

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, NOVEMBER 26, 2018

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

Call to Order

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

Public Comments

None.

Council Response to Public Comments

None.

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 10, 2018 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.

Public Hearing

- a. To introduce a Local Law Amending the City Municipal Code of the City of Batavia Section 178-5; One-way Roadways

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

Kenneth Wolter, 16 Watson St, noted that he hopes everything goes well with the correction for the one-way street. He asked Council to consider making Watson off Evans a one-way also.

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

Appoint Members to Various City Committees/Boards

Council President Jankowski noted this was a recommendation of appointment to the

Youth Board and Community Garden. Council agreed to move the item forward.

Permission to Amend and Accept Special Legislative Grant for the Youth Bureau

Jocelyn Sikora, Youth Bureau Director, noted that they applied for a grant for Teen City and got \$10,000. She noted this was asking Council to accept the funds. She noted they also received an additional \$1,000 award. Council approved to move the item forward.

Empire State Development Corporation Grant – Downtown Healthy Living Campus

Mr. Moore noted that one of the DRI projects was asking for permission to pass the \$25,000 through the City to be paid out for the project. He noted that he had met with the guys from the YMCA and UMMC and confident that they were getting their funds in order to move forward with their project. Council approved moving the item forward.

Transferring Funds from Assigned Fund Balance to Various Reserve Funds

Mr. Worth explained that these were recommendations to fund reserves from prior year surplus. He noted these were recommended by the audit committee. Councilperson Bialkowski asked what the worker's comp reserve balance was. Mrs. Neary noted that after the funding it would be around \$367,000.

Transferring Funds from Assigned Fund Balance to Committed Fund Balance for Creek Park

Mr. Worth noted that this would be money from the prior fiscal year and it was for environmental work at Creek Park. He noted they were now ready to assign the money to committed fund balance for this development. Council agreed to move the item forward.

Dwyer Stadium Lease Extension with NY-Penn League

Mr. Worth explained that the NY-Penn League planned to extend the lease for three years but they hadn't received the final response from them. He noted they were expecting the response before the next business meeting so wanted to be able to vote on the lease at that meeting assuming the league responded in the next few days. He stated that the City's commitment was \$25,000 per year from reserves. He noted that the league doesn't pay the City but they made significant improvements and pay utilities. Council agreed to move the item forward.

Lead Agency and SEQR Determination for Liberty Street Zoning Change

Mr. Worth noted that these were the final steps in the zoning change for St. Anthony's and it's for Council to take lead agency in the SEQR process. Council agreed to move the item forward.

Ordinance Amending Chapter 190 Entitled Zoning of Batavia Municipal Code

Mr. Worth explained this is to adopt the ordinance to change the zoning discussed above.

Council agreed to move the item forward.

Amended and Restated Water Supply Agreement with the County of Genesee

Mr. Worth noted that the agreement expires 12/31/18 and they have been working hard to finalize the new agreement. He explained that the County responded back with minimal changes from what the City proposed but they needed to revisit the change in lead services that the County suggested. He noted that this resolution would be to have a one-year agreement that would then coincide with the sales tax agreement. Mr. Worth noted that this and the next two topics all go together and he was very comfortable with all three agreements. He explained that he worked with Mr. Ficarella countless hours reviewing the agreements word for word. Councilperson Bialkowski asked if the County had any responsibility to repair pipes with the extra water that will be passing through them. Mr. Worth noted that the plant has changed and water is now coming in from several different areas so it won't be an issue. Council agreed to move this and the next two topics forward to the next business meeting.

Extension of Amended and Restated Operation & Maintenance Agreement for Water Treatment Plant

Discussed above.

Extension of Amended and Restated Lease with the County for Water Treatment Facilities

Discussed above.

Housing Discussion

Councilperson Christian noted that she didn't want a repeat of all the problems there were in the City last year. She noted that we have local ordinances on several items relating to housing properties and want the owners to have a warning if there is a nuisance at their property. She noted she then wants a written notice, a \$250 fine, and then a \$500 fine and for them to go to court if it's not corrected. Councilperson Christian felt that we just don't do enough and we need to hurt homeowners in the pocket because she sees repeat offenders constantly. Council President Jankowski noted that we have to arrest the people that live there because the landlord is responsible for the building not necessarily the action of the tenants. He noted that if landlords try to evict, tenants may go ballistic and make things worse. Dave Fitch, Attorney, noted that if a person is charged with disorderly conduct it is a criminal matter and a landlord can't be held responsible for a tenant's criminal behavior. Chief Heubusch noted that there is a program where potential tenants can have a background check and information can be sent to the landlord about activity at their properties. He noted that they work with the landlords to try to get rid of problem tenants but stated that most landlords won't call the police on their tenants if they think they will get fined. He noted they try to build relationships with the landlords to deal with the tenants. Council President Jankowski noted that the City met with a judge a few years ago and now they are imposing significant fines once people get to a certain point with code violations. Councilperson Christian noted that there are laws that will bring landlords to court if the tenant is arrested for drugs. Council President Jankowski noted that he

appreciated her bringing the situation to the forefront but it's up to the landlords to evict if tenants are charged with drug issues. Chief Heubusch noted that it also takes cooperation from the neighbors. Councilperson Bialkowski noted that he talked to the City judges and they are fully aware of the issues. Councilperson Canale recalled a discussion a few years ago about speeding up the eviction process. Councilperson Jankowski noted that if convicted, the City could start the eviction process but it was an extreme measure. He noted that the landlord has more teeth to get this done.

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Conference Meeting adjourned at 7:44 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**

11/26/2018