

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, NOVEMBER 25, 2019

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

In attendance from the City of Batavia were Matt Worth, Chief Napolitano, Chief Heubusch, Rachael Tabelski, Dawn Fairbanks, and Lisa Casey.

Call to Order

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Pacino offered a Thanksgiving reading and led the Pledge of Allegiance.

Public Comments

Mary Ellen Wilber, 4 Wood St, thanked Council President Jankowski, Councilperson Christian, Chief Heubusch, Asst. Chief Crossett, Mr. Moore and Mrs. Tabelski for helping her understand what happened at 209 Liberty St and how it affected her brother who lives there. She noted that his apartment was destroyed and he was displaced by the actions of the police department even though there was no access to the upstairs apartment through his apartment downstairs (which she showed to Council by way of pictures.) She noted that tear gas covered his furniture and bedroom and they cannot clean this up on their own. Ms. Wilber thanked Mr. Moore and Mrs. Tabelski who helped find agencies who could help her and asked everyone to look at things a little more responsibly before acting. She also noted there were cars blocking a driveway on South Jackson St and nothing was being done.

Council Response to Public Comments

Councilperson Christian noted that the property on South Jackson has been a problem for years and if the driveway is blocked, the police should issue a ticket. She asked Mr. Moore which agencies were helping Mr. Zanghi with his apartment clean up. Mr. Moore listed several agencies they made initial contact with. Council President Jankowski asked the police to enforce the no parking signs across from Jackson School. Councilperson Christian noted that society has tied the hands of the police department but they are doing the best they can for everyone.

Communications

None.

Council President's Report

Council President Jankowski announced the next regular City Council Business and Conference meeting to be held on Monday, December 9, 2019 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

11/25/2019

Council President Jankowski noted that the part-time City Court Judge had resigned and reminded Council of the timeline for getting a new person in that office.

Public Hearing on CDBG Grant Close Out of Brooklyn Ave - \$333,000 – 900 Linear Ft of Water Main

A motion to open the public hearing was made by Councilperson Canale, seconded by Councilperson Viele, and on roll call approved 9-0.

There were no speakers.

A motion to close the public hearing was made by Councilperson Bialkowski, seconded by Councilperson Briggs, and on roll call approved 9-0.

Deer Presentation by NYS Department of Environmental Conservation

Susan D Booth-Binczik and Robin Phenes, both Wildlife Biologists from the Division of Fish and Wildlife, were in attendance to speak about the deer situation in Batavia. Ms. Booth-Binczik explained why there are so many deer in the area and noted that the deer population can double in 2-3 years if we don't eliminate a certain number each year. She noted that we need to identify the problem and define the objective and explained that the problem isn't just that we have a lot of deer. She stated we have to ask why we have a lot of deer and deer management is a continual process and not a one-time fix. She noted that reduction can happen by allowing hunters to access more land by getting homeowner's permission to get closer to the home than general law allows. She explained that municipalities can apply for extra doe tags and culling permits can be issued to hunt outside normal parameters. Council President Jankowski stated that the deer committee would decide how they want to correct the problem.

Renewal of Contract for Prosecutorial Services with Genesee County

Mr. Van Nest, City Attorney, noted that the agreement with the District Attorney expires on 12/31/19 but some significant criminal procedural changes are coming up in January 2020 because of the new discovery rules. Mr. Van Nest discussed the changes and noted that the DA's office would be required to serve defense counsel everything in the DA's file within 15 days. He noted that the police department will have to get discovery items ready within 3-5 days so the DA's office has time to review before they are required to share with the defense. He explained that the Genesee County DA has been very proactive and has proposed staff changes to be able to comply with the new law. They have requested some of the funding be paid through the agreement with the City. Mr. Van Nest noted that NYCOM has requested some of changes to the new law to give everyone more time to digest everything. Council President Jankowski noted that the concern is that violators won't be arrested because there is so much that has to be done in such a short period of time. Chief Heubusch went through the impact on the police department's operations including the possibility of overtime or taking officers off patrol in order to comply. He noted that bail reform was the other change starting January 1, 2020 and that appearance tickets would now be issued instead of taking the person before a judge, except for certain

violations. He noted that officers will have to attend training for this. Councilperson Viele asked what the benefit was of the changes and what they are trying to accomplish. Chief Heubusch stated they were trying to create more transparency and not punish the poor by incarcerating them if they can't make bail. Mr. Van Nest noted that there has been a need for discovery reform but this seems to have swung too far the other way. Council agreed to move the item to the next business meeting which will include finalized amounts.

Compact Track Loader Bid

Mr. Worth noted that the estimates were included in the budget and Mr. Tourt discovered that we could purchase two units that would be more efficient as the old unit wasn't available anymore. Mr. Worth recommended purchasing both units and they would come in under budget. Council agreed to move the item forward.

SEQU Lead Agency Designation and Negative Declaration Determination

Mr. Worth noted that, regarding the zoning ordinance that has been approved by PDC and County Planning, this would declare the City Council as lead agency for administrative purposes. Council agreed to move the item forward.

Adoption of Zoning Ordinance Change

Mr. Worth explained that this was the actual adoption of the zoning change as previously discussed. Council agreed to move the item forward.

Downtown Revitalization Initiative – Incentive Proposal – One Batavia City Centre

Mr. Moore explained he received approval for the incentive proposal for the \$1 million in City Centre improvements from the Empire State Development Corp and it needs to be executed by the City to move forward. He noted that the work needs to be complete by April 2022. Council agreed to move the item forward.

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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)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law..." and;

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..."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 Viele and on roll call approved 9-0.

Council entered executive session at 8:18pm and adjourned at 9:28pm.

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Conference Meeting adjourned at 9:29 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**