

# **CITY OF BATAVIA – CONFERENCE MINUTES**

## **MONDAY, APRIL 26, 2021**

Present were Council President Jankowski and Councilmembers Bialkowski, Pacino, McGinnis, Christian, Briggs, and Karas. Councilmember Viele was absent and Councilmember Canale arrived at 7:10 PM.

In attendance from the City of Batavia were Bill Davis, Chief Heubusch, and Lisa Casey.

### **Call to Order**

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

### **Public Comments**

Sammy DiSalvo, 111 Main St, thanked everyone on the City Manager search committee and congratulated Mrs. Tabelski on her appointment. He asked what the City's plan was for the deer situation and what the rules were for trash in City parks. He wondered if it was carry in/out on Main St as well. He asked for an update on the police station and wondered if the City would take advantage of the opt out option related to the new marijuana law, MRTA.

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

Mrs. Tabelski noted that the deer plan was passed by Council in September 2020, the police would implement that plan and the hope was to start in the fall. She noted that there would be trash receptacles on Main St and in high use locations in the parks and that the carry in/out was a hybrid plan. Mrs. Tabelski explained that there was an update on the police station given at the last meeting, the City was moving forward with the feasibility study, and there would be a presentation to Council in June. She noted there was no decision made on the MRTA yet.

### **Communications**

Just Kings were looking to hold a chicken BBQ at Williams Park on Saturday, May 8<sup>th</sup> starting at 1:00pm. It would be a drive through style. Council approved.

Brighton Securities submitted an application for their annual shred day on Friday, May 28<sup>th</sup> from 12:00 – 3:00pm at 212 East Main St. Council approved.

Notre Dame High School requested to use Lions and Williams Park baseball and softball fields as indicated on their application from May 4<sup>th</sup> through June 5<sup>th</sup>. Council approved.

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

Council President Jankowski announced the next regular City Council Business meeting

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to be held on Monday, May 10, 2021 at 7:00pm at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilmember Bialkowski noted that Audit Committee member David Leone's father had passed away. He had a distinguished air force career and three members of the Leone family all served in the same unit. Councilmember Bialkowski wanted to send out his condolences to the Leone family.

### **New York State Marijuana Regulation and Taxation Act (MRTA)**

Councilmember Bialkowski noted that he was trying to find information about second hand smoke but hadn't seen any studies being done as it relates to marijuana. Council President Jankowski stated that anywhere cigarettes were allowed to be smoked, marijuana could be smoked as well. He noted that the state was still organizing this law and figured it would be at least a year and a half before regulations were sorted out. Councilmember McGinnis noted that Batavia Housing Authority had a meeting and will have very strict laws at that location since federal law overrides state law. Council President Jankowski suggested waiting until the regulations come out and then update the code to comply with these laws. Councilmember Bialkowski felt that there would be increased costs for the City to have more highly training officers. Council President Jankowski noted that pot is already in the City so at least now there is an effort to control it, make it more safe, and regulate it. Councilmember Christian noted that she was totally against it and the only reason the state was doing this was because they need more money. Councilmember Canale asked what board would control it and Council President Jankowski noted that it was the Cannabis Control Board but we could control the locations of the dispensaries. Mr. Van Nest noted that use was authorized not but sale not likely until 2022. He noted that there would be notices of intent to the municipalities and second hand smoke would be treated the same as smoking and vaping. He noted that it would be up to municipalities to regulate time, place and manner with regards to zoning, the local opt-out was required by 12/31/21 and must be done by local law. He also stated that referendum would be to challenge the opt-out. Councilmember Christian noted that she wanted to opt out. Councilmember Bialkowski wanted to have a public meeting to hear what the public wants. Council President Jankowski noted that if we opt out then we would get no funds to assist with the other expenses that may come up. He also noted that if we opt out, people are just going to buy it outside the City and bring it back into the City anyway. He asked if we wanted to get compensated for costs that may occur because of this or not as we would only be opting out of the retail sale, not the use. He felt opting out was a waste of time and we would be cutting ourselves short and that if we ended up with problems because of this law, at least we would have the money to deal with those problems. Councilmember Briggs felt that if we had a meeting we should have an expert come to talk to the public. Mr. Van Nest noted that we could give updates and more detail on the laws and regulations. Councilmember Canale felt this was similar to alcohol laws in dry towns. He noted that those laws didn't stop the drinking there, just the sale, and opting out wasn't going to accomplish much by disallowing sales in the City. He encouraged citizens to contact their councilmembers to say if they were for or against sales in the City. He noted that he had not heard from anyone yet. Council President Jankowski noted that it had been two weeks since the law went into effect and he hadn't noticed any difference in the community and hadn't heard from any residents. He explained that there would be an extra four percent

tax on the sale of marijuana, the City would get 3% directly, and the other 1% would go to the County.

### **AIM Aid Budget Amendments**

Mrs. Tabelski noted that AIM aid was fully restored and, due to the stability of AIM aid, recommended unfreezing one police officer and two firefighter positions along with overtime. Council agreed to move the item forward to the special business meeting immediately following.

### **Batavia City Centre Phase II Roof Replacement**

Mrs. Tabelski noted that bids have been advertised and were due April 29<sup>th</sup>. She noted that the silos were part of the DRI project and recommended the bid go to a future business meeting once the bids are in.

### **Tree Trimming and Removal Bid**

Mrs. Tabelski noted that bids were open on April 19<sup>th</sup> and the lowest bid was AJ's Tree Service. She recommended moving this to the May 10<sup>th</sup> agenda and Council approved.

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**Conference Meeting adjourned at 7:45 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**