

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, FEBRUARY 27, 2023**

Present were Council President Jankowski and Councilmembers Viele, McGinnis, Briggs, Schmidt, Bialkowski and Richmond. Councilmember Pacino was absent and Councilmember Canale arrived at 7:15pm.

In attendance from the City were Chief Heubusch, Chief Graham, Erik Fix, Brett Frank, Tom Phelps, Dawn Fairbanks, Lisa Neary, Krista Galdun, and Scott Allen.

### **Call to Order**

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

### **Public Comments**

There were no speakers at the meeting but an e-mail was received from Dave Masters, 108 Summit St, expressing his opposition to exceeding the tax cap. He noted that property assessments had gone up 45% in the last two years yet his retirement pension had not gone up that much. He recommended the budget taking into account what the increase in police demand will be due to the planned Ellicott Station apartment rentals and the outsiders moving into the center of the City.

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

None.

### **Communications**

Notre Dame requested to hold a 5K run/walk on Saturday, March 11<sup>th</sup> from 10am – 12pm starting and ending at Notre Dame High School. Council approved.

### **Council President Report**

Council President Jankowski announced the next City Council meeting to be held on Monday, March 13, 2023 at 7:00 pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

### **Public Hearings**

- a. A Public Hearing to Adopt Local Law No. 1 to Override the Tax Cap Limit for the Budget Fiscal Year Commencing April 1, 2023
  - Motion to open the public hearing made by Councilmember Richmond, seconded by Councilmember Bialkowski and, on roll call, approved 7-0. There were no individuals signed up to speak. Council President Jankowski asked if

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anyone in attendance wanted to speak on this topic even if they had not signed up and no one responded. Motion to close the public hearing was made by Councilmember McGinnis, seconded by Councilmember Viele and, on roll call, approved 7-0.

b. A Public Hearing to Adopt the 2023/24 Budget Ordinance #001-2023

- Motion to open the public hearing made by Councilmember Viele, seconded by Councilmember Briggs and, on roll call, approved 7-0. There were no individuals signed up to speak. Council President Jankowski asked if anyone in attendance wanted to speak on this topic even if they had not signed up and no one responded. Motion to close the public hearing was made by Councilmember McGinnis, seconded by Councilmember Richmond and, on roll call, approved 7-0.

c. A Public Hearing to Adopt an Amendment to Local Law No. 2 of the Year 2023 §184-41 (A), (B), (C), and (O) of the Batavia Municipal Code to establish New Water Rates, Meter Fees and a Capital Improvement Fee

- Motion to open the public hearing made by Councilmember McGinnis, seconded by Councilmember Richmond and, on roll call, approved 7-0. There were no individuals signed up to speak. Council President Jankowski asked if anyone in attendance wanted to speak on this topic even if they had not signed up and no one responded. Motion to close the public hearing was made by Councilmember Schmidt, seconded by Councilmember Briggs and, on roll call, approved 7-0.

**Resolution to Oppose “New York Housing Compact” in NYS Budget**

Councilmember Richmond wanted to file this opposition so the state couldn't come in and control zoning laws. Councilmember Bialkowski suggested some wording changes which Council agreed with. Councilmember Richmond noted that the governor and Albany were going to decide on zoning and he felt the City was capable to determine what's best for us and shouldn't be left to the state. Council President Jankowski noted that keeping the wording simple and stating our opposition was probably the best. Council agreed to move the item forward.

**Resolution to Oppose New York's Climate Action Scoping Plan**

Councilmember Richmond wanted to file this opposition to the state telling us we need to use more electric and putting all kinds of restrictions on us. Council President Jankowski suggested changing the word Council to Climate Action Council to not confuse it with the Batavia City Council. Councilmember Bialkowski also felt the words reasonable and achievable were too vague and subjective and would like them removed. Council agreed to move the item forward.

**Local Law No. 1 to Override the Tax Cap Limit for the Budget Fiscal Year Commencing April 1, 2023**

Mrs. Tabelski noted that this was to move this resolution forward for a vote.

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Councilmember Bialkowski noted that he heard from many constituents who were concerned about this. Council President Jankowski asked why no amendments to the budget were suggested before now when there had been plenty of time to have these questions answered during the budget work sessions. He then asked Mrs. Tabelski to remind Council what the auditors said to the audit committee. Mrs. Tabelski noted that the auditors, during the audit committee meeting that Councilmembers Bialkowski and Schmidt are on, discussed what was needed in the fund balance. She noted that the City had achieved that goal and Moody's reviews this information when considering bonding. She didn't recommend using fund balance to balance budget to avoid the tax cap override and that, according to the auditors, the City has reasonable and sound financial practices. Council President Jankowski noted that the budget is about as lean as it can get while still providing services that people expect and are accustomed to. Councilmember Canale noted that when COVID hit and we had uncertain financial times, we, as a board, decided we have to react to the environment as it happens to us. He noted that we aren't in the clear yet, we are all opposed to the override but we understand the need and the state requires we go through this process to exceed it. He stated that when the City Manager says she recommends the override, then we should do it. He noted that he was proud that the City was able to maintain the tax rate, Council went through extensive budget meetings, and it was asked if anyone thought more meetings were needed and no one said anything until now. Councilmember Schmidt noted that a couple of things have changed since the budget meetings and we just got \$392,000 from the County so why not use this? She noted that the County and the School rates went down so she is not proud that we kept it with no increase. Council President Jankowski noted that the County funds could be used for future needs and as a cushion for unexpected expenditures. Councilmember Canale noted that the citizens are feeling the pain of inflation but the City is affected by it as well. Mrs. Tabelski noted that the City asked the auditors if the County funds should be used towards avoiding the override and they suggested never using one time revenue to fill budget gaps because next year we wouldn't have those funds and would be back in the same position. On roll call, Council agreed to move the item forward by a vote of 6-2. Councilmembers Bialkowski and Schmidt voted no.

### **FY 2023/24 Budget Ordinance**

Mrs. Tabelski noted that this was to move the resolution forward for a vote on the budget. Councilmember Bialkowski thought the budget process needed to be changed. He noted that the budget is overwhelming and thought they should have two weeks to review it and come back with questions. Council President Jankowski reminded Council that there was a third budget meeting on the schedule that no one on Council wanted to have. Council agreed to move the item forward.

### **Local Law No. 2 of the Year 2023 §184-41 (A), (B), (C), and (O) of the Batavia Municipal Code to establish New Water Rates, Meter Fees and a Capital Improvement Fee**

Mrs. Tabelski reviewed the reasons for the increase to achieve the goals outlined by the capital plan worksheet. She noted that worksheet takes into account what is needed each year. Councilmember Canale noted that he hates to have his water rates go up each year but thankful for the worksheet to help understand why and to avoid a huge jump if rates

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are increased a little each year. Council agreed to move the item forward.

### **Annual Resolutions**

- a. Investment Policy – Lisa Neary, Deputy Director of Finance, noted that this was required to come before Council each year and the only changes are the names of the bank managers.
- b. Purchasing Manual – Mrs. Neary noted that this is reviewed annually, references to KVS and requisitions were removed as they are no longer used for purchasing, and added a reference to New World. She noted there were other thresholds that were also adjusted including food per diems.
- c. Parking Permits – Mrs. Neary explained that throughout the year dumpster and parking permit revenues were accumulated and then added to the parking lot reserve at year end. She noted that the amount this year was \$8,100.
- d. Employee Accrued Liability Reserves – Mrs. Neary asked Council to use reserves of \$73,000 to cover retirements for the year.

Council agreed to move the items forward to the next business meeting.

### **Capital Asset Policy / Lease Policy Resolutions**

Mrs. Tabelski noted that the auditors requested we create these policies. Mrs. Neary added that the capital asset policy explains what work we will do regarding capital assets and the lease policy was created as well in relation to GASB 87. Council agreed to move the item forward.

### **Pitney Bowes Machine – Resolution Transposition Error**

Mrs. Tabelski noted that there was an error in the amount on the resolution to purchase the Pitney Bowes machine, wanted to correct the amount so needed to ask for another \$360 from administrative reserves. Council agreed to move the item forward.

### **Surplus Equipment – Police**

Chief Heubusch noted that they were looking to surplus tasers and police vehicles and sell them. Council agreed to move the item forward.

### **Capital Project Close Out Resolution**

Mrs. Tabelski noted that City staff have a monthly capital meeting and once all invoices are received the projects can be closed out. Mrs. Neary noted that this year there were four projects they were looking to close and all were at or below budget. Council agreed to move the item forward.

### **Contract with T.Y. Lin – Bank and Alva Street Engineering Services**

Brett Frank, Director of Public Works, noted that this was a resolution for Council to approve of the contract. Council approved moving the item forward.

**Agreement with NYSDOT for Bank and Alva Street Streetscape Enhancements**

Mr. Frank explained that this was an agreement with NYSDOT for this project which was 80% federally funded. Council agreed to move the item forward.

**NYSDOT Shared Services Agreement**

Mr. Frank noted that this was required if the City had a major event and needed DOT services. This would replace the current agreement which is expiring on March 11<sup>th</sup>. Council agreed to move the item forward.

**Discovery Reform Grant Funding**

Chief Heubusch noted that the Genesee County DA's office could put in for a grant and the City police department asked for \$16,000 for the clerk who only works on discovery reform. Council agreed to move the item forward.

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**Conference Meeting adjourned at 8:14 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**