

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, JULY 13, 2020

Present were Council President Jankowski and Councilmembers Bialkowski, Briggs, Pacino, McGinnis, Canale, Viele, and Christian. Councilmember Karas was absent.

In attendance from the City of Batavia were Matt Worth, Chief Heubusch, Rachael Tabelski, Dawn Fairbanks, Lisa Casey, and Lisa Neary. Andrew Maguire was in attendance from the BDC.

Call to Order

Council President Jankowski called the meeting to order at 7:00 PM. Councilmember Bialkowski led a prayer for people dealing with Covid and the Pledge of Allegiance.

Public Comments

John Roach, 116 Grandview Ter, asked if Council had considered what to do with Dwyer Stadium if the Muckdogs leave.

Kameko Barlog, State St, noted that she moved to Batavia when she was 18, has volunteered her time in many different areas but she is at a breaking point with the community. She noted that she has the utmost respect for police officers but they can only do so much and wonders what more can be done to help. She noted that she's had garbage put in her backyard, car windows smashed, and without proof of who is doing it will have to pay for it out of her own pocket. She noted that she lives in constant fear living on that road, feels that enough is enough, and wants to know what can be done to resolve this.

Marty Macdonald, 210 East Main St, noted that he loves Main Street Pizza but concerned that an outdoor tent would make traffic more dangerous and businesses are concerned with not enough parking spaces available if taken up with tables.

An email from Chelsie Callan was sent to Council and thus is being included in the public comments. She noted that she is strongly opposed to killing deer within City limit. She suggested planting trees and shrubs that deer are not attracted to or put up a fence. She noted that she didn't want to live in a City that killed animals just because a few people are inconvenienced by them. She suggested that a survey would show that a majority of residents don't have a problem with deer. She felt that there were much larger problems that the City has to deal with than a few deer eating someone's shrubs.

Council Response to Public Comments

Councilmember Bialkowski noted that Mr. Worth was working with the teams and the league and the Muckdogs do have a lease but working to get an answer about their future. Mrs. Tabelski noted that if a community group wanted to use the field they would have to go through the Penn League because of the lease.

Councilmember Christian wanted something done for Ms. Barlog and felt she shouldn't have to be fearful of anyone at any time. Chief Heubusch noted that they have addressed a new NET detail that works five days a week and eight hours a day in the State St, Hutchins area and they have surveillance cameras in that area. He noted that issues were difficult to track after the fact and encouraged residents to continue to call the police. Council President Jankowski that there are a lot of good people who live there along with some bullies so he hopes they can get to the bottom of it. Councilmember Canale noted that he has gotten a lot of feedback from the State St neighbors and have had discussions with the police chief and they will get control of that area. Councilmember Pacino was appalled that someone would be afraid to go home after attending this meeting and felt this needed to get resolved.

Councilmember Viele wants to help Main Street Pizza get what they want.

Communications

Informational Only:

Batavia Minor League requested use of St. Paul and Sputore Field for games and practices from 9am – 9pm from July 6th to October 30th.

Batavia Soccer Club requested to use Austin Park from 6-8pm on Tuesdays and Thursdays from July 6th to July 31st.

MCBR Baseball is looking to use Williams and Dwyer on Mondays, Wednesdays, Fridays and Saturdays from July 6th to October 15th

Blue Pearl Yoga was requesting use of Centennial Park for yoga classes from July 21st to September 3rd. Classes on Tuesdays would be from 6:45-8:00pm and on Thursdays from 8:30 – 9:45am. Council approved.

Council President Report

Council President Jankowski announced the next City Council Business and Conference meeting to be held on Monday, August 10, 2020 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Council President Jankowski presented a proclamation to Police Officer Darryl Streeter who retired from the police department after almost 30 years of service. Mr. Streeter started as a police dispatcher, served in many roles while at the department and received several accommodations during his career. Mr. Streeter was thanked for his many years of service to the community. Mr. Streeter noted that he'd had some ups and downs but enjoyed the ride. He stated that it's been amazing but it's time to get off the ride and start something else.

Process to Hire a new City Manager – Councilmember Bialkowski noted that we need to make some decisions as to which direction we are going. He felt it was a good deal to use the consulting firm since it's no charge because the City Manager wasn't here for two years. Councilmember Briggs noted that we have someone in place so wasn't sure if we needed this now. Council President Jankowski suggested reaching out to the firm because we have a timeline and could start a whole new search. He noted that Mrs. Tabelski

expressed interest in the position, some of this would have to be discussed in executive session, and should reach out to the firm first. Councilmember Canale suggested aligning all options first and let the firm know what happened. Councilmember Viele asked why they couldn't just offer the job to Mrs. Tabelski. Council President Jankowski noted that that was an option but suggested planning an executive session for the next meeting and the process could be discussed. Councilmember Bialkowski noted that the firm is still in business and is now larger and we will conduct a professional search. Council President Jankowski asked what the cost was beyond the initial search and asked for more information for the August meeting. Councilmember Christian reminded Council that she volunteered for the city manager search committee. Council President Jankowski asked Council if they were all in favor or reaching out to Novak and they were. Mrs. Tabelski noted that since she was interested in the job she would direct Dawn Fairbanks, HR, to handle this so there was no impropriety on her part.

Deer Management Plan Committee

Mrs. Tabelski reviewed the deer management plan overall, made some minor changes and recommendations, and was going to let the committee provide the details of the plan. Councilmember Canale noted that it was a pleasure to work with the Deer Committee, they took the task very personally and haven't stopped working on this. He noted that they proved that if we can do this with one City problem we can do it with other City problems. He thanked the committee and hoped it was well received by Council. Russell Nephew from the Deer Committee introduced the other committee members, read the details of the deer issue, and noted it was formed in November 2019 to support Council's desire to establish a plan to address the deer issue. He noted that DEC representatives were also on the committee and they were looking to safely and effectively reduce the white tail deer population in the City. Mr. Nephew reviewed the highlights of the plan and the five designated hunting zones which included archery. He explained that a hunter had to apply to be admitted into the program and have a current hunting license with the DEC. He noted that the term of the program was three years but could be terminated at any time. Mr. Nephew thanked Mr. Moore for doing a great job, noted that he was always positive and never missed a meeting. He also thanked Lisa Casey for assisting with the changes to the plans and other members of the committee for all of their work. He noted they were able to stay in contact through Covid and Mrs. Tabelski joined in June and added to the plan. Sam DiSalvo, member, noted that he had a lot of experience with this type of thing, distributed a sample permit to see what it would look like, and noted that the deer population is more than doubling each year. He noted they carry dangerous diseases and are dangerous to pets and cars, among others. He felt the plan should be continued for years to keep it under control and noted that applications for deer management assistance had to be submitted by August 1st to the DEC. He noted that the plan was free to City taxpayers but thought that a cell phone would be necessary to maintain communication with all the hunters via text and phone calls. Council President Jankowski felt it could be worked out without the need for a designated cell phone. Mrs. Tabelski explained that people could apply for additional tags in G8 if we miss the August 1st deadline and most likely would since the next meeting is after the first. Council President Jankowski noted that we would need more public input before pushing this through and we have a lot of individuals who will have a lot of permits just from regular hunting. He suggested moving forward next year with the additional permits. He asked the Committee to list the clubs

mentioned in the plan and thought the plan was solid with some minor concerns. He noted that we still need landowner buy in. Councilmember Bialkowski asked who was responsible for enforcement. Mr. DiSalvo noted that the Committee could help but DEC would be the ultimate enforcer. He noted that the Committee would show each person where they could and could not hunt and what they could and couldn't do. Councilmember Canale stated that it was a very controlled process and the hunters would have to document it all. Council President Jankowski thought it was very well thought out and suggested moving it forward to the August meeting. He thought they should start reaching out to landowners and get input from the public before the next meeting. Mr. Van Nest, City Attorney, noted that DEC found the plan acceptable, have looked at it from many stand points, and it fits the DEC guidelines. Councilmember Canale noted that they were following a lot of guidelines that other communities have used and have been successful with. Council agreed to move the plan to the August meeting.

School Resource Officer (SRO) Agreement

Mrs. Tabelski noted that the City entered into an MOU in 2019 for an SRO and we didn't budget to add the second officer in 2020. According to the agreement, the City would provide one officer and the school would pay 100% of the cost including benefits. She noted that the school board would be reviewing at their meeting on July 20th and we would incorporate any changes into the agreement that would be before Council in August. Council agreed to move the item to the August agenda.

Sidewalk Program 2020

Mrs. Tabelski noted that CHIPs funding was released at 80% so we can move forward with our sidewalk program. Mr. Worth noted that sidewalks need to be ADA compliant on projects we are working on in various locations and expect to have the project out to bid in about a week. Council agreed to move the item to the August agenda.

Batavia Brewing Company, LLC / dba Eli Fish Brewing – 2020 Temporary Outdoor Dining Applications

Mrs. Tabelski wanted to move forward a resolution to approve an application for temporary outdoor dining for Eli Fish. She noted that it had been reviewed by all department heads and there were no further comments. Councilmember Bialkowski was concerned with the dining in the parking areas and thought \$250 was a stiff fee to use City property when no one else was using it. Council President Jankowski noted that the application was presented as a possibility to encourage outdoor dining. Mrs. Tabelski thought that Councilmember Bialkowski may be referring to the parklets which were presented by County Planning. She noted that she worked with Mr. Van Nest to create an application and license agreement that was presented at the last meeting and was moved forward. She noted that they looked at fees of other organizations and wanted to make sure the businesses were serious about wanting to have outdoor dining plus there were staff costs associated with the application. Councilmember Bialkowski thought there should be an end date on the application. Mr. Van Nest noted that Council could revoke the license at any time but didn't think an end date was necessary because no one could predict when the weather would be poor enough to not allow further outdoor dining. Council agreed to move the

item to the business meeting immediately following.

Main Street Pizza Company – 2020 Temporary Outdoor Dining Application

Mrs. Tabelski noted that Main Street Pizza also submitted an application but feels that she can't recommend it to move forward based on the location of where they want to place the outdoor dining. She noted that the City doesn't own the entire space they are looking at and there are significant traffic safety issues with the location. She noted that she worked with the applicant and the building owner to try to come up with another location but the applicant wanted to move forward with this application. Councilmember Canale noted that the applicant is in a location where they can't offer a good outdoor dining position but it's unfair for them because they can't use the space. He felt we need to find another solution, they need to be able to compete with other restaurants, and he doesn't know what that solution is. Councilmember Viele said to just put it up and help this guy out like we helped out the other applicant. He suggested to just do it and get it over with because it's temporary. Councilmember Canale noted that it's hard to approved something that isn't approved by the City Manager, City Attorney or City staff. Mrs. Tabelski noted that she had asked for three different plans in case one didn't work but was only given one. Mr. Van Nest noted that part of the State Liquor Authority (SLA) requirement is a safety plan that has to be submitted with municipal approval so even if Council approved the plan, the SLA may deny. Councilmember Christian disagreed with Council about trying to approve the plan because there were several other organizations that use that parking lot so they are also affected by the decision. She also pointed out that the City Manager identified several reasons this wouldn't work so maybe it just doesn't work out. Councilmember Canale offered to sit with the applicant to come up with an alternate plan. Councilmember Bialkowski asked about sidewalk dining. Mr. Worth noted that the sidewalks are DOT right of ways and DOT would have to weigh in on that. He noted that tents are a carbon monoxide issue with vehicles so close by which was another reason the submitted plan wouldn't work. Councilmember Canale asked if they came up with an alternate plan could it be approved in August. Council President Jankowski noted that he was alright with a special meeting to approve this one plan if a suitable alternate was provided but when he sees this many reasons this plan won't work he can't approve it. Council agreed to not move the item forward as submitted.

Re-Commitment of Reserve Funds – Police Station Feasibility Study at Alva Place Location

Mrs. Tabelski explained that the allocation of \$50,000 of funds to reserves expired at the end of the 2019-2020 fiscal year so they needed to be re-committed so they could move forward with the police station feasibility study. Council agreed to move the resolution to the business meeting immediately following.

Project Proposal with Architecture Unlimited, LLC – Police Station Feasibility Study at Alva Place

Mrs. Tabelski stated that this was related to the feasibility study and was procuring services with Architecture Unlimited to do the study. She noted that the phase after this would be design and engineering and will offer financing options if this is moved forward. Council agreed to move the item to the business meeting immediately following.

Appointing a Fair Housing Office and an ADA (Americans with Disabilities Act) Coordinator

Mrs. Tabelski noted that whenever there is a change in the manager position this appointment needs to be amended because it names the specific person. She is proposing amending the appointment to identify the City Manager *position* as the coordinator and not name the person in that position so it doesn't have to be amended every time there is a new City Manager. Council agreed to move the item to the business meeting immediately following.

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Conference Meeting adjourned at 9:10 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**