

CITY OF BATAVIA – CONFERENCE MINUTES

TUESDAY, MAY 28, 2013

Present were Council President Buckley and Councilpersons Canale, Christian, Doeringer, Briggs, Hawley, Pacino, Russell and Cipollone.

Call to Order

Council President Buckley called the meeting to order at 7:00 PM. Councilperson Hawley led the Invocation and the Pledge of Allegiance.

Council President Buckley gave high praise to Councilpersons Christian and Hawley for their job with the Memorial Day parade and thanked them for their efforts. Councilperson Christian thanked Councilperson Hawley and Bob Bialkowski for help in organizing the parade, and Kmart and Home Depot for donating flags.

Public Comments

John Deleo, 205 Elm St, noted that at the last meeting he asked Council to send a resolution to the governor to repeal the Safe Act, he read the draft and thought it was outstanding.

John Roach, 116 Grandview Terrace, asked if Council was reinventing the wheel with the nuisance laws because he thought it was discussed about 12 years ago and tabled. He suggested bringing up the resolution from before and taking a look at the work already done as a starting point.

Shirley Nigro, 216 Ellicott St, was concerned with white children being attacked in the parks. She noted that police had helped escort her and people she was with out of the park after an incident and was told by her neighbors that she was now in the hood. She said she was not going to leave but also not going to put up with the behavior and hoped help could be obtained for the youth who were involved.

Richard Siebert, 8585 Seven Springs Rd, noted that he had 60 apartments in Batavia, he was trying to make Batavia a better place to live and explained that it was not a very friendly place for landlords. He noted that tenants were not responsible and the proposal was just one more thing to add on to landlords. He felt it would hurt assessments, that no one wanted to invest in rental income in the City of Batavia and subsidized housing was taking the good tenants and leaving them with the rest. He asked the City to be more landlord friendly and said the bottom line was people would discourage purchasing in the City, restrictions were too much and there needed to be a clean up where the problems were.

Tom Mazerbo, 6309 Thwing Rd, felt that something had to change and tenants wouldn't care if landlords got code violations. He noted that the City used to be a beautiful place to come and visit and now people won't come here. He said the City and landlords needed to work together to solve the problems.

James Pontillo, Stafford, admitted he just heard about the topic that day, landlords were being looked at as the bad guy but they were the ones putting money into the community and investing in Batavia. He asked Council for their help and support, noted there weren't good quality tenants, and the police weren't doing anything about criminal mischief at the apartments. He wanted tenants held accountable for their actions, police to be more involved and let the landlords finish fixing up one property before giving more violations on another property.

Theresa Siverling, 7 Swan St, put in her leases that if the police were called even once to her properties they would start the eviction process. She noted that holding the landlords accountable for someone's behavior beyond what was legal made it hard to be responsible landlords.

Council Response to Public Comments

Councilperson Briggs noted there would be a lot of kids in the parks coming up and wanted to make sure the issue was addressed. Councilperson Doeringer was hearing a common theme from the speakers that the landlords couldn't be held accountable but noted they were the ones renting, who chose to be landlords. He acknowledged their investment in Batavia and attempt to find the best tenants but felt there was a responsibility out there somewhere but didn't think it was the City. Councilperson Christian felt landlords were not responsible for their tenants, the tenants were supposed to be responsible and if they weren't you get rid of them. Councilperson Pacino didn't care who was in charge and felt that everyone was responsible. She noted that Council was trying to set up procedures so that if there was a problem, there were ways to go about correcting it without making anyone the bad guy. Council President Buckley noted that there clearly was a problem that needed to be actively looked into with regards to the attacks in the parks.

Communications

Genesee Cancer Assistance requested to hold their 5K run on Saturday, June 1, 2013 at 9:00am starting and ending at Dewitt Park. Council approved.

Notre Dame requested to hold their graduation ceremony on Saturday, June 1, 2013 from 7:00 – 9:00pm on Richmond between Union and Woodrow. Council approved.

Year-End Budget Adjustments

Mr. Molino noted there were year-end adjustments to close out the budget and some contingency and VLT aid would be used to balance. Council approved.

Tracy Avenue / Hart Street Sewer Line Replacement

Mr. Molino recommended using the lowest bidder and get the project started. Council agreed to move the item forward.

NYS Safe Act Repeal

Mr. Molino noted Council had requested a resolution to submit to the governor. Council approved the resolution and to move it forward.

Neighborhood Nuisance Issues

Councilperson Hawley explained that while going door-to-door during election time, he asked what the biggest problem was and people said absentee landlords and problem tenants. He noted the agenda topic was just to start an open discussion to see what could be done. He suggested that after a certain number of tickets, tenants could be fined or after a certain number of violations, landlords could be fined. He felt that landlords shouldn't be babysitting tenants and landlords should be responsible for keeping their property looking good. Councilperson Cipollone noted that there was a lot of police action in a certain area so a meeting was set up to see what could be done. He noted they looked at what others were doing and this was just a start of a conversation to see what could be done legally, how tenants could be fined, and how to enforce rules. He suggested meeting with landlords and others to discuss the issue and revive some earlier discussion. Mr. Molino noted that the problem needed to be identified, not just one group was responsible, the eviction process needed to be understood and neighborhoods needed to want to take back their neighborhoods. He noted that code and police enforcement wouldn't make the neighborhoods nice again. He noted that fines had worked to get compliance with code violations and that was a start. He explained that they looked at Cheektowaga and Niagara's laws regarding the issue and follow up would be needed to see if those laws were working. Councilperson Christian noted that she disliked, in the sample laws, the exemptions for rooming houses and wanted to volunteer for the committee to discuss the issue because she was a landlord. Councilperson Russell noted the issue was obviously not just a problem in Batavia, he sympathized with the landlords who took rundown properties, repaired them and rented them out and noted that some home owners treated their properties bad as well. He noted they needed a situation that was win-win, most landlords did a good job, and thought a committee should include Council, landlords and tenants. Councilperson Cipollone supported Councilperson Russell's comments and reiterated that the documents were just something that other communities had tried. Councilperson Canale felt they were discussing two overlapping issues of tenant's criminal/nuisance actions and landlord's actions of keeping up the property. He liked Councilperson's Hawley's three-strikes-you're-out solution. Mr. Molino felt the courts needed to be brought into the discussion because if the court wouldn't take action, it wouldn't help. Councilperson Briggs suggested having HUD and social services on the committee too because she felt tenants would come around if they thought their assistance would be cut off. Mr. Molino noted a committee would be set up with Councilpersons Christian, Hawley and Cipollone.

Executive Session ... Real Property and Employment History

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Hawley

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...”.

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 Cipollone and all of Council approved.

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Conference Meeting adjourned at 7:50 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**