

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, AUGUST 8, 2022

Present were Council President Jankowski and Councilmembers Viele, Pacino, Canale, McGinnis, Briggs, Schmidt, Richmond, and Bialkowski.

In attendance from the City of Batavia was Angela Dickson, Lisa Neary, Chief Herberger, Chief Heubusch, Assistant Chief Camp, Brett Frank, and Dawn Fairbanks.

Call to Order

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

Public Comments

Danielle Clark, 100 Ross St, noted that on the City's website, Councilmember Schmidt had a whole heading to herself, her name was misspelled several times and it should be fixed. She also noted that she had an issue with the City concerning the Reawake America Tour. She noted that this does involve the City and the police ERT. She explained that she spoke with Assistant Chief Camp, asked him how much it would cost the City to deploy, and stated that he wouldn't divulge that information for security reasons but that they would be ready if needed. She noted that it was Council's duty to voice their opposition to the Tour and show that you won't stand for lawlessness. She tried to ask each Councilmember if they were white supremacists and if they supports fascism but was reminded that she could only address the Council President. She noted that she would be listening for their public response to this event.

Teresa Potrzebowski, 27 Burke Dr, was there to discuss the farm animal situation, noted that the smell was horrendous and she had to put up a fence to preserve her sanity. She noted that the goats, owned by her neighbor, entered her garage and she has been harassed by Ms. Turner and her 11-year old daughter who swore at her. She explained that they are awful, their dog bit someone recently, and they were very inconsiderate neighbors. Ms. Potrzebowski didn't want there to be a way to grandfather in the farm animals and hoped Council wouldn't let this go on any longer.

John and Melissa Ladd, 31 Burke Dr, noted that they lived on the other side of Ms. Turner and have been dealing with her since they moved in in 1986. They noted that Ms. Turner is violent and if the animals were therapy animals then you would have to spend time with them. However, they stated that often they are only out back to give the animals water. Mr. Ladd noted that they live in the City, not the country, and didn't think he would have to deal with anything like this in the City. Ms. Ladd noted that no one really spoke about the welfare of the animals themselves, stated that she can't have a reasonable conversation with Ms. Turner, and these animals have specific needs. They also don't want her grandfathered in through the proposed law change.

John Roach, 116 Grandview Terrace, noted that he had a friend with a small backyard and the neighbor has chickens causing a terrible smell and flies. He suggested at least to have a set back distance defined so animals had to be a certain distance away from other yards. Mr. Roach also asked if there was a timeline to see the other mall properties that the City took over through foreclosure.

Shannon Maute, 22Burke Dr, asked her neighbors to come and show a consolidated front against Ms. Turner and her animals. She noted that she was concerned that the animals are neglected and it has gotten so out of control. Ms. Maute noted that Ms. Turner has several dogs and probably 20 cats, the violence from that house is awful, and she can never have a calm conversation with Ms. Turner. She noted that her and her young daughter blast music, set off firecrackers and one of the neighbors only comes out when Ms. Turner isn't home. She felt Ms. Turner was an unfit pet owner and unfit parent and no one was enjoying their life in the neighborhood.

Council Response to Public Comments

Councilmember Viele felt that it was just common sense that people should know the difference between rural and urban animals.

Mrs. Tabelski noted that the City was working on the silos, there were people interested in some of the City Centre properties, and willing to work with whoever. She noted that some properties are in very poor condition and hope to find a developer through an RFP.

Councilmember Canale noted that the animal issue would go to a public hearing so people can come and speak again about the topic. Councilmember Bialkowski noted that he went through this with a neighbor and they utilize the County health department if they are creating a public nuisance. He also noted that the fire department could be called to put out unsafe fires which were mentioned by the speakers. He noted that there are laws that we can utilize now and can call someone regarding the mistreatment of animals. Councilmember Briggs stated that this is a city and we shouldn't have farm animals in the City. Councilmember Pacino noted that we do understand and do care.

Communications

The BID submitted an application for Italian Fest on Saturday, August 20th from 1:00 – 9:00pm on Jackson, Center and School streets for music, food, games, and crafts. Council approved.

All Babies Cherished submitted an application for a vendor event on Saturday, November 5th from 10:00am – 4:00pm in the City Centre Concourse with crafts and artisans. Council approved.

Ascension Parish submitted an application for an Oktoberfest fundraiser on Saturday, October 1st from 12:00 – 11:00pm on Sumner St from Osterhout to the parking lot for vendors, food trucks, etc. Council approved.

GCASA submitted an application for Overdose Awareness Day on Wednesday, August 24th from 4:00 – 7:00pm in Austin Park. Council approved.

Batavia/Notre Dame United is looking to hold a bike rally on Sunday, August 21st from 5:00 – 6:00pm starting and ending at Batavia High School. Council approved.

Just Kings submitted an application for a backpack giveaway / chicken BBQ on Saturday, August 27th from 1:00 – 8:00pm in Austin Park for school backpack giveaways. Council approved.

Ms. Jensen-Rodriguez submitted an application for a block party on Fordham Dr. on Saturday, August 20th from 12:00 – 3:00pm for a picnic-style gathering between Eugene and Holmes Ave. Council approved.

Ever Present Church submitted an application for a church rummage sale on Saturday, August 20th from 9:00am – 2:00pm in the parking lot outside the church. Council approved.

Council President Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, September 12, 2022 at 7:00 pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Austin Park MOU for Jail Contract

Brett Frank, Director of Public Works, noted that this was a contract between the County and the City to use a portion of Austin Park to store materials and would not impede on the soccer field. He explained this would keep parking open for jail employees and police vehicles and the contractor would be responsible for reparation of damages to the park. Councilmember Schmidt noted that this has already started and will be a lengthy process. Mr. Van Nest noted that it was a condition of the agreement to replace the park to current condition. Council agreed to move the item to the business meeting immediately following.

Bond Resolution Purchase of 2023 Spartan ER Rescue Pumper Fire Truck

Mrs. Tabelski noted that was a resolution to bond the 2023 pumper which was being funded through grant funds and a loan through USDA and fire reserves. Council President Jankowski asked the time frame to get the vehicle. Interim Chief Herberger noted that it would be about one year. Council agreed to move the item to the business meeting immediately following.

RLF Grant AGRV Properties, Inc (109 Main Street)

Mrs. Tabelski noted that Matt Gray would be spending over \$100,000 and applied for a \$20,000 RLF grant from the City. Council agreed to move the item to the business meeting

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immediately following.

RLF Grant 73 on Rotary LLC (73 Main Street)

Mrs. Tabelski noted that Peter Casey was looking for grant funding to expand YNGoddess and the total investment would be approximately \$80,000. She noted that he was looking for \$20,000 in RLF grant funds from the City. Council agreed to move the item to the business meeting immediately following.

RLF Grant 73 on Rotary LLC (79-81 Main Street)

Mrs. Tabelski noted that Peter Casey was looking for grant funding to renovate his building (basement and first floor) and the second floor and the total investment would be approximately \$820,000. She noted that he was looking for \$20,000 in RLF grant funds from the City. Council agreed to move the item to the business meeting immediately following.

Resolution to Set a Public Hearing for Animal Ordinance Law

Mrs. Tabelski noted that there was a request for the Planning and Development Committee (PDC) to review the changes to the animal ordinance law and that was done on July 26th. She didn't think that Council should consider the second recommended change about a registry which would grandfather in current animals. Councilmember Viele didn't even think residents should be able to have chickens. Councilmember Bialkowski noted that the way the law was written, he was opposed to it and concerned that it infringes on rights of handicapped individuals to have certain service animals. He noted that just because of one resident, we shouldn't start passing laws that affect others. He suggested dealing with the problem instead and not changing laws. Mr. Van Nest noted that municipal zoning codes didn't typically incorporate ADA federal laws. Council President Jankowski felt they needed to give the police department and the code department the authority to do something about these issues. Councilmember Canale noted that we wouldn't be making the law if there wasn't this complaint and now it's a neighborhood issue so we have to make a policy to keep this from happening in any neighborhood. Council agreed to move the item to the business meeting immediately following.

Creation of Grants Administration Position

Mrs. Tabelski noted that the City has been successful in receiving grants but we don't have a full time grants administrator to keep up with all of the grants. She noted we have over \$11.2 million in grants already and over \$8 million applied for. She asked Council to consider this position which would be funded 60% through water, 30% through sewer and \$10 through the general fund. Councilmember Bialkowski wanted to table the item noting that he talked to the FLRED Council about how they manage grants and the gentleman would love to do a presentation about services they could offer. Mrs. Tabelski noted that even if we allowed FLREDC to take on this, we would still all need to do the legwork to gather all the information and paperwork and be responsible for complying with requirements. Council President Jankowski noted that he was concerned with a

councilmember going behind the City Manager's back to find an alternative and using the Finger Lakes Regional Economic Development Council just adds another layer. Councilmember Canale noted that he wasn't a big proponent of adding another position but felt that position could open up a whole other world to us and we should utilize every grant dollar we can get. He thought it would be cost effective to have that position. Councilmember Schmidt asked if they would also write grants. Mrs. Tabelski noted that eventually they would but would start with looking at the current portfolio of grants and deal with audits of those grants. Council agreed by majority vote to move the item to the business meeting immediately following. Councilmember Bialkowski voted no.

SEQR Determination Jackson Street Water Project

Mrs. Tabelski recommending passing this resolution to serve as lead agency for the Jackson Street water project and noted it would have a negative declaration under SEQR. Council agreed to move the item to the business meeting immediately following.

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Conference Meeting adjourned at 8:14 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**

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