

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, OCTOBER 26, 2015

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

Call to Order

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

Public Comments

John Roach, 116 Grandview Terr, suggested selling 400 Towers and asked why the City was in the rental business. He noted that money from the sale could be used to help pay for the police station and it would go back on the tax roll.

Council Response to Public Comments

Councilperson Christian asked if the City owned 400 Towers. Mr. Molino noted that it was owned by Batavia Housing Authority which is its own entity established through legislation and the City didn't really have a say on the property. Councilperson Deleo asked if the City financed the property in any way. Mr. Molino noted that the City didn't fund it and that it was tax exempt. Councilperson Cipollone confirmed that the City couldn't sell the property since we had no authority over it.

Council President Report

Council President Hawley announced the next regular City Council business meeting would be held on Monday, November 9, 2015 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Reserve Fund Allocations

First, Mr. Molino wanted to share that there was a press release announcing the City had received the Distinguished Budget Award and there were only eight entities in New York that had received the award. He gave special thanks to Lisa Neary along with Gretchen Difante.

Mr. Molino noted that funds could be put into reserves based on the excess of revenues over expenses from the prior year. He detailed which reserves he recommended funding including fire, DPW equipment, facility, administrative, and others. He also noted that he would like to try to establish a capital plan to fund sidewalk replacement. Councilperson Deleo made a motion to move the item to the next business meeting, motion seconded by Councilperson Canale and all were in favor.

Police Traffic Safety Grant

Chief Shawn Heubusch noted that they had received \$11,000 from the Governor's Traffic Safety Committee and was asking for a budget amendment to accept the grant. Councilperson Briggs made a motion to move the item to the next business meeting, motion seconded by Councilperson Cipollone and all were in favor.

Time Warner Cable – Charter Franchise Transfer

Mr. Molino noted that the resolution was to authorize the transfer from Time Warner to Charter Communications. He noted that Council did the same thing about a year ago when Time Warner was supposed to transfer to Comcast but that didn't go through. He recommended approving the transfer. Councilperson Deleo asked what happened with the \$13,000 that was due from Time Warner. Mr. Molino noted that it was the same good faith agreement with Charter and the City planned to get paid what they were due. Councilperson Christian made a motion to move the item to the next business meeting, motion seconded by Councilperson Canale and all were in favor.

Police Station Financing Options

Mr. Molino noted that Council had requested financing options for the police station recommendation at 35 Swan St. He showed the City's debt levels and payment terms, outlined a leasing option that Auburn was pursuing, and explained that he wasn't sure if the lease was something the City could do but wanted to present it as something to at least look at. Councilperson Jankowski asked if the City chose bonding would that have to be approved by public vote. Mr. Molino noted that Council would approve the bonding through resolution. Councilperson Jankowski asked if he could meet with the task force members about other options. Mr. Van Nest, City Attorney, felt that individual meetings with the task force would call into question the process that Council approved. Councilperson Jankowski stated that he would ask the task force to address Council as a whole instead of individually. He also asked if there was a way to get the public involved instead of just having Council spend that kind of money. Mr. Van Nest noted that a referendum isn't held because it isn't required. Mr. Molino noted that there was an estoppel period where people can object to the borrowing but Council is authorized to borrow the money. Councilperson Deleo felt the lease option was interesting and asked if a private company would be able to get more grants or could the GCEDC help a private company with assistance. He also wondered if a private company owned the building if it would be on the tax roll or if it would be exempt because it was a police station. Mr. Molino noted that it was hard to have an IDA sponsored project because it would be a public project. He stated that there could be a public information session where questions could be answered. Councilperson Christian asked if the taxes would go up 2% from the project. Mr. Molino stated that if nothing changed, that was the estimate but it would only be a one-time increase. Councilperson Briggs stated that we need a new police facility and Council needed to move it forward and felt it was time to put up or shut up. Councilperson Jankowski agreed we needed to move forward but he wasn't a fan of the leasing option because he wasn't sure what the future would hold and didn't want to subject future Councils to the lease. Councilperson Canale is concerned with public input as well as it related to which site was best but felt there should be at least one public session and maybe

a ward meeting to see how people feel. He was uncomfortable with talking about such a large sum of money without hearing from the public. Mr. Molino noted that he could set up an informational meeting or public comment session at a future meeting. He noted that a reason the leasing option was attractive was because it wasn't considered debt even though the City isn't in jeopardy of exceeding its debt limit. Councilperson Briggs agreed with a ward meeting but didn't want to sit on this for another 10 years. Councilperson Pacino noted that she wasn't excited about the lease because you pay and pay and own nothing. She agreed with a public comment opportunity so everyone could understand. Councilperson Jankowski was concerned that people will only voice concern and then everyone will get scared and nothing will get done. He felt they needed to support the police while keeping the cost to a minimum for the people. Councilperson Cipollone noted it's been talked about for over 20 years, they need to do something, and if Council still has questions then they need to get them answered. Councilperson Deleo agreed that they kept kicking the can down the road, suggested hearing all the options, and consider all information before disregarding it right away. Council agreed to set up a public meeting through resolution.

Executive Session...Employment Matters and Litigation

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...".

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation...".

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 on roll call approved 9-0.

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Conference Meeting adjourned at 8:00 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**

10/26/2015