

CITY OF BATAVIA – CONFERENCE MINUTES

TUESDAY, May 24, 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 7:05 PM. Councilperson Pacino led the Invocation and the Pledge of Allegiance.

Public Comments

John Roach, 116 Grandview Terrace, stated that he would like to see the Vibrant Batavia funding go into the General Fund. He suggested using some of the funds from the property sold on Walnut Street to go toward the new Police Facility, the new firetruck, 50% of the cost of the slide for the park, or the spray park promised to Kibbe Park.

Council Response to Public Comments

Councilperson Tabelski thanked Mr. Roach for coming forward with a lot of good ideas for use of the Vibrant Batavia funding.

Communications

All Babies Cherished submitted an application for a 5K Run on Saturday, June 4th from 8:30 – noon. The event starts and ends at the Northgate Church parking lot at 350 Bank St. Council approved.

GLOW-YMCA is requesting to hold the GLOW Corporate Cup on Thursday, August 4th starting at 6 PM in Centennial Park. The event is a fundraiser for GLOW YMCA. Council approved.

Council President's Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, June 13, 2016 at 7:00 pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Community Based Deer Management

Jason Molino noted that last fall the City had held a community meeting with 30-35 folks and a DEC representative present. He said that the presentation had covered a variety of topics including community-based deer management strategies. He noted that shortly after the meeting the City had contacted the attending residents seeking anyone interested

in meeting to review deer management material and research. He noted that three residents, Councilperson Viele, and Senior Wildlife Biologist with the DEC had held a few meetings, and were looking for direction from Council at this juncture. He said that Council would need to decide which direction to proceed and to clearly outline the City staff involvement in the process. He noted that at a minimum Council should look at establishing a Deer Management committee or task force of residents and staff, to review and assess the issue. He said that a draft resolution creating the task force would be created for the next meeting. Councilperson Tabelski suggested looking into a liaison with the Town of Batavia. Mr. Molino also suggested a community survey to gain a better prospective of the extent of the problem. Council approved moving the item to the next business meeting.

Redirection of Vibrant Batavia Funds

Councilperson Tabelski said that as a majority of Council had expressed their desire to discontinue funding for Vibrant Batavia that it was imperative that consideration was given to allocation of those unused funds. He noted that redirecting the money to the new Batavia Pathway to Prosperity Capital and Reinvestment Fund would kick start the new fund with a significant amount of seed money, which could be used to help some of the sites to become shovel ready. Councilperson Canale said that the main objective of Vibrant Batavia was the revitalization of the City. He noted that the transfer of the funds to BP² Fund would move toward that avenue. Councilperson McGinnis said that he would like to see funds come from other organizations first. He said he would like the Vibrant Batavia funds to move to the City's General Fund. Councilperson Pacino said that the funds were to be used for the revitalization of Batavia, and that the City should look at fixing some of the small items not just the big problems. Jason Molino noted to Council that the funds for Vibrant Batavia were currently part of the General Fund and could be discussed at a later date. The item did not move to the next business meeting.

Healthy Schools Corridor TAP Grant Project – Supplemental Agreement No. 1

Matthew Worth, Director of Public Works, said the Summit Street Reconstruction Project had been bid and was within budget, including all of the sidewalk work for that project. He noted that this allowed the TAP grant money which was assigned to that project scope to be used for other activities. He said that the Healthy Schools Corridor project was reviewed by Public Works Staff, Erdman Anthony Consulting Engineers and the NYSDOT local project with consideration as to how these funds could be used to enhance the project. He noted that two specific items were identified for consideration: Three locations had been identified for possible property acquisition or easements and sidewalk improvements on Tracy Avenue. Council President Jankowski asked if the changes would require additional funding. Matthew Worth said that funding would fall just short of the allocation with shortfall being covered with CHIPS funding. Council approved moving the items to the next business meeting.

Rifle Optics Refund

Shawn Heubusch, Chief of Police, said that in December of 2015 the Police Department became aware of a potential issue with the optics being used on rifles assigned to the Emergency Response Team. He noted that a request for refund was approved and the optics were shipped to Eo Tech for a full refund. He said that as the optics were provided to the Emergency Response Team rifles he was requesting that the refund that was received by the City was transferred to the following budget line to purchase replacement optics: 001.3120.0201.0050. Council agreed to move the item to the next business meeting.

Business Improvement District Taxing Limits and use of Funds

Mr. Molino said that over the past several weeks he had met with the Executive Director and Board members of the Batavia Business Improvement District to review and discuss concerns regarding the BBID budget and financial management as it relates to the compliance with General Municipal Law and the 2005 BBID District Plan. He noted that after reviewing the recently adopted 2016/17 budget, the BBID budget is in violation of the GML, as well as the adopted 2005 BBID Plan which acts as a guide of use of public funds for services and capital improvement approved by Council. He then gave a brief overview of the BID establishment. He noted that Council consider the following recommendations for amendments to the district plan:

- Ensuring the BID amends its budget to comply with the General Municipal Law;
- Identify commingled funds that need to be separated from the BID account, which includes capital improvement funds, operational funds and money generated by BID events;
- Ensure the City Council adopts the proper local laws each year for governance of the BID;
- As part of the local law amendments, require that the BID's board of directors comply with the state's open meetings law and freedom of information law;
- Require the BID to update its district plan in cooperation with residents, businesses within the BID and the city to ensure future budgets and excess capital funds are used in a manner that best represent the business and property owners needs to achieve the organizational mission.

Council President Jankowski asked if the BID had been in compliance when Ellicott was added in 2005. Mr. Molino said that it was in compliance at the time. Councilperson Canale asked how and who would be looking into the commingled funds. Mr. Molino said that City staff would look into the records, and then have an auditor review the information. Councilperson Canale asked if the BID would be good moving forward. Mr. Molino said that once the non-compliance issues were addressed and revised. 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 Tabelski and on roll call approved 8-0.

Conference Meeting adjourned at 8:30 PM.

Respectfully submitted,

**Aimslee M. Cassidy
Deputy Clerk-Treasurer**