

BATAVIA CITY COUNCIL BUSINESS MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, August 14, 2017
7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Canale
- III. Pledge of Allegiance
- IV. Approval of July 2017 Minutes
- V. Approval of June 2017 Financials
- VI. Assignment of Agenda Items
- VII. Communications
 - a. Liquor License – GO ART! “Tavern 2.o.1”
 - b. Batavia Area Jaycees – September 4, 2017
 - c. YMCA of Genesee County 5k – October 5, 2017
- VIII. Council President Report
 - a. Announcement of the City Council Business Meeting to be held on Monday, September 11, 2017 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
 - b. Proclamation for Arthur Smith, Retired Fire Fighter
 - c. Proclamation for Arick Perkins, Police Officer
- IX. Public Hearing
 - a. Comprehensive Plan Update
- X. City Attorney’s Report
- XI. City Manager’s Report
- XII. Committee Reports
- XIII. Public Comments
- XIV. Council Responses to Public Comments

XV. Unfinished Business

XVI. New Business

#81-2017 A Resolution to Amend the 2017-2018 Police Department Budget to Reflect the Receipt of the NYS Division of Homeland security and Emergency Services Grant

#82-2017 A Resolution Establishing a Standard Work Day and Reporting for Elected and Appointed Officials

#83-2017 A Resolution Adopting a Title VI of the Civil Rights Act of 1964 Plan for the City of Batavia

#84-2017 A Resolution to Enter into an Agreement with Labella Associates for Engineering Services for the City of Batavia Pedestrian Way

#85-2017 A Resolution to Authorize Pay Grade Realignment for Non-Union Positions

XVII. Adjournment

GENERAL FUND
CITY OF BATAVIA
FOR PERIOD ENDED - June 30, 2017

DESCRIPTION	ORIGINAL BUDGET	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2016	YTD Change %	Change \$
Revenues							
Real Property Taxes	\$ 5,223,422.00	\$ 5,223,422.00	\$ 5,204,843.57	99.64%	\$ 5,089,118.20	2.27%	\$ 115,725
Gain - Sale Tax Acquired Prop.	\$ -	\$ -	\$ -		\$ 2,166.68	-100.00%	\$ (2,167)
Payments in Lieu of Tax	\$ 55,840.00	\$ 55,840.00	\$ 41,964.33	75.15%	\$ 51,921.56	-19.18%	\$ (9,957)
Interest & Pen. on Tax	\$ 230,000.00	\$ 230,000.00	\$ 25,861.14	11.24%	\$ 22,505.35	14.91%	\$ 3,356
Sales and Use Tax	\$ 6,130,000.00	\$ 6,130,000.00	\$ -	0.00%	\$ 401.27	-100.00%	\$ (401)
Utility Gross Receipts Tax	\$ 200,000.00	\$ 200,000.00	\$ 14,518.58	7.26%	\$ 17,284.23	-16.00%	\$ (2,766)
Cable TV Franchise	\$ 180,000.00	\$ 180,000.00	\$ -	0.00%	\$ -		\$ -
Clerk/Treasurer Fees	\$ 32,000.00	\$ 32,000.00	\$ 4,671.50	14.60%	\$ 7,209.00	-35.20%	\$ (2,538)
Charges for Tax Redemption	\$ -	\$ -	\$ 450.00		\$ 600.00	-25.00%	\$ (150)
Marriage Licenses	\$ 3,000.00	\$ 3,000.00	\$ 1,025.00	34.17%	\$ 1,495.00	-31.44%	\$ (470)
Other Gen Govern Dept Inc.	\$ -	\$ -	\$ -		\$ -		\$ -
Police Fees	\$ 2,800.00	\$ 2,800.00	\$ 425.50	15.20%	\$ 523.00	-18.64%	\$ (98)
Dog Seizure Fees	\$ 600.00	\$ 600.00	\$ 260.00	43.33%	\$ 130.00	100.00%	\$ 130
Other Public Safety Dept Inc	\$ -	\$ -	\$ 209.40		\$ 1,147.65	-81.75%	\$ (938)
Vital Statistics Fees	\$ 33,000.00	\$ 33,000.00	\$ 8,691.00	26.34%	\$ 8,960.00	-3.00%	\$ (269)
Public Works Services	\$ -	\$ -	\$ -		\$ 63.73	-100.00%	\$ (64)
Fines & Forfeited Bail	\$ 145,000.00	\$ 145,000.00	\$ 31,603.50	21.80%	\$ 23,066.00	37.01%	\$ 8,538
Maintenance Fee - Ice Rink	\$ 37,662.00	\$ 37,662.00	\$ -	0.00%	\$ -		\$ -
Park User Fees	\$ 3,300.00	\$ 3,300.00	\$ 2,590.00	78.48%	\$ 1,925.00	34.55%	\$ 665
Special Recreat. Fac Charges	\$ 31,777.00	\$ 31,777.00	\$ -	0.00%	\$ -		\$ -
Other Culture & Rec income	\$ 2,000.00	\$ 5,000.00	\$ -	0.00%	\$ -		\$ -
Zoning Fees	\$ 1,000.00	\$ 1,000.00	\$ 700.00	70.00%	\$ 200.00	250.00%	\$ 500
Code Violation Charges	\$ 25,500.00	\$ 25,500.00	\$ 6,816.96	26.73%	\$ 5,005.10	36.20%	\$ 1,812
Home & Comm Srvc RBDG	\$ -	\$ 3,000.00	\$ -	0.00%	\$ -		\$ -
EMS Program	\$ 21,825.00	\$ 21,825.00	\$ (10,985.00)	-50.33%	\$ (12,800.00)	-14.18%	\$ 1,815
Interest and Earnings	\$ 2,000.00	\$ 2,000.00	\$ 917.72	45.89%	\$ 678.02	35.35%	\$ 240
Interest and Earnings Reserves	\$ -	\$ -	\$ 2,191.59		\$ 861.65	154.35%	\$ 1,330
Rental of Real Property	\$ 46,980.00	\$ 46,980.00	\$ 21,788.02	46.38%	\$ 12,418.74	75.44%	\$ 9,369
Rental, other - facility usage	\$ 750.00	\$ 750.00	\$ 155.00	20.67%	\$ 545.00	-71.56%	\$ (390)
Business/Occup. Licenses	\$ 5,000.00	\$ 5,000.00	\$ 420.00	8.40%	\$ 1,765.00	-76.20%	\$ (1,345)
Games of Chance	\$ 300.00	\$ 300.00	\$ -	0.00%	\$ 135.00	-100.00%	\$ (135)
Bingo Licenses	\$ 2,500.00	\$ 2,500.00	\$ 311.71	12.47%	\$ 429.11	-27.36%	\$ (117)
Dog Licenses	\$ 11,500.00	\$ 11,500.00	\$ 3,798.50	33.03%	\$ 3,522.50	7.84%	\$ 276
Licenses, Other	\$ 700.00	\$ 700.00	\$ 795.59	113.66%	\$ 149.56	431.95%	\$ 646
Bldg/Alter Permits	\$ 35,000.00	\$ 35,000.00	\$ 13,210.10	37.74%	\$ 7,840.50	68.49%	\$ 5,370
Street Opening Permits	\$ 7,000.00	\$ 7,000.00	\$ 370.00	5.29%	\$ 1,100.00	-66.36%	\$ (730)
Plumbing Permits	\$ 3,750.00	\$ 3,750.00	\$ 848.00	22.61%	\$ 1,246.00	-31.94%	\$ (398)
Permits, Other	\$ 6,000.00	\$ 6,000.00	\$ 3,840.00	64.00%	\$ 4,275.00	-10.18%	\$ (435)
Parking ticket fees	\$ 35,000.00	\$ 35,000.00	\$ 8,805.00	25.16%	\$ 3,725.00	136.38%	\$ 5,080
Forfeiture of Deposits	\$ 500.00	\$ 500.00	\$ 725.00	145.00%	\$ 1,350.00	-46.30%	\$ (625)
White Goods	\$ -	\$ -	\$ -		\$ -		\$ -
Sale of Scrap/Excess Mat.	\$ 2,000.00	\$ 2,000.00	\$ -	0.00%	\$ 1,590.74	-100.00%	\$ (1,591)
Minor Sales	\$ 900.00	\$ 900.00	\$ 176.40	19.60%	\$ 113.32	55.67%	\$ 83
Sale of Real Property	\$ -	\$ -	\$ -		\$ -		\$ -
Sale of Equipment	\$ -	\$ -	\$ -		\$ 28,400.33	-100.00%	\$ (28,400)
Insurance Recoveries	\$ -	\$ -	\$ -		\$ -		\$ -
Other Comp for Loss	\$ -	\$ -	\$ 37.78		\$ 14,237.10	-99.73%	\$ (14,199)
Refund-Prior Year Exps	\$ -	\$ -	\$ -		\$ 599.23	-100.00%	\$ (599)
Healthcare Premiums	\$ 77,300.00	\$ 77,300.00	\$ 8,541.06	11.05%	\$ 11,865.86	-28.02%	\$ (3,325)
Healthcare Revenue	\$ -	\$ -	\$ -		\$ -		\$ -
Gifts and Donations	\$ -	\$ -	\$ -		\$ -		\$ -
VLT	\$ 400,000.00	\$ 450,000.00	\$ 440,789.00	97.95%	\$ 440,789.00	0.00%	\$ -
Unclassified Revenue	\$ 1,000.00	\$ 1,000.00	\$ -	0.00%	\$ 611.50	-100.00%	\$ (612)
Per Capita State Aid	\$ 1,750,975.00	\$ 1,750,975.00	\$ 1,504,868.00	85.94%	\$ 1,504,868.00	0.00%	\$ -
Mortgage Tax	\$ 115,000.00	\$ 115,000.00	\$ 142,294.49	123.73%	\$ 52,179.89	172.70%	\$ 90,115
Real Property Tax Admin	\$ -	\$ -	\$ -		\$ -		\$ -
State Aid - Record Mgmt	\$ -	\$ -	\$ -		\$ -		\$ -
State Aid - Homeland Security	\$ -	\$ -	\$ -		\$ -		\$ -
State Aid - Public Safety	\$ -	\$ 25,290.18	\$ (622.19)	-2.46%	\$ (22,560.60)	-97.24%	\$ 21,938
Consolidate Highway (CHIPS)	\$ 320,300.00	\$ 359,300.00	\$ -	0.00%	\$ -		\$ -
State Aid - Other Transport.	\$ -	\$ -	\$ -		\$ -		\$ -
Recreation Program	\$ 20,047.00	\$ 20,047.00	\$ 3,442.00	17.17%	\$ 3,442.00	0.00%	\$ -
Arterial Reimbursement	\$ 165,000.00	\$ 165,000.00	\$ -	0.00%	\$ -		\$ -
State Aid - Planning Studies	\$ -	\$ 2,729.55	\$ (49,590.45)	-1816.80%	\$ (24,151.25)	105.33%	\$ (25,439)
State Aid Conservation Progr	\$ -	\$ 225.00	\$ (14,775.00)	-6566.67%	\$ -		\$ (14,775)
State Aid - Home&Comm Srvc	\$ -	\$ 66,500.00	\$ 38,500.00	57.89%	\$ -		\$ -
Fed. Aid - Bullet Proof Vest	\$ 1,930.00	\$ 1,930.00	\$ -	0.00%	\$ -		\$ -
Fed. Aid - Hmld Security	\$ -	\$ -	\$ -		\$ (30,033.99)	-100.00%	\$ 30,034
Fed Aid - Planning Studies RBC	\$ -	\$ 22,000.00	\$ -	0.00%	\$ -		\$ -
Fed Aid - Public Safety	\$ -	\$ 10,542.67	\$ (857.33)	-8.13%	\$ (385.80)	122.22%	\$ (472)
Fed Aid - Community Dev Act	\$ -	\$ 50,000.00	\$ -	0.00%	\$ -		\$ -
Interfund Transfers	\$ 200,000.00	\$ 200,000.00	\$ 259,428.00	129.71%	\$ 146,265.00	77.37%	\$ 113,163
Appropriated Reserves	\$ 664,500.00	\$ 917,039.67	\$ -		\$ -		\$ -
Appropriated Fund Balance	\$ 250,000.00	\$ 254,000.00	\$ -		\$ -		\$ -
TOTAL REVENUES	\$ 16,484,658.00	\$ 17,013,485.07	\$ 7,724,053.47	45.40%	\$ 7,388,793.18	4.54%	\$ 335,260

GENERAL FUND
CITY OF BATAVIA
FOR PERIOD ENDED - June 30, 2017

DESCRIPTION	ORIGINAL BUDGET	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2016	YTD Change %	Change \$
Expenses							
City Council	\$ 51,580.00	\$ 51,580.00	\$ 7,198.76	13.96%	\$ 7,743.14	-7.03%	\$ (544)
City Manager	\$ 186,400.00	\$ 164,700.00	\$ 31,678.37	19.23%	\$ 32,453.84	-2.39%	\$ (775)
Finance	\$ 130,345.00	\$ 115,436.05	\$ 28,544.29	24.73%	\$ 23,138.75	23.36%	\$ 5,406
Administrative Services	\$ 333,877.00	\$ 332,002.00	\$ 135,816.50	40.91%	\$ 79,254.19	71.37%	\$ 56,562
Clerk-Treasurer	\$ 147,360.00	\$ 137,740.00	\$ 29,894.82	21.70%	\$ 38,267.28	-21.88%	\$ (8,372)
City Assessment	\$ 148,835.00	\$ 142,575.00	\$ 29,404.91	20.62%	\$ 16,256.47	80.88%	\$ 13,148
Legal Services	\$ 221,000.00	\$ 221,000.00	\$ 46,200.60	20.91%	\$ 49,460.58	-6.59%	\$ (3,260)
Personnel	\$ 531,950.00	\$ 145,283.15	\$ 29,244.01	20.13%	\$ 23,461.39	24.65%	\$ 5,783
Engineering	\$ 32,000.00	\$ 32,000.00	\$ -	0.00%	\$ -		\$ -
Elections	\$ 13,885.00	\$ 13,885.00	\$ 13,885.00	100.00%	\$ 18,210.00	-23.75%	\$ (4,325)
Public Works Admin	\$ 106,060.00	\$ 95,300.00	\$ 17,463.92	18.33%	\$ 17,434.77	0.17%	\$ 29
City Facilities	\$ 355,460.00	\$ 347,913.94	\$ 52,496.79	15.09%	\$ 78,346.71	-32.99%	\$ (25,850)
Information Systems	\$ 118,828.00	\$ 124,747.16	\$ 42,664.92	34.20%	\$ 50,668.00	-15.80%	\$ (8,003)
Contingency	\$ 125,000.00	\$ 125,000.00	\$ -	0.00%	\$ -		\$ -
Property Loss	\$ -	\$ -	\$ -		\$ 262,770.35	-100.00%	\$ (262,770)
Police	\$ 4,298,080.00	\$ 3,877,755.43	\$ 742,267.93	19.14%	\$ 682,577.17	8.74%	\$ 59,691
Fire	\$ 4,088,565.00	\$ 3,667,888.10	\$ 742,166.25	20.23%	\$ 1,631,651.96	-54.51%	\$ (889,486)
Control of Dogs	\$ 1,355.00	\$ 1,355.00	\$ 897.94	66.27%	\$ 41.85	2045.62%	\$ 856
Inspection	\$ 376,710.00	\$ 326,660.00	\$ 62,637.16	19.18%	\$ 57,503.59	8.93%	\$ 5,134
Vital Statistics	\$ 19,430.00	\$ 18,800.00	\$ 3,146.39	16.74%	\$ 3,091.90	1.76%	\$ 54
Maintenance Admin	\$ 209,664.00	\$ 190,791.00	\$ 37,885.10	19.86%	\$ 35,667.15	6.22%	\$ 2,218
Street Maintenance	\$ 678,074.00	\$ 621,314.00	\$ 121,445.19	19.55%	\$ 154,450.17	-21.37%	\$ (33,005)
Public Works Garage	\$ 579,839.00	\$ 521,049.00	\$ 156,272.12	29.99%	\$ 69,654.48	124.35%	\$ 86,618
Snow Removal	\$ 654,277.00	\$ 623,317.00	\$ 8,026.91	1.29%	\$ 10,641.20	-24.57%	\$ (2,614)
Street Lights/Traf Signals	\$ 282,450.00	\$ 285,704.70	\$ 46,242.37	16.19%	\$ 39,061.04	18.38%	\$ 7,181
Sidewalk Repairs	\$ 52,800.00	\$ 52,800.00	\$ -	0.00%	\$ 10,779.20	-100.00%	\$ (10,779)
Parking Lots	\$ 30,525.00	\$ 30,525.00	\$ 15,874.68	52.01%	\$ -		\$ 15,875
Community Development	\$ 20,000.00	\$ 139,229.55	\$ 16,768.44	12.04%	\$ 21,741.07	-22.87%	\$ (4,973)
Economic Development	\$ 125,000.00	\$ 125,000.00	\$ -	0.00%	\$ -		\$ -
Council on Arts	\$ 2,250.00	\$ 6,250.00	\$ 6,250.00	100.00%	\$ -		\$ 6,250
Parks	\$ 622,570.00	\$ 537,655.00	\$ 104,806.64	19.49%	\$ 172,071.49	-39.09%	\$ (67,265)
Summer Recreation	\$ 79,970.00	\$ 77,103.11	\$ 7,434.51	9.64%	\$ 4,580.62	62.30%	\$ 2,854
Youth Services	\$ 188,315.00	\$ 166,272.96	\$ 26,191.95	15.75%	\$ 27,689.38	-5.41%	\$ (1,497)
Historic Preservation	\$ 2,100.00	\$ 3,536.00	\$ 18.18	0.51%	\$ 21.90	-16.99%	\$ (4)
Celebrations	\$ 15,550.00	\$ 19,580.00	\$ 7,600.70	38.82%	\$ 6,271.05	21.20%	\$ 1,330
Planning & Zoning Boards	\$ 3,400.00	\$ 3,400.00	\$ 169.63	4.99%	\$ 348.66	-51.35%	\$ (179)
Storm Sewers	\$ 259,155.00	\$ 399,679.56	\$ 23,629.74	5.91%	\$ 30,675.37	-22.97%	\$ (7,046)
Refuse & Recycling	\$ 64,990.00	\$ 64,990.00	\$ 6,076.37	9.35%	\$ 11,468.92	-47.02%	\$ (5,393)
Street Cleaning	\$ 133,890.00	\$ 111,960.00	\$ 13,907.45	12.42%	\$ 6,053.67	129.74%	\$ 7,854
Medical Insurance	\$ 9,140.00	\$ 1,815,515.00	\$ 423,815.81	23.34%	\$ 579,070.51	-26.81%	\$ (155,255)
Debt Service	\$ 512,321.00	\$ 512,321.00	\$ 69,171.38	13.50%	\$ 110,363.83	-37.32%	\$ (41,192)
Energy Lease	\$ 77,763.00	\$ 77,763.00	\$ -	0.00%	\$ -		\$ -
Transfer for capital projects	\$ -	\$ 216,219.00	\$ -	0.00%	\$ 125,000.00	-100.00%	\$ (125,000)
Transfer to other funds	\$ 322,690.00	\$ 322,690.00	\$ 322,690.00	100.00%	\$ 60,750.00	431.18%	\$ 261,940
Capital Reserves	\$ 271,205.00	\$ 271,205.00	\$ 259,428.00	95.66%	\$ 146,265.00	77.37%	\$ 113,163
TOTAL EXPENSES	\$ 16,484,658.00	\$ 17,137,490.71	\$ 3,689,313.73	21.53%	\$ 4,694,956.65	-21.42%	\$ (1,005,643)
Operating Income (Loss)	\$ -	\$ (124,005.64)	\$ 4,034,739.74		\$ 2,693,836.53	49.78%	\$ 1,340,903

WATER FUND
CITY OF BATAVIA
FOR PERIOD ENDED - June 30, 2017

DESCRIPTION	ORIGINAL BUDGET	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2016	YTD Change %
Revenues						
Metered Water Sales	\$ 2,462,892.00	\$ 2,462,892.00	\$ 185,199.64	7.52%	\$ 235,460.10	-21.35%
Bulk Water Sales	\$ 15,000.00	\$ 15,000.00	\$ 4,174.52	27.83%	\$ 4,992.51	-16.38%
Water Service Charges	\$ 2,500.00	\$ 2,500.00	\$ 260.00	10.40%	\$ 1,100.00	-76.36%
Capital improvement fee	\$ 141,280.00	\$ 141,280.00	\$ 36,043.19	25.51%	\$ 32,732.94	10.11%
Int/Pen-Water Rents	\$ 35,000.00	\$ 35,000.00	\$ 4,689.16	13.40%	\$ 3,999.32	17.25%
County Contract	\$ 1,380,250.00	\$ 1,380,250.00	\$ -	0.00%	\$ -	-
Interest and Earnings	\$ 1,000.00	\$ 1,000.00	\$ 693.41	69.34%	\$ 554.25	25.11%
Interest and Earnings-Reserve	\$ -	\$ -	\$ 1,138.59	-	\$ 445.17	155.77%
Rental of Real Property	\$ 550,000.00	\$ 550,000.00	\$ -	0.00%	\$ -	-
Sale of scrap	\$ 1,000.00	\$ 1,000.00	\$ -	0.00%	\$ 89.37	-100.00%
Sale of equipment	\$ -	\$ -	\$ -	-	\$ 135.00	-100.00%
Gain on disposition of asset	\$ -	\$ -	\$ -	-	\$ -	-
Insurance recoveries	\$ -	\$ -	\$ -	-	\$ -	-
Other Compensation for Loss	\$ -	\$ -	\$ -	-	\$ 1,051.50	-100.00%
Healthcare premiums	\$ 13,100.00	\$ 13,100.00	\$ -	0.00%	\$ -	-
Healthcare revenue	\$ -	\$ -	\$ -	-	\$ -	-
Unclassified revenue	\$ 4,000.00	\$ 4,000.00	\$ 882.80	22.07%	\$ 1,285.00	-31.30%
Interfund transfers	\$ -	\$ -	\$ -	-	\$ -	-
Reserve revenue	\$ 27,500.00	\$ 291,196.10	\$ 102,902.00	35.34%	\$ 140,939.00	-26.99%
Total Revenue	\$ 4,633,522.00	\$ 4,897,218.10	\$ 335,983.31	6.86%	\$ 422,784.16	-20.53%
Expenses						
Contingency	\$ 15,000.00	\$ 15,000.00	\$ -	0.00%	\$ -	0.00%
Water Admin	\$ 2,460,312.00	\$ 2,436,302.00	\$ 64,303.53	2.64%	\$ 48,553.61	32.44%
Pump Station & Filtration	\$ 1,320,000.00	\$ 1,212,894.81	\$ 210,965.88	17.39%	\$ 199,680.14	5.65%
Water Distribution	\$ 438,320.00	\$ 381,710.00	\$ 67,001.81	17.55%	\$ 74,021.86	-9.48%
Medical Insurance	\$ 2,290.00	\$ 198,340.00	\$ 32,817.53	16.55%	\$ 46,784.41	-29.85%
Debt Service bonds	\$ 32,320.00	\$ 32,320.00	\$ (945.11)	-2.92%	\$ 2,184.79	-143.26%
Energy lease	\$ 18,558.00	\$ 18,558.00	\$ -	0.00%	\$ -	-
Transfers for capital projects	\$ -	\$ 263,696.10	\$ -	0.00%	\$ -	-
Transfer to Other Funds	\$ 243,820.00	\$ 243,820.00	\$ 43,820.00	17.97%	\$ 8,250.00	431.15%
Capital Reserves	\$ 102,902.00	\$ 102,902.00	\$ 102,902.00	100.00%	\$ 140,939.00	-26.99%
Total Expense	\$ 4,633,522.00	\$ 4,905,542.91	\$ 520,865.64	10.62%	\$ 520,413.81	0.09%
Operating Income (Loss)	\$ -	\$ (8,324.81)	\$ (184,882.33)		\$ (97,629.65)	89.37%

Consumption

*consumption in 1,000 gallons

	2017	Difference	2016	Difference	2015
April	85,260	24.35%	68,563	-0.48%	68,893
May	19,002	-8.64%	20,800	2.27%	20,338
June	20,052	-0.13%	20,079	-4.85%	21,102
July	80,338	18.33%	67,894	-4.29%	70,939
August			21,283	-1.57%	21,623
Sept			24,753	11.38%	22,223
Oct*			102,492	22.17%	83,891
Nov			22,319	3.31%	21,604
Dec			22,012	3.60%	21,247
Jan*			73,246	-8.30%	79,880
Feb			20,650	-0.90%	20,838
March			20,648	-4.32%	21,581
Total	204,652	15.40%	484,739	2.23%	474,159

SEWER FUND
CITY OF BATAVIA
FOR PERIOD ENDED - June 30, 2017

DESCRIPTION	ORIGINAL BUDGET	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2016	YTD Change %
Revenues						
Sewer Rents	\$ 2,459,974.00	\$ 2,459,974.00	\$ 408,279.36	16.60%	\$ 429,261.39	-4.89%
Sewer Surcharge	\$ -	\$ -	\$ 11,526.48		\$ 27,089.42	-57.45%
Int/Pen-Sewer Rents	\$ 25,000.00	\$ 25,000.00	\$ 3,113.07	12.45%	\$ 2,723.01	14.32%
Interest and earnings	\$ 1,280.00	\$ 1,280.00	\$ 1,459.10	113.99%	\$ 1,129.06	29.23%
Interest & Earnings Cap. Rsv	\$ -	\$ -	\$ 1,749.44		\$ 539.24	224.43%
Sale of scrap	\$ -	\$ -	\$ 429.90		\$ -	
Sale of equipment	\$ -	\$ -	\$ -		\$ 13,500.00	-100.00%
Refunds of prior years expend.	\$ -	\$ -	\$ -		\$ -	
Healthcare premiums	\$ 2,190.00	\$ 2,190.00	\$ -	0.00%	\$ -	
Healthcare revenue	\$ -	\$ -	\$ -		\$ -	
Unclassified revenue	\$ 70,000.00	\$ 70,000.00	\$ 41,017.60	58.60%	\$ 26,573.16	54.36%
Interfund transfers inc	\$ -	\$ -	\$ -		\$ -	
Reserve revenue	\$ 218,500.00	\$ 579,911.19	\$ 680,000.00	117.26%	\$ 730,000.00	-6.85%
Total Revenues	\$ 2,776,944.00	\$ 3,138,355.19	\$ 1,147,574.95	36.57%	\$ 1,230,815.28	-6.76%
Expenses						
Contingency	\$ 15,000.00	\$ 15,000.00	\$ -	0.00%	\$ -	
Wastewater Admin	\$ 371,892.00	\$ 316,862.70	\$ 64,173.68	20.25%	\$ 53,610.81	19.70%
Sanitary Sewers	\$ 632,185.00	\$ 577,187.45	\$ 67,200.22	11.64%	\$ 55,579.95	20.91%
Wastewater Treatment	\$ 810,180.00	\$ 845,917.50	\$ 131,391.86	15.53%	\$ 140,611.41	-6.56%
Medical Insurance	\$ 470.00	\$ 158,670.00	\$ 27,918.36	17.60%	\$ 23,655.45	18.02%
Debt Service	\$ 227,638.00	\$ 227,638.00	\$ (6,053.08)	-2.66%	\$ 3,527.60	-271.59%
Energy lease	\$ 7,699.00	\$ 7,699.00	\$ -	0.00%	\$ -	
Transfer to Other Funds	\$ 31,880.00	\$ 31,880.00	\$ 31,880.00	100.00%	\$ 6,000.00	431.33%
Transfers for Capital projects	\$ -	\$ 283,411.19	\$ -	0.00%	\$ -	
Capital Reserves	\$ 680,000.00	\$ 680,000.00	\$ 680,000.00	100.00%	\$ 730,000.00	-6.85%
Total Expenses	\$ 2,776,944.00	\$ 3,144,265.84	\$ 996,511.04	31.69%	\$ 1,012,985.22	-1.63%
Operating Income (Loss)	\$ -	\$ (5,910.65)	\$ 151,063.91		\$ 217,830.06	-30.65%

Consumption

*consumption in 1,000 gallons

	2017	Difference	2016	Difference	2015
April	102,986	-3.97%	107,238	1.26%	105,899
May	50,435	8.07%	46,669	-17.05%	56,263
June	20,034	-0.18%	20,070	-3.96%	20,897
July	98,780	-5.89%	104,963	-3.36%	108,610
Aug			49,374	-18.74%	60,763
Sept			24,633	11.22%	22,148
Oct *			122,632	3.43%	118,568
Nov			56,928	-9.09%	62,618
Dec			21,945	3.60%	21,183
Jan *			105,431	-10.34%	117,594
Feb			47,230	-15.63%	55,978
March			20,626	-4.39%	21,572
Total	272,235	-2.40%	727,739	-5.74%	772,093

WORKERS COMPENSATION FUND
CITY OF BATAVIA
FOR PERIOD ENDED - June 30, 2017

DESCRIPTION	ORIGINAL BUDGET	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2016	YTD Change %
Revenues						
Workers Compensation	\$ 323,390.00	\$ 323,390.00	\$ 323,390.00	100.00%	\$ -	
Interest and earnings	\$ -	\$ -	\$ 152.39		\$ 44.82	240.00%
Interest and earnings - Cap Rsrvs	\$ -	\$ -	\$ 191.62		\$ 37.59	409.76%
Insurance Recoveries	\$ -	\$ -	\$ -		\$ -	
Refunds of Prior Years Expend	\$ -	\$ -	\$ -		\$ -	
Reserve revenue	\$ -	\$ -	\$ 75,000.00		\$ 75,000.00	0.00%
Total Revenues	\$ 323,390.00	\$ 323,390.00	\$ 398,734.01	123.30%	\$ 75,082.41	431.06%
Contractual Expense	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	66.67%	\$ 42,775.84	-76.62%
Workers Comp Benefits	\$ -	\$ -	\$ -		\$ 37,957.17	-100.00%
Workers Comp Board Assess.	\$ 22,250.00	\$ 22,250.00	\$ -	0.00%	\$ -	
Workers Comp -Admin	\$ 4,630.00	\$ 4,630.00	\$ -	0.00%	\$ -	
Workers Comp - Police	\$ 125,160.00	\$ 125,160.00	\$ 5,114.83	4.09%	\$ -	
Workers Comp - Fire	\$ 34,760.00	\$ 34,760.00	\$ 6,794.01	19.55%	\$ -	
Workers Comp DPW	\$ 121,590.00	\$ 121,590.00	\$ 12,507.66	10.29%	\$ -	
Trasnfer to reserves	\$ -	\$ -	\$ -		\$ -	
Total Expenses	\$ 323,390.00	\$ 323,390.00	\$ 34,416.50	10.64%	\$ 80,733.01	-57.37%
Operating Income/(Loss)	\$ -	\$ -	\$ 364,317.51		\$ (5,650.60)	-6547.41%

YWCA of Genesee County

Costs estimated from the police department are \$368. There are no other costs from the other departments.

Batavia Jaycees Labor Day 5K

Costs estimated from the police department are \$368. There are no other costs from the other departments.



**State Liquor
Authority**

OFFICE USE ONLY

☐ Original☐ Amended

Date _____

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**

(Page 1 of 2 of Form)

1. Date Notice Was Sent: 07/26/2017 1a. Delivered by: Personal Delivery with Proof of Receipt

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change

For **New** applicants, answer each question below using all information known to date.

For **Renewal** applicants, set forth your approved Method of Operation only.

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: City of Batavia City Council

Applicant/Licensee Information

4. License Serial Number, if Applicable: N/A Expiration Date, if Applicable: N/A

5. Applicant or Licensee Name: Genesee-Orleans Regional Arts Council

6. Trade Name (if any): GO ART! (The Trade Name for the Tavern will be "Tavern 2.o.1")

7. Street Address of Establishment: 201 East Main Street

8. City, Town or Village: Batavia ,NY Zip Code: 14020

9. Business Telephone Number of Applicant/Licensee: (585) 343-9313

10. Business Fax Number of Applicant/Licensee: (585) 345-1608

11. Business E-mail of Applicant/Licensee: ghallock@goart.org

12. Type(s) of Alcohol sold or to be sold: ☐ Beer & Cider ☒ Wine, Beer & Cider ☐ Liquor, Wine, Beer & Cider

13. Extent of Food Service: ☐ Full food menu;
Full Kitchen run by a chef or cook ☒ Menu meets legal minimum food availability requirements;
Food prep area at minimum

14. Type of Establishment: Bar/Tavern

15. Method of Operation: (Check all that apply)

☐ Seasonal Establishment ☐ Juke Box ☒ Disc Jockey ☒ Recorded Music ☒ Karaoke

☒ Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): acoustic, jazz, Broadway

☒ Patron Dancing ☒ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify):

16. Licensed Outdoor Area: (Check all that apply)

☐ None ☐ Patio or Deck ☐ Rooftop ☒ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify):



**State Liquor
Authority**

OFFICE USE ONLY

☐ Original☐ Amended Date _____

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**

(Page 2 of 2 of Form)

17. List the floor(s) of the building that the establishment is located on:
18. List the room number(s) the establishment is located in within the building, if appropriate:
19. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☒ Yes ☐ No
20. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☐ Yes ☐ No
21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
22. Does the applicant or licensee own the building in which the establishment is located? ☒ Yes (If Yes SKIP 23-26) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name:
24. Building Owner's Street Address:
25. City, Town or Village: State: Zip Code:
26. Business Telephone Number of Building Owner:

**Representative or Attorney representing the Applicant in Connection with the
application for a license to traffic in alcohol at the establishment identified in this notice**

27. Representative/Attorney's Full Name:
28. Street Address:
29. City, Town or Village: State: Zip Code:
30. Business Telephone Number of Representative/Attorney:
31. Business Email Address:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

32. Printed Name: Title:

Signature: X

☐ Original☐ Amended

Date

500 FOOT LAW STATEMENT

**Applicants for on premises liquor licenses must complete this section
(Not required for on premises beer or wine application)**

If the location is subject to the 500 Foot Law, and no other exception applies, the license cannot be issued unless the State Liquor Authority makes an affirmative finding that it is in the public interest to issue the license.

The provisions of Section 64, 64-a, 64-b 64-c and 64-d of the ABC Law require the Authority to consult with the municipality or community board prior to granting a license for **ANY ON PREMISES LIQUOR ESTABLISHMENTS** where such premises is located within a 500 foot radius of three or more on-premises liquor establishments and the population of the municipality is 20,000 or more. The Authority is further required to conduct a public hearing, upon notice to the applicant and the municipality or the community board.

The Proposed Premises: Check the appropriate box below:

- ☐ IS NOT WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS HOLDING ON PREMISES LIQUOR LICENSES.
- ☐ IS WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS SELLING LIQUOR FOR ON PREMISES CONSUMPTION. (IF SO, YOU MUST COMPLETE THE WRITTEN STATEMENT BELOW AND SUBMIT THE NAMES AND ADDRESSES OF THE ESTABLISHMENTS WITHIN THE 500' RADIUS, *UNLESS THE PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993.*)
- ☐ NOT APPLICABLE - PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993
- ☒ NOT APPLICABLE - POPULATION OF CITY, TOWN OR VILLAGE IS UNDER 20,000
- ☒ NOT APPLICABLE - BEER, WINE and CIDER ONLY

IMPORTANT:

**YOU MUST PROVIDE THE NAMES OF ALL ON PREMISES LIQUOR ESTABLISHMENTS
LOCATED WITHIN A 500 FOOT RADIUS OF THE PROPOSED PREMISES**

**For assistance use the "GIS Maps - LAMP" (Liquor Authority Mapping Project)
system, which is available on our website.**

If premises is within a 500 foot radius of three or more establishments holding on premises liquor licenses and has not been continuously licensed since November 1, 1993 and the population is over 20,000 you must, **ATTACH A WRITTEN STATEMENT EXPLAINING IN DETAIL WHY YOU BELIEVE ISSUANCE OF THE LICENSE WOULD BE IN THE PUBLIC INTEREST.**

FAILURE TO SUBMIT THIS INFORMATION MAY RESULT IN DISAPPROVAL OF THE LICENSE APPLICATION.



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

Official Use Only:

2017-29
Event Application #:

Event Application Fee - \$25.00 (non-refundable)
(A separate permit must be issued for each item requested)

Event Sponsor Batavia Area Jaycees, Inc
Type of Event Labor Day 5K
Date of Event Sept 4, 2017
Time of Event (don't include set up time here - just actual event time) 8:00-12:30
Location of Event MacArthur Park / East End MacArthur Drive
Details of Event (be as specific as possible!) 31st Annual Labor Day 5K Run/Walk
Registration, Run/Walk, BBQ/Food with results.

Contact Information:

Primary contact:

Name Mark Ditzel
Phone # (585) 409-7708
E-mail address mpditzel@gmail.com

Secondary contact:

Name Ken McKenrick
Phone # (585) 813-9435
E-mail address Ken.McKenrick@gmail.com

* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: _____

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:

Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐

Will you be providing alcohol to your group? Yes ☐ No ☒

Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate **WILL BE** required with Liquor Legal.

Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

Who will be applying to the NYS Liquor Authority for the permit to sell?

DATE: 07/28/2017 TIME: 14:27:11
GENERAL RECEIPTS
RECEIPT TYPE: 2590
RECEIPT # 50446
AMOUNT PAID ---- 25.00

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.

**** If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. ****

EVENT INFORMATION (required):Set up date: 9/4/2017Set up time: 6 AM.Tear down date: 9/4/2017Tear down time: 1:30 P.M.**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**Date: 9/4/2017 Start time: 9:30 AM. End time: 1:30 P.M.Estimated crowd size: 100 - 50 # of Vendors/Displays 1**WILL THE EVENT INCLUDE:**

Parade: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Run or Walk: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Music: Yes ☐ No ☒ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
 Street Closure(s): Yes ☐ No ☒ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
 Other: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

Address, Street: _____ City: _____ Zip Code: _____

~~Music:~~ Live Group ☐ Recorded/DJ ☐

Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

Address, Street: _____ City: _____ Zip Code: _____

CITY SERVICES SUPPORT:**City Code 66-15, D-2**

The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

ELECTRIC:Will electric be needed for the event? Yes ☐ No ☒

What will you be providing electric to? _____

Will generators be used? Yes ☐ No ☒

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) _____ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?

Yes ☒ No ☐

Will a bounce house or other air supported structures be erected at event?

Yes ☐ No ☒

Please list size(s) of Tents/Canopies or other temporary structures erected.

10x10 Registration Tent
Scoring Company might also have 10x10 pop up tent at end of race.

ANCHORING INTO PAVEMENT IS PROHIBITED!

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

Will street(s) need to be closed for the event? Yes ☒ No ☒ Reason:

See below

List Street(s) and Cross Street(s) that will be affected:

Street to be closed	&	Cross Streets
Street to be closed	&	Cross Streets
Street to be closed	&	Cross Streets
Street to be closed	&	Cross Streets

Will street barricades be requested from the City? Yes ☐ No ☒ How Many? _____

Will traffic cones be requested from the City? Yes ☒ No ☒ How Many? _____

(Drop off locations of requested items must be identified on the site drawing)

BANNERS, SIGNS, OR OTHER DECORATIONS ARE NOT TO BE ATTACHED TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)

POLICE

Will City Police Officers be requested for the event? Yes ☒ No ☐

FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.

The Batavia Area Jaycees would like to request a lead police car to lead the runners and if possible an end car. We also might need a police officer at the intersection of Bank St/Denio St in front of Dwyer Stadium. Another one at intersection of Bank St/Vine St where runners will be crossing.

If possible we would also like to be able to use the Little League facilities to store tables and pop up tents the day before the race.

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

Batavia Area Jaycees (BAJ) the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the BAJ (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

7/30/2017
Date:

Batavia Area Jaycees
Name of Event Sponsor

[Signature]
Authorized Signature, Title

Board Member / Event Chairman
Authorized Signature, Title

Mark Ditzel
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

7/30/2017
Date:

[Signature]
Signature of Applicant:

Please forward this application to:

**City Clerk's Office
Attention: Events Applications Department
One Batavia City Centre
Batavia, New York 14020**

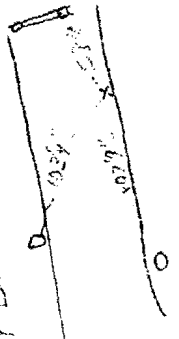
Measured July 15, 2017
 by Steve T. Als
 using NY 1717KL
 Calibration Course



Labon Dr SK
 ↑ N

Batavia Area Survey

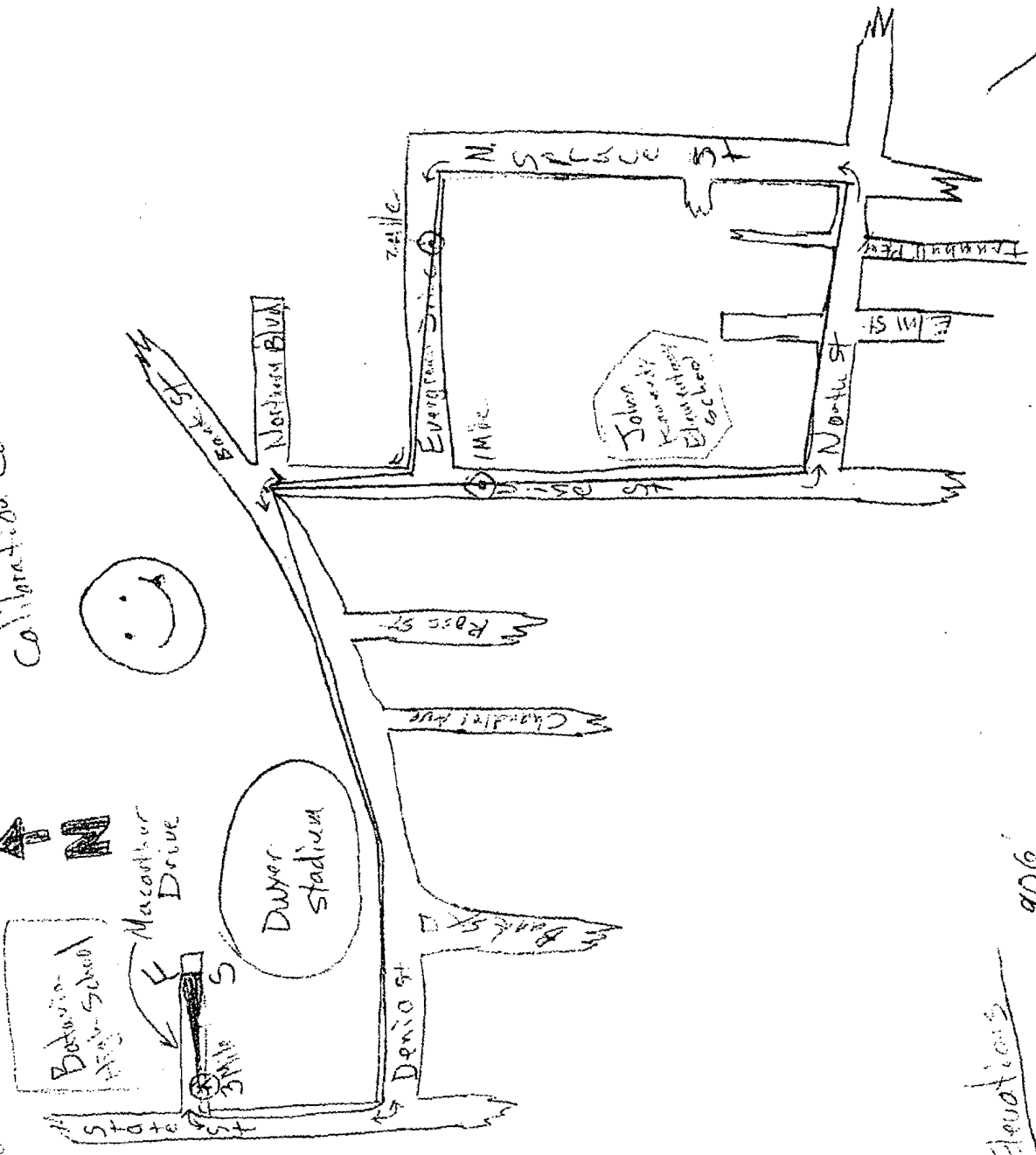
START/Finish
 S. Side of MacArthur Drive
 107' 9" E. of PP
 103' 4" E. of PP



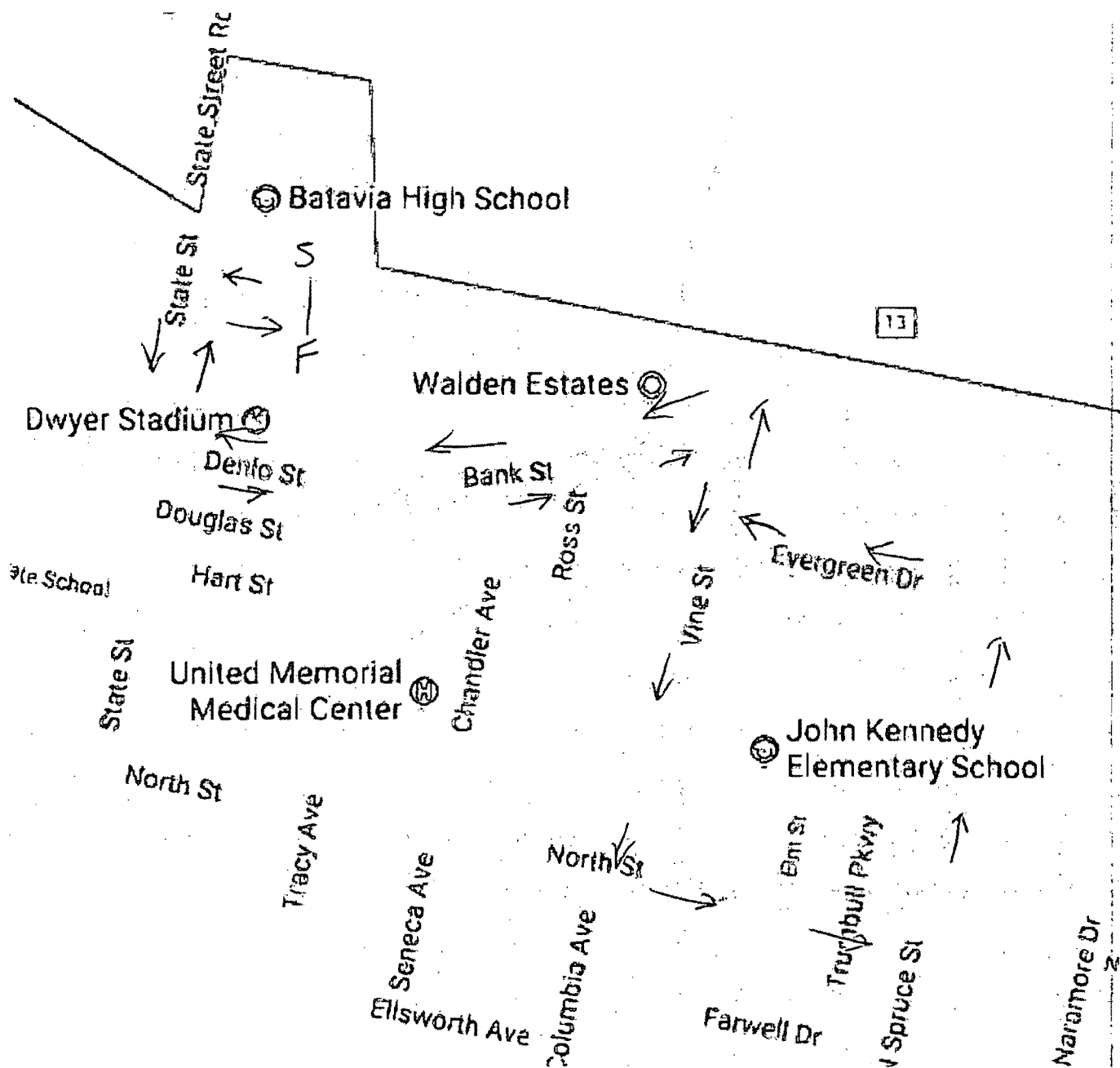
1 Mile
 - N. Side of MacArthur Dr.
 - In front of #227
 - 34' 9" SW of manhole
 - 51' 9" NW of PP#
 - N 173° 34' W 150' 53" E

2 Mile
 - N. Side of MacArthur Dr.
 - In front of #11
 - 19' 9" E of Stone Sewer
 - 26' 10" E of PP# N64

3 Mile
 - S. Side of MacArthur Dr.
 - In front of The Pines Apt #1
 - 18' 9" NE of concrete steps
 - 76' 10" E of PP#



Elevations
 Start/Finish 906'
 Highest 911'
 Lowest 893'





BATAARE-01

TDEMARS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/9/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # BR-941583

Lawley Genesee LLC
20 Jefferson Square
Batavia, NY 14020

CONTACT

NAME:

PHONE (A/C, No, Ext.): 1 (585) 344-0300

FAX (A/C, No): 1 (716) 849-8291

E-MAIL

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Selective Insurance of America

12572

INSURED

Batavia Area Jaycees Inc
PO Box 285
Batavia, NY 14021-0285

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	X		S 1790698	11/15/2016	11/15/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			S 1790698	11/15/2016	11/15/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is named as additional insured in respects to General Liability in regards to Tap Batavia (June 10th, 2017), Batavia Ramble (July 1st, 2017) and the Labor Day 5K, September 4th, 2017.

CERTIFICATE HOLDER

City of Batavia
1 City Centre
Batavia, NY 14020

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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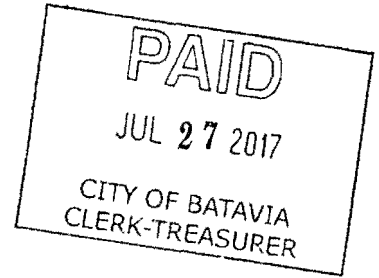


City of Batavia
Batavia, New York 14020
(585) 345-6300

Official Use Only:

2017-28

Event Application #:



Event Application Fee - \$25.00 (non-refundable)
(A separate permit must be issued for each item requested)

Event Sponsor YWCA of Genesee County

Type of Event 5K

Date of Event Thursday, October 5, 2017

Time of Event (don't include set up time here - just actual event time) 5:30 p.m.

Location of Event Starts @ 301 North St. West throughout City And

Details of Event (be as specific as possible!) A 5K that ends @ 301 North St.
includes brief Messages, Music, the Race, a purple powder
Final And Awards - To highlight Domestic Violence Awareness Mon

Contact Information:

Primary contact:

Name Joanne Beck
Phone # (585) 297-5272
E-mail address jbeck@ywcagenesee.org

Secondary contact:

Name Jeanne Walton
Phone # (585) 409-9019
E-mail address jwalton@ywcagenesee.org

* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: www.ywcagenesee.org

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:

Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐

Will you be providing alcohol to your group? Yes ☐ No ☒

Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate **WILL BE** required with Liquor Legal.

Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

Who will be applying to the NYS Liquor Authority for the permit to sell? _____

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.

** If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. **

EVENT INFORMATION (required):

Set up date: 10-4 to 10-5-17

Set up time: 10 A.M. 10-5-17

Tear down date: 10-5-17

Tear down time: 8 P.M. 10-5-17

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 10-5-17 Start time: 5:30 P.M. End time: 8 P.M.

Estimated crowd size: 125-150 # of Vendors/Displays 1- Professional timing company
2- YWCA tables for registration
3- a flatbed/stage

WILL THE EVENT INCLUDE:

Parade: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Run or Walk: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Music: (DJ) Yes ☒ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
Street Closure(s): Yes ☒ No ☐ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
Other: Yes ☐ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

Address, Street _____ City _____ Zip Code _____

Music: Live Group ☐ Recorded/DJ ☒

Score this.com Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2

The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

ELECTRIC:

Will electric be needed for the event? Yes ☒ No ☐

What will you be providing electric to? Speakers

Will generators be used? Yes ☒ No ☐ by the timing company

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) a small one FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

To operate inflated finish line and speaker system.

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?
Will a bounce house or other air supported structures be erected at event?

Yes ☒ No ☐
Yes ☐ No ☒

Depending on weather -
possibly 1-2 Canopies

Please list size(s) of Tents/Canopies or other temporary structures erected.

ANCHORING INTO PAVEMENT IS PROHIBITED!

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

Will street(s) need to be closed for the event? Yes ☒ No ☐ Reason: Race participants will be gathered on the street in front of YWCA

List Street(s) and Cross Street(s) that will be affected:

Columbia at North Street &
Ross Street at North Street & → just for the start
Vine Street at North Street &
Manhattan Avenue at North Street &
Street to be closed Cross Streets Street to be closed Cross Streets Street to be closed Cross Streets Street to be closed Cross Streets

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? 8-10

Will traffic cones be requested from the City? Yes ☐ No ☐ How Many? _____
(Drop off locations of requested items must be identified on the site drawing)

BANNERS / SIGNS OR OTHER DECORATIONS ARE NOT TO BE ATTACHED TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)

Police officers have escorted our group and assisted with the busier intersections - we are requesting that again.

POLICE

Will City Police Officers be requested for the event? Yes ☒ No ☐

FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

YWCA of Genesee County, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the YWCA of Genesee County (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

Date: _____

YWCA of Genesee County, Inc.

Name of Event Sponsor: _____

Joanne Beck - Assistant Exec Director

Authorized Signature, Title

Joanne Beck

Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

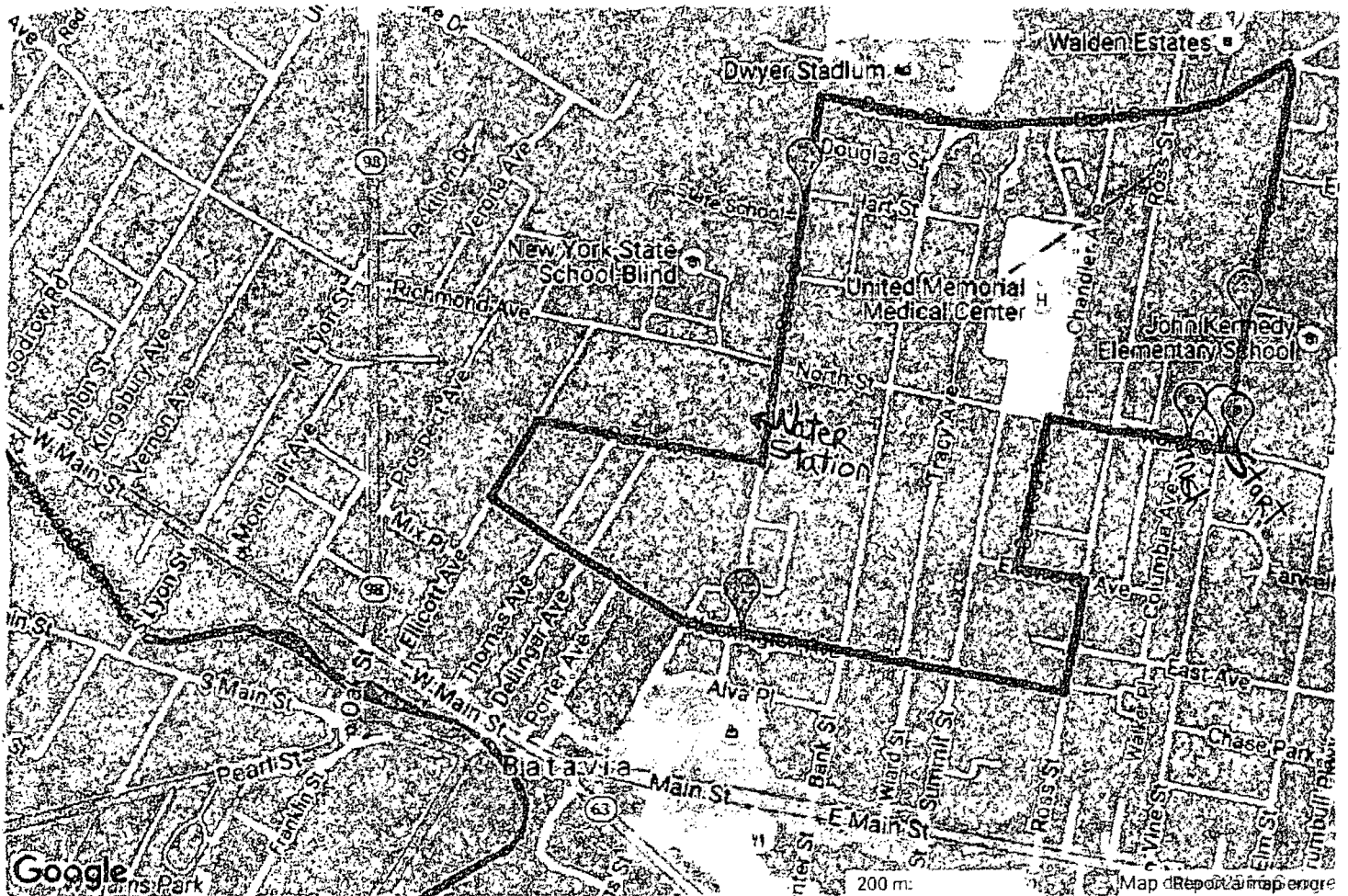
Date: 2-24-17

Joanne Beck

Signature of Applicant

Please forward this application to:

**City Clerk's Office
Attention: Events Applications Department
One Batavia City Centre
Batavia, New York 14020**



~Stiletto & Sneaker 5K Directions~

Start on North Street, just east of Vine Street.

Head west past Vine to **Seneca Avenue**. Take a **LEFT**.

Take another **LEFT** onto **Ellsworth Avenue**, and a **RIGHT** onto **Ross Street**.

Take another **RIGHT** onto **Washington Avenue**. Go straight to **Ellicott Avenue**.
Take a **RIGHT**.

Take another **RIGHT** onto **Park Avenue**. Take a **LEFT** onto **State Street**.

Go straight to **Denio** and take a **RIGHT**. Denio merges with Bank Street. Continue on Bank Street and take a **RIGHT** onto **Vine Street**. Go straight to **North Street**, and take a **RIGHT** to the finish line.

#81-2017

**A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO
REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND
EMERGENCY SERVICES GRANT**

Motion of Councilperson

WHEREAS, the City of Batavia Police Department has received a grant in the amount of \$3,800 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise will test various locations to evaluate the effectiveness of New York State's suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

WHEREAS, to properly account for the expenditure of this money, a budget amendment needs to be made.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget effective August 14, 2017 to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:

001.3120.0101.1165	\$	3,800.00
--------------------	----	----------

Increase revenue accounts:

001.0001.4389.1165	\$	3,800.00
--------------------	----	----------

**Seconded by Councilperson
and on roll call**

#82-2017

**A RESOLUTION ESTABLISHING A STANDARD WORK DAY AND
REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

Motion of Councilperson

WHEREAS, the City Council of the City of Batavia wishes to establish a standard work day and reporting for elected and appointed officials as outlined in section 315.4 of the New York State and Local Retirement System Regulations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia, that the attached is hereby established and approved.

**Seconded by Councilperson
and on roll call**



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A

(Rev. 8/15)

BE IT RESOLVED, that the City of Batavia / 20004 hereby establishes the following standard work days for these titles and
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
City Council	6	Rose Mary Christian	0474	36833721	<input type="checkbox"/>	01/01/2016-12/31/19	2.99	<input type="checkbox"/>
City Council	6	Adam Tabelski	1992	40657462	<input type="checkbox"/>	01/01/2016-12/31/20		<input checked="" type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
Appointed Officials								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

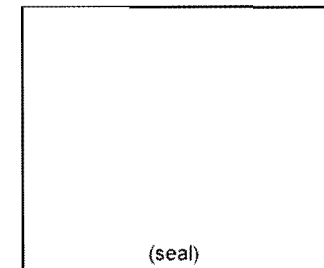
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, _____, secretary/clerk of the governing board of the _____, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the _____ on this _____ day
of _____, 20____.
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, _____, being duly sworn, deposes and says that the posting of the
(Name of secretary or clerk)
Resolution began on _____ and continued for at least 30 days. That the Resolution was available to the public on the
(Date)

- ☐ Employer's website at _____
☐ Official sign board at _____
☐ Main entrance secretary or clerk's office at _____



Instructions for completing the Standard Work Day and Reporting Resolution

A.	B.	C.	D.	E.	F.	G.	H.	I.
<i>Title</i>	<i>Standard Work Day</i> <i>(Hrs/day)</i> <i>Min. 6 hrs</i> <i>Max. 8 hrs</i>	<i>Name</i> <i>(First and Last)</i>	<i>Social Security Number</i> <i>(Last 4 digits)</i>	<i>Registration Number</i>	<i>Tier 1</i> <i>(Check only if member is in Tier 1)</i>	<i>Current Term Begin & End Dates</i> <i>(mm/dd/yy-mm/dd/yy)</i>	<i>Record of Activities Result*</i>	<i>Not Submitted</i> <i>(Check only if official did not submit their Record of Activities)</i>
Elected Officials								
Highway Superintendent	8.00	John Smith	0000	0101010-1		1/1/2010-12/31/2013	32.79	
Receiver of Taxes	6.00	Michelle Jones	1111	0202020-2	X	1/1/2010-12/31/2014	NA	
Town Justice	6.25	Michael Hall	2222	0303030-3		1/1/2010-12/31/2011		X
Appointed Officials								
Planning Board Member	7.00	Joseph Gray	3333	0404040-4		1/1/2010-12/31/2010	17.54	

- A. Title:** All paid elected and appointed officials (who are active members of the Retirement System) and are not paid hourly and do not participate in a employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals must be listed. For the purpose of the regulation, an "appointed official" is someone who is appointed by an elected official, an appointed official or governing board. They hold an office in an organization or government and participate in the exercise of authority. This also includes appointees of elected and appointed officials such as deputies, assistants or confidential secretaries.
- B. Standard Work Day:** The minimum number of hours that can be established for a standard work day (SWD) is **six**, while the maximum is **eight**. A SWD is the denominator to be used for the days worked calculation; it is not necessarily always the number of hours a person works. For example, if a board member only attends one three-hour board meeting per month, you must still establish a SWD between six and eight hours as the denominator for their record of activities (ROA) calculation.
- C. Name:** The official's complete first and last name must be included for identification purposes.
- D. Social Security Number:** The last four digits of the official's Social Security Number must be included for identification purposes. For security purposes, the last four digits of the Social Security Number can be omitted from the publicly posted version.
- E. Registration Number:** The official's Registration Number must be included for identification purposes. For security purposes, the Registration Number can be omitted from the publicly posted version.
- F. Tier 1:** If the official is a Tier 1 member, this box should be checked. Tier 1 members are not required to keep a ROA.
- G. Current Term Begin & End Dates:** All officials listed on the Resolution must have a specified Term End date. Leaving this column blank or listing 'Tenure/At Pleasure' is not acceptable. If the official does not have a designated term, the current term for the official who appointed them to the position should be used. If they are appointed by the governing board, the chairman of the board's term should be used.
- H. Record of Activities Result*:** This column must be left blank if an official does not submit their required sample three-month ROA. To determine the average number of days worked per month, you must divide the total number of hours documented on the three-month ROA by three months to get a one-month average number of hours worked. Then, the one-month average number of hours worked must be divided by the SWD to get the average number of days worked per month.
- I. Not Submitted:** This column must be checked if an official has not submitted the required sample three-month ROA within the 150 day requirement, regardless of whether they are being reported by another employer for the same period. If the Retirement System receives such a Resolution, it will contact the official to notify them of the consequences of not submitting the ROA.

Once passed, the Resolution must be posted on your public website for a minimum of 30 days or, if a website isn't available to the public, on the official sign-board or at the main entrance to the clerk's office. A certified copy of the Resolution and Affidavit of Posting must be filed with the Office of the State Comptroller within 45 days of the adoption. The Resolution and Affidavit can be submitted online via the Elected and Appointed Officials Reporting (EAOR) program.

*To determine the number of days worked to include on the monthly report for the various payroll frequencies, please refer to the Calculating Days Worked instructions available in the 'Reporting Elected & Appointed Officials' section of our website: http://www.osc.state.ny.us/retire/employers/elected_appointed_officials/index.php

#83-2017

**A RESOLUTION ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF
1964 PLAN FOR THE CITY OF BATAVIA**

Motion of Councilperson

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age, disability or national origin; and

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI; and

WHEREAS, it is a requirement of the New York State Department of Transportation and the US Department of Transportation that communities receiving federal financial assistance adopt a Title VI Plan.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Batavia that it hereby adopts the attached Title VI Program and Implementation Plan.

**Seconded by Councilperson
and on roll call**

City of Batavia, NY

TITLE VI PLAN

July 10, 2017

Title VI Plan

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Title VI Nondiscrimination Policy Statement

It is the policy of the City of Batavia to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of the City of Batavia operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders. These orders and laws are outlined below in the section entitled, "Title VI Related Policy and Authoritative Sources."

City of Batavia is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all City of Batavia's bulletin boards and made available to all organizations and entities doing business with the City of Batavia. Any complaints involving allegations of discrimination should be sent to:

The City of Batavia Title VI Coordinator, City Hall, One Batavia City Centre, Batavia NY 14020.

TITLE VI RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

New York State Human Rights Law Article 15 (1945) – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

New York State Law Article 15-A (1988) - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

New York State Law Article 17-B (2014) – An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non-Discrimination Act (2003) – This Act amends the Executive Law to include sexual orientation.

New York State Executive Orders

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

Executive Order No. 6 (Governor Cuomo, 1983) – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor’s Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

Federal Laws and Executive Orders

Civil Rights Act of 1964 – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972 – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

Section 503 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

Age Discrimination Act of 1975 – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

Americans with Disabilities Act (ADA) of 1990 – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

Civil Rights Act of 1991 – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”, confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act

provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

Executive Order No. 11246 – Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.

Chief Executive Officer

Date

Title VI Reporting Relationships

The City of Batavia is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer and as such the Assistant City Manager will be appointed, as the City of Batavia Title VI Coordinator.

The contact information for the City of Batavia's Title VI Coordinator is as follows:

Name

Assistant City Manager
One City Centre, Batavia, NY 14020
585-345-6330

Special Emphasis Program Areas

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the **City of Batavia** has proactively appointed a Title VI Program Specialists to annually monitor the **City's** emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research.

The personal contact information for each Title VI Specialist for the areas of Planning, Construction, Environmental Services, Maintenance, Design, Traffic Safety, Right of Way and Research is:

Matt Worth, Director of the Department of Public Works

One City Centre, Batavia, NY 14020

585-345-6325

mworth@batavianewyork.com

Limited English Proficiency (LEP) Plan

Title VI and its implementing regulations require subrecipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations include both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

A copy of the City of Batavia's Limited English Proficiency (LEP) Plan is attached as Appendix E.

Employee Training

The Title VI Coordinator and the City Manager shall be responsible for advising City of Batavia staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to City of Batavia staff. All employees are encouraged to participate in professional development training within and outside of the City of Batavia. A complete copy of the Title VI Employee Training Plan can be accessed through the Bureau of Personnel.

Public Participation Plan

All applicants applying to receive any Federal financial assistance from the U.S. Department of Transportation (DOT), through the office of the Assistant Secretary for Research and Technology (OST-R), are required to ensure their programs, policies and activities comply with the USDOT Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, the City of Batavia must develop and submit to the New York State Department of Transportation (NYSDOT) a Public Participation Plan which includes information about outreach efforts to engage minority and Limited English Proficient Populations (LEP).

The goal of the Public Participation Plan is to offer early, often and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. A copy of the City of Batavia's Public Participation Plan is attached as Appendix G.

Contractor Compliance

All contractors and subcontractors for the City of Batavia are responsible for complying with the Title VI Program of the City. The City of Batavia shall be responsible for ensuring that contractors are aware of and comply with Title VI requirements. Appropriate language requiring compliance shall be included in each contract with the City.

Notification to Beneficiaries

Under Title VI the City of Batavia is required to provide information to the public regarding the City's obligations under Title VI regulations and apprise the general public of the protections against discrimination afforded to them by Title VI. The City of Batavia shall disseminate this information to the general public by posting the policy notice on the City's website and in public areas of the City offices, included the City Centre lobby and public bulletin boards. A copy of the Public Notice is attached as Attachment 1.

Monitoring/Reporting

The City of Batavia is responsible for complying with Title VI regulations and also ensuring that any contractors to the City are in compliance. Accordingly, the City of Batavia shall regularly monitor contractors for compliance and shall prepare annually a Title VI Program outlining the efforts of the City of Batavia to comply with Title VI.

Title VI Coordinator's Responsibilities

And Program Administration

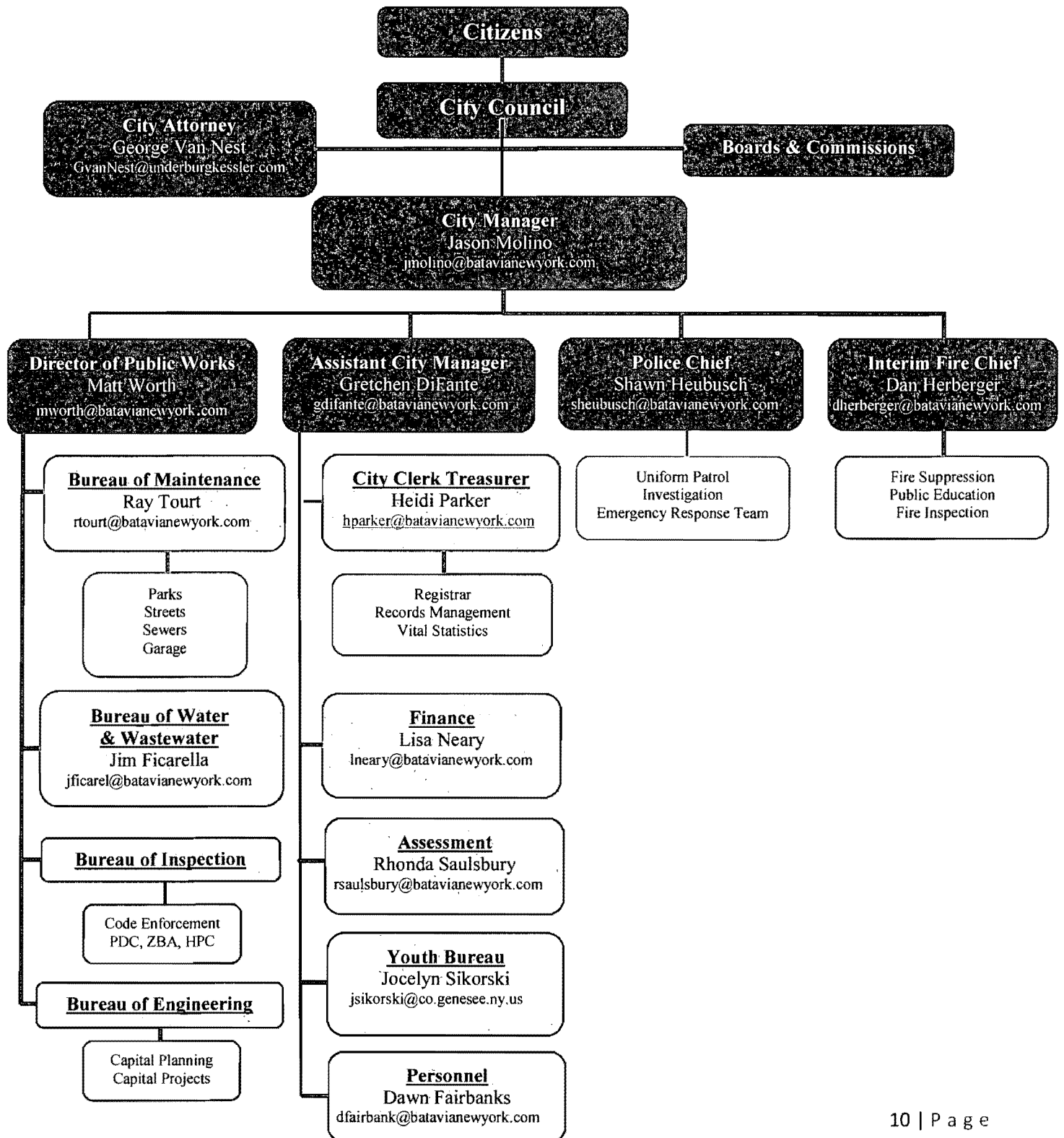
As authorized by the City Manager, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the City of Batavia's compliance with Title VI requirements as follows:

The City of Batavia has designated the City of Batavia Assistant City Manager as the Title VI Coordinator for the City of Batavia by Resolution No. xxxxx. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Batavia's compliance with Title VI requirements as follows:

- Ensure that the City's Title VI Policy is posted according to the procedures outlined in this Program so that appropriate notice is provided to the general public.
- To review the City's Title VI Program annually to determine that it is up-to-date, and to make any recommendations for changes to the document to the Batavia City Council to ensure that it remains up-to-date.
- To keep such records and timely file such reports as required to comply with Title VI requirements.
- To process, review and investigate Title VI complaints received by the City in accordance with the complaint procedures established in this document.
- To collect statistical data necessary to comply with Title VI requirements.
- To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from the City of Batavia.
- To serve as a resource for technical assistance to other City Departments and employees for guidance on complying with Title VI.
- To respond to inquiries of the City's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

On the following page is an Organization Chart depicting the hierarchy of employees and reporting protocols involving the Assistant City Manager (the City's designated Title VI Coordinator.)

CITY ORGANIZATIONAL CHART



The City of Batavia

Title VI Complaint Procedures

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

What is discrimination under Title VI?

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, is an act (action or inaction), whether intentional or unintentional, through which a person, solely because of race, color, national origin, creed, sex, age or disability, has been otherwise subjected to unequal treatment or impact under any program or activity receiving Federal financial assistance from the United States Department of Transportation.

Who may file a Title VI complaint?

A complaint may be filed by any person who believes they or any specific class of persons has been subjected to discrimination.

Title VI Complaint Procedures

49 CFR 21.1, provides that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.”

In order to comply with Title VI and all of the regulations of 49 CFR Part 21, the City of Batavia, acting by and through its Office of the City Manager provides the following complaint procedures for those persons who believe that they have been subjected to discrimination under any program or activity receiving Federal financial assistance from the United States Department of Transportation. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

Who do these Title VI procedures apply to?

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance

includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance

How and where is a discrimination complaint filed?

A complaint must be in writing, signed by the person(s) or their representative(s) and must include the complainant(s) name, address and telephone number. Attached is a Discrimination Complaint Form that may be used, however, a complaint may also be filed by sending the complaint by facsimile or electronic mail.

How long will it take for my complaint to be resolved?

The complaint will be reviewed by the Title VI Coordinator. Where practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

A signed written complaint must be filed within 180 days of the date of the alleged discrimination. The signed complaint must be sent to:

Title VI Coordinator

City of Batavia

One Batavia City Centre

Batavia, NY 14020

City of Batavia
Title VI Complaint Form

Name _____

Address _____ City _____ Zip _____

Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

Race ☐

Color ☐

Sex ☐

National Origin ☐

Age ☐

Disability (ADA) ☐

Low-Income ☐

Limited English Proficiency ☐

Who allegedly discriminated against you?

Name _____

Address _____ City _____ Zip _____

Telephone _____

If an organization, what is its name?

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

Name of Contact _____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the City do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____

When _____

Complaint number, if known _____

Do you have an Attorney in this matter?

Name _____

Address _____ **City** _____ **Zip** _____

When did you acquire? _____

Signed _____ **Date** _____

Mail to: **Title VI Coordinator**

 City Hall

 City of Batavia

 One Batavia City Centre

 Batavia, NY 14020

 (585) 345-6300

The United States Department of Transportation (USDOT)
Standard Title VI/Nondiscrimination Assurances
DOT Order No. 1050.2A

The City of Batavia (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the office of the Assistant Secretary for Research and Technology (OST-R), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs of The Department Of Transportation-Effectuation of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act Of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the OST-R.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted University Transportation Centers Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Batavia, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Batavia also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the OST-R access to records, accounts, documents, information, facilities, and staff. The City of Batavia also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the OST-R and will keep records, reports, and submit the material for review upon request to the OST-R, or its designee in a timely, complete, and accurate way. Additionally, the City of Batavia will comply with all other reporting, data, collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Batavia gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the University Transportation Centers Program This ASSURANCE is binding the City of Batavia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the University Transportation Centers Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(Name of Recipient) City of Batavia

by _____ Dated _____

(Signature of Authorized Official)

NYSDOT and SUBRECIPIENT DATA COLLECTION

The City of Batavia collects data to ensure impacted communities and interested persons are provided equal access to public involvement. Federal regulation 23 CFR 200.9 (b)(4) requires that State Department of Transportations and their subrecipients develop procedures for the collection of statistical data of participants in and beneficiaries of State transportation programs, impacted citizens and affected communities.

Data collection is used to show that those who are affected by a project or have an interest in the project have an opportunity to provide input throughout the planning process.

Purpose of data collection:

- a. To ensure affected communities and interested persons are provided equal access to public involvement.
- b. To ensure compliance with 23 CFR 200.9 (b)(4).
- c. To evaluate the impact of its programs and activities to ensure nondiscrimination.
- d. The collection and analysis of data helps to:
 - f. Identify and prioritize potential problem areas affected by transportation decisions;
 - g. Evaluate the effectiveness of policies and programs to develop nondiscrimination strategies;
 - h. Assess specific programs and beneficiaries to develop nondiscrimination strategies (i.e., public meetings)
 - i. Provides awareness of resources to resolve issues and problems.
 - j. Demonstrates a need for or the elimination or revision for a program.
 - k. Provides justification for funding continuation or the need for additional funding

1. Data Collection

NYSDOT, subrecipients, rural and urban transits, airports, contractors, consultants and any entity that receives Federal financial assistance through the NYSDOT. As a subrecipient, an agency is required to abide by Title VI of the civil Rights Act of 1964. The City of Batavia collects demographic information data in the Office of the City Manager and in the Office of the Director of Public Works. Any benefits paid or made available to beneficiaries are tracked in the Office of the Administrative Services Office and all transportation-related programs results are tracked in the Office of the Director of the Department Public Works.

2. Data Collected

- a. Demographic information on program participants and beneficiaries;
- b. Benefits paid to or made available to beneficiaries;

c. Results of a program or service.

3. Resources From Which Data is Collected. The City of Batavia collects its data from the following locations/resources:

- a. Stakeholders. i.e., Lifetime Assistance Committee
- b. Geographic Information Systems (GIS) from Genesee County Planning
- c. Citizen advisory groups and community surveys as well as internal employee surveys as it relates to contact as outlined in the LEP.
- d. U.S. Census Bureau
- e. Genesee County Department of Public Health
- g. Local churches and non-profits
- i. Ridership data from the Monroe County Regional Transit Authority
- j. Batavia City School District and Genesee Community College

4. Timing of Data Collected

This City of Batavia's data collection depends with regard to transportation projects and occurs each at the time a project is sourced and at the end of a project.

5. How much Data does the City of Batavia collect?

It is not always necessary to collect data from the entire population. If the population is large, it is sufficient to collect data from just a portion as long as it is done in a manner what gathers the same information as with the entire population.

Technical assistance: The City of Batavia uses the following process for collecting technical data.

- a. Assigns the individual in each area who has responsibility for the collection of data.
- b. Sets up protocol for who has access to the data.
- c. As data is received, checks for thoroughness.
- d. Pilot tests selected survey questions.
- e. Has a tracking system (spreadsheet) in place.
- f. Stores collected data electronically in a shared file.
- g. Frequently monitor the data collection process.
- h. Checks for errors in samplings.

PROGRAM REVIEW AND MONITORING

The following data is collected and reviewed annually, as it relates to Title VI Compliance:

- Public notification and outreach efforts, to include: minority media used (if applicable) LEP efforts, projects websites, web blog for public comments.
- Demographics of potential affected populations of targeted project area.
- LEP efforts, to include, data on the use of translation services and bilingual employees.
- Surveys from potentially affected population.
- Any efforts made to mitigate adverse effects on the minority or low-income populations in affected communities.
- The racial ethnic composition of transportation-related decision making advisory boards or committees.
- Environmental analysis, if applicable, for new construction and major rehabilitation projects.
- Documentation of all Title VI complaints, lawsuits and investigations on a Title VI complaint log.
- Maintenance and capturing of the race and gender of contractors and the ability to provide an analysis of the selection process.

Attachment 1

Title VI Notice to Public

Policy Statement

The City of Batavia assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987{P.L. 100.259} be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Batavia further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that the City of Batavia distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning the City of Batavia's non-discrimination obligations under Title VI should contact:

Assistant City Manager (also Title VI Coordinator)

One City Centre

Batavia, NY 14020

585-345-6330

Complaint Procedures:

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with the City of Batavia under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing a Title VI complaint form, which can be obtained at the address listed above.

Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with the City of Batavia under Title VI. If assistance is needed to complete the Title VI Complaint Form, please contact the City's Title VI Coordinator using the contact information listed above.

Posting of this Notice:

This notice shall be posted in the first floor lobby of the Batavia City Centre, One City Centre, Batavia, NY 14020 and in the Department of Public Works at the same address.

The City of Batavia does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Office of the Secretary for Research and Technology (OST-R), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the OST-R to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the OST-R, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the OST-R may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Batavia will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the Regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Batavia all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Batavia and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Batavia, its successors and assignees.

The City of Batavia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and (2) that the City of Batavia will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the

event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Batavia pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Batavia will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Batavia and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Batavia pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that:

1. No person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the City of Batavia will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Batavia will there upon revert to and vest in and become the absolute property of the City of Batavia and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

APPENDIX F

TITLE VI LIMITED ENGLISH PROFICIENCY PLAN

INTRODUCTION

Consistent with Title VI of the Civil Rights Act of 1964, U.S. Department of Transportation's implementing regulations, and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), the City of Batavia is required to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). The City of Batavia has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance for persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan identifies how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

In order to prepare this plan, the City of Batavia used the Federal Highway Administration *Four- Factor LEP Analysis*:

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by the City of Batavia.
2. The frequency with which LEP persons come into contact with City services.
3. The nature and importance of services provided by the City of Batavia to the LEP population.
4. The interpretation services available to the City of Batavia and overall cost to provide LEP assistance.

A summary of the results of the Four-Factor LEP Analysis is found on the next page.

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by the City of Batavia

The City of Batavia staff reviewed the American Community Survey 5-Year Estimates (2010 - 2015) for the City and determined that:

573 of a total population of 14,162 persons five years and over in the City's service area, comprising 4.0% of the population, speak a language other than English.

Of those, 203 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.4% of the overall population in the service area over the age of 5.

In the City of Batavia's service area the following represents populations with Limited English Proficiency:

75/14,162 or 0.52% speak Spanish

112/14,162 or 0.77% speak all other languages

2. The frequency with which LEP persons come into contact with the City of Batavia services

The City of Batavia reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries and office visits.

The City of Batavia had never had request for an interpreter or translated program documents. The City of Batavia Police Department, which typically has the greatest number of interactions with the general public each year, averages approximately 3 or 4 interactions with LEP individuals on a yearly basis. In these cases, the City of Batavia Police Department is able to access an interpretation service directly through Genesee County Dispatch. This service is available to police officers 24/hours 7 days/week.

The other staff of the City of Batavia has had very little contact with LEP persons.

3. The nature and importance of services provided by the City of Batavia to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for the City. The overwhelming majority of the population 98.6% speaks only English, or at least speaks English "very well." As a result, there are few social, service, or professional and leadership organizations with the City of Batavia service area that focuses on outreach to LEP individuals.

4. The interpretation services available to the City of Batavia and overall cost to provide LEP assistance.

The City of Batavia has reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises. The City of Batavia can use existing bilingual staff to provide interpretation to individuals that only speak Spanish and it has access to the translation services for the police department as mentioned above. Other language translation options could be provided from a professional interpretation service for which the City would pay a fee.

LANGUAGE ASSISTANCE

Language assistance to LEP individuals can include interpretation (oral or spoken transfer of a message from one language into another language) and translation (the written transfer of a message from one language to another.)

The City of Batavia shall use the following measures to identify an LEP person in need of language assistance:

- Post notices of the availability of interpretation or translation services free of charge in all LEP languages in which the total LEP population is at least 1% of the total population – none has thus far reached that threshold, but it will be monitored.
- Periodically survey City staff regarding their interaction with LEP persons at least annually.
- Greeting participants at City-sponsored informational meetings or events to determine the LEP needs for future events.

Language Assistance Measures

Although a very low percentage of LEP individuals reside in the City of Batavia service area, the City will take the following reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty in communicating in English:

- Post important notices in a language other than English if the total LEP population for a language other than English is at least 1% of the total population; and
- Provide bilingual interpreters for LEP individuals that speak only Spanish; and
- Language interpretation service for all other languages will be accessed through a professional telephone interpretation service.

STAFF TRAINING

The information below will be disseminated to staff. Training opportunities on these topics will also be provided on an annual basis along with all aspects of the Title IV program.

- Title VI Policy and LEP responsibilities
- Description of language assistance services available to the public if required
- Proper use of interpreter service
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints
- Obligation to require contractors to follow Title VI/LEP guidelines

TRANSLATION OF DOCUMENTS

Considering the low population of LEP groups in the City of Batavia, the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, the City has determined that it is an unreasonable burden to translate documents at this time.

The City of Batavia will continue to monitor the LEP population, and at such time as the population warrants the translation of critical documents, the City will provide these documents (meeting notices, complaint forms, etc.) in the appropriate non- English language(s).

MONITORING

The City of Batavia will monitor the LEP Plan as required. At a minimum, the plan will be reviewed and updated when more recent data from the U.S. Census Bureau and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Batavia's service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.

- Determination of the effectiveness of language assistance efforts.
- Determination of the City of Batavia's financial resources to fund language assistance resources.
- Determination of The City of Batavia's full compliance with the goals of the LEP Plan.
- Explanation of The City of Batavia's processing of LEP complaints.

DISSEMINATION OF LEP INFORMATION

The City of Batavia will take the following steps to disseminate LEP Information to the general public:

- Post signs in public areas of the City of Batavia office buildings to inform LEP persons of the LEP Plan and how to access language services.
- Notify LEP persons of the availability, upon request, of documents in other languages. This notice would be placed on agendas and public notices.
- Post the LEP Plan on City of Batavia's website.

End of LEP Plan

APPENDIX G

TITLE VI PUBLIC PARTICIPATION PLAN

INTRODUCTION

This Public Participation Plan is designed to provide an explanation of the steps that the City of Batavia will take in outreach efforts to the general public prior to making decisions on significant issues affecting any program in the City of Batavia for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. The goal of this Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed decisions. The Plan will also be used to provide opportunities to educate the public about major issues, solicit information, and provide a way for citizens to share their perspectives with City policymakers.

METHODS OF PUBLIC PARTICIPATION

- **Public Information Meeting**

- Provides an opportunity to provide information on a topic or topics, and also provides an opportunity for the general public to ask questions and/or make comments.
- Provides an opportunity for face-to-face interaction
- Best forum for presenting information and obtaining immediate feedback

- **Public Hearing**

- A formal proceeding that allows an opportunity for the general public to make comments, but typically no opportunity for answering questions or allowing discussion.
- Typically included as a requirement for many grant programs

- **Opportunity to Provide Written Comments**

- Provides an opportunity for soliciting comments without the member of the general public required to attend a meeting or hearing.
- Can be accomplished on paper for mailing or delivery, or through electronic submission.
- Can be used in conjunction with a public meeting or hearing or as a stand-alone method of obtaining public comments.

Website, Newsletter, Survey, and Social Media: Each of these methods provides an opportunity to provide information and solicit input. The City utilizes Facebook, Twitter and email blasts for those who desire to receive information through these formats.

PRACTICES TO BE EMPLOYED DURING PUBLIC PARTICIPATION EFFORTS

- Locations of Public Meetings and Hearings shall take place at an accessible location that will allow access to the disabled community. The City of Batavia has several public meeting rooms that are accessible locations. The primary location is at Batavia City Hall, Council Chambers located on the second floor of the Batavia City Centre. This is a public access building designed to accommodate needs of the disabled community. However there are many additional available locations throughout the city.
- Utilizing different meeting sizes and formats will enable more individuals to connect to the communication. Meeting sizes will vary depending on the subject matter and objectives of the meeting. Meeting format can include an open meeting that is open to all, or a committee meeting that includes invited participants to discuss regularly scheduled topics (i.e., transportation coordination, Americans With Disabilities Compliance, etc.). The meeting could also be a combination of the two, such as a committee meeting that is open to the public where only committee members are allowed to speak during the meeting and the general public is allowed to speak at the end of the meeting.
- Advertising should be appropriate to the meeting topic. Advertising of a meeting can take many forms, such as a legal advertisement in a newspaper, posters or written public notices posted in governmental and/or business venues, website advertising, social media advertising, and radio or television advertising. The number of advertisements and length of time advertising is conducted in advance of a meeting should be commensurate to the importance of the topic to be discussed at the meeting. If a reasonable accommodation is necessary by any individual to attend a meeting, the individual may contact the City of Batavia Title VI Coordinator to discuss the matter and make such a request.
- Outreach should specifically target low-income, minority and LEP (Low English Proficiency) populations as required and as congruent with the City of Batavia's Environmental Justice goals (see Appendix H). The method of advertising a meeting should consider methods that specifically address the capability of these groups of individuals to gain access to and understand the advertising information (ie. alternative language notices, large print, advertisement in areas where these individuals may reside, etc.). The location of a meeting(s) may vary to encourage participation by various groups of individuals.

- A sign-in sheet shall be distributed at the meeting to document those individuals in attendance. If individuals are unwilling to sign-in, a head count shall be performed and the meeting host shall sign the sign-in sheet confirming attendance.
- Meeting minutes should be kept and made available to the public.
- Concerns or questions raised at the meeting should be addressed, either at the meeting or after the meeting with both questions and answers made available to the public.
- Members of the general public should have an opportunity to leave their contact information if they desire to be contacted at the next opportunity for public participation, or to receive follow-up information from the meeting they attended.
- Document meeting discussion content, advertisement methods employed for the meeting, agendas utilized, attendance at the meeting, and meeting location, date and time.

WHEN PUBLIC PARTICIPATION SHALL TAKE PLACE

On a Continuous Basis

There should be an opportunity for the general public to contact government officials to ask questions or express concerns or ideas for consideration. Contact information for appropriate government officials should be advertised so that members of the general public can contact an official as necessary.

End of Public Participation Plan

APPENDIX H

TITLE VI PLAN, STATEMENT OF ENVIRONMENTAL JUSTICE

Pursuant to Executive Order 12989, the guiding Environmental Justice principles followed by the City of Batavia are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
- The City of Batavia will consider these goals of environmental justice throughout transportation planning and project development and through all public outreach and participation efforts conducted by the City and its subrecipients.

#84-2017
A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH LABELLA ASSOCIATES FOR ENGINEERING SERVICES
FOR THE CITY OF BATAVIA PEDESTRIAN WAY

Motion by Councilperson

WHEREAS, a Project for the Reconstruction of Sidewalks for Pedestrian Way, P.I.N. 4761.00, is eligible for funding under Title 23 U.S. Code, as amended, that calls the apportionment of the costs of such program to be borne at the ratio of 75% Federal funds and 25% non-federal funds; and

WHEREAS, the City of Batavia desires to advance the Project, and has previously been approved for inclusion as part of the Transportation Alternative Program with the New York State Department of Transportation (NYSDOT) for the City to administer this project, and

WHEREAS, a request for proposals was issued for a consultant to perform the Engineering Services, and

WHEREAS, proposals were received by eight consulting firms to perform engineering services and a committee of City and NYSDOT personnel selected LaBella Associates to perform the work;

NOW, THEREFORE, be it resolved that City Council approves the award of a contract for Engineering Services for the Reconstruction of Sidewalks for the Pedestrian Way Project to Labella Associates for \$297,020.00 or as otherwise modified by New York State Department of Transportation.

Motion Seconded by Councilperson
And on roll call

#85-2017

**A RESOLUTION TO AUTHORIZE PAY GRADE REALIGNMENT FOR NON-UNION
POSITIONS**

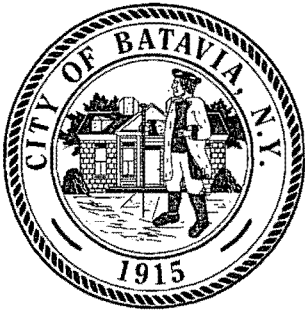
Motion of Councilperson

WHEREAS, the Deputy Director of Finance, Human Resource Specialist and Assistant City Manager/Director of Administrative Services positions have authority and responsibilities that are inconsistent with the current grade classification and similar positions in the organization; and

WHEREAS, after review by the City's Labor Attorney it is recommended that the identified positions to be properly placed in the appropriate pay grade; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, effective August 20, 2017, that the Deputy Director and Human Resource positions be placed in the Salary Grade XII, Step E and the Assistant City Manager/Director of Administrative Services position be placed in Salary Grade XIV to recognize the authority and responsibilities of each position.

**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager

Date: August 8, 2017

Subject: Pay Grade Realignment

After reviewing the City non-union organizational structure with respect to various positions within specific pay grades, it was identified that several non-union positions were inconsistency placed in different (lower) pay grades when compared to similar or equal positions in the organization. For example the Assistant City Manager/Director of Administrative Services position is equal to a department head position however was placed in a lower pay grade than the other three department head positions. The Deputy Director of Finance and Human Resource Specialist were both in a lower pay grad then the Clerk/Treasurer, while all three positions are considered Bureau Chiefs with similar responsibilities.

After discussing these inconsistencies with the City's Labor Attorney, it was advised that the City Council adjust the three identified positions to be properly placed in the appropriate pay grade as there was no business reason for the current differences. This not only provides for parity amongst like positions, but also removes potential concerns and liability for pay inequities.

It is recommended that the Assistant City Manager/Director of Administrative Services be moved from Grade XIII to Grade XIV and the Deputy Director of Finance and Human Resource Specialist be moved from Grade X, Step G to Grade XII, Step E. The financial impact is less than \$625 as these adjustments in grade are almost identical lateral pay moves. Attached is a revised non-union pay schedule. Positions that no longer exist will also be deleted from the schedule as part of this update.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

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CITY OF BATAVIA
Salary Schedule
Non-Union Employees
Effective April 1, 2017
2.75%

Grade	Beginning A	6 Mos B	1 Yr. C	2 Yrs. D	4 Yrs. E	7 Yrs. F	10 Yrs. G
II	31,616	32,221	32,989	33,776	34,884	36,408	38,158
III	33,163	33,796	34,604	35,432	36,580	38,206	40,042
IV	35,346	36,023	36,885	37,774	39,002	40,735	42,699
V	37,262	37,978	38,892	39,827	41,127	42,958	45,032
VI	39,819	40,593	41,571	42,568	43,970	45,926	48,149
VII	41,737	42,543	43,569	44,623	46,092	48,142	50,477
VIII	44,848	45,623	46,600	47,598	49,000	50,958	53,178
VIII	49,779	50,745	51,976	52,999	55,009	57,464	60,264
X	55,733	56,821	58,202	59,622	61,655	64,367	67,513
XI	58,511	59,652	61,106	62,597	64,736	67,584	70,891
XII	61,287	62,487	64,013	65,576	67,825	70,810	74,278
XIII	70,727	72,110	73,878	75,690	78,284	81,740	85,759
XIV	77,213	78,728	80,660	82,640	85,482	89,262	93,650

Positions in Salary Grade

II	Clerk Typist
III	None
IV	Management Analyst, Human Resources Clerk
V	None
VI	None
VII	Confidential Secretary
VIII	None
VIII	None
X	Youth Director, Deputy Director of Finance, Human Resource Specialist
XI	None
XII	Assessor, Clerk Treasurer, Deputy Director of Finance, Human Resource Specialist
XIII	Supt. Mnt, Supt. Of Water & Wastewater, Direc Comm Development, Deputy Fire Chief, Asst. City Manager, Assistant Police Chief
XIV	Police Chief, Fire Chief, Dir. Public Works, Asst. City Manager/Dir. Adm. Svs.

(Salaries/Non-Union/2017)

strike line - deleted

bold - added