

CITY OF BATAVIA – CONFERENCE MINUTES

TUESDAY, MAY 29, 2018

Present were Council President Jankowski and Councilpersons Canale, Bialkowski, Viele, Briggs, Pacino, and, Christian.

Call to Order

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Bialkowski read a poem which he dedicated to the late Ron Konieczny then led the Pledge of Allegiance.

Public Comments

Deb Kerr-Rosenbeck, 13 Lewis Ave, noted that she was the chair of the community garden advisory committee and invited Council to come and see how well the garden is doing. She expressed her appreciation of Council's support for the community garden and noted they were trying to make it self-sustaining.

Erica O'Donnell, 3 Pearl St, noted that it was nice to hear nice comments for a change referencing Deb's comments about the community garden. She noted that she was there to speak about smoking in the parks, urged Council to keep smoking out of the parks so the kids wouldn't have to pick up cigarette butts where they play.

Madeline Payton, 10774 South St Rd, Pavilion, noted that she was a sophomore at Notre Dame High School and part of the group Reality Check. She stated that air pollution from cigarettes is worse than car exhaust. She felt that removing smoking from parks makes the park more beautiful and butts can cause fires on hot, dry days.

Krysta Hansen, 10275 Colby Rd, Darien, noted that she was a freshman at Notre Dame High School and also part of Reality Check. She noted that kids, grandkids, dogs, everyone is affected by secondhand smoke. She noted that thirdhand smoke can be more dangerous as it gets more toxic as smoke sits. She stated that kids model adults so if they see adults smoking, they may want to do it as well.

Benjamin Streeter, 49 Woodrow Rd, felt that when you think of parks you should think of healthy things like playing and exercise not tobacco. He felt that the current ban on smoking in the parks was a good thing and shows kids that smoking is bad. He noted that parks and smoking shouldn't be intertwined.

Anthony Billoni, Roswell Park Cancer, noted that he has been educating about the dangers of secondhand smoke in the outdoors. He noted that if kids can see smoking, they may think about it more. He noted that even one parent in favor of a smoke-free park was enough for him

Julie Calvert, Tobacco Free Glow, reminded Council that they were there as a resource if they had any questions.

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John Roach, 116 Grandview Terr, noted that he was against spending tax payer money to fix the Redfield Pillars. He noted that he would rather spend the money on another police camera or something else that benefits all the taxpayers. He couldn't see having an agreement with the BDC for 5 years and suggested waiting to see if the Ellicott Station construction is completed. He wanted to know how much was lent out to small businesses and how many paid back. He also asked Council to consider overnight parking on the streets during the summer months.

Sharon Burkel, on behalf of the Historic Preservation Commission (HPC), submitted a letter to Council regarding the Redfield Pillars as she was unable to attend the meeting. She noted that the pillars qualified for designation as a local landmark under the City's Historic Preservation Code section 100-3A(5) but the location of the pillars on City property, according to Mr. Worth, makes that designation available only to Council. Mrs. Burkel disagreed and couldn't find anything stating that in the City Code. She asked the City to provide sections of the laws surrounding this confusion. She noted that the HPC would like to work with the City to find a way to protect and maintain the pillars because once they are gone, they will be gone forever.

Council Response to Public Comments

Councilperson Pacino noted that she was delighted that that many people cared enough about their community to come out and speak about the smoking issue. Councilperson Bialkowski noted that it's 2018 and everyone knows it's bad to smoke. He felt the parks were primarily for children and didn't see one adult smoker out there picking up butts but the kids were during Earth Day activities. Councilperson Briggs didn't even know why Council was talking about this and stated that she was against smoking in the parks. Councilperson Pacino noted that she understood people wanting to smoke as a former smoker herself but the parks was not the place.

Councilperson Canale noted that he had also received inquiries from residents about overnight parking. Council President Jankowski noted that he would like to add overnight parking to the next conference agenda.

Communications

Fishtales Hideaway, LLC submitted a liquor license application and there were no objections from the police department. Council approved.

Kiwanis Club was looking to hold its annual 5K run on Wednesday, July 4th at 9:00am starting and ending in Centennial Park. Council approved.

Council President's Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, June 11, 2018 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

BDC Presentation

Pier Cipollone, Batavia Development Corporation, made a presentation to Council to answer the question of why they should give the BDC a 5-year agreement. Mr. Cipollone noted that the BDC has obtained over \$1.2 million in grants to help make projects happen. He noted they invest time and effort with small businesses to give them loans to help the business thrive. Mr. Cipollone stated that for every \$1 invested in the BDC by the City, there has been a \$30 return in public and private investment. He explained that they have a new, unique fresh lab culinary business on Main St, partnered with the City on the BOA study and identified five locations, co-authored the DRI application which won the City \$10 million, and work with the revolving loans and Pathway to Prosperity. With regards to what's happening going forward, he noted that the Ellicott Station project is very close to being finalized, they are working with the two new fresh labs that just recently opened and will bring in two new ones in about 18 months or so after the original two move on to hopefully their own space. Mr. Cipollone noted that the BDC submitted three projects for DRI funding so hopefully they are all funded and they can start working on those projects. He explained that Creek Park development, Harvester redevelopment and small business development are projects they have as well. He noted they are requesting a 5-year agreement and looking for a show of commitment to allow the BDC to continue their work. He noted they needed to hire a new director and needed some form of stability. He felt the 5-year commitment would allow them to complete the DRI projects, continue working with the revolving loan fund, and continue the momentum they have gained over the past seven years.

Councilperson Bialkowski noted that in the BDC minutes, the auditor's recommendation was to make the agreement the same as with the City which was four years to get better rates on the audits. Council President Jankowski noted that the Council now receives regular meeting minutes which helps better understand the BDC and he thanked Mr. Cipollone for that. Councilperson Christian stated that her only problem was that nothing had been done on Ellicott Street. Council President Jankowski stated that without a director there was no one to keep pushing. Councilperson Viele noted that he couldn't commit to five years but would commit to two because five would exceed his term. Mr. Cipollone noted that they had received resumes, would start interviews in June, and hoped to get someone in place by the end of June. He noted they were just looking for a verbal or written commitment as that would help someone get in here and feel confident about their position. He also reminded Council that besides the one director, the rest of the BDC was all volunteers. Councilperson Bialkowski asked about getting quarterly BDC loan summaries like they used to. Mr. Worth noted that he just wanted to make sure the City can legally provide those and would have information at the next meeting. Council President Jankowski noted that Ellicott Station is such a bureaucratic nightmare as a cleanup site and that is why it is taking so long. He also noted that, based on what gets funded by the DRI, it would be hard for the new director to get all of that done in two years if that is all Council can commit to. Council President Jankowski asked Council if they were in favor of moving a letter of endorsement to the next business meeting. Councilperson Christian noted that she was but only for two years. Councilperson Canale noted that, from a hiring standpoint, this is a serious commitment for someone who may be making a career change to an executive position and they may be reluctant to come if there is no sense of security. He felt that Council needed to support the idea of the BDC

and as long as they produce and did what they said they would do, we would support them and that would attract the right people. Council President Jankowski suggested a draft of a letter of support be put forth for a vote at the next meeting. Mr. Worth noted that he would incorporate the strategic plan in the memo if he could. Mr. Van Nest noted that the letter wouldn't be binding and the BDC would still be subject to the budget and annual contract. Councilperson Bialkowski asked why the BDC contract didn't come before Council for approval. Mr. Worth noted that it was approved as part of the budget and doesn't need to come before Council again.

Outdoor Recreational Facility Tobacco Free Policy

Council President Jankowski felt there was nothing further to discuss and everything would stay as is.

Go Art Request for Funds

Mr. Worth noted that last year the Council gave \$4,000 to Go Art for Picnic in the Park. He explained there is currently a little over \$31,000 in Vibrant Batavia funds that could be used to give another \$4,000 this year. Councilperson Pacino noted that she would hate to see Picnic in the Park not happen. Councilperson Bialkowski asked Councilperson Pacino to send Council the expense detail for Picnic in the Park. Councilperson Briggs noted that she was in support of the \$4,000 for this year. Council agreed to move the item to the next business meeting.

Redfield Pillar Project

Mr. Worth noted that he received the executive summary of work to be done and the estimate came in between \$57,000 - \$67,000. He noted there was no eminent danger of them falling down and was looking for Council to discuss how to proceed. Councilperson Pacino noted that she would like to fund it because once they are gone they are gone but it was a lot of money. Councilperson Bialkowski noted that HPC submitted documentation and needed clarification as to what each law says we can or can't do. Mr. Van Nest noted there was some misunderstanding and the pillars are on the public right of way and thus not a distinct parcel. He noted that the City has to be involved in the decision making process but they can't attach a parcel ID to these pillars as a designation because one doesn't exist. Mr. Van Nest explained they could do a benefit assessment so the cost could be allocated to the individual property owners on Redfield as this project was unique to the street. Councilperson Bialkowski asked if we could put the work out to bid just to see what the cost actually is. Mr. Worth noted that it wasn't good practice to do that if the intent is to reject all bids as it is a waste of the contractor's time. Councilperson Tabelski asked if there was any more background information that might be helpful. Mr. Worth noted he would have more information, like drawings, by the end of the month. Council President Jankowski asked Mr. Worth to look into benefit assessment or other funding sources and get additional information from the estimates to forward to Council. Councilperson Viele felt the cost estimate was a joke and was way too high.

Assistance to Firefighter Grant (AFG) 5% Matching

Mr. Worth explained that reserve money was allocated in the last fiscal year to purchase air packs but they came in during the current fiscal year so just need to re-appropriate the funds out of reserves. Council agreed to move the item forward.

Neighborhood Improvement Committee

Councilperson Bialkowski noted that in the past two weeks he had three people volunteer to be on the Neighborhood Improvement Committee (NIC). He noted that it still exists but isn't active and would like to re-active it. Councilperson Tabelski wanted to clarify what their roll would be. Council President Jankowski felt that the committee went away for a very good reason. He felt that things took too long to happen and Vibrant Batavia eventually took its place which also failed in the end. He felt it was too big of a City to be dealt with by a committee and some members turned it into a personal complaining session. He thought that what was better were the small groups like the Redfield and Summit St associations and people should get together and form their own street associations. Councilperson Bialkowski found some value in the committee but they reported to the manager and he didn't agree with some of their ideas so they didn't go any further. Council President Jankowski suggested the people who volunteers to rejoin the committee form their own street committees instead of reactivating the NIC.

Code Enforcement

Councilperson Bialkowski noted there had been a lot of complaints about code enforcement and some of it should be evaluated. Council President Jankowski felt that if someone had a complaint they should call code enforcement. Mr. Worth noted that they usually have an extra person in the summer to help with tall grass, weeds, etc but that person didn't come back and they hope to have a replacement soon. But, he noted, they were very busy now with building permits which was a good thing. Councilperson Briggs noted that any time she had a complaint she just called and they took care of it right away. She acknowledged they were shorthanded but felt they were doing a great job. Mr. Worth noted they had a record number of building permits in the last couple of years and they've had no downtime and this year there have been even more permits. Councilperson Bialkowski noted that the two code officers were doing a great job.

Code Enforcement Position

Councilperson Bialkowski asked if the code officers' hours could be staggered to work evenings and weekends because violations occur at those off hours as well. Mr. Worth stated that the CBA limits the hours that can be worked and there would probably be overtime to accommodate weekends or off-hours.

Budget Transfers

Mr. Worth explained that at the end of the year there were four areas that had budget overruns and thus needed budget transfers. He noted that overall the City is under budget.

Council agreed to move the item forward.

Farrall Park Sign

Councilperson Christian had a suggestion from a resident for signs around the park to ask people to slow down because of the children playing at the park. Mr. Worth noted that he could put a park sign on Otis off Jackson. Council agreed with the recommendation.

Think Different Initiative

Councilperson Tabelski noted that he, Council President Jankowski, Chief Heubusch and Mr. Worth attended a meeting at the ARC regarding the Think Different Initiative initiated in Dutchess County. He noted that it encourages municipalities to think different about individuals with mobility and ability issues when considering changes to their community. Council President Jankowski noted they would incorporate the initiative into the park assessments for next year. Council agreed to move forward with the initiative.

Lyon Street Bridge Properties

Mr. Worth noted that there were two properties that the City took over through foreclosure around the creek at the bridge on S Lyon St that the County may need for bridge repairs. He recommended turning the properties over to the County so the repairs could be done without ownership issues with that surrounding land. He noted he would bring it to Council in resolution form at the next business meeting.

Sale of Properties Auctioned on May 19, 2018

Mr. Worth noted that the City researched the properties, there were no concerns with the potential property owners, and recommended sale. Councilperson Bialkowski wondered how many calls for service there had been at each property. Council agreed to move the item forward.

Councilperson Viele asked if there was any resolve with the ball fields. Mr. Worth noted he had met with both groups and they are close but not there yet on an agreement. Councilperson Christian asked to take \$24,000 from contingency to purchase four surveillance cameras and put it on the agenda for discussion. Councilperson Briggs wanted to thank Chief Heubusch and his staff for doing what they can in the Central Ave area.

Executive Session...Litigation Matters / Real Property

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

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or current litigation...” and;

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 Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

Seconded by Councilperson Viele and on roll call approved 9-0.

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Conference Meeting adjourned at 8:53 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**