

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, MARCH 23, 2015

Present were Council President Hawley and Councilpersons Canale, Christian, Doeringer, Briggs, Pacino, Jankowski, Deleo and Cipollone.

Call to Order

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

Public Comments

Susan Michalak, 17 Warren St, noted that she had a huge problem on her street for years with neighbors providing food and shelter to stray cats. She explained that there was cat feces all over, her daughter's sand around her pool had become a litter box and one cat was sick who possibly got a human sick. She noted they couldn't enjoy their street, people couldn't enjoy their homes and it was a major health issue and concern.

Mark Janofsky, 23 Gateway Dr, noted that he had a duplex on 33 Manhattan Ave and planned on moving back there at some point. He explained that 35 Manhattan Ave was a vacant and abandoned property, he'd had multiple correspondence with the City personnel and Council regarding the condition of the property and noted that the property appeared to be in disrepair. He noted that he was an engineer for the DOT and felt there were a lot of issues on both the outside and inside of the property as well.

Patricia Famiglietti, 9481 Fargo Rd, wanted to know if they could ask questions of the speakers after their presentation.

Eileen Tuttle, 9158 Alleghany Rd., noted that they had similar problems in Corfu and just was interested in hearing what the speakers had to say.

Carrie Caccamise, 3228 Dodgeson Rd, noted that she was also interested in the cat presentation.

Mary Delplato, 12 Dellinger, noted that Warren St was a small cell of Batavia with cat problems and that she had fixed 40 cats herself with out-of-pocket costs. She was hoping there was a remedy to this problem, feeding them wasn't enough, they needed to get fixed and shooting the cats wasn't the answer.

Council Response to Public Comments

Councilperson Christian didn't recall seeing anything from Mr. Janofsky as she would have asked Mr. Molino to look into the situation. Councilperson Jankowski asked Mr. Molino if the issue had been addressed. Mr. Molino noted they'd had many conversations with Mr. Janofsky regarding the issue and Councilperson Pacino noted they were very aware of the situation.

Council President's Report

Council President Hawley announced the next regular City Council Business Meeting would be held on Monday, April 13, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.

Community Cats

Mrs. Difante thanked Council for recognizing the cat issue and including it as part of the strategic plan and noted that she had reached out to the County to work with them as well. Joseph Smith, a third year law student at the University at Buffalo, was one of the speakers and noted that he was part of the Animal Law Pro-bono Project and that the project started with feral cats in Buffalo. He noted that the law school drafted an example ordinance and it was the first in the nation addressing this issue that passed in Buffalo on June 10, 2014. He noted that their goal was to take the ordinance and share it with other communities to implement. He noted that the cats were everywhere, they couldn't completely eradicate them, and explained that feral cats have no contact with humans but community cats did. Mr. Smith also noted that there was no mandate by NYS to address feral or community cats. He explained the three options for the cats – catch and kill them, leave them alone, or trap, neuter, vaccinate and return (TNVR). The third was the recommended option. He explained that residents would trap the cat, get it fixed and vaccinated and return it to the community to live out its natural life. He noted that catch and kill didn't work as it had been tried for years and it wasn't feasible and that there was no financial obligation to the city to implement TNVR. Mr. Smith stated that the cost to fix and vaccinate was approximately \$55-60 and was paid for by volunteers and people who did it out of the good of their hearts. He noted that by fixing the cats, the population would reduce over time and the vaccination would address the health issue. Councilperson Christian thanked them for coming, noted that the state had a program to help control the population and asked Council what they were going to do. She suggested having the cats licensed but Mr. Smith explained that cat licensing hadn't proven to be effect and people usually dumped their cats into the community instead of paying to license them all. He also noted that it was illegal to dump cats in NYS. Councilperson Canale asked what the starting point was. Nicole, another member of the project, noted that there were always cat lovers who wanted to help and there were many resources that could train the public how to trap cats. Councilperson Cipollone asked if he wanted to be a volunteer who he would contact. Mr. Smith suggested contacting a group that focused on feral cats (Feral Cat Focus) and they could loan out traps. Kim, the professor at UB, noted that Buffalo had set up a task force so people could learn and train the community on how to trap cats and carry out the program. Mrs. Difante noted that she would put together a team to come up with an action plan and noted there were already people out there doing this. She said she would get all interested parties together to work on it on a larger scale. Councilperson Jankowski noted some concerns about putting the cats back into the community and still causing problems. Mr. Smith noted that they would be taking cats that were already there and returning them to the same location so over time the population would decline because now they would be unable to reproduce. He noted that the average life of a feral or community cat was 6-8 years and the results could be seen within a year. Councilperson Christian asked that the topic be on the next conference agenda. Mr. Smith noted there was other training available on how to keep cats out of gardens and proper feeding that could take place once the program was

implemented. Councilperson Jankowski asked if there were other funding options if people didn't have the funds to do the program themselves. Mr. Smith noted that the task force could look into how to fund the fixing costs. Council President Hawley asked Council to let it all set in, get some feedback from constituents and it would be on the next conference agenda and discuss how to form the task force.

NYS Archives Grant

Heidi Parker explained that she had received \$6,542 from NYS Archives to hire an archivist to assist with organization of the City Historian's records and purchase lockable cabinets, storage folders and hanging files to properly secure the historical records of the City. The resolution would amend the budget to reflect the receipt of the funds. Council agreed to move the item to the next business meeting.

Roof Replacement at Water Plant

Sally Kuzon, Director of Public Works, noted that the roof was 20 years old, the water plant needed a new one, and bids were out and to be opened on April 6th for presentation on April 13th. Council agreed to move the item to the next business meeting.

Purchasing Manual Updates

Mr. Molino noted they were required to adopt the purchasing manual each year and Lisa Neary had made some minor updates and verbiage clarifications. Council agreed to move the item to the next business agenda.

Dwyer Stadium/Rochester Red Wings Contract

Mr. Molino noted that the contract began in 2008 and suggested renewing it for another two years allowing them to continue to manage the team. Council agreed to move the item to the next business agenda.

SAFER Grant

Chief Jim Maxwell noted that the fire department had put in for a safer grant for 3 positions through 2018. He explained that the grant allowed for full staffing up to two years in advance and that the awards would begin in June through September. Council agreed to move the item to the next business agenda.

Distress and Abandoned Properties Update

Mr. Molino noted that initiatives had been presented in October 2014 and he needed direction from Council on two items. He explained that he was working on an inventory of vacant and abandoned properties that weren't necessarily tax delinquent but no one was accountable for the properties. Also, he noted there were changes that could be made to keep rooming houses from growing through municipal code revisions and wondered if it was worth while moving forward with. He also noted that the comprehensive plan would be finalized in the next 30-60 days and discussed initiatives and where the City stood on

them. He noted one of the items they worked on significantly was gap financing and getting an exemption on increased assessments with rules and requirements. Councilperson Jankowski felt that 25 years was a little long and wondered how long the average exemption would last for. Mr. Molino noted that it depended on the existing assessment value and condition and the time period would depend on the improvements. He explained that they would create checks and balances internally to make sure improvements were not inflated to get more exemption. Councilperson Doeringer asked what happened if the value went up on the property within the 25 years and Mr. Molino noted that you would pay the incremental increase, the exemption was based on a figure at a given time, and future assessment increases would be paid by the homeowner. Mr. Molino noted they would work with Senator Ranzenhofer and Assemblymen Hawley's office to get it through the legislature. Councilperson Canale asked how they could address their constituents with regards to vacant property and make them feel better. Mr. Molino stated that he couldn't but he needed to understand who the mortgage holders were and how he could get them to move forward. He noted he didn't have the ability to hold banks accountable but they were trying and the code enforcement officers had been creative in getting the banks to do something. He noted they were trying to understand as much as they could about the properties to see if they could get some movement. Councilperson Cipollone asked if there were any grants available for condemned homes. Mr. Molino stated that it was a possibility but not a lot of grants out there that helped municipalities take down residential properties. Mr. Van Nest explained the progress the City had made from a legal standpoint and noted that some banks had been very responsive and others not so much. Mr. Molino noted that he needed direction from Council on the rooming house growth. Council agreed for Mr. Molino to move forward with possible code changes. He also noted he needed direction with the exemption on assessed value increases. Councilperson Christian felt 25 years was too long and Councilperson Jankowski agreed. Councilperson Canale noted that if a property was just sitting there we were getting nothing but getting at least some tax dollars seemed beneficial. Councilperson Cipollone asked if it could be reduced to 10 or 15 years to be in line with other exemptions that were out there. Mr. Molino noted he could do whatever they wanted but it was written not to exceed 25 years, that not all exemptions would be that long, and it would be attractive to have the exemption be able to carry forward and be comparable to the length of a mortgage. Councilperson Doeringer asked how many properties qualified for the potential exemptions and Mr. Molino responded that it was less than 50. Mr. Molino noted there would be a special conference before the next business meeting with options and wanted to get the changes to the state before their session ended in June.

Memorial Day Parade

Mr. Molino noted that the application was in so they were all set.

Adoption of Resolutions

Councilperson Jankowski noted that there were items on the business agenda that should have been presented at a prior conference meeting per their own rules, people felt surprised by some of the changes, and there were some items the public felt they didn't have a chance to understand. He noted they needed to work together and some resolutions seemed to bypass their own rules. Mr. Van Nest noted that at the end of the day, Council had the

option to vote against any resolution and the options had been discussed at several prior meetings. Councilperson Jankowski felt it was important that the public had a chance for input. Councilperson Briggs noted that her problem was that the first time she saw the changes was in resolution form and all of the Council needed to be able to discuss it. Councilperson Cipollone noted that the resolution could have been tabled and discussed later. Councilperson Canale noted that Mr. Molino came back with a collective recommendation based on what Council had suggested.

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Conference Meeting adjourned at 9:30 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**

03/23/2015