

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, APRIL 25, 2016**

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

### **Call to Order**

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

### **Public Comments**

Rae Ann Engler, 123 Summit St, noted that Vibrant Batavia had been instrumental in helping with her neighborhood. She stated that the comments in the paper were not correct and were coming from someone who didn't understand the meetings of the Summit St residents. She stated that she would like to see more neighborhoods come together because this was our community. She felt that \$7.50 a year per household was a small investment to fund Vibrant Batavia, not a large impact on anyone's tax bill and felt that investment could light the spark to improve Batavia.

John Roach, 116 Grandview Terrace, congratulated Council President Jankowski on his win in his shooting competition. He was glad to see the Time Warner agreement was now done but noted that it really was a tax to the customers. He stated that he would like to see Vibrant Batavia funding ended because there were sidewalks that needed to be fixed before having pizza parties.

Eric Van Dusen, Director of Community Initiatives for Neighborworks Rochester, noted that over 90% of the cost of Vibrant Batavia stayed in Batavia and they would hire a Batavia resident as they had done before to run it. He noted that the plan Council was considering was based on best practices and that they continued to work with Geneva in a similar capacity.

Nelson Baker, 20 Redfield Parkway, noted that he went with Councilperson McGinnis to the Batavia Town work session last Wednesday and they said they had nothing new but would inform the City once they had new information. The Town also welcomed anyone to attend.

Mary Valle, 4018 S Main St, noted that she had been involved with Vibrant Batavia since its inception, was glad Council was considering the 2-year plan and looking forward to building more pride in the community.

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

Councilperson Christian asked how small was the small amount paid to Neighborworks that Mr. Van Dusen referenced. He replied that of the \$45,000 only \$3,000 went to administration. Councilperson McGinnis noted that the Town, at their board meeting on

April 20<sup>th</sup>, went over an incredible amount of information with them about the Park Road issue. He noted that they asked for our planning board to meet with theirs and that the City should work together with the Town on the situation. Mrs. Difante stated that she wasn't aware of the invite to the planning board but she would follow up. Council President Jankowski noted that the Time Warner franchise agreement was required by law in a municipality if they are using city property to run their business. He noted that customers do have a choice to not have cable television and thus wouldn't be paying towards the franchise fee. He also noted that the revenue goes to the general fund. Councilperson Christian thanked Mrs. Difante and Chief Heubusch for coming to the ward meeting and was especially thankful that the City was able to achieve a floor rating of a 7 instead of an 8 as it will offer a nice discount to property owners paying flood insurance. Councilperson Briggs thanked Chief Heubusch for being there and answering so many questions.

### **Communications**

Care-A-Van Ministries submitted an application for their cookouts at Austin Park on Thursday's from June 2 to August 18<sup>th</sup> from 5:00 – 8:00pm. Council approved.

Provision Full Gospel submitted an application to hold a ministry in Williams Park on Saturday, August 13<sup>th</sup> from 9:00am – 6:00pm. Council approved.

Mental Health Association of Genesee and Orleans County asked to place green ribbons on the trees and light poles in the City through the month of May. Council approved.

Batavia Brewing Company LLC submitted a liquor license application. There were no objections from the police department. Council approved.

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

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, May 9, 2016 at 7:00pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilperson Tabelski presented WBTA FM & AM with the 2015 Business of the Year Award.

Councilperson Pacino presented Don & Pam Hirons with the 2015 Homeowner of the Year Award for their property at 137 Summit St.

Councilperson Briggs presented Tonya Passamonte and Adam Steadman with the 2015 Homeowner of the Year Award for their property at 12 Washington Ave.

Larry Barnes received the Community Volunteer of the Year Award and Chad Richards the Employee of the Year Award but neither was in attendance to receive their award.

## **Public Hearing**

- a. A public hearing to grant a cable television franchise agreement between the City of Batavia and Time Warner Cable

Councilperson Canale made a motion to open the public hearing, motion seconded by Councilperson Viele and on roll call, approved 8-0.

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

Councilperson Viele made a motion to close the public hearing, motion seconded by Councilperson Tabelski and on roll call, approved 8-0.

## **Discontinue Public Use of 109 Walnut Street and Authorize Sale of Property by Auction**

Mrs. Difante noted that the City auctioned the property at 109 Walnut St on April 16<sup>th</sup> and the winning bid was from Jeff Freeman for \$33,000. Councilperson McGinnis thought that the money from the sale should go to the general fund. Council President Jankowski noted that this was just to authorize the sale of the property and what the proceeds would be used for could be discussed at another time. Council agreed to move the item to the next business agenda.

## **Vibrant Batavia Proposal**

Mrs. Difante noted that Mr. Molino had sent the proposal to Council that outlined the plans for Vibrant Batavia. Councilperson Briggs asked if the bike rack project was done in conjunction with other groups and what the status was of the Austin Park slide. Mrs. Difante agreed that the bike racks were worked on with other groups. Councilperson Pacino noted that Vibrant Batavia had been raising money to fix the slide at various events and Kiwanis was supposed to be helping as well. Councilperson Viele read resolution 19-2015, noted that Vibrant Batavia was supposed to raise \$15,000 and wondered if that happened. Mrs. Difante stated that she was not sure if it had all been raised since it was for the current year. Councilperson Christian felt that there needed to be more sidewalk improvements, surveillance cameras, video cameras for the police department and other things more that we needed Vibrant Batavia. Councilperson Canale noted that we were currently in the 2016/17 year so wondered if Vibrant Batavia had a plan to raise that money this year. Council President Jankowski felt they needed more information from Vibrant Batavia to see if that money has been raised. He suggested discussing more at a later date when Mr. Molino could explain further. He noted that Council wasn't debating that Vibrant Batavia did great work but debating where to fund it from. He suggested a presentation at the next meeting to discuss VB and funding. There was a roll call taken to see if Council wanted to have more information at the next meeting and the suggestion failed as only Council President Jankowski and Councilpersons Tabelski, Pacino and Canale voted in favor. The item did not move to the next business meeting for a vote.

### **2016 Stop-DWI Award Amendment**

Chief Heubusch noted that there were some surplus funds available from a previous award that Council approved and this would bring in approximately \$8,000 back into the City's account to upgrade a traffic vehicle. Council approved moving the item to the next business meeting.

### **2016 Sidewalk Replacement Agreement with Contractor**

Mrs. Difante noted that bids would be opened tomorrow and a recommendation would be made at the next business meeting. Council agreed to move the item to the next business meeting.

### **Adoption of Self-Insured Workers' Compensation Program**

Mrs. Difante noted that this was a resolution to move forward with going to a self-insured workers' compensation program. She noted the change would take place on July 1<sup>st</sup>. Councilperson Tabelski felt this was a great step forward and an example of what could be achieved when we use our resources to get the best result for our employees. He felt it also showed the value of having staff in place to accomplish this. Council agreed to move the item to the next business agenda.

### **Executive Session – Real Property and Employment Matters**

#### **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...".

**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...".

**WHEREAS**, legal counsel for the City will have an attorney-client privileged communication that is exempt from the Open Meetings Law; and

**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 Canale and on roll call approved 8-0.**

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

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

04/25/2016