

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, JANUARY 25, 2016

Present were Council President Jankowski and Councilpersons Hawley, Canale, Christian, Viele, Briggs, Pacino, McGinnis, and Tabelski.

Call to Order

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

Public Comments

Chris Connelly, 137 Pearl St, noted that two weeks ago he asked if Council had the power to overturn unconstitutional laws and was told they did. He noted that in the zoning law, it said property owners had the ability to ask that laws be changed if they were deemed a public nuisance. He wondered whose rights were being violated by someone parking on their own lawn.

Council Response to Public Comments

Councilperson Christian wanted to hear from Mr. Van Nest on the issue. Mr. Van Nest noted that the city zoning code was reviewed and he respectfully disagreed with the speaker's views. He noted that there may be a disagreement but it didn't mean it was a question of the validity of the law. Mr. Van Nest noted that the City followed proper procedures and some zoning code restricts the nature of property uses. Council President Jankowski noted that if a council member wanted to make a motion to challenge the validity of the code they could do that. Councilperson Christian asked if Mr. Connelly was able to park on his law because there was the ability to make exceptions for handicapped people. Mr. Molino noted that he had asked Mr. Connelly about that and Mr. Connelly said that wasn't the case. No council member made a motion to review the codes validity.

Communications

None.

Council President's Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Tuesday, February 9, 2016 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Public Hearing

- a. Discontinuation of public use for 40-52 and 56-70 Ellicott Street for sale and redevelopment.

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

There were no speakers who signed up or who wanted to speak from the audience.

Councilperson Tabelski made a motion to close the public hearing, motion seconded by Councilperson Pacino and on roll call, approved 9-0.

Changes to Council Meeting Rules

Mr. Molino noted that there were three requests for changes to the council meeting rules and he also identified a fourth to clean up the language. He recommended not allowing a council member to change their vote once the vote is finalized unless approved by the rest of Council. Council President Jankowski wanted to remove the asterisk from council response to public comments so Council can discuss the topic and not just address errors or correction of facts. He also wanted to make sure the change of the “in writing requirement” for public comments was changed in both the business and conference meeting rules. Councilperson Pacino made a motion to take out the double asterisk as it related to the council responses to public comments which was seconded by Councilperson Viele. All of Council approved and a total of six items would be corrected in the rules.

Police Consolidation Study

Mr. Molino noted that he identified two potential grants to study the consolidation of police and he recommended action by Council to have a study with the County and LeRoy police. He noted that the total cost of a study would be approximately \$80,000 – \$100,000. Councilperson Christian felt that haste makes waste. She thought she moved too fast before but has talked with some police employees and concerned that some positions may be lost with a consolidation. She did not want the study. Councilperson McGinnis noted he had 11 people call him from the 4th ward and they all wanted to keep local police so he also doesn't want a study. Councilperson Pacino noted that some sheriff's employees didn't want it either based on her discussions with them. Councilperson Briggs agreed and stated there are a lot of problems in the 5th ward, she liked the police presence and didn't want to lose it. Councilperson Viele agreed with the prior comments as well. Councilperson Canale noted that his only concern was that the possible study was in reaction to public feedback about spending a lot of money for a new facility. He didn't want to lose sight of that and asked if Council was saying they didn't want to pursue the consolidation and thus wanted to spend \$10 million on the new facility. Councilperson Pacino stated that she didn't want to spend \$80,000-\$100,000 on a study to tell us we need to spend \$10 million on a new facility. Councilperson Christian stated that sometimes money shouldn't matter especially when it came to safety and she hadn't heard of anyone in her ward who disapproved of a new facility. Councilperson Briggs noted that the police task force had the cost itemized and planned out so the City didn't have to raise taxes 10% to cover the cost and thought the panic was uncalled for. Councilperson McGinnis stated that he was on the task force and it said that the facility *could* cost \$10 million but changes could be made to adjust that figure. Councilperson Tabelski stated that only a few meetings ago Council agreed unanimously to go forward with the study and he supported the proposed resolution. He felt it was worth taking a look at and thought the study cost would be shared

with the other parties. He noted that it would add time to the project but felt it was in the City's best interest to have the study first. Councilperson Hawley noted that everyone agreed to speak to the County a month ago, he was in favor of the study and wasn't trying to hold up the project. Councilperson Christian noted that when the study idea was brought up she never thought we might lose some of our officers or detectives. She noted that we are going to need them because things aren't getting any better. Councilperson Pacino had no problem discussing it with the County but didn't want to spend money on a study. Mr. Molino noted that Orleans County did a study for approximately \$75,000, they are a little smaller than us and that's where he got his estimate. Councilperson Canale noted that the grant only required us to pay a 10% match or approximately \$8,000-\$10,000 which could be split with the County and LeRoy and he didn't want to be pegged as saying he wanted to get rid of the police department. He just wanted to do his due diligence and thought most of Council felt the same way. Council President Jankowski remembered a study to consolidate dispatch years ago that was just supposed to be a study and the City ended up getting rid of dispatch. He felt this police facility study should have been done years ago before all of this was done and didn't want to kick the can down the road further. He noted that grants are still taxpayer money. Councilperson Tabelski felt a lot of assumptions had been made about what the study would suggest. Councilperson Canale felt the study would tell the City if we could do this and we would spend a little taxpayer money to potentially save a lot of tax dollars. He felt we needed to go the extra step. Councilperson Christian was bothered that only a couple of people got to meet with the County to discuss the consolidation. Councilperson Canale noted that Council gave him and Brooks their blessing to meet with the County at a prior meeting.

Councilperson Christian made a motion to move forward with the consolidation study and securing grant funding for the study. The motion was seconded by Councilperson Canale and on roll call, failed 6-3. Councilpersons Tabelski, Hawley and Canale were in favor of moving forward.

Digital Signs

Mr. Molino explained that he gave Council two planning references along with our section of the code as it related to digital signs. He noted that static digital signs were allowed. Council President Jankowski asked where the interpretation of change only being allowed to happen once every 24 hours came from since the code didn't specifically state a time period. Mr. Molino thought that may be in a different section and would have to check with the code officers. Council President Jankowski wanted to remove the term intermittent and replace it with "once every 10 seconds" and have that suggestion go to the planning board. Councilperson Christian asked why the theatre sign couldn't be lit then said she would bring that up at the next meeting. Councilperson Pacino noted that the hospital has to choose one message per day but thought they should be able to have multiple messages displayed.

Council President Jankowski made a motion to modify the code to allow the message to change every 10 seconds and put it forth to the planning board. He wanted to be able to work with businesses as stated in the City's mission statement. The motion was seconded by Councilperson Viele and on roll call, approved 9-0.

Close Out Capital Projects

Mr. Molino noted that this was a resolution to close out three capital projects. Council agreed to move the item to the next business meeting.

Co-operative Purchasing

Mr. Molino noted that the state did a lot of bidding so municipalities didn't have to and now we can use other municipalities bids as well to make purchases. He noted that some cooperatives required a resolution allowing the municipality to use them if we want to but it doesn't require us to use them. He recommended passing a resolution to join the cooperatives. Council agreed to move the item to the next business meeting.

Summit Street Reconstruction Project Bid Award

Matt Worth, Director of Public Works, noted that bids had been out and should be coming back in the next two weeks. He noted he would have a recommendation at an upcoming meeting for this project.

Sales Tax Agreement

Mr. Molino noted that the sales tax agreement with the County expires at the end of 2018 and it provides the City 16% of sales tax generated in the County that isn't the state sales tax. He noted that a committee needed to be formed before July 2016 consisting of two council members. He suggested Council identify two people they would like to sit on that committee. He felt the president should be one person and someone else with an analytical mind. Council President Jankowski asked Council if they were interested in being on the committee to contact Councilperson Pacino and Briggs and they could vote at the next meeting.

Amend Fire Department 2015-2016 Budget to Reflect Car Seat and Bicycle Grant

Interim Chief Herberger noted that he was looking to amend the budget to receive \$6,000 for the car seat program and \$800 for the bike grant. Council agreed to move the item to the next business agenda.

2016-2017 Budget Public Hearing

Mr. Molino recommended having budget meetings leading up to the public hearing on February 22nd. Councilperson Hawley would like to have the non-regular meetings on February 1st and 16th to begin at 6pm instead of 7pm. Council approved.

Committee & Board Appointments

Mr. Molino noted these were just filling board vacancies. Councilperson Briggs also noted a need for two council representatives for the Youth Board as well as a member needed for GAM and to contact her or Councilperson Pacino if interested.

STOP DWI Enhance (Crackdown) Award & STOP DWI Award

Chief Heubusch noted that he'd received awards for those items and asking for a budget amendment to receive the funds. Council agreed to move the item to the next business agenda.

* * *

Councilperson Canale noted that Council agreed not to apply for the joint grant for the consolidation study but wondered if he and Councilperson Hawley were to discontinue discussions with the County regarding consolidation. He just wondered where to go from here. Council President Jankowski asked if there was another meeting planned. Councilperson Canale said there was not but wondered if he should just call them or have Mr. Molino call. Mr. Molino noted that he would contact the County and let them know. Councilperson Briggs felt Council should give Mr. Molino direction for exploring grants for a new facility. Mr. Molino suggested bringing up the topic at the next conference meeting and discuss what the task force recommended and the next steps. He noted that the grant was just a piece and there was certainly more to the project.

* * *

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

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...".

NOW, THEREFORE, BE IT RESOLVED, by the City 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 approved.

Council entered into executive session at 8:25pm.

Conference Meeting adjourned at 8:35 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**