

**BATAVIA CITY COUNCIL
BUSINESS MEETING
(Following Conference Meeting)**

**City Hall - Council Board Room
One Batavia City Centre
Monday, August 10, 2020
7:00 PM**

AGENDA

- I. Call to Order
- II. Approval of June 2020 Financials
- III. Approval of July 2020 Minutes
- IV. Assignment of Agenda Items
- V. City Attorney's Report
- VI. City Manager's Report
- VII. Committee Reports
- VIII. Unfinished Business
- IX. New Business
 - #55-2020 A Resolution To Enter Into An Agreement With Sunshine Concrete Company For City Sidewalk Construction Project – 2020
 - #56-2020 A Resolution To Enter Into An School Resource Officer Agreement With The Batavia City School District For A School Resource Officer
 - #57-2020 A Resolution To Form The City Of Batavia Police Collaboration Advisory Stakeholder Group
 - #58-2020 A Resolution Entering To Authorize A Contract Amendment/One Year Extension Of The Client First Project Management Agreement
 - #59-2020 A Resolution Entering Into An Agreement For Application Software And Support Services With Systems East Tax Collection Software
 - #60-2020 A Resolution Authorizing The City Council President To Execute A Consulting Contract With GAR Associates Inc. To Provide Assessment Services
 - #61-2020 A Resolution To Authorize Additional Compensation

#62-2020 A Resolution To Approve The City of Batavia Deer Management Plan

X. Executive Session...Real Property and Employment Matters

XI. Adjournment

#55-2020
A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
SUNSHINE CONCRETE COMPANY
FOR CITY SIDEWALK CONSTRUCTION PROJECT - 2020

Motion of Councilmember

WHEREAS, a project for the replacement of approximately 3,150 linear feet of City sidewalks and handicap accessible ramps on portions of Franklin Street, North Spruce Street, and Roosevelt Avenue; and

WHEREAS, a competitive bid was made by Sunshine Concrete Company, for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project - 2020; and

WHEREAS, Sunshine Concrete Company is the lowest responsible bidder (\$189,462.75).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Sunshine Concrete Company for sidewalk replacements.

Seconded by Councilmember
and on the roll call

#56-2020

**A RESOLUTION TO ENTER INTO AN SCHOOL RESOURCE OFFICER
AGREEMENT WITH THE BATAVIA CITY SCHOOL DISTRICT FOR A SCHOOL
RESOURCE OFFICER**

Motion of Councilmember

WHEREAS, the City of Batavia (City) and the Batavia City School District (District) are desirous of working together to promote and maintain an atmosphere of safety for students, staff, faculty, administrators and visitors to the District; and

WHEREAS, the City and the District are desirous of working together to prevent crime, enforce laws, provide a positive police presence, enforce campus security and make security suggestions; and

WHEREAS, the City and District are desirous of working together to encourage, develop and foster communications and dialogue between students, the school community and law enforcement.

NOW THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign a School Resource Officer (SRO) Agreement between the City of Batavia and the Batavia City School District.

**Seconded by Councilmember
and on roll call**

#57-2020

**A RESOLUTION TO FORM THE CITY OF BATAVIA POLICE COLLABORATION
ADVISORY STAKEHOLDER GROUP**

Motion of Councilmember

WHEREAS, On June 12, 2020 New York State Governor Andrew Cuomo issued an executive order titled “New York State Police Reform and Reinvention Collaborative” that requires local police agencies to develop a plan based on community input; and

WHEREAS, Police forces must adopt a plan by April 1, 2021 to be eligible for future funding; and

WHEREAS, the City of Batavia will engage stakeholders and the public in an open dialogue and process on community policing, policing strategies and tools; and

WHEREAS, the City Manager and Police Chief will present a plan to the public for comment; and

WHEREAS, such plan will be presented to City Council for approval, and once approved sent to Albany with a copy of the certified resolution; and

WHEREAS, to assist the City Manager and Police Chief with formulating and drafting the plan a Police Collaboration Advisory Stakeholder Group will be formed and act as an advisory committee throughout the process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager and City Police Chief are authorized to form the City of Batavia Police Collaboration Advisory Stakeholder Group and furthermore, will seek community representatives from the following sectors of the Batavia community:

City of Batavia Police Collaboration Advisory Group

1. City Manager
2. Police Chief
3. Assistant Police Chief
4. City Attorney
5. City Council Member
6. Two citizen representatives
7. Batavia Housing Authority Director
8. Director of not-for-profit that serves human interests (i.e. YWCA)
9. District Attorney representative
10. Public Defender representative
11. Batavia Police Benevolent Association representative
12. Batavia City Schools Superintendent
13. Community religious leader
14. Business leader representative

**Seconded by Councilmember
and on roll call**

#58-2020

**A RESOLUTION ENTERING TO AUTHORIZE A CONTRACT AMENDMENT/ONE
YEAR EXTENSION OF THE CLIENT FIRST PROJECT MANAGEMENT
AGREEMENT**

Motion of Councilmember

WHEREAS, the City of Batavia has determined it necessary to purchase and install computer software to implement an integrated Enterprise Resource Planning (ERP) system to utilize best practices, automated workflow, provides project management tools along with other suitable applications; and

WHEREAS, in 2018 the City Council passed a resolution formalizing the Enterprise Resource Planning (ERP) software project as a capital project and authorized a general obligation bond to finance the purchase, not to exceed \$800,000; and

WHEREAS, in August of 2019 the City Council authorized a one-year contract with Client First Technology Consulting to assist with external project management services, negotiations with Tyler Technologies and Systems East for contract development and changes, invoice review, outstanding implementation item checklists, and overall project review and budget analysis; and

WHEREAS, to continue consistent and efficient project management delivery, Client First has presented a one-year extension of their current agreement.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia, approves a one-year extension of the Client First contract at a cost not to exceed \$87,856.

**Seconded by Councilmember
And on roll call**

#59-2020

A RESOLUTION ENTERING INTO AN AGREEMENT FOR APPLICATION SOFTWARE AND SUPPORT SERVICES WITH SYSTEMS EAST TAX COLLECTION SOFTWARE

Motion of Councilmember

WHEREAS, the City of Batavia City Council has previously approved the purchase and installation of computer software to implement an integrated enterprise resource planning (ERP) system to utilize best practices, automated workflow, project management tools and other suitable applications; and

WHEREAS, the City completed a procurement process in conjunction with its consultants to purchase the software that would best fit the City's needs; and

WHEREAS, The City anticipated that a third-party tax collection software from Systems East would be added as a separate software to the Tyler New World financial management software during the implementation process; and

WHEREAS, City has committed the necessary funds for the purchase, installation, interface and implementation of the tax collection software system; and

WHEREAS, The City will expend \$42,921, as part of the ERP Capital Project, for Tax Collection Software provided by Systems East Inc.; and

WHEREAS, the ongoing maintenance and support for hosting will be \$6,240 annually, and was budgeted for in the FY 20-21 budget.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, approves the purchase of Tax Collection Software from Systems East Inc. and authorizes the Council President to sign the Agreement for Application Software and Support Services.

Seconded by Councilmember

And on roll call

#60-2020

**A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO EXECUTE
A CONSULTING CONTRACT WITH GAR ASSOCIATES INC. TO PROVIDE
ASSESSMENT SERVICES**

Motion of Councilmember

WHEREAS, the City of Batavia is desirous of retaining a company to analyze the status of current property value equity that will meet state requirements for aid reimbursement and create an assessment roll and product that is acceptable to the State, County, City and the public at large; and

WHEREAS, it is recommended the City enter into a three year agreement with two one year renewals with GAR Associates Inc. to provide the abovementioned services due to their knowledge and experience.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Council President is hereby authorized and directed to execute a consulting contract with GAR Associates Inc., for assessment services.

**Seconded by Councilmember
and on roll call**

#61-2020

A RESOLUTION TO AUTHORIZE ADDITIONAL COMPENSATION

Motion of Councilmember

WHEREAS, the City Manager has submitted his resignation effective June 20, 2020; and

WHEREAS, pursuant to Section 5-4 of the City Charter Rachael J. Tabelski, the Assistant City Manager, has assumed the duties of City Manager; and

WHEREAS, the Human Resource Specialist, Deputy Director of Finance, and Confidential Secretary to the City Manager will be taking on additional duties and responsibilities as a result of the Assistant City Manager serving as City Manager; and

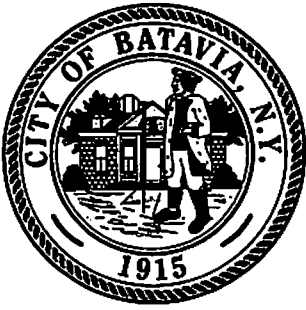
WHEREAS, These duties include, but are not limited to, the management and implementation of a \$750,000 new Enterprise Resource Program (ERP) solution for all software applications, a \$390,000 information technology hardware project and windows 10 upgrade, RFP solicitation and implementation of a fiber project to connect all City facilities to a fiber network, FEMA Flood Zone public relations duties, internal risk management and safety committee duties, assist the interim manager with Bond Anticipation Notes for upcoming capital projects, as well as other duties performed by the Assistant City Manager until such time as both the Manager and Assistant Manager positions are filled; and

WHEREAS, the City Council is of the opinion that it is in the best interest of the City to compensate these employees and recognizes that these employees for an interim period of time while they are taking on additional duties and responsibilities; and

WHEREAS, the Human Resource Specialist, Deputy Director of Finance, and Confidential Secretary to the City Manager shall be paid a stipend of \$750.00 per month in addition to their current salary effective July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Human Resource Specialist, Dawn Fairbanks, Deputy Director of Finance, Lisa Neary, and Confidential Secretary to the City Manager Lisa Casey shall be paid a stipend of \$750.00 per month in addition to their current salary effective July 1, 2020 until such time as City Council permanently fill the positions of City Manager and Assistant City Manager.

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Honorable Council Members

From: Rachael J. Tabelski, MPA, Acting City Manager

Date: August 4, 2020

Subject: Deer Management Plan – Update

As the City Council moves forward with reviewing the City of Batavia Deer Management Plan please note that I have added language to the plan regarding hunting on City property in section IV Description of Deer Management Areas.

Deer Management area 4 and 5 are largely comprised of City of Batavia Property near the Waste Water Treatment Plant and Yard Waste Station. The City is willing to allow City Employees who qualify for this program access to city owned property, subject to all applicable rules of the program and execution of a Landowner Cooperation Agreement – City Owned Property.

Furthermore, there have been significant changes with regard to the City of Batavia 2020 fall school schedule. Many students will be home between 2 to 5 days a week for remote learning attributed to the COVID-19 pandemic reopening protocol. As you are aware, safety of the community is a cornerstone element of the plan and explained in detail in section VI Safety Considerations.

The plan revolves around restrictions on hunting when school is closed, including days when school is not in session, holidays, weekends, and when schools are on Lock-down.

Due to the temporary pause on the full re-opening of schools, and because the top priority of all culling activities is the safety of the community, I recommend one of the following action by City Council:

- Approve the Deer Management Plan but restrict all activities related to the implementation until the schools in Batavia are fully re-opened.

#62-2020

A RESOLUTION TO APPROVE THE CITY OF BATAVIA DEER MANAGEMENT PLAN

Motion of Councilmember

WHEREAS, the Council formed the Deer Management Plan Committee in November, 2019 and was tasked with exploring ways to reduce property damage to residential landscape and garden plants, deer-human interactions, deer-vehicle accidents and tick-borne diseases such as Lyme disease; and

WHEREAS, the Deer Committee met several times over the last eight months and worked directly with a Department of Environmental Conservationist (DEC) Wildlife Biologist, the City Manager, City Attorney, and a City Council representative to draft a plan to address deer issues occurring in the City of Batavia; and

WHEREAS, the plan not only addresses the Deer Committees recommendation on how to reduce the deer population in the City, but provides a streamlined program experience and ensures programmatic compliance, program metric tracking and stakeholder/City Council communication; and

WHEREAS, the Deer Committee has developed a three phased approach with the goal to harvest 60 deer per year with archery only hunting on designated lands within the City of Batavia.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby approves the Deer Management Plan.

BE IT FURTHER RESOLVED, that due to the Coronavirus Pandemic City of Batavia schools will not be returning to complete in school instruction during the fall 2020 semester, so the Deer Management Plan will not be implemented until schools in the City of Batavia are fully open and all students have returned to five days a week in school instruction.

**Seconded by Councilmember
and on roll call**

DEER MANAGEMENT PLAN



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Deer Management Plan
August 3, 2020

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Introduction and Background

The growing white-tailed deer (*Odocoileus virginianus*) population in the City of Batavia has caused an increase in concerns and complaints from City residents over the past five years. Residents have notified the City Manager and City Council that problems caused by deer include damage to landscape and garden plants throughout the community, deposition of scat in yards, deer-vehicle collisions, and increased incidents of tick-borne diseases. Recently, deer have acted aggressively toward humans within the City, elevating the concerns from some residents, and gaining attention from the news media.

After a public survey was conducted in 2016 (see Appendix A) and deer management discussions continued through 2017. The Batavia Deer Management Committee was formed in December 2019 to support the City Council in its desire to establish a Deer Management Plan to address deer issues raised by the citizens of the City of Batavia. This document will provide general guidance, rationales for management decisions, and answers to procedural questions for City residents and City Council members.

The growth of the deer population in the City of Batavia can be attributed to several biological and environmental factors. First, white-tailed deer have a high reproductive rate, with does often having twin or triplet fawns each year. Second, a current lack of mortality from natural predators and hunting, coupled with high reproductive success, results in the ability of the deer population to double in a short amount of time. Finally, the habitat created in urban and suburban yards provides ample nutrition and affords the deer continued protection, allowing them to thrive in the City and surrounding areas.

In order to reduce deer-related problems, the population of deer within the City of Batavia must be reduced in a safe, effective, economical, and sustainable manner. Although several non-lethal methods of deer management have been considered by the Committee, those options would be largely ineffective or cost-prohibitive. After careful review, the Deer Management Committee recommends reduction of the deer herd through an archery-only hunt during regulated hunting seasons (October – December), followed by an extended archery-only option (January – March), if necessary, for additional removal of deer. This recommendation is not designed to permit **unlawful** recreational hunting within the City.

Effectively managing the deer population within the City of Batavia will be a long-term and adaptive process. To determine if the recommended deer management strategies are being effective, measurable attributes of deer-related problems will be documented on a regular basis, and necessary changes to the program will be made accordingly. The success of this program will rely upon the utilization of multiple management approaches, participation from local hunting organizations, assistance from the New York State Department of Environmental Conservation (DEC), and the City's transition from an initial phase of management to a maintenance phase of

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management as time passes.

I. Goals

The City of Batavia Deer Management Plan strives to safely and effectively decrease the white-tailed deer population within the city limits to reduce:

1. Property damage to residential landscape and garden plants
2. Aggressive deer interactions with residents
3. Accumulation of deer scat on lawns
4. Deer-vehicle accidents
5. Tick-borne diseases, such as Lyme disease, in humans and pets
6. Over-browsing of natural plant communities

II. Recommended Action for Deer Reduction

Although the Committee considered several alternative non-lethal and lethal methods for addressing deer problems within the City (See Appendix B), the Committee recommends the following three-phase plan for deer population reduction. Based on baseline roadside counts of deer within the City, conducted by members of the Deer Management Committee, the goal is reducing the population by 60 deer in the first year. Over 167 deer were observed in the five units during March of 2020, and extensive woodland and crop damage was observed in April of 2020. Appendix C, Baseline Roadside Deer Survey Results form, will be used by the committee to continue to count deer populations throughout the program.

PLAN A – Archery-only Hunt During Regulated New York State Hunting Seasons

Plan A will begin on October 1st and run through approximately December 15th (dates vary annually). Shooting times will be from sunrise to 2:00 p.m., and hunting will only be allowed on days when school is in session.

The first phase of this plan includes an archery-only hunt using compound bows and crossbows during New York State designated hunting seasons, which run from October 1 through mid-December (exact dates vary from year to year). Participants must harvest a doe before harvesting a buck.

A process of selecting appropriate properties and participants for this hunt will ensure the safety of City residents and the efficient removal of deer for the affected urban areas.

The City of Batavia can apply for additional antlerless deer tags through the DEC's Deer Management Assistance Program (DMAP) to provide to participating archers. The deadline for DMAP applications is August 1st of each year, and the permit is valid for three years. There is no cost associated with applying for this permit, but the Deer

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Management Plan must be submitted with the application. The City of Batavia would be responsible for the application to DEC after reviewing the previous year's metrics and determining if additional permits will be needed.

Alternatively, because the City of Batavia is located within DEC's Wildlife Management Unit 8G, ample deer management permits (DMPs) for antlerless deer are available to individuals when hunting licenses are purchased. If the City does not apply for DMAP, individual hunters selected for this program would have DMPs available to harvest antlerless deer.

PLAN B - Extended Archery-only Hunt

Plan B will begin on January 2nd and extend through March 31st. Shooting times will be from sunrise to 2:00 p.m, and hunting will only be allowed on days when school is in session.

Plan B involves an extended archery-only hunt using compound bows and crossbows from January 2nd through March 31st. Plan B will initially be implemented when fewer than 60 deer are harvested through Plan A, although this threshold can be re-evaluated over time.

This option requires a Deer Damage Permit from the New York State Department of Environmental Conservation because hunting will occur outside the regulated deer hunting framework.

PLAN C – Extended Archery-only Hunt Using Bait

Plan C will begin on January 2nd and extend through March 31st. Shooting times will be discussed if this option is approved by Council and funded.

This technique is used during winter months when food availability is limited for deer. Plan C would need to be planned for, and approved during the City of Batavia's budget process as there will be City expenses to purchase bait stations and feed to attract deer. Plan C would be allowable starting during the second year of the deer management program at the request of the Deer Management Committee and approval of the City Council.

Shooting times will be discussed if the option is approved by Council and funded because attracting deer to bait at specific times requires a considerable amount of time and effort.

This option requires a Deer Damage Permit from the New York State Department of Environmental Conservation because hunting will occur outside the regulated deer hunting framework.

III. Dates and Times

1. Plan A will begin on October 1st and run through approximately December 15 (dates vary annually). Shooting times will be from sunrise to 2:00 p.m.
2. Plan B will begin on January 2nd and extend through March 31st. Shooting times will be from sunrise to 2:00 p.m.
3. Plan C will begin on January 2nd and extend through March 31st. Shooting times will be discussed if this option is approved by Council and funded.

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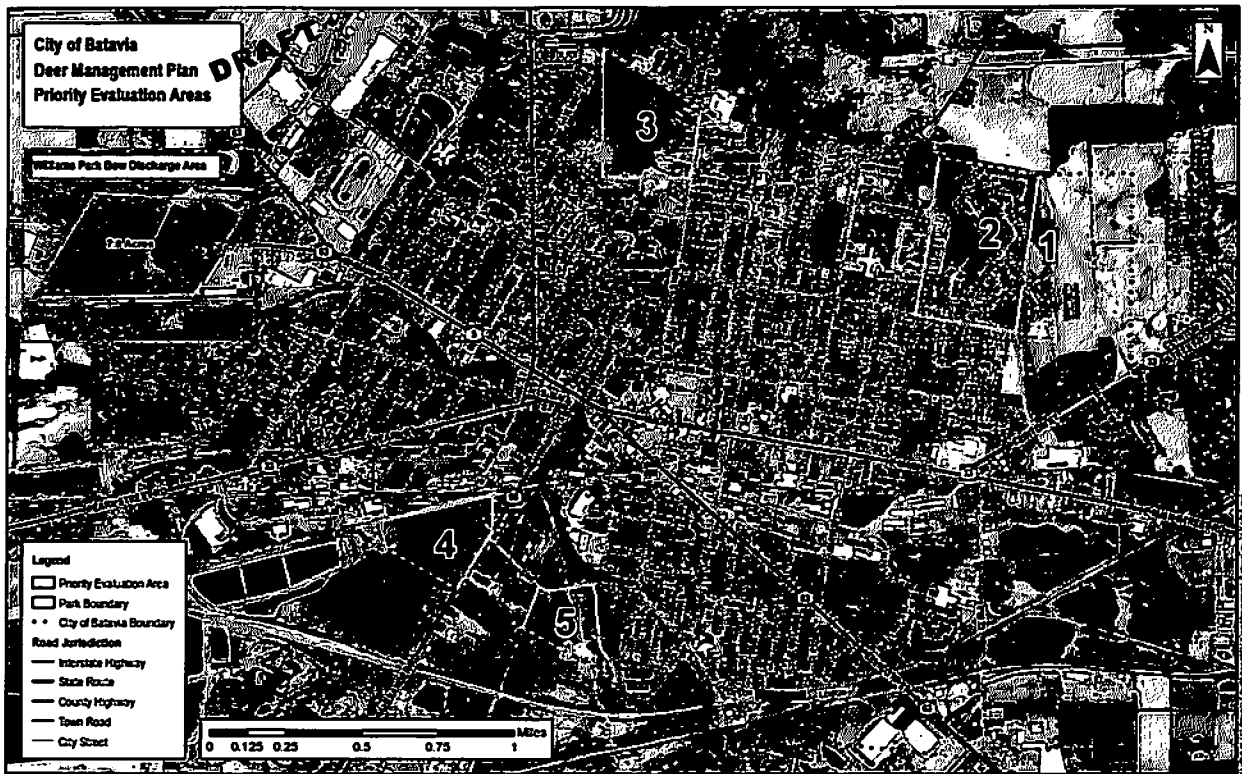
The City Manager will regularly review the success of the program and shorten or extend the season based on deer harvest numbers and deer sightings reported by participants to the Manager and the Committee.

The exact times tree stands will be used cannot be predicted in advance as it is dependent on wind direction, participant schedules and weather.

IV. Description of Deer Management Areas

Deer Management Areas (DMA's) are defined as properties located within the City of Batavia where culling activities are to take place per NYSDEC Deer Damage Permit. All DMA's will have the written consent of the owner for culling activities and adjacent properties will be notified. Specific cull sites must be compatible with New York state law regarding setbacks for hunting with compound bows and crossbows, baiting and will be screened accordingly.

Deer Management area 4 and 5 are largely comprised of City of Batavia Property near the waste water treatment plant and yard waste station. The City is willing to allow City Employees who qualify for this program access to city owned property, subject to all applicable rules of the program and execution of a Landowner Cooperation Agreement – City Owned Property.



V. Participant Application and Selection Process

The participant application and selection process is designed to enlist proficient individuals that are capable of confidently and safely reducing the deer herd within the City of Batavia as humanely as possible. All participants in the City of Batavia Deer Management Program must complete the following requirements:

1. City of Batavia Deer Management Program Hunter Application- Submission to City Clerk
 - a. Proof of residency within the City of Batavia or Genesee County, or membership in a hunting club associated with the Genesee County Federation of Sportsmen.
 - b. Provide a copy of his/her driver's license.
 - c. Provide a copy of current New York State hunting license and any applicable New York State tags.
 - d. Provide a copy of a current bow and/or cross bow hunting privilege.
 - e. Provide a completed Participant Agreement Waiver and Release Page, stating they have read and will abide by all rules and regulations.
2. The program participants will be selected in the following order:
 - a. Genesee County Federation of Sportsmen, which is comprised of 12 clubs
 - b. City Residents
 - c. Genesee County Residents

Participant applications will be reviewed and accepted or rejected by the Deer Management Committee and City Manager. Deer Damage Permit tag(s) or DMAP tags granted to the City of Batavia by NYSDEC will be issued to qualified participants by the City of Batavia City Manager. All applicants must complete a qualifying proficiency exam for archers and submit with the application.

Approved participants will be given a unique code that is to be written in permanent marker on the cock fletching (vane) of every participant's arrows or bolts, and will serve to provide an identifier between a deer and the participant as well as, in the unlikely event that this happens, to identify deer that are shot within the City by persons not permitted by this program.

Participants will agree to report any form of harassment to the NYS Department of Environmental Conservation (NYDEC).

VI. Safety Considerations

1. There will be no hunting when school is closed, including days when school is not in session, holidays, weekends, and when schools are on Lock-down.

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2. The top priority of all culling activities will be to protect the safety of participants, property owners, property, pets, other wildlife, and bystanders.
3. A tree stand must be utilized in the City of Batavia Deer Management Plan, participants are required to wear properly functioning safety harness and utilize a lifeline at any moment they leave the ground to prevent falls from tree stands while climbing, descending, or in the stands.
4. All shots must be in a downward trajectory and within the participant's comfort level.
5. Maximum shot distance is 25 yards.
6. Participants will not be under the influence of drugs or alcohol. The City has a zero tolerance policy for individuals under the influence of alcohol or drugs.
7. Participants must follow motto of "when in doubt, don't shoot".
8. Possession of a loaded firearm or cocked crossbow in or on a motor vehicle, and shooting from a motor vehicle or across any part of a public roadway are prohibited unless exempted by Federal or State law.
9. Discharging a firearm within 500 feet, a crossbow within 250 feet, or a vertical bow within 150 feet of a school, playground, public structure, or occupied factory, church, or farm building is prohibited.
10. Discharging of a firearm in the City's deer management program is prohibited. For a crossbow, the participant must discharge a bow or crossbow within the allowable hunting unit, and be at least 250 feet (crossbow), 150 feet (vertical bow) from of any dwelling, unless the shooter owns or leases the dwelling or has the owner's or lessee's consent, and any adjoining properties do not have a dwelling within 250 feet (crossbow), or 150 feet (vertical bow) of the point of cross bow or vertical bow weapons discharge.
11. Only specified number of hunters in each unit as follows:

Unit 1:	3 Hunters
Unit 2:	3 Hunters
Unit 3:	3 Hunters
Unit 4:	10 Hunters
Unit 5:	2 Hunters

VII. Establishment of Bait Stations and Stand Locations

It is the right of each landowner to restrict the number of individuals on their property, the times and dates participants are allowed on properties, stand locations, baiting locations and access routes. The agreement to use properties can be terminated by landowners at any time by contacting the City Clerk.

VIII. Tracking, Field Dressing, and Processing of Deer

It is understood that despite all reasonable precautions and skill, deer may be wounded, may not expire immediately, may expire on neighboring properties or may not be found. Every effort possible will be made, possibly including the use of trained dogs, to recover all animals or assure that they sustained only a superficial wound that will quickly heal.

When possible, participants will have pre-authorization to retrieve deer from adjoining properties. In most instances landowners/neighbors will not notice activities or deer harvest because it happens quickly and quietly.

1. Participants may use flashlights to track deer after they are shot or when traveling to/from culling locations; therefore, property owners may notice slow moving lights (See VII Safety Considerations #8). In very rare circumstances tracking operations may continue the following morning with better light. In the event a deer is wounded and mobile, or has expired on a property that the participant does not have pre-approved access onto, approval will be sought for recovery of the deer.

IX. Public Notification and Citizen Input

The development, implementation and review of this deer management program must be transparent and involve citizen input. The views of local citizens about deer management are valuable and the public is encouraged to participate at public information meetings and City Council meetings. City residents will be notified of the upcoming deer management program via press releases that will be published in local newspapers and postings on the City website.

X. Program Review and Measures of Program Success

The City of Batavia Deer Management Committee will meet as needed during the program to review activities and to gather data as to the program's success. The City Council will determine if the program should continue or be terminated. The City Manager will provide an annual update to the City Council.

The initial term of this Deer Management Plan shall be 3 years, unless City Council shall determine otherwise and terminate earlier. After 3 years, City Council shall have an opportunity to review and extend the Plan for an additional period as it deems appropriate.

To determine if the goals of this plan are being met, the following measures will be documented on a regularly scheduled basis.

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1. **Roadside surveys of deer will be conducted each spring by Deer Management Committee members to:**
 - a. **establish a population baseline (year 1);**
 - b. **establish population trends (years 2 and out).**
 - c. **a sample survey form provided by DEC is attached as Appendix C.**

2. **Deer-vehicle collisions will be documented by the City of Batavia Bureau of Maintenance when staff arrive to clean up a deer after an accident.**
 - a. **Set a data baseline (year 1)**
 - b. **Establish trends (years 2 and out)**

3. **Reports of property damage by City residents and by members of the Deer Management Committee will be documented and quantified annually.**

4. **The number of deer harvested during each phase of the plan will be documented by the City of Batavia Manager.**

5. **Deer tick occurrences documented by local veterinarians and cases of Lyme disease documented by medical doctors will be quantified to assess increases or decreases where data is voluntary and available.**

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References

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Bishop, P., Glidden, M., and Riehlman, D. "A Citizens Guide to the Management of White-Tailed Deer in Urban and Suburban New York." New York State Department of Environmental Conservation. 2007.

Boulanger Jason R., Curtis, Paul D., and Blossey, Bernard. *An Integrated Approach for Managing White Tailed Deer in Suburban Environments: The Cornell University Study.* Cornell University Cooperative Extension and the Northeast Wildlife Damage Research and Outreach Cooperative. 2014.

Deblinger, Robert D., Wilson, Mark L., Rimmer, David W., and Spielman, Andrew. "Reduced Abundance of immature *Ixodes dammini* (Acari: Ixodidae) Following Incremental Removal of Deer." Journal of Medical Entomology. Vol 30, Issue 1. 1 January, 1993.

Kilpatrick, Howard J., and LaBonte, Andrew M. "Managing Deer in Urban Connecticut, A Guide for Residence and Communities." Second Ed. Connecticut Department of Environmental Protection, Bureau of Natural Resources- Wildlife Division. June, 2007.

New York State Department of Environmental Conservation. Deer Management Assistance Program Retrieved from: www.dec.ny.gov/animals/33973.html (2015, September 18).

Telford Sam R. III. "Deer Tick-Transmitted Zoonoses in the Eastern United States." Conservation Medicine: Ecological Health in Practice. Oxford University Press. 2002

Community Deer Management Guide prepared by the DEC in 2018:
http://www.dec.ny.gov/docs/wildlife_pdf/commdeermgmtguide.pdf

There is also a resource library on Cornell's Deer Advisor website with a lot of essential reading and references for communities who are starting deer management programs.
<https://deeradvisor.dnr.cornell.edu/>

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Deer Management Committee

Name	Title	Phone	Email
	City Manager	585-345-6330	
Robin Phenes Wildlife Biologist	NYS - DEC	585 226-5461	Robin.Phenes2@dec.ny.gov
John Canale	Council Member	716-560-0588	jcanale@batavianewyork.com
Russell Nephew	Citizen	585-343-1978	rnephew@rochester.rr.com
John Canale	Council Member	716-560-0588	jcanale@batavianewyork.com
Gus Galliford	Citizen	585-344-1211	Not available
Fred Gundell	Citizen	585-969-1732	frederickgundell@yahoo.com
Kent Klotzbach	Citizen	585-755-8687	kentklotzbach@yahoo.com
Samuel DiSalvo	Citizen	585-297-7747	sdisalvo@rochester.rr.com

Appendix A

November 2016 Deer Survey:

In total we received 211 responses. These results were a combination of online and paper responses.

- 89% of respondents live in the City and 11% do not.
- Ward 1 had the largest participation with 36% (76) and fewest from Ward 6 with 7% (15).
- 67% have lived in the City for 7 years or more.
- 82% own their residence, while 12% rent, and 6% don't live in the City.
- 59% have experienced landscape or garden damage from deer.
- With respect to categorizing the extent of damage:
 - 32% said they have “very significant damage” or “so significant that I have pretty much given up on landscaping and gardening”
 - 16% said they have “minor damage”
 - 13% said they have “somewhat significant damage”
 - 38% said “not applicable”
- The most popular method used to manage deer was fencing around yard/garden with 35%.
- If residents have found different methods effective:
 - 40% said not applicable
 - 31% said no
 - 29% said yes or somewhat
- 84% said they have not nor has anyone in their family hit a deer with a motor vehicle in the City.
 - Of those that answered yes:
 - 15% said they had no or minor damage or personal injury
 - 8% said they had major damage or personal injury
 - 77% said not applicable
- 53% said they were concerned about tick-borne diseases transmitted by deer. However, 97% said they do not have anyone or any pets in their household that have diagnosed with a tick-borne disease.
- 60% said there was a deer problem.

Below is a summary of the 125 statements made in response to question 14, “If you believe there is a problem, briefly describe how you would handle or manage the issue.”

1. The most common response was to allow hunting in the City (22 responses). This was almost always accompanied with only allowing bow hunting in the

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City. There were also references made to allow hunting in Williams Park. There were also 20 responses regarding hunting in general and/or bait and shoot initiatives but gave no specific references as to where they should be allowed (in the City or not).

2. The second most common response was to leave the deer alone, or address the issue in a humane manner, or not killing the deer (15 responses).
3. The following is a list of other common responses:
 - a. Birth Control (14 responses)
 - b. I don't know (14 responses)
 - c. Tranquilize/relocate (6 responses)
 - d. Fencing (3 responses)
 - e. Additional signage (2 responses)

Appendix B

Alternate Non-Lethal and Lethal Deer Management Options

Fencing

Fencing prohibits deer movement via physical barrier. To be effective, fencing must be a minimum of ten feet in height and not possess any openings. This option is not feasible due to the large geographic area of the City of Batavia on installation and maintenance costs. However, the installation of fencing can be effective in reducing deer problems on individual properties.

Habitat Alteration

The practice of habitat alteration as a method of white-tailed deer population control would involve altering the vegetative landscape within the City to reduce or eliminate species that deer use for forage and/or shelter. This option is not viable as the extensive habitat alteration and coordination of the City and property owners is not feasible. However, the changing the landscape plantings and other habitat characteristics can be effective in reducing deer problems on individual properties.

Capture and Relocate

The practice of capture and relocate as a method of white-tailed deer population control would involve reducing the deer herd within the City by capturing deer and moving them elsewhere. This option is not viable as the NYSDEC prohibits the trapping of deer except under special permit for scientific purposes.

Fertility Control

Immuno-contraception and surgical sterilization techniques have been employed by some townships in an effort to reduce white-tailed deer populations. When used solely this option is not viable as these techniques have not proven effective in controlling wild populations of deer (Bishop Et. al., 2007). In addition, a fertility control program would be cost-prohibitive for the City of Batavia.

Parasite or Disease Introduction

The risks and uncertainties associated with parasite or disease introduction make it an impractical option for deer population control (Bishop Et. al., 2007).

Poison

Currently there are no toxins, poisons or lethal baits registered for deer control (Bishop Et. al., 2007). Furthermore, there are no safe methods of delivering lethal doses within the City limits.

Capture and Kill

The Capture and kill management option falls under the same constraints as "capture and relocation" previously described. Furthermore, the level of effort and risk of injury to biologists eliminates this as a viable option.

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Appendix C

Baseline Roadside Deer Survey Results

Location	Date	Time	Number of Adults	Number of Fawns	Total Deer	Name of Observer
Unit 1	March 2020	Sundown			10	
Unit 2	March 2020	Sundown			73	
Unit 3	March 2020	Sundown			20	
Unit 4	March 2020	Sundown			46	
Unit 5	March 2020	Sundown			18	

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Appendix D
Landowner Cooperation Agreement
City of Batavia Deer Management Plan
One Batavia City Centre I Batavia, NY 14020

Please check one of the following and return the completed form to the Office of the City Clerk
One Batavia City Centre, Batavia, NY 14020.

___ In cooperation with the City of Batavia, I/we agree to allow hunting on my property for participants of the City of Batavia Deer Management Plan. My property is in Unit # ____.

___ In cooperation with the City of Batavia, I/we agree to allow participants of the City of Batavia Deer Management plan to track and retrieve deer that have been shot (see conditions below).

___ I/we do not agree to allow participants in the deer management program to track and retrieve deer on my/our property.

Print Name(s) _____

Address _____

Phone _____ E-mail _____

Landowner signature _____ Date _____

Landowner signature _____ Date _____

This agreement will remain in effect from the date it is signed until the completion of the deer management program. The agreement can be terminated at any time by the landowner(s) upon notification of the City of Batavia. A new agreement is required upon sale of this property.

If this is a tracking/retrieval permission, the agreement does not give participants in the Deer Management Program permission to harvest deer on your property.

If you agree to allow tracking and retrieval of deer, please check any conditions you require:

- ___ Call before tracking or retrieving deer on my property.
- ___ Text before tracking or retrieving deer on my property.
- ___ E-mail before tracking or retrieving deer on my property.
- ___ E-mail after deer was tracked or retrieved on my property.
- ___ No need to contact me.

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Appendix D
Landowner Cooperation Agreement- City Owned Property
City of Batavia Deer Management Plan
One Batavia City Centre I Batavia, NY 14020

Please check one of the following and return the completed form to the Office of the City Clerk
One Batavia City Centre, Batavia, NY 14020.

_____ The City of Batavia, agrees to allow hunting on its property for City employee
participants of the City of Batavia Deer Management Plan. The property is in Unit
_____.

_____ The City agrees to allow participants of the City of Batavia Deer Management plan to
track and retrieve deer that have been shot.

City Official Name _____

Address _____

Phone _____ E-mail _____

Signature _____ Date _____

This agreement will remain in effect from the date it is signed until the completion of the deer
management program. The agreement can be terminated at any time by the City of Batavia.

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Appendix E



Official Use Only:

City of Batavia
Batavia, New York 14020
(585) 345-6300

Event Application #:

Deer Management Program Hunter Application

Contact Information:

Primary contact:

Name

Address

Phone #

E-mail address

Check List for Applicants:

Proof of residency water bill or other utility bill

_____ City of Batavia

_____ City of Batavia Employee

_____ Genesee County

_____ Membership in a hunting club associated with the Genesee County Federation of Sportsmen

_____ Copy of New York State driver's license

_____ Copy of current New York State hunting license and any applicable New York State tags

_____ Copy of a current bow and/or cross bow hunting privilege.

_____ Participant Agreement Waiver and Release Form

_____ Proficiency Test for Deer Management Program

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Appendix F

**Participant Agreement Waiver and Release Form
City of Batavia Deer Management Program**

By my signature, I agree that I have read, understand, and will abide by all rules and regulations applicable to the City of Batavia Deer Management Program ("BDMP). I also understand that the City of Batavia and/or the NYS DEC reserves the right to revoke my permit to participate and take deer as a participant in the BDMP. Further, I agree to record my BDMP Participant ID Number, using permanent marker, on the cock vane/feather of every arrow/bolt I take into the field while participating in the BDMP. I agree that I will not share my BDMP Participant ID Number with any other individual and will not allow any other individual to use my arrow/bolt marked with my Participant ID Number. I agree to assist the BDMP by completing a Participant Reporting Form for each day that I participate in the BDMP and submit the form as required. I understand that failure to abide by these rules and regulations will result in the revocation of all BDMP participant privileges, as well as subject me to all appropriate civil and criminal charges that might be warranted by my misdeeds.

I hereby agree to defend, indemnify, and hold harmless the landowner, the NYS DEC, the City of Batavia, all officers, officials, employees, committees and the City of Batavia Deer Management Committee with respect to any and all actions, claims, costs, expenses, liabilities, or damage, including reasonable attorney's fees, whether for personal and/or bodily injury, arising out of or related to this agreement and any use of the licensed area or exercise thereof, except such as arises from the negligent acts or omissions to act of the landowner.

Applicant Name (Print): _____

Participant ID Number (City Clerk Provides): _____

Type of Archery Equipment to be used: _____ Compound Bow _____ Crossbow

Make and Model of Each Implement to be Used:

Compound Bow(s): _____

Crossbow(s): _____

I attest that all the information provided is true and correct. Further, that I have read, understand and will abide by all rules and regulations of the City of Batavia's Deer Management Program.

Participant Signature Date

BDMP Approval: _____ Date: _____

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Appendix G
City of Batavia
Proficiency Test for Deer Management Program

1. The proficiency test will be administered by the City of Batavia Deer Management Committee Range Officer and reviewed by the City of Batavia City Manager.
2. All targets will be shot from a tree stand or a facsimile.
3. Five (5) shots at the target 20 yards away.
4. All five (5) arrows/bolts must be in a tight group in the kill zone.
5. No practice shots are allowed prior to the test or use of range finding devices.
6. Test must be taken with the equipment to be used during the hunt season.
7. Applicants must possess a valid hunting license and antlerless tag for area.
8. Crossbow hunters must possess a crossbow certificate.
9. All hunters must have 5 years' experience with a bow.
10. City of Batavia's decision regarding proficiency is final.
11. Upon submission of the completed Deer Management Program application, the City Manager will review and approve the package prior to issuance of a Batavia Deer Management permit.

Print Name: _____

Sign Name: _____

Hunting License #: _____

Gun Club: _____

Crossbow: _____ Compound/Longbow: _____

By signing above, I agree that I have read, understand, and will abide by all rules and regulations applicable to the City of Batavia Deer Management Program. I also understand that the City of Batavia and or the NYSDEC reserve the right to revoke any permit. I will record my hunter ID number, write this number in permanent marker on the vane of every arrow/bolt I take into the field, and not share this information with anyone.

Pass: _____ Failed: _____

Deer Committee Range Officer Comments:

Range Officer Approval: _____ Date: _____

Print Name: _____

BDMP Approval: _____ Date: _____

City Manager, City of Batavia

Document to be filed in the City of Batavia Clerk's Office with the City of Batavia Deer Management Program Hunter Application.

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Appendix H
2020 City of Batavia Hunting Permit

Name: _____ Phone: _____

Address: _____

Unit: _____

Carry this permit with you while hunting in the City of Batavia hunting units.

Valid October 1st 2020- end of deer season in December 2020

The above named is hereby granted permission to hunt DEER during the appropriate season in the approved unit in the City of Batavia Deer Management Program. Hunters are required to hunt in the manner prescribed by the New York State Environmental Conservation Law and the City of Batavia Deer Management Program rules and regulations. This permit is not transferable. It confers no rights except as indicated above. It may be used only subject to all applicable provisions of the City of Batavia Deer Committee rules and regulations.

Motorized vehicles are prohibited.
Firearms of any kind are not permitted.
Trapping is not permitted.

Please note: You must send this form into the: City Manager's Office located at One Batavia City Centre, Batavia, New York 14020 at the end of the season with all harvest results.

Questions: City Manager: 585-345-6300 NYSDEC: 585-226-6706

HUNTING RESULTS

Number of Doe: _____ **Number of Bucks:** _____

Total Hours Hunted: _____ **Back Tag#:** _____

Unit # Deer harvested in: _____ **Bow or Crossbow:** _____

CITY OF BATAVIA DEER PARKING PASS

This portion of the permit must be displayed on the dashboard of your vehicle while hunting in the City of Batavia

Unit # _____ Unit # _____ Unit # _____ Unit # _____ Unit # _____ Unit# _____ Unit# _____

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City of Batavia Deer Management Permit Conditions

- This permit is valid only for the period of which it is issued shall not be transferred, and may be revoked at any time at the discretion of the City Manager, the Chief of Police or the Department of Environmental Conservation.
- Hunter's shall comply with all applicable sections of the Environmental Conservation Law and Historic Preservation Law and their implementing regulations and shall hunt in the manner prescribed the department of Environmental Conservation, except as modified by the dates, times and hunting styles specified in this permit. This permit confers only those rights indicated herein.
- Hunters must carry their permit while hunting in the City of Batavia program and its units and produce it on request to any law enforcement officer or City employee. Any unauthorized alteration will void your permit.
- This permit is valid only in the hunting units indicated on the map.
- No person shall hunt in an area this is posted or otherwise identified as a "Restricted Area".
- Cutting, placing nails or screws into or otherwise damaging trees or other vegetation is prohibited.
- Target and promiscuous shooting is prohibited.
- New York State Hunting and Regulations Guide can be found online at www.dec.ny.gov/outdoor.
- City of Batavia units are within WMU 8G.
- Motorized vehicles are prohibited.
- Bow/Crossbow hunting is allowed only in all City of Batavia units.
- Permanent tree stands are not allowed. Portable tree stands are mandatory in the City of Batavia Deer Management Plan. NOTE, the stands must not damage the trees and must be removed at the end of the City of Batavia program.
- There will be NO deer hunting when school is out of session or closed.

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- Deer hunting will only take place from sunrise until 2:00 p.m.
- Deer that are harvested are only to be field dressed in the official field dressing are.
Deer are not allowed to be field dressed in field.
- Harvested Deer go to:
 - 1.) Hunter
 - 2.) Landowner
 - 3.) Food Kitchen

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

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..."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
and on roll call**