Comments**

Lisa Whitehead, 20 Ellsworth Ave, invited Council to join a Facebook group called Batavia Neighborhood Watch. She noted that a lot of topics were discussed, people who couldn't come to meetings expressed their concerns on social media, and looked for Council's input for clarification of issues.

Mary Valle, Jackson St, asked Council to support Vibrant Batavia, the Batavia Development Corporation and the assistant city manager position. She stated that she strongly believed that Batavia wouldn't be the best it could be without buy in from the City leaders. She explained that Council's initial investment on those positions had been proven.

John Roach, 116 Grandview Terr, felt that the money in the budget from last year wasn't surplus but rather the taxpayer's money. He noted that he would rather see someone clearing sidewalks and that several polls showed that over 60% of respondents didn't support Vibrant Batavia.

Marty MacDonald, Main St, stated that if you give a little you say a little but if you give a lot you say a lot. He noted that he owned several properties in Batavia and pays taxes. He noted that two years ago he was approached to be part of a Council-led project – the community improvement plan – which became Vibrant Batavia. He read excerpts from the community improvement plan pointing out that the community must invest in downtown. He noted that Batavia couldn't be successful by complaining or by being cheap. He explained that Vibrant Batavia wasn't born out of a whim but by people who had a passion to do something. He also noted that the Batavia Centennial was a result of Vibrant Batavia and they raised \$124,000 from business people who believe in this.

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

Councilperson Jankowski asked if there was anything that prevented private contractors from doing other work like snow removal from the sidewalks. Mr. Molino noted that there wasn't but it would have to be in accordance with the collective bargaining agreement and wasn't sure if there would be time to do it this year because it was already so late in the season but would look into it.

Councilperson Deleo thanked the speakers who spoke and felt that any media was great that allowed Council to stay in touch. He congratulated Vibrant Batavia on their Centennial work but felt there were a lot of civic organizations that could do those projects. He also noted that he appreciated the business investments in the City of Batavia. Councilperson Pacino noted that she read the Neighborhood Watch Facebook page but usually called the concerned citizen instead of posting back on the Facebook page. She also noted that she normally doesn't comment about things that she is happy about but does if it's something that makes her mad. However, she noted that she has heard from a lot of people who are very in favor of Vibrant Batavia.

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

Council President Hawley announced the next regular City Council Business Meeting would be held on Monday, March 9, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

### **Public Hearing – Ordinance #001-2015 – 2015/2016 Budget**

Councilperson Christian made a motion to open the public hearing, it was seconded by Councilperson Deleo and on roll call approved 9-0.

John Roach, 116 Grandview Terr, noted that if Council hadn't created the assistant city manager position last year, the current budget would have a decrease and he felt the position was a mistake. He suggested having the Assistant City Manager take over the Vibrant Batavia overhead work and that she didn't have that much on her plate.

Councilperson Briggs made a motion to close the public hearing, it was seconded by Councilperson Christian and on roll call approved 9-0.

### **Public Hearing – Local Law No. 1 of the Year 2015 – Amend Water Rates, Meter Fees and Capital Improvement Fee**

Councilperson Deleo made a motion to open the public hearing, it was seconded by Councilperson Canale and on roll call approved 9-0.

John Roach, 116 Grandview Terr, felt with all the water main breaks that maybe the fund was not being funded enough.

Councilperson Briggs made a motion to close the public hearing, it was seconded by Councilperson Christian and on roll call approved 9-0.

### **Water and Wastewater – Chemical Bids and Lime Sludge Removal**

Sally Kuzon, Director of Public Works, noted that they had requests for bids out for chemicals, one out for lime sludge removal, and would let them know the results at an upcoming meeting. Council agreed to move the item to the next business meeting.

## **Healthy Schools Corridor, Transportation Alternatives Program (TAP) Award**

Mrs. Kuzon noted that they received a sidewalk award from the Federal Highway Administration, the first phase was scoping and they needed a resolution to adopt the first phase. She noted that the City would have to fund the first phase and then would be reimbursed. Councilperson Jankowski asked where the City's 20% share came in. Mrs. Kuzon said that the City would be responsible for 20% of each phase. Council agreed to move the item to the next business agenda.

## **Foreclosed Properties**

Mr. Molino noted that the City would like to move 12 properties from the current year and one property from the prior year foreclosure list to be auctioned on March 14<sup>th</sup>. He stated that the City wanted to review one of the properties to possibly use for the yard waste station or to supplement that location and the other three properties would be recommended for transfer to Habitat for Humanity through the Batavia Housing Authority. He noted that the three properties had been vacant and were in bad shape and the City's had a great relationship with Habitat for these type of projects. Councilperson Jankowski asked if three properties was overly ambitious for Habitat. Mr. Molino noted that they felt they could handle them over the 24 month time period they had. Councilperson Christian felt it was a great opportunity for Habitat and for the people living in the home. She noted that they are required to put in a certain number of hours into fixing the home themselves as well. Council agreed to move the item to the next business agenda.

## **Microenterprise Grant**

Mr. Molino noted that in December the City received a \$200,000 CDBG grant for small business owners to be administered by the Batavia Development Corporation. He asked that the sub-recipient agreement be voted on at the next business meeting. He noted that grant recipients would be required to attend training and grants were for up to \$10,000 - \$15,000. Council agreed to move the item to the next business agenda.

## **Government Efficiency Plan**

Mr. Molino noted that part of the state budget requires municipalities to submit an efficiency plan through shared services. He noted that doing that would ensure tax credits for residents as long as the tax cap wasn't overridden. He suggested working with the County and let them submit the plan on the City's behalf. He felt it was in the best interest of the City to partner with the County. Council agreed.

## **Mall Litigation**

Mr. Molino noted that Council had asked for details regarding the mall litigation and provided a memo summarizing the costs on both sides of the case and other information. He noted that the City didn't initiate litigation but had to defend the City's position and was hoping to resolve the litigation with a long-term fix.

Councilperson Briggs asked if the Swan St litigation was progressing and Mr. Van Nest noted that it was.

Councilperson Christian stated that she thought everyone should be responsible for their own sidewalks just like they need to be responsible for taking care of their own lawn.

Councilperson Deleo asked if the City was still working with Empire? Mr. Molino noted they were working with Time Warner, Comcast and Empire.

Councilperson Deleo also asked how he would go about making an amendment to the budget regarding the assistant city manager position. Mr. Van Nest noted that they would need another public hearing if the amendment passed and the change affected the tax rate. He noted that there had been multiple opportunities to bring the changes forward at budget work sessions. Councilperson Cipollone thought that he had brought up that very thing at the last meeting that they had to make changes as soon as possible to be able to meet the deadline. Mr. Molino noted that there were four or five work sessions where proposed changes could have been discussed. He noted he would have no time to provide a thorough analysis of what that change would mean. Councilperson Canale stated that Council has had plenty of time to bring up changes and didn't know why Councilperson Deleo was waiting until the last minute to propose a change that big. Council President Hawley noted that he asked if Council was all set with the budget at the last meeting and everyone agreed they were all set. Councilperson Briggs noted that the assistant city manager position was one of the items she had sent to Council President Hawley but that it never showed up anywhere as a potential amendment. Councilperson Deleo made a motion to have another budget session on Friday, February 27<sup>th</sup> at 6:00pm. Councilperson Briggs seconded the motion. Councilperson Doeringer stated that he had a prior family commitment and wouldn't be able to be at the meeting. Mr. Molino suggested making the amendment on March 9<sup>th</sup> at the business meeting and thought they would have enough time to get all the subsequent requirements in. He noted that the discussion would involve what the impact would be to the budget and he would check tomorrow to see if there was enough time. Councilperson Deleo withdrew his motion for another budget session. Councilperson Canale noted that sometimes you have to vote on what is right for the community not just based on what the constituents are saying because Council is more informed on why the position is in there. He noted that Council had budget session after budget session after budget session and nowhere did Councilperson Deleo ask Mr. Molino to take it out. Councilperson Pacino noted that Council talked about things they could take out and put in the budget and she never wanted the slide not to be replaced but just wanted it out of the budget. She noted that she had been working with other groups to replace the slide.

### **Executive Session**

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

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

**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.

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

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**Conference Meeting adjourned at 8:10 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**