

BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, March 23, 2015
7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Jankowski
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. St. Joe's Resurrection Parish Lawn Fete and Parade
 - b. Kiwanis Club Easter Egg Hunt
 - c. All Babies Cherished
 - d. GLOW YMCA Corporate Cup
 - e. Kiwanis Club 5K
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, April 13, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
- VIII. Community Cats
- IX. NYS Archives Grant
- X. Roof Replacement at Water Plant
- XI. Purchasing Manual Updates
- XII. Dwyer Stadium/Rochester Red Wings Contract
- XIII. SAFER Grant
- XIV. Distress and Abandoned Properties Update
- XV. Memorial Day Parade Discussion
- XVI. Adoption of Budget Resolution
- XVII. Adjournment

Resurrection Parish Lawn Fete and Parade

The cost for the police department is estimated at \$520.00 for the parade and \$700 for the lawn fete. There are no additional costs for any other departments. The fire department will perform a site inspection prior to the event.

Kiwanis Club Easter Egg Hunt

There are no additional costs for any departments. Public works has noted that due to current weather conditions, they cannot guarantee spring pickup before the event date.

All Babies Cherished

The cost for the police department is estimated at \$425.00. There are no additional costs for any other departments.

GLOW YMCA Corporate Cup

The cost for the police department is estimated at \$425.00. There are no additional costs for any other departments. The fire department will perform a site inspection prior to the event.

Kiwanis Club 5K

The cost for the police department is estimated at \$440.00. There are no additional costs for any other departments.

Fee pd. 2/13/15
AMC



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

Official Use Only:

2015-76

Event Application #:

Event Application Fee - \$25.00 (non-refundable)

(A separate permit must be issued for each item requested)

Resurrection R.C. Church Society
Resurrection R.C. Church
LAWN Fete
Name of Renter / Sponsor / Organization:
June 5, 2015 6pm-11pm
June 6, 2015 12pm-11pm
June 7, 2015 12pm-6pm
Date(s) & Time(s) of Event
Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

THOMAS WESCOTT
Primary Contact Name
tdwescott@gmail.com
E-Mail Address

7724 Lewiston Rd, Batavia, NY
Primary Contact Address
813-5059
Home Phone # Cell Phone # Other #

Debbie Mullen
Secondary Contact Name
dmullen@rochester.rr.com
E-Mail Address

13 Vernon Ave. BATAVIA, NY
Secondary Contact Address
344-2421 356-2331
Home Phone # Cell Phone # Other #

EVENT DAY CONTACT INFORMATION:

THOMAS WESCOTT
Contact Name

813-5059
Home Phone # Cell Phone # Other #

Location of your event: St. Joseph's Church Parking Lot corner main + Summit sts.

Please provide details of your event: Rides, CONCESSIONS, BEER TENT, BANDS, Food tent, CASH RAFFLE, I-Got-it, PARADE

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?

Rev. Ivan R. Trujillo, Pastor

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):

June 1, 2015 Begin 7 Am June 8, 2015 5 PM
Set-Up Date Set-Up Time Tear Down Date Tear Down Time

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date:	Start Time:	End Time:	Estimated Crowd Size:	# of Vendors / Displays

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 ☐

Hammerhead Amusements ()
Name of Company Providing Above: Company Contact/Representative Phone #
PO Box 40 Williamsville, N.Y. 14231-0040
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? lights - Rides -

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.

1 - 40x80 1 15x10.5

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: _____

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

Street to be closed	1	&	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 for grounds

POLICE

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

FOR PARADE &
SCHOOL grounds

**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.
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 the event is approved, a Certificate of Liability Insurance 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

_____, 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 _____ (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.

2/6/15
Date:

Resurrection R.C. Church
Name of Event Sponsor
Rev. [Signature]
Authorized Signature, Title
REV. IVAN B. TRIGILLO
Name - Printed or Typed

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

2/6/15
Date:

Rev. [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

PARADE

fee pd 2/13/15
Aunc



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

Official Use Only:

2015-7 A
Event Application #:

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

Resurrection R.C. Church Society
Name of Renter / Sponsor / Organization:
Resurrection Parish
Lawn Fete
Type / Name of Event:
June 5, 2015 6pm - 11pm
June 6, 2015 12:00pm - 11pm
June 7, 2015 12:00pm - 6:00pm
Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

Thomas Wescott
Primary Contact Name
tdwescott@gmail.com
E-Mail Address

7724 Lewiston Rd Batavia, NY
Primary Contact Address
813-5059
Home Phone # Cell Phone # Other #

Debbie Mullen
Secondary Contact Name
dmullen@rochester.rr.com
E-Mail Address

13 Vernon Ave - BATAVIA, NY
Secondary Contact Address
344-2421 356-2331
Home Phone # Cell Phone # Other #

EVENT DAY CONTACT INFORMATION:

Thomas Wescott
Contact Name

813-5059
Home Phone # Cell Phone # Other #

Location of your event: St. Joseph's Church Parking lot corner main + summit sts.

Please provide details of your event: Rides, concessions, BEER TENT, BANDS, Food tent, CASH RAFFLE, I-Got-it, PARADE

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? REV. IVAN R. TRUJILLO, PASTOR

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: _____ Set-Up Time: _____ Tear Down Date: _____ Tear Down Time: _____

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: _____	Start Time: _____	End Time: _____	Estimated Crowd Size: _____	# of Vendors / Displays: _____
Date: _____	Start Time: _____	End Time: _____	Estimated Crowd Size: _____	# of Vendors / Displays: _____

WILL THE EVENT INCLUDE:

Parade: Yes ☒ No ☐ (MAP OF DESIRED ROUTE MUST BE ATTACHED) *See Attachment A*
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) *See Attachment A*
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. _____

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: To allow parade to proceed down East Main St. from Harvester Ave to school grounds on Summit St.

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

<u>Harvester Ave</u> <small>Street to be closed</small>	<u>Howard St.</u> <small>Cross Streets</small>	<u>&</u>
<u>East Main St</u> <small>Street to be closed</small>	<u>Harvester Ave.</u> <small>Cross Streets</small>	<u>&</u>
<u>East Main St.</u> <small>Street to be closed</small>	<u>Mass-e Pl.</u> <small>Cross Streets</small>	<u>&</u>
<u>East Main St.</u> <small>Street to be closed</small>	<u>Swan St.</u> <small>Cross Streets</small>	<u>&</u>
<u>East Main St.</u> <small>Street to be closed</small>	<u>Liberty St.</u> <small>Cross Streets</small>	<u>&</u>
		<u>Elm St.</u>
		<u>Kine St.</u>
		<u>Ross St.</u>
		<u>Summit St.</u>

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? one at Howard St. and Harvester Ave. Others to be determined by Police Dept.

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 ☐ For Parade and School Grounds

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.
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 the event is approved, a Certificate of Liability Insurance 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

_____, 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 _____ (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.

2/6/15
Date:

Resurrection R.O. Church
Name of Event Sponsor:
[Signature]
Authorized Signature, Title:
REV. IVAN R. TRIGILLO
Name - Printed or Typed

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

2/6/15
Date:

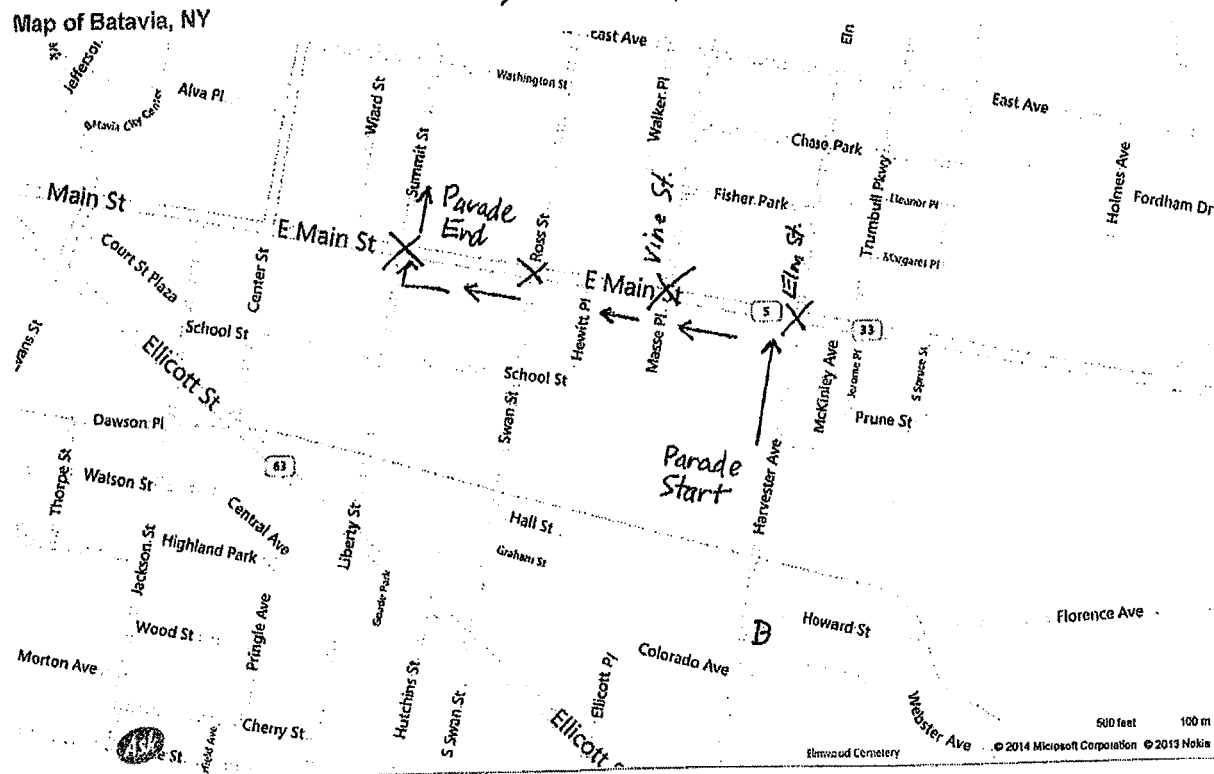
[Signature]
Signature of Applicant:

Please forward this application to:

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

Resurrection Parish Annual Lawn Fete Parade

Saturday, June 6, 2015



→ Parade Route B Barricade at Harvester and Howard; other locations to be determined by police
 X Intersections to be closed

Parade will form on Harvester Ave. on Saturday June 6, 2015
 Formation will begin at 6:00 PM. Parade will proceed west on East Main St. to Summit St. and enter the St. Joseph School grounds.

There will be a flatbed truck serving as the reviewing stand on East Main St. near the metal fence at the Church's East parking lot.

The parade will begin at 6:30 pm and end at approximately 7:30 PM

Contact person for parade: Don Lewis

phone-(H) 585 889-5172

(C) 585 737-8749

Email- donrlaw@hotmail.com

Attachment A

file pd 3/5/15



Official Use Only:
2015-8
Event Application #

City of Baltimore
Revenue, May 2014 10220
(303) 546-6320

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

Kiwanis Club of Batavia
Name of Permit / Sponsor / Organization

Easter Egg Hunt SAT. April 4th 2015 9:00am
Type / Nature of Event
Profit ☐ Non-Profit ☒

CONTACT INFORMATION:
Batavia, CO
24 Northern Blvd. Batavia, NY
Phone Number 343-6776 Cell Phone # 454-8349 Other #

Theresa Asmus Roth
Batavia, CO
Phone Number 343-6776 Cell Phone # 454-8349 Other #

Theresa Asmus Roth
Batavia, CO
Phone Number 343-6776 Cell Phone # 454-8349 Other #

EVENT DAY CONTACT INFORMATION:
Batavia, CO
Phone Number 343-6776 Cell Phone # 454-8349 Other #

Location of your event: Centennial Park

Please provide details of your event: Annual Kiwanis Easter Egg Hunt for children up to 10 years of age.

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):

Start-Up Date: April 4th 2015 Start-Up Time: 7:30 AM Tear Down Date: April 4th 2015 Tear Down Time: 10:00 AM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 04-04-15 Start Time: 9:00 AM End Time: 10:00 AM Estimated Crowd Size: 300 # of Windows / Displays: _____

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: _____ Phone # _____

Company Contact/Representative: _____ Phone # _____

Address, Street _____ City _____ Zip Code _____

Music: Live Group ☐ Recorded/DJ ☐

Name of Company Providing Above: _____ Phone # _____

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 ☒
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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: _____

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
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)
Last Year NYU personnel removed debris from the park prior to the event. Much appreciated.

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 last few years, Police have signaled the start of the hunt by sounding a patrol cars siren.
Not a necessity, but it makes for a nice Public Relations opportunity.

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.
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
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12. If the event is approved, a Certificate of Liability Insurance 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 Kiwanis, 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 Batavia Kiwanis (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.

03-05-15

Date

Kiwanis Club of Batavia

Name of Event Sponsor

Patricia Z. Catons

Name of Event Sponsor

Patricia Z. Catons

Name - Printed or Typed

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

Date

Signature of Applicant

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

Event Application #: 2015-8 Kiwanis Easter
Egg Hunt

Department: DPW – Bur of
Maintenance
List Department Name Here

Department Approval

	YES	NO
Community Development	<input type="checkbox"/>	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: \$0
If applicable

Estimate based on: Fillable table – type your response here:

Application

Further Information Requested: Fillable table – type your response here:

The Bureau of Maintenance cannot guarantee Spring pickup in park before the event due to current weather conditions and the event being two weeks earlier.. Applicants must provide for trash removal and police litter in park after event. No vehicles in the park. Organizers responsible for any damages.

If Application not Approved, Provide Reason Here: Fillable table – type your response here:

Submitted By: R. Tourt
Name / Title

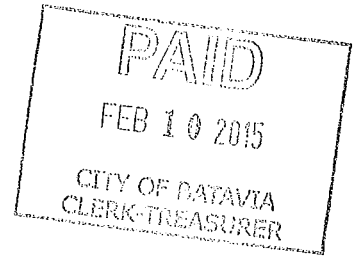
3/5/15
Date Submitted



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

Official Use Only:

2015-6
Event Application #:



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

ALL BABIES CHERISHED

Name of Renter / Sponsor / Organization:

5K - Run BABY Run

Type / Name of Event:

Sat. 6/6/15

Date(s) & Time(s) of Event

08:30 - 11:30 AM

Profit ☐

Non-Profit ☒

CONTACT INFORMATION:

~~Richard Dunn~~ Tammy ARNETH
Primary Contact Name
allbabiescherished@yahoo.com
E-Mail Address

206 445 Ellicott Street, Batavia
Primary Contact Address
344-5660
Home Phone # 356-5276
Cell Phone # Other #

RICHARD DUNN
Secondary Contact Name
richarddunn@me.com
E-Mail Address

226 STATE STREET, BATAVIA
Secondary Contact Address
343-0980
Home Phone # 297-0371
Cell Phone # Other #

EVENT DAY CONTACT INFORMATION:

RICHARD DUNN
Contact Name

297-0371
Home Phone # Cell Phone # Other #

Location of your event: Northgate FMC, 350 Bank Street, Batavia - 3.1 mile route

Please provide details of your event: "RUN BABY RUN 5K" - 3.1 mile course (see attached)

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? N/A

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):

6/6/15 6:30 am 6/6/15 12:00 pm
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

6/6/15 6:30 am 12:00 pm 200 0
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

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 - ☐



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

Official Use Only:

2015-5

Event Application #:

DATE: 02/03/2015

TIME: 11:47:32

GENERAL RECEIPTS

RECEIPT TYPE: 2590

RECEIPT # 949971

AMOUNT PAID ----

25.00

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

GLOW YMCA 5K Run

Name of Rehler / Sponsor / Organization:

GLOW Corporate Cup

Type / Name of Event:

Thursday, August 6, 2015 6pm

Date(s) & Time(s) of Event

Profit



Non-Profit



CONTACT INFORMATION:

Josh Dent

Primary Contact Name

joshua-dent@ml.com

E-Mail Address

21 Masse Place, Batavia, NY

Primary Contact Address

n/a

Home Phone #

585-356-4664

Cell Phone #

344-3333

Other # w

John Riter

Secondary Contact Name

john-riter@ml.com

E-Mail Address

343-5693

Home Phone #

Secondary Contact Address

585-356-0853

Cell Phone #

344-3325

Other # w

EVENT DAY CONTACT INFORMATION:

Steve Tufts

Contact Name

n/a

Home Phone #

585-409-8858

Cell Phone #

344-3329

Other # w

Location of your event:

Centennial Park

Please provide details of your event:

5K Run/Walk beginning and ending at Centennial Park. Corporate teams from the GLOW region will participate to raise funds for the GLOW YMCA.

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?

N/A

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):

8/4/15 Morning 8/7/15 Morning
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

8/6/14 12:00 pm 10:00 am 1,000 50 tents
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

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 #

TBD, handled locally by John Riter (585) 356-0853
Music: Live Group ☒ Recorded/DJ ☒ Name of Company Providing Above: Company Contact/Representative Phone #

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? A few team tents request power for temporary lighting.

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

Yes ☒ No ☐
Yes ☐ No ☒

Please list size(s) of Tents/Canopies or other temporary structures erected. Main "stage" similar to picnic in the park plus dozens of tents of various sizes. Last year there were 28, so this year we expect 40.

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: Ease of congestion during set up; safety of participants before the start.

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

<u>Ellicott Avenue</u> <small>Street to be closed</small>	<u>12pm - 8pm</u>	<u>Washington Avenue</u> <small>Cross Streets</small>	<u>&</u>	<u>Richmond Avenue</u> <small>Cross Streets</small>
<u>Washington Avenue</u> <small>Street to be closed</small>	<u>5:45pm - 6:10pm</u>	<u>New York Place</u> <small>Cross Streets</small>	<u>&</u>	<u>State Street</u> <small>Cross Streets</small>
<u>Washington Avenue</u> <small>Street to be closed</small>			<u>&</u>	

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

Will traffic cones be requested from the City? Yes ☒ No ☒ How Many? 4 - Ellicott/Washington, 2 - Ellicott/Park, 4 - Ellicott/Richmond

(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.

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.
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 the event is approved, a Certificate of Liability Insurance 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

GLOW Run Committee 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 GLOW Run Committee (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.

2/1/2014
Date:

GLOW YMCA Run Committee
Name of Event Sponsor:

[Signature]
Authorized Signature, Title

Joshua L. Dent
Name - Printed or Typed

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

2/1/2014
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**

USATF TRACK & FIELD


[USATF STORE](#)

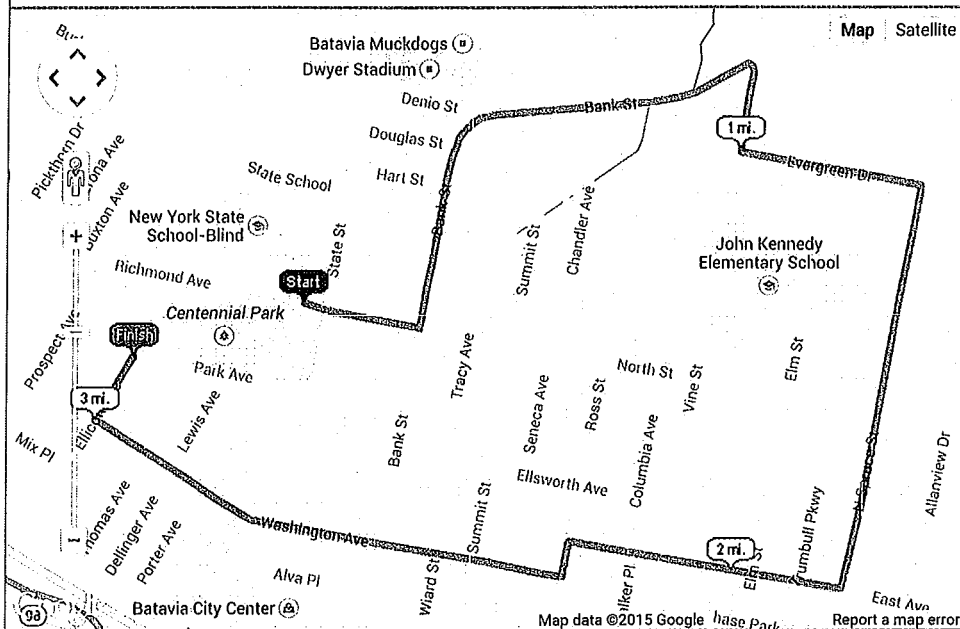
GLOW Corporate Cup

Distance: 3.10 miles / 5.00 km

Location: Start: Blind School
Batavia, NY, US

Attributes: loop, all flat, roads

Description: Premier sponsor is the Batavia office of Merrill Lynch



Added by Steve Tufts on 7/3/2014

DISCLAIMER: USATF and the author of this route make no warranties as to the conditions, safety, distance accuracy, or suitability for running of this route. Run at your own risk!



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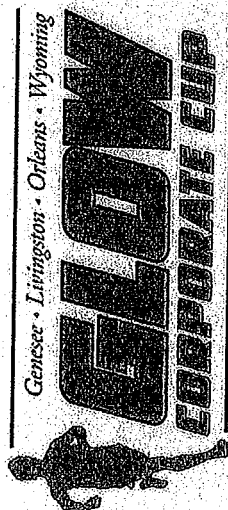
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[Elite Athletes](#)
[Athlete Alumni](#)
[Coaches](#)
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[Event Directors](#)
[Media](#)

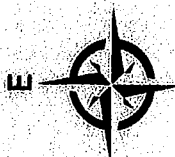
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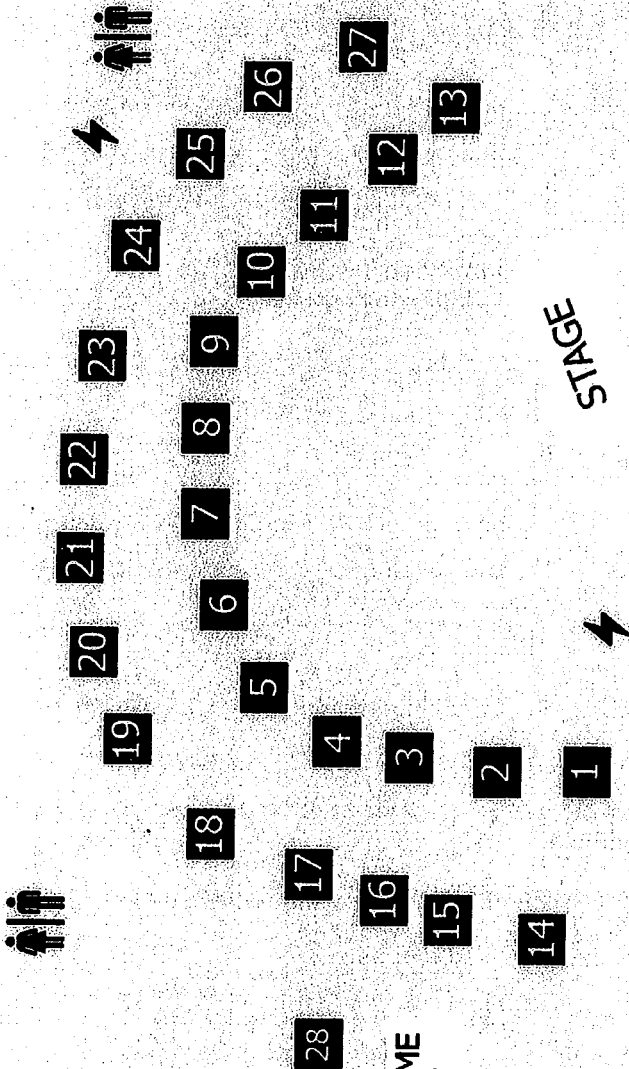
2014



RICHMOND AVENUE



WELCOME
TENT



ELLCOTT AVENUE

1 ALPINA	8 GENESEE LUMBER	15 FARM CREDIT	22 MÜLLER
2 NATIONAL GRID	9 LAWLEY/TVFCU	16 SUMMIT	23 ARC
3 UMMC	10 BATAVIA DOWNS	17 GENESEE CC	24 GENESEE CHAMBER
4 GRAHAM MANUFACTURING	11 TOYOTA	18 GCEDC	25 AGRI-BIZ CHILD DEVELOP
5 BANK OF CASTILE	12 LIBERTY PUMPS	19 OXBO	26 INTERGROW
6 FREED MAXICK	13 FIRST NIAGARA	20 GCASA	27 MANCUSO
7 MERRILL LYNCH	14 PEMBROKE CSD	21 GENESEE COUNTY	28 MICHAEL NAPOLEONOE
			MEMORIAL FOUNDATION



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

Official Use Only:

2015-2

Event Application #:

Event Application Fee - \$25.00 (non-refundable)

(A separate permit must be issued for each item requested)

Kiwanis Club of Batavia

Name of Renter / Sponsor / Organization:

5 K Race

Type / Name of Event:

July 4, 2015, 9:00 AM

Date(s) & Time(s) of Event

Profit

☐

Non-Profit

☒

CONTACT INFORMATION:

Patrick Corong

Primary Contact Name

pjcbpd119@gmail.com

E-Mail Address

24 Northern Blvd., Batavia

Primary Contact Address

343-6776

Home Phone #

409-8349

Cell Phone #

Other #

David Chua

Secondary Contact Name

chua930@gmail.com

E-Mail Address

29 Trambull Pkwy., Batavia

Secondary Contact Address

343-8309

Home Phone #

352-7674

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Patrick Corong

Contact Name

343-6776

Home Phone #

409-8349

Cell Phone #

Other #

Location of your event: Centennial Park

Please provide details of your event: 5 K Race Event

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):

July 4, 2015 7:30 am July 4, 2015 11:00 am
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

July 4, 2015 9:00 am 10:00 am 200 _____
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

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. _____

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: TrafficControl for Race Start.**List Street(s) and Cross Street(s) that will be affected:**Richmond Ave.

Street to be closed

Ellicott Ave.

Cross Streets

&

&

Cross Streets

&

Cross Streets

&

Cross Streets

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? 02Will traffic cones be requested from the City? Yes ☒ No ☐ How Many? 12

(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)

POLICEWill 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.
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 the event is approved, a Certificate of Liability Insurance 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

Kiwanis, 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 Kiwanis (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.

01-03-2015
Date:

Kiwanis of Batavia
Name of Event Sponsor:

Pat / Kim, Past Pres. / Member
Authorized Signature, Title

Patrick J. Colong
Name - Printed or Typed

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

01-03-2015
Date:

Pat / Kim
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

OFFICIAL USE ONLY				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>		
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>		
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>		

If recommendation is denied, please attach a brief explanation

OFFICIAL USE ONLY	
Date Received:	Council Action: (Approved / Disapproved)
Date of Council Action:	Insurance Received (if applicable)

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

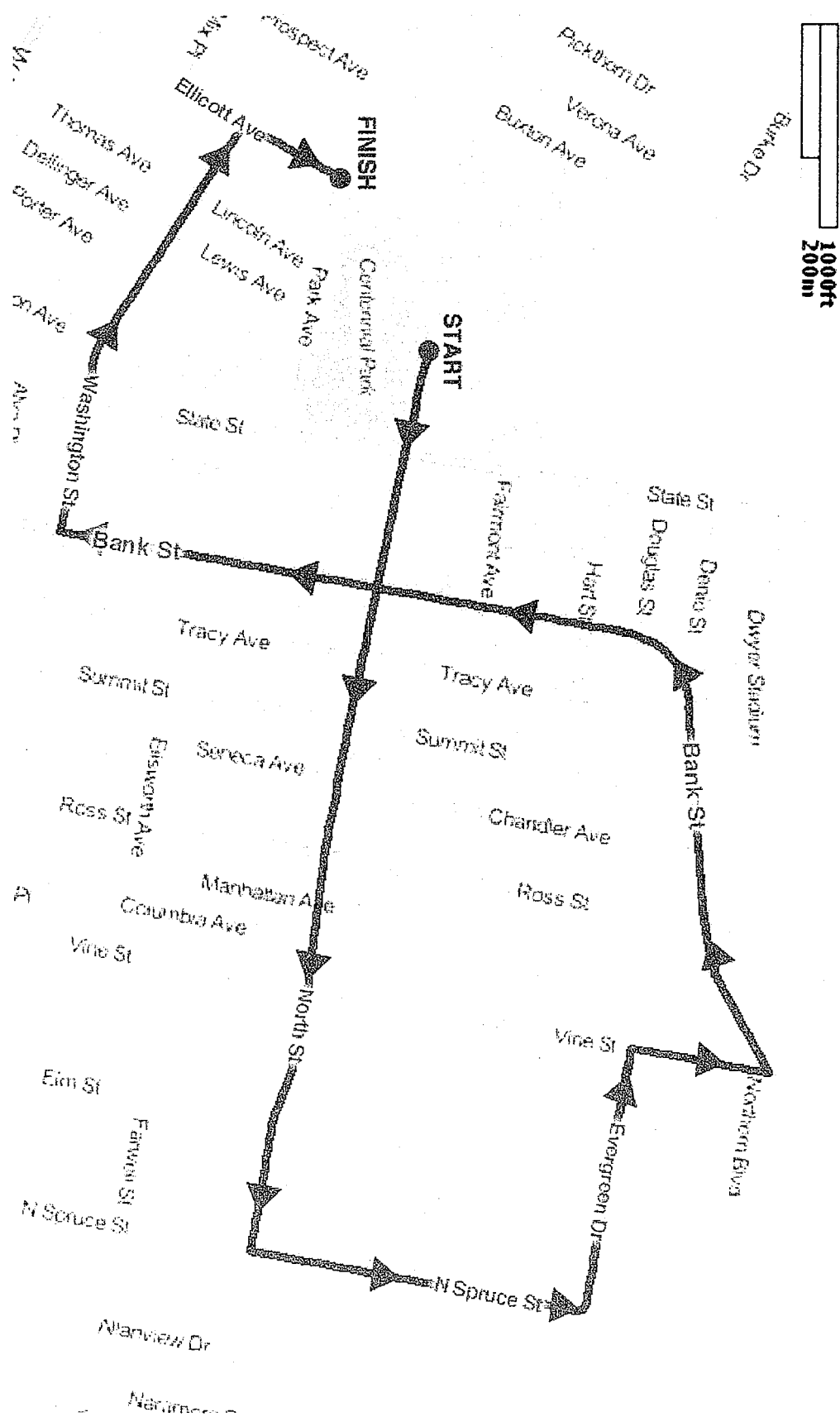
Estimate based on: *Fillable table – type your response here:*

--

If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

--

Submitted By: _____
Name / Title *Date Submitted*





CERTIFICATE OF LIABILITY INSURANCE

OP ID: 2Y

DATE (MM/DD/YYYY)

01/08/2015

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 Hylant Group Inc-Indianapolis 301 Pennsylvania Parkway, #201 Indianapolis, IN 46280 Donald J. Thompson Jr.		800-678-0361 317-817-5151	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: KIWAN25	FAX (A/C, No):
INSURED	Kiwans International ALL CLUBS & THEIR MEMBERS INSURED LOCAL CLUB: KIWANIS CLUB of BATAVIA NEW YORK CONTACT: PETE GUTTENBERGER		INSURER(S) AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
			NAIC # 019437	

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 SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability <input checked="" type="checkbox"/> Per District GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		013136005	11/01/14	11/01/15	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Lqr Liab \$ 1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> \$3,000,000 Aggreg		013136005	11/01/14	11/01/15	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE 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 <input type="checkbox"/> N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	SELF INSURED RETEN		013136005	11/01/14	11/01/15	ALL CLAIM 75,000

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

4th of July 5K Race

CERTIFICATE HOLDER**CANCELLATION**CITY of BATAVIA NEW YORK
CITY CENTER
BATAVIA, NY 14020

ALLCERT

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

Donald Thompson Jr.

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 ☒

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: _____

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

Street to be closed	BANK	&	VINE
		Cross Streets	
Street to be closed	VINE	&	NORTH
		Cross Streets	
Street to be closed	WASHINGTON	&	BANK
		Cross Streets	
Street to be closed	RICHMOND	&	STATE
		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)

We would appreciate Police Assistance for Crossing against the light -
where necessary - at major intersections.

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.
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 the event is approved, a Certificate of Liability Insurance 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

All Babies Cherished, 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 All Babies Cherished (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.

1/20/15
Date:

ALL BABIES CHERISHED
Name of Event Sponsor:
Tammy Arnett
Authorized Signature, Title
TAMMY ARNETT
Name -- Printed or Typed

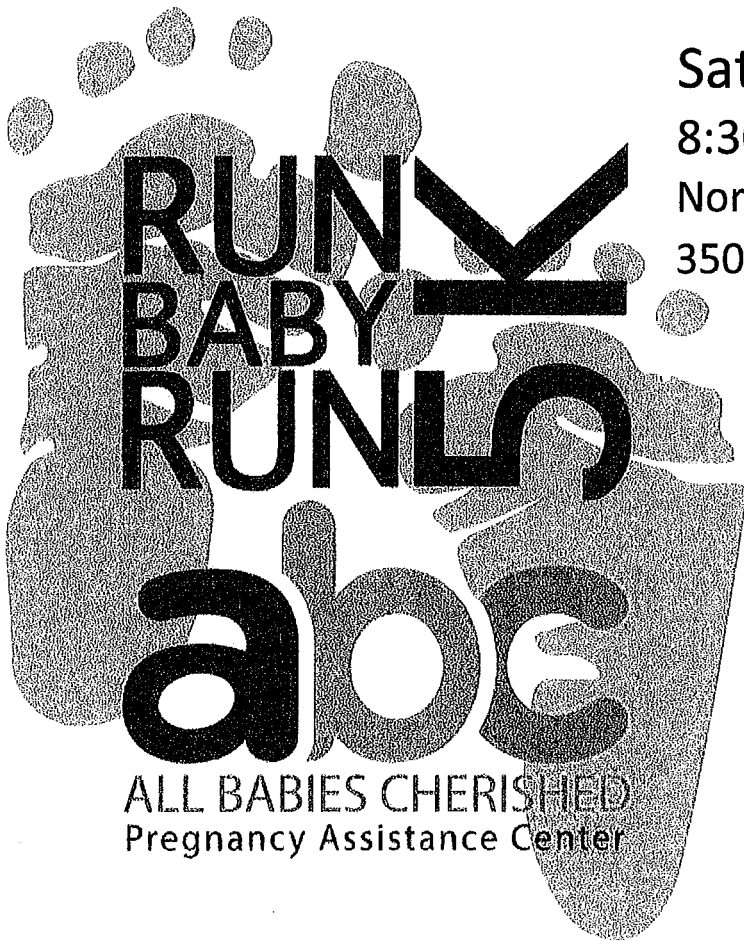
The rules and information contained within this application have been read and will be adhered to.

1/20/15
Date:

Richard Dunn
Signature of Applicant:

Please forward this application to:

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



Saturday, June 6, 2015

8:30 am Start Time

Northgate Free Methodist Church

350 Bank Street, Batavia, NY 14020

\$25 Entry Fee –

Register online @ Active.com

**Benefit to support All Babies Cherished
Pregnancy Assistance Center**

**T-Shirts for all entrants registered by May 23
Prizes for 5 age categories, male and female**

Official timing by PCR Timing Services

[Routes](#)

[All Routes](#)
[My Routes](#)
[Friends Routes](#)
[Create Route](#)

All Babies Cherished: Run Baby Run 5K
3.10 mi *Running*
Created by Richard Dunn

Summary
Share
Summary
Map
Summary

3.1 mile (5K) Northgate Fun Run through northern Batavia. Starts and Ends at Northgate South Campus, 350 Bank Street. Turn Right out of parking lot, Right on Vine Street, Right on East Avenue, Left on Ross Street, Right on Washington Ave., Right on Ellicott Avenue, Right on Park Ave, Left on State Street, Right on Denio Street, merge

[See more](#)

SHARE
EXPORT
EDIT
DELETE

[Map](#) [Satellite](#)

Upgrade
Richard Dunn

Map data ©2015 Google [Terms of Use](#) [Report a map error](#)

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

Event Application #: 2015 02 Kiwanis 5K Run

Department: Fire Department
List Department Name Here

Department Approval

	YES	NO
Community Development	<input type="checkbox"/>	<input type="checkbox"/>
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: Fillable table – type your response here:

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Further Information Requested: Fillable table – type your response here:

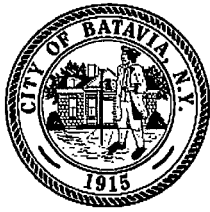
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If Application not Approved, Provide Reason Here: Fillable table – type your response here:

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Submitted By: Jim Maxwell, Fire Chief
Name / Title

1/21/2015
Date Submitted



City of Batavia

To: Honorable City Council

From: Gretchen DiFante, Assistant City Manager

Date: March 17, 2015

Subject: Community Cats Presentation and Enclosed Background Material

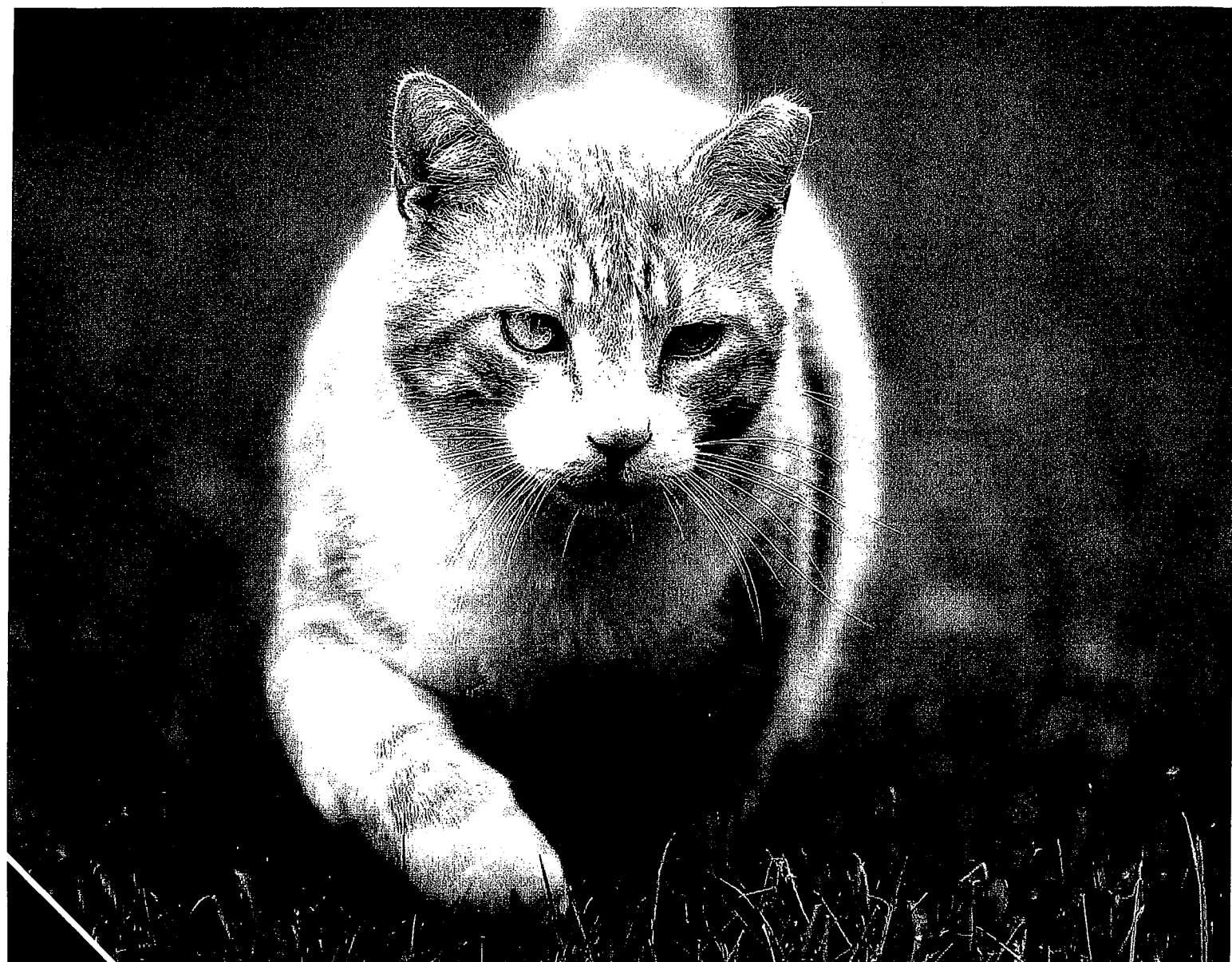
Enclosed please find documents from the SUNY Buffalo Animal Law Pro Bono Project Group that answer some general questions regarding Trap, Neuter, Vaccinate, Return (TNVR), a highly proven way to manage community cat (aka feral cat) populations. Kim Diana Connolly, Vice Dean for Legal Skills and Director of both Clinical Legal Education and the Environmental Program from SUNY Buffalo Law School, along with two of her students, will be presenting to you at the Monday, March 23 Council Meeting. Their presentation is designed to educate you about TNVR, the research behind this program and best practices to include what some other western New York municipalities are doing in this area.

I've also enclosed a copy of the booklet, *Managing Community Cats, A Guide for Municipal Leaders*, printed in collaboration with The Humane Society and the International City/County Management Association, to provide you with some background on best practices for municipal management of community cats.

The City's Strategic Plan calls for recommendations to Council to help address Batavia's community cat issues, and we believe TNVR is the best scientifically proven approach. We want to make sure all your questions are answered while the experts are here on Monday night and, based on your feedback, we will come to you in April with some specific recommendations for Batavia.

Assistant City Manager
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6334
Fax: 585-343-8182
www.batavianewyork.com



Managing Community Cats

A Guide for Municipal Leaders



THE HUMANE SOCIETY
OF THE UNITED STATES

ICMA

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THE HUMANE SOCIETY
OF THE UNITED STATES

FOREWORD

Few animal-related issues facing local leaders are potentially more difficult and time-consuming than those involving un-owned cats in the community. Complaints or concerns regarding cats often represent a disproportionate share of animal-related calls to elected officials and local animal care and control agencies.

"Community cats" are typically un-owned or semi-owned cats, comprised of both strays (lost and abandoned former pets who may be suitable for home environments) and ferals (extremely fearful of people and not welcoming of human attention, making them unsuitable for home environments), who are the offspring of other feral or stray cats. Some community cats can be considered loosely owned, meaning that concerned residents feed them and may provide some form of shelter in their own homes or on their own property, but do not always identify the cats as their own personal pets.

This guide examines the role of community cats (sometimes called free-roaming cats) in cat overpopulation and the concerns shared by officials, animal care and control agencies, and constituents about these animals. It provides recommendations for strategies to manage community cat populations.

This guide can assist municipal leaders in evaluating the presence of cats in their communities and determining how to address these populations effectively.



WHY THIS GUIDE IS IN YOUR HANDS

Local officials and agencies are mandated to protect public health and safety by managing animal control issues such as zoonotic diseases, nuisance animals, and animals running at large. Agencies also commonly receive calls from constituents about community cats.

The issue of managing community cats can create unnecessary conflict. Dissent often arises among neighbors; between cat advocates and wildlife advocates; and among animal care and control leaders, local government leaders, and their constituents.

Often excluded from animal care and control budgets and mandates, community cats might not be managed by field officers who neither have the training to handle them nor a holding space to house them. Whether by choice or regulation, many animal care agencies deal with community cats only when there is a specific nuisance complaint about them or concern for their welfare.

In past decades, many local governments approached community cat populations using solutions like trap and remove, which usually involves killing the trapped cats. Those conventional approaches are now widely recognized as mostly ineffective and unable to address the larger community animal issue. New research (Hurley and Levy, 2013) reveals that this non-targeted, selective response to a population which is reproducing at high rates doesn't help

to reduce cat populations and nuisances in our communities, improve cat welfare, further public health and safety, or mitigate the real impact of cats on wildlife.

Instead, sterilization and vaccination programs, such as trap-neuter-return (TNR), are being implemented to manage cat populations in communities across the country. Well-managed TNR programs offer a humane and proven way to resolve conflicts, reduce population, and prevent disease outbreaks by including vaccinations against rabies and other potential diseases. This guide provides you with the tools and information you need to implement a well-planned and effective community cat management program.

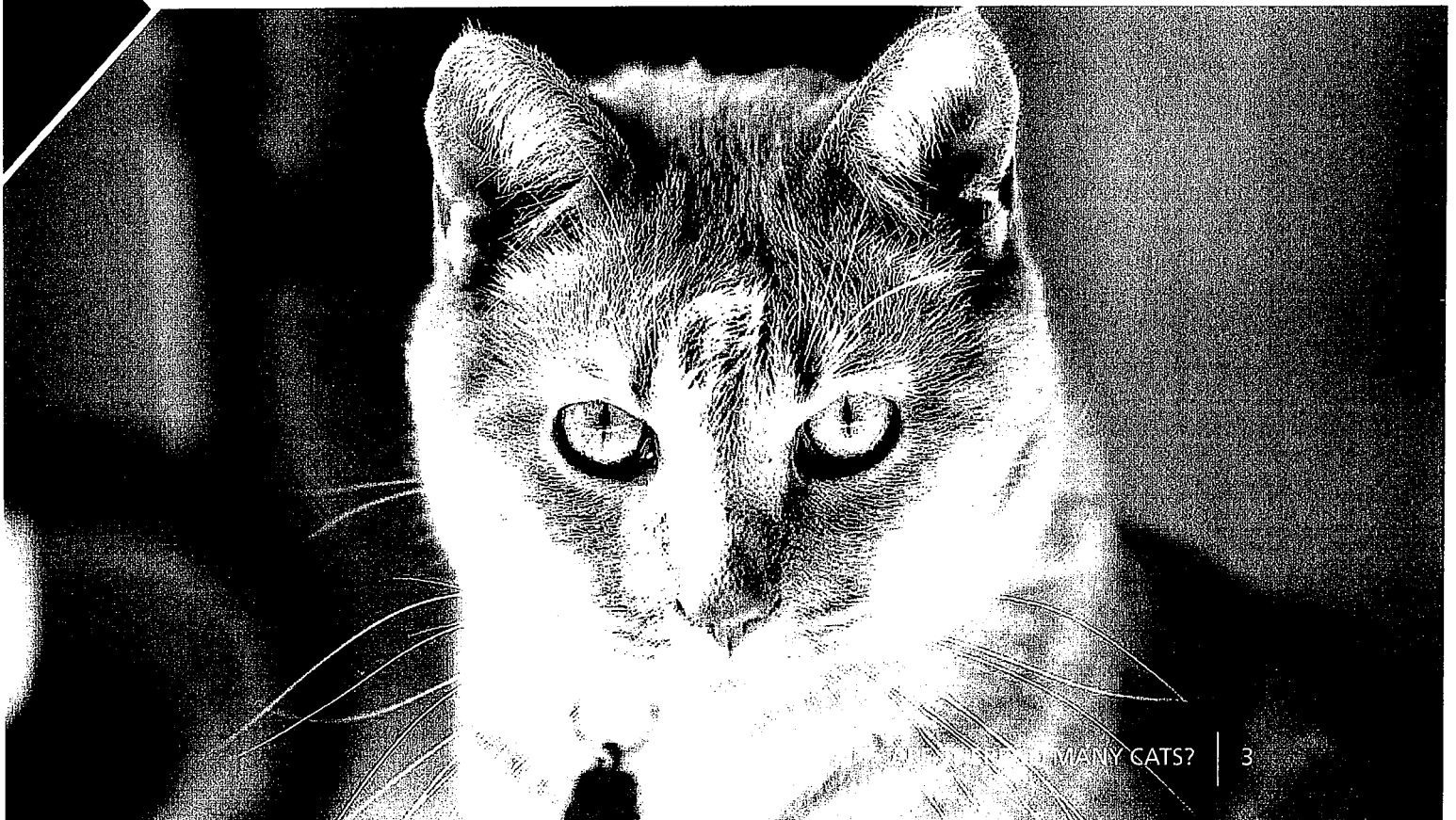
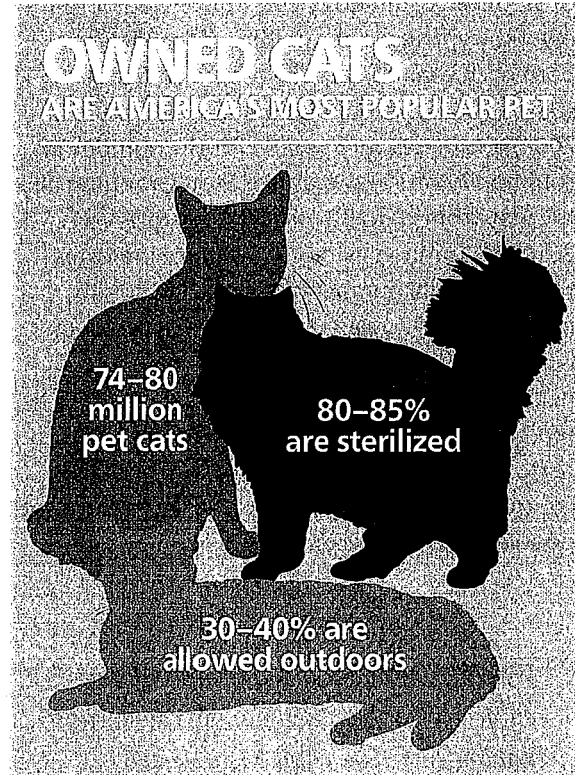
"A well-managed TNR program will provide both cost control as well as long-term, community cat population control for a municipality. In Somerdale, we recognize this value and the positive impact it will have on our animal and residential population. We also recognize that this proactive approach is the most humane and effective means by which we can care for and manage our community cat population."

—Gary J. Passanante, Mayor,
Borough of Somerdale, NJ

WHY ARE THERE SO MANY CATS?

Owned Cats

Cats are the most popular pet in the United States according to the American Veterinary Medical Association's 2012 *U.S. Pet Ownership & Demographics Sourcebook* (AVMA 2012). Approximately 30% of households own cats, and overall owned cat numbers have been increasing as the number of households in the U.S. rises. The majority (approximately 85%) of owned cats have been spayed or neutered, but they may have had one or more litters—intended or accidental—before being sterilized. In underserved communities, rates of sterilization in owned cats tend to be much lower, with cost and transportation being the biggest barriers. Accessible spay/neuter services for cat owners are critical for the overall welfare and management of cats. Approximately 65% to 70% of owned cats are kept indoors at least at night, and this trend has been on the rise, up from approximately 20% in the 1970s (APPA 2012).



Un-Owned Cats

Unsterilized community cats (un-owned or semi-owned) contribute about 80% of the kittens born each year and are the most significant source of cat overpopulation (Levy & Crawford, 2004). Estimates vary greatly for the number of community cats in the United States, ranging all the way from 10 to 90 million (Loyd & DeVore, 2010). The limited evidence available indicates that the actual number may be in the 30–40 million range (Rowan, 2013). The real problem is that only about 2% of them are spayed or neutered (Wallace & Levy, 2006) and continue to reproduce generations of outdoor cats. For this reason, large-scale and targeted reproductive control of community cats is critical to reduce cat populations in your community.



“When cat populations are present, the choice is not between having cats or not having cats. The choice is between having a managed community cat population, or an unmanaged one.”

—Bryan Kortis, Program Manager,
PetSmart Charities, Phoenix, AZ

Community cat population numbers are greatly affected by the community in which they live. Human demographics, types of land usage, climate, presence of predators, and availability of resources all affect the cat population and determine how many cats can be supported in a given area. Population estimates vary greatly and provide only a loose number that can be further

refined as program work takes place. Experts differ on recommended calculations, with a range of formulas from human population divided by six (Levy & Crawford, 2004), to human population divided by 15 (PetSmart Charities, 2013). For a mid-range estimate of the number of community cats in your area, divide your human population by 10. This estimate is exactly that—an estimate. Cold weather areas with freezing temperatures or locales with robust predator populations that limit survival, may have fewer cats than estimated, while rural areas with lots of barns and farms may have more than estimated. Warm climates tend to support larger populations of cats. Densely populated areas with shelter and adequate food sources for outdoor cats may have very large concentrations or relatively few cats depending on the neighborhood’s demographics.

MEET THE PLAYERS


Knowing the stakeholders in your community and working cooperatively with them leads to better outcomes and a more cohesive community cat management plan.

Most animal care and control agencies are operated by local governments, but some jurisdictions contract with nonprofit organizations to perform these important functions. Regardless, their primary role is to manage public health, safety, and disease concerns as well as complaints from community residents. These agencies are also expected to take care of and redeem lost pets, as well as re-home pets who no longer have homes. For people concerned with the welfare of outdoor cats or those who find them a nuisance, animal care and control agencies are often the first points


of contact. Animal care and control agencies and public health departments need to be prepared to respond effectively to these complaints and proactively address community cat populations when possible.

One of the biggest challenges is maintaining adequate resources (i.e. budget). Few local governments find themselves swimming in the extra money needed to adequately fund a complete animal sheltering operation, including programs addressing community cats. This underscores the importance of volunteers and nonprofit organizations in the community who are willing to devote their resources to helping manage community cats. We strongly encourage municipalities to develop comprehensive

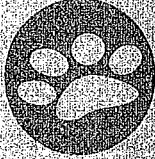
PUBLIC HEALTH DEPARTMENTS:
APPROVAL OF TNR



New York City Department of Health and Mental Hygiene
nyc.gov/html/doh/html/environmental/animals-tnr
Lists local TNR groups on its website



New Jersey State Department of Health & Senior Services
state.nj.us/health/animalwelfare/stray
Lists TNR as an approach for managing feral cats



Baltimore City Health Department
neighborhoodcats.org/uploads/File/Resources/Ordinances/Baltimore_TNRRegs.pdf
Issues regulations for practicing TNR

volunteer programs and partnerships and agreements with other community organizations. It's also important that agencies evaluate their intake and outcomes regularly to ensure that current resource allocations are appropriate. For example, an agency with high euthanasia rates for cats may want to reconsider its intake policies and reallocate those resources spent housing cats for euthanasia on proactive cat management.

"The Vet PH SPIG encourages communities to discuss trap, neuter, vaccinate and return (TNVR) as a management practice to control community cats, and to adopt this practice where possible."

—American Public Health Association–
Veterinary Public Health Special
Interest Group Policy

Read about municipalities where animal care and control provides services to reduce community cat populations:

Pittsburgh, PA (pittsburghpa.gov/animalcontrol/spay_neuter.htm)

Elk Grove, CA (elkgrovecity.org/animals/feral-cats.asp)

Dallas, TX (dallasanimalservices.org/trap_neuter_return.html)

Sacramento County, CA (animalcare.sacounty.net/spayneuter/pages/feralcatsandkittens.aspx)

San Jose, CA (sanjoseca.gov/index.aspx?nid=2382)

Camden County, NJ (ccasnj.org/spay_neuter_clinic/feral_cats.html)

Private Animal Shelters and Humane Societies

Around three billion public and private dollars are spent each year operating animal shelters across the country (Rowan, 2012). The primary role of most private animal shelters is the housing and adoption of homeless cats and dogs, but shelters are often the receptacle for injured or sick wildlife and cats and dogs who might be considered unadoptable by some. Many community cats fall into this category.

These organizations play an important role in the community, often serving as a point of contact, and are widely recognized by the public for enforcing local and state humane laws and ordinances. They are often involved at a policy level, lobbying for animal protection laws and programs.

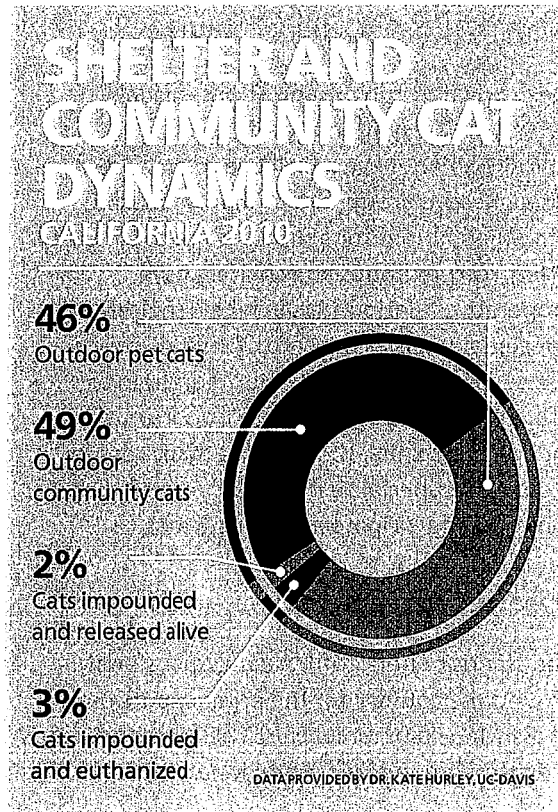
Approximately 6–8 million cats and dogs enter U.S. animal shelters annually, with approximately half being euthanized (HSUS, 2013). That number

"After we implemented a shelter, neuter, return (Return to Field) program in 2010, it changed the way we do business and it has improved our ability to do more to help all animals. It convinced us that more was possible. Last year alone, there were 3,000 fewer cats and kittens in our shelter. As a result, the capacity and savings that we have enjoyed have allowed us to do more to help the cats in our care and it has even benefitted the dogs because those resources don't have to be spent on more cats."

—Jon Cicirelli, Director, Animal Care
and Services, San Jose, CA

includes about 70 percent of cats who enter shelters (ASPCA, 2013). These cat-related intake and euthanasia activities cost more than a billion dollars annually (Rowan, 2012), while affecting only a tiny fraction of the total number of cats in a given community and doing nothing to manage overall cat populations. This haphazard approach has little impact on welfare, environmental, or public health issues. It stresses shelters, overwhelming their resources and far exceeding capacity, and it gives false expectations to citizens coming to these agencies for help resolving problems.

The pie chart from the state of California shows the estimated percentages of outdoor community cats (red) and owned cats (blue) who go outside, compared with the number of cats handled by the California sheltering system who are either euthanized or adopted out (green and purple combined) (CA Dept of Public Health, 2013). Clearly, the tiny sliver of cats handled by the California sheltering system pales in comparison to the total cat population, demonstrating that these hard-working agencies are still making little long-term impact. (Koret, 2013).



RETURN TO FIELD

Some shelters care for feral colonies on their own property, either by themselves or in collaboration with local TNR groups. Others with high euthanasia rates for cats are embracing "Return to Field" programs as a way to reduce euthanasia while focusing energy and resources on spaying and neutering.

In the Return to Field program, healthy, un-owned cats are sterilized, eartipped, vaccinated, and put back where they were found. The rationale is that if the shelter has no resources, a healthy cat knows how to survive and should not be euthanized to prevent possible future suffering. Using resources for sterilization has a larger impact than focusing resources on intake and euthanasia.



Animal Rescue Groups

These privately run organizations—usually, but not always, with nonprofit tax status—typically do not have a facility and are foster-based. Rescue groups are primarily focused on finding homes for animals in the community. Often, rescue groups and shelters have cooperative relationships in which shelters transfer animals to the care of rescue groups whose foster homes and volunteers help to stretch resources and increase opportunities for homeless animals. There are many rescue groups that specialize in cat rescue, including those that participate in TNR activities.

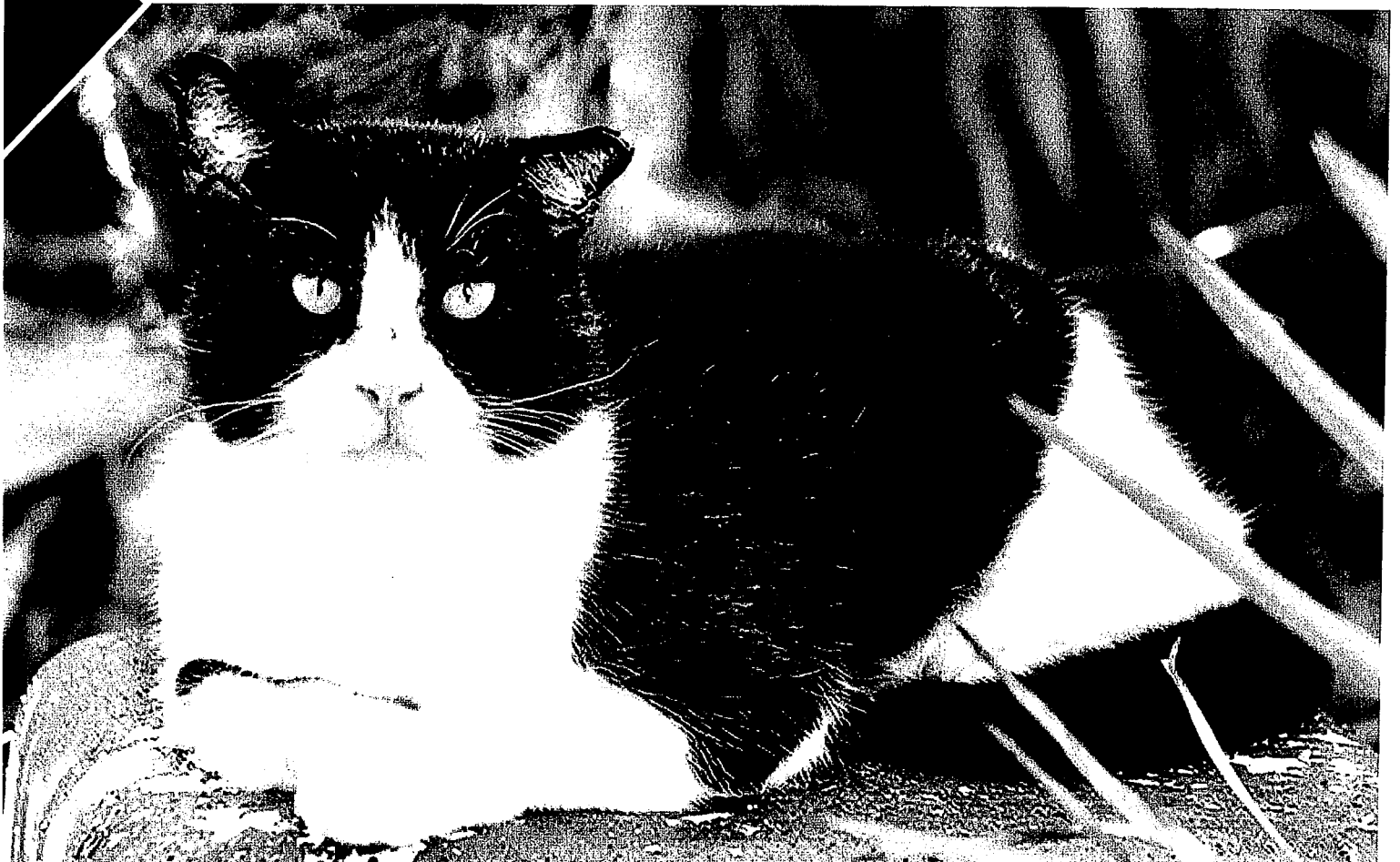
TNR Groups

Thousands of nonprofit organizations exist around the country for the primary purpose of assisting community cats. These organizations are often funded by private donations and

operate on small budgets, but they work hard—often as unpaid volunteers—to trap, neuter, and return cats living outdoors. They may also be involved in local politics, lobbying for improved animal-related ordinances and funding. Some TNR groups also consider themselves rescue groups, and vice versa.

Wildlife Agencies and Conservation Groups—Public and Private

The federal government has not adopted or taken a specific position on TNR. Federal wildlife agencies, such as the U.S. Fish and Wildlife Service, oppose the management of TNR colonies in or near wildlife conservation areas, and individuals in federal agencies have adopted a variety of positions with regard to TNR programs. State wildlife agencies, such as departments of natural resources or fish and wildlife agencies, are



funded through a variety of state and federal sources, such as taxes placed on all firearms and ammunition sold. These state agencies have traditionally focused on the management of game (i.e. hunted) species, but increasingly are becoming involved in broader conservation agendas that include non-game and threatened and endangered species. They typically do not regulate or get involved with TNR programs outside of protected wildlife areas.

Private wildlife groups, such as the National Audubon Society or the World Wildlife Federation, are funded by donations and private grants and operate primarily to protect wildlife from harm and habitat degradation. These groups are often actively involved in lobbying for public policy changes that affect vulnerable wildlife species. Concern regarding outdoor cat predation on wildlife has become a hot topic in the conservation community, but all stakeholders (both cat and wildlife advocates) share the same end goal of reducing outdoor cat populations. See the Concerns about Wildlife section on page 22 for more details.

Veterinarians

Many veterinarians support the concept of TNR and may offer various forms of assistance, but they are also business owners who have a bottom line to meet. While many would like to offer discounted services or to expand their offerings for community cats, they still need to make a living.

The involvement of local veterinarians is a key component of any sterilization program. Communities and organizations need to understand the unique challenges of the veterinary community and to consult local veterinarians when drafting

"I am very proud to be a part of the profession that puts the "N" in TNR. Nationwide, increasing numbers of veterinary professionals are participating in this life-saving strategy. More and more veterinary practices treat free-roaming cats and the number of high-quality, high-volume spay/neuter clinics continues to grow. This is all in recognition of the fact that discontinuing the breeding cycle and then returning the cats to their original environment is the only scientifically proven effective and humane approach to stabilizing, and ultimately decreasing, free-roaming cat populations, as well as protecting potentially affected wildlife. The veterinary profession should be applauded for being such an integral part of the solution to a problem that has plagued our country for decades."

—Susan Krebsbach, DVM, Humane Society
Veterinary Medical Association
Veterinary Advisor, Oregon, WI

program plans. Sterilization capacity will be determined by how many surgeries your local veterinary partners can handle above and beyond their everyday business. Even if your agency hires a staff veterinarian, you should continue to work with other local veterinarians. They can be strong partners for your program, filling in when extra capacity is needed, helping with injured and ill cats, and providing other kinds of medical support.



The Public

Most people care about cats and want to see them treated humanely. Communities that embrace effective cat management programs will be rewarded with goodwill from their residents. Many communities are learning about what officials in San Jose, California experienced: that a public who readily understands and supports decisions made in the best interest of the cats turns out to be the best at reducing conflicts between cats and humans and cats and other animals.

Some residents might complain about cats in their backyard or cats adversely affecting their property. Many of these complaints can be resolved with information about humane deterrents and civil dialogue with neighbors, which agencies can help facilitate. Animal control officers can be an integral part of this approach, or if there are no resources to support this, other successful models include enlisting the aid of a local nonprofit to help mediate cat-related conflicts.

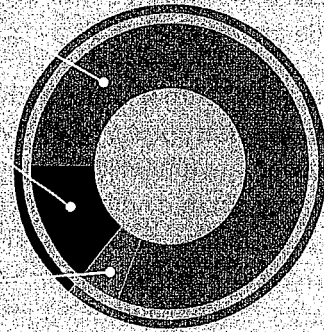
Large-scale sterilization programs depend on volunteer support. A significant portion of the public (approximately 10% to 12%) already feeds community cats (Levy & Crawford, 2004) and might be willing to help, especially when low-cost, high-quality sterilization programs are available. Non-lethal management programs will be readily supported by the majority in your community, while lethal control will not receive the same support and may actively be opposed by concerned residents. Policies designed to support and enable TNR activities are critical; those that place barriers to public engagement in TNR activities or threaten caretakers with penalties for their goodwill and volunteerism need to be amended or removed. Agencies that do not recognize the need to adopt non-lethal solutions often become the focal point of community criticism over high levels of cat euthanasia in the shelter.

WHAT AMERICANS THINK ABOUT UNOWNED CATS IN THE STREET

81%
Leave the cats alone

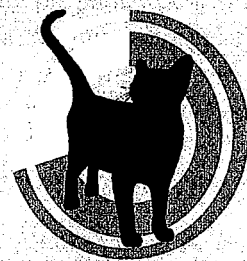
14%
Trap and kill the cats

5%
Other



An overwhelming majority of Americans believe that leaving a community cat outside to live out his life is more humane than having him caught and euthanized, according to a nationally representative survey conducted for Alley Cat Allies by Harris Interactive in April and May 2007.

U.S. PUBLIC OPINION ON HUMANE TREATMENT OF STRAY CATS
LAW AND POLICY BRIEF, ALLEY CAT ALLIES



say they believe animal shelters should be allowed to euthanize animals only when they are too sick to be treated or too aggressive to be adopted.

Only a quarter of the people who took part in a recent *AP-Petside.com* poll said animal shelters should sometimes be allowed to euthanize animals as a population control measure (ap-gfcpoll.com/featured/ap-petside-com-latest-poll-findings, conducted Oct. 13–17, 2011).

MANAGING COMMUNITY CAT POPULATIONS: WHAT DOESN'T WORK

Many conventional strategies have been used over the years to attempt to manage community cats. You might have tried them or have contemplated trying them, but here is why they don't work.

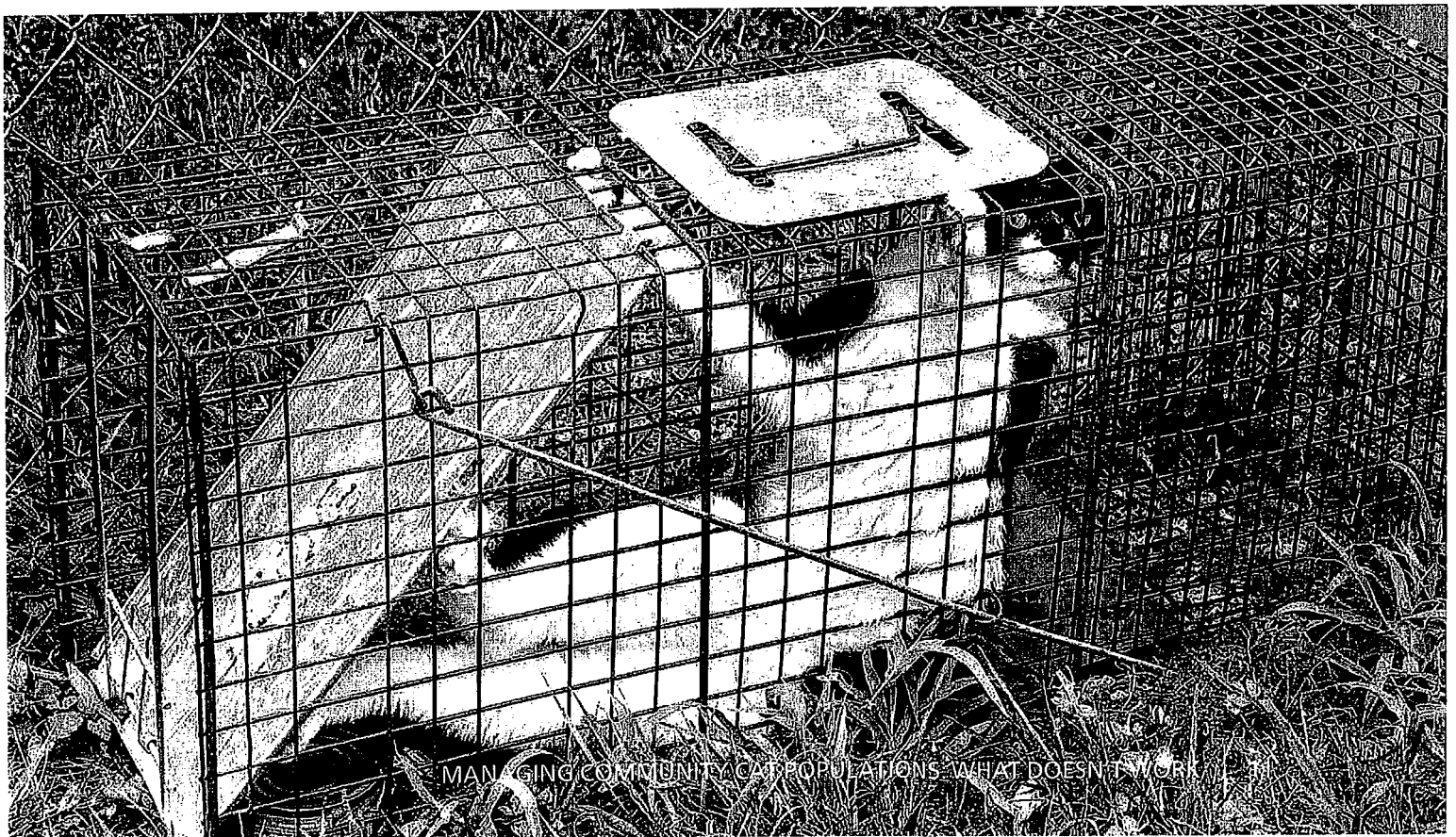
Trap and Remove or Relocate

Trap and remove may at first glance seem to be the logical approach to solving community cat problems. However, unless it is consistently performed with very high levels of resources and manpower and addresses over 50% of a targeted population, it doesn't offset the root of the problem: ongoing reproduction of un-trapped cats (Andersen and Martin, et al, 2004). The resources (money, manpower, etc.) required to capture this many cats simply do not exist, either in the budgets and capacity of government

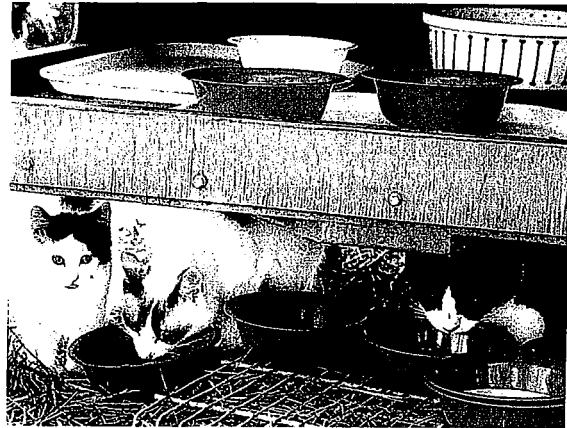
agencies or in terms of public support. Haphazard lethal control efforts only result in a temporary reduction in the cats' numbers, essentially putting a band-aid on the problem and further distance from real solutions.

Moreover, while some advocates of this approach claim that the cats just need to be removed and placed elsewhere, there is no "elsewhere."

Relocating cats is a complex task that is usually unsuccessful and creates more problems than it resolves. The vast majority end up "relocated" to shelters that have no other recourse but to perform euthanasia. Euthanasia in shelters is typically performed to end the lives of ill, dangerous, or suffering animals in a humane manner. When euthanasia is performed on healthy but unsocialized cats, it can be characterized as unnecessary, calling into question whether their deaths are actually humane.



Opposition from many in the community who oppose killing cats and insufficient resources to achieve the level of removal/euthanasia necessary to actually achieve results can often prove to be insurmountable barriers to lethal control programs. Communities that use trap and euthanize strategies typically do not realize reductions in the number of cat complaints, and cat intake at local shelters stays constant or continues to rise. Therefore, the only result of trap and remove/euthanize programs is turnover—new feline faces in the community, but not fewer.



"As a nation, we have over 50 years witnessing the ineffectiveness of trap and kill programs and their inability to reduce community cat numbers. It's time we try the only method documented to work—TNR."

—Miguel Abi-hassan, Executive Director,
Halifax Humane Society,
Daytona Beach, FL

Feeding Bans

The logic behind banning the feeding of outdoor cats is that if no one feeds them, they will go away. However, this doesn't work because cats are strongly bonded to their home territories and will not easily or quickly leave familiar surroundings to search for new food sources. Instead, they tend to move closer to homes and businesses as they grow hungrier, leading to more nuisance complaint calls, greater public concern for the cats' welfare, and underground feeding by residents. People who feed cats will ignore the ban, even at great personal risk, and enforcement is extremely difficult, resource intensive, and unpopular.

"Bans on feeding feral cats do nothing to manage their numbers. Bans force feral cats to forage through trashcans and kill wildlife, such as birds, squirrels, and rabbits. Establishing feeding stations ensures a healthier colony and allows a human being to interact with the colony and provide care for any cat that is under stress or who needs medical attention. Feeding stations also bring feral cats to a central location and help establish a trust, making trapping [for sterilization] an easier task."

—Wayne H. Thomas, Councilman,
Hampstead, MD

Licensing Laws, Leash Laws, and Pet Limits

Laws intended to regulate pet cats and their owners don't work to reduce community cat populations, because community cats do not have "owners" in the traditional sense.

Instead, they're cared for by volunteer resident caretakers who happen upon them. These caretakers should not be penalized for their goodwill; they are essentially supplementing the community's cat management protocols with their time and resources. Rather, laws should be designed to incentivize people in the community to care for these cats and to protect those who do so.

Caretakers don't choose how many cats there are, so pet limits are of little use. Because these cats are not owned, caretakers don't control the cats' movements, so leash laws are equally ineffective. Requiring community cats to be licensed by caretakers is a bad idea from an enforcement and compliance standpoint, and forcing caretakers to register colony locations often causes people concerned for the cats' welfare to go underground and off the municipal radar screen. Additionally, cat-licensing projects rarely pay for themselves and further drain already limited resources. Policies that impose penalties on caretakers are barriers to sound community cat management. However, proactive, non-lethal control programs can enlist the support of caretakers by gaining their trust, and they can in turn provide data on the cats people care for.

"While licensing a cat (like dogs) seems responsible, the unintended consequences of it are damaging. Licensing owned cats does not take care of feral cats that are not owned by anyone."

—Councilman Rod Redcay, VP
Denver Borough Council, PA

Relocation and Sanctuaries

Some individuals or organizations may call for un-owned cats to be relocated or placed in sanctuaries. While this may seem like a humane alternative to lethal control, it is unrealistic due to the sheer numbers of cats in communities. Relocation is time-consuming and usually unsuccessful. Cats are strongly bonded to their home areas and may try to return to their outdoor homes. In addition, if the food and shelter that initially attracted the cats cannot be removed, other unsterilized cats will move in to take advantage of the available resources.

Some shelters and rescues have implemented successful barn cat programs, where unsocialized cats can be relocated to barns and farms to provide rodent control. But these programs require management and are by their nature limited. They can't address the large number of un-owned cats in the community.

Sanctuaries might be available in some areas, but those that provide quality care for animals quickly fill to capacity and are too expensive to maintain for large numbers of un-owned cats. Cat populations vastly out-scale availability at sanctuaries, making them an unrealistic option in most cases. Many unfortunate examples exist of sanctuaries that grew too large and resulted in neglect and cruelty. Moreover, these organizations cause an additional burden on communities, requiring law enforcement intervention and resulting in a large group of cats again needing to be removed and relocated. If you are able to secure a spot in a sanctuary, always visit it in person before sending the cat there, to ensure that all animals receive proper and humane care.



MANAGING COMMUNITY CAT POPULATIONS: WHAT DOES WORK

Properly managed sterilization-vaccination programs do not create cat overpopulation—the cats are already there. The choice is between making progress or continuing to experience an unmanaged problem. Well-designed and implemented community cat programs are in line with public opinion and can mobilize an army of compassionate, dedicated people who care about the cats, wildlife, and their communities. To be most effective, these programs must be adopted by more communities and supported by more animal care and control agencies and municipal officials. The HSUS strongly recommends effective community cat management programs (including TNR and other sterilization programs), legislation that allows for and supports non-lethal population control, and coalition-based approaches that involve community leaders, citizens, and stakeholders.

Solving community cat problems requires many strategies, including:

TNR

Trap-Neuter-Return and its variants are non-lethal strategies intended to reduce the numbers of community cats, improve the health and safety of cats, and reduce impacts on wildlife. At minimum, TNRed community cats are spayed or neutered so they can no longer reproduce, vaccinated against rabies, marked to identify them as sterilized (the universally recognized sign of a sterilized cat is an ear-tip, a surgical removal of the top quarter inch of the of the cat's ear, typically the left), and returned to their home territory.

Community-wide TNR programs are effective because they:

- Vaccinate cats against rabies (and other diseases, depending on available resources), decreasing public health and safety risks
- Create an immediate reduction in population when kittens young enough to be socialized and friendly stray cats are removed
- Lead to long-term management, reduction, and eventual elimination of outdoor cat populations
- Potentially save or better allocate municipal funds associated with trapping, holding, euthanizing, and disposing of community cats because trapping is typically done by volunteers
- Further save funds by reducing the flood of kittens into shelters each spring and fall kitten season
- Decrease nuisance complaints by eliminating or dramatically reducing noise from cat fighting and mating and odor from unneutered male cats spraying urine to mark their territory
- Attract volunteers, gain caretaker cooperation, and create goodwill for shelters and animal control agencies (if the cats were going to be harmed, there would be few volunteers willing to participate)
- Bring in sources of private funding from nonprofits and individuals willing to pay for the cats' spay/neuter surgeries and care
- Allow private nonprofit organizations that help community cats and volunteers to mediate conflicts between the cats and residents of surrounding communities
- Maintain the health of colony cats (cats living together in a given territory) and allow caretakers to trap new cats who join the colony for TNR or adoption

Targeting Efforts

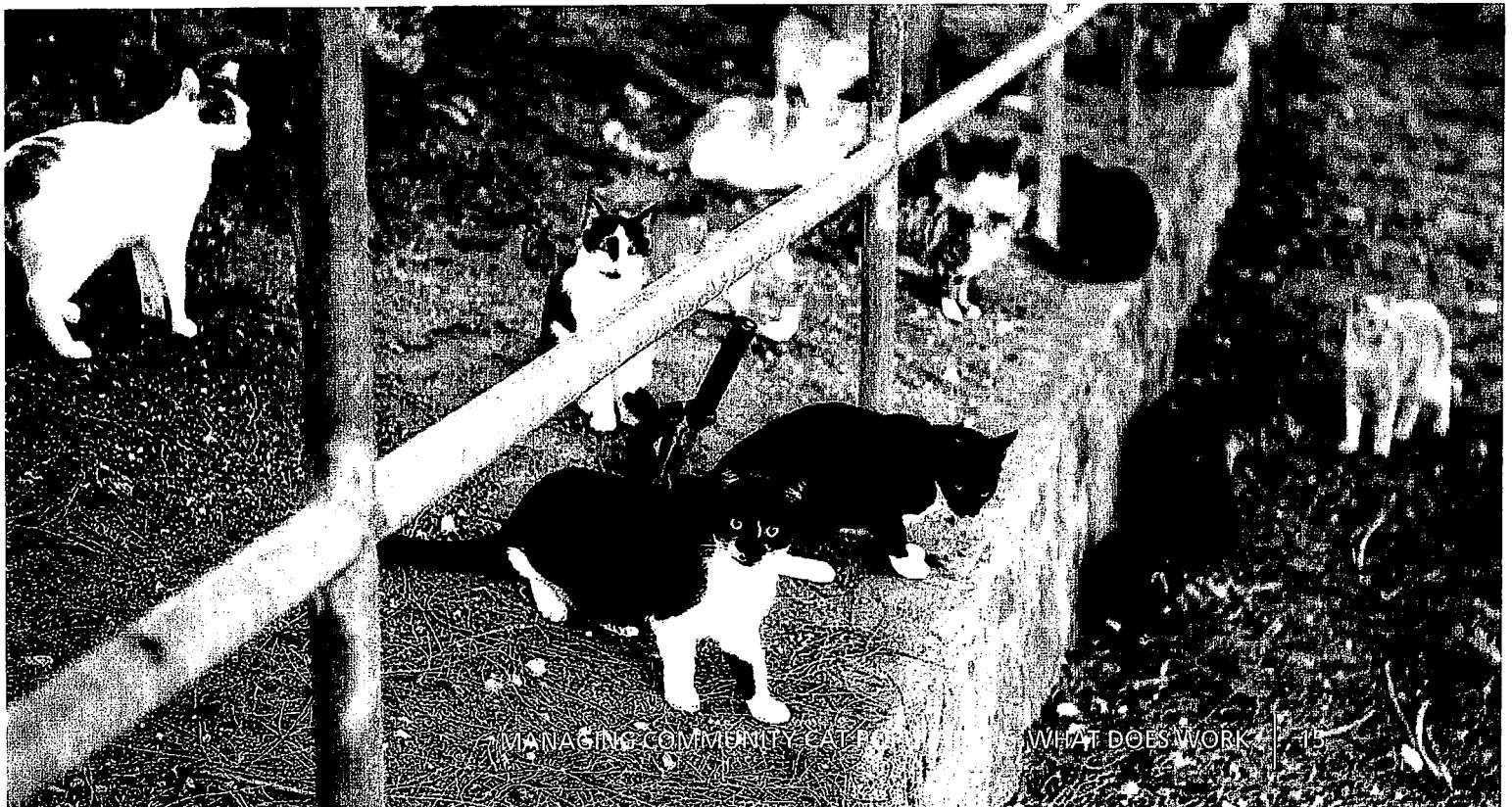
TNR and sterilization efforts are constantly evolving and improving. Through better data collection on cat intake, complaint calls, and euthanasia, and with the advent of GIS software, we are now able to target and focus resources on areas where projects can have the biggest impact. Many projects have had success focusing their funding and efforts within certain zip codes, neighborhoods, or specific locations, such as apartment complexes.

Through an assessment of the data for a given community, geographical "hotspots" become visible. By targeting the appropriate amount of resources—including trappers, surgeries, and marketing—to fully address that target zone, programs can effectively stop the reproduction and get a handle on that population set before moving on to the next target area. This approach has a much faster and more visible impact on cat populations than a scattered, random approach centered on complaint calls across a wide geographical area. Targeted efforts allow you to reach a high

enough rate of sterilization (ideally as close to 100% as possible) to quell population growth. Assessing your community, mapping cat hot spots, and targeting your approach can also help reduce impacts on wildlife by identifying sensitive and vulnerable wildlife areas and focusing efforts in those areas.

"One of the most important recent advances in TNR is the strategy of targeting. By focusing resources like surgeries, outreach, and trappers on areas with high concentrations of free-roaming cats, populations can be reduced faster and more efficiently, resulting in lower intake and euthanasia at shelters as well as fewer complaints."

—Bryan Kortis, Program Manager,
PetSmart Charities,
Phoenix, AZ



Animal Control/ Shelter Innovations

In their efforts to combat cat overpopulation, the majority of municipal agencies and private organizations are spaying and neutering animals before they are adopted, providing subsidized spay/neuter for pet owners with low incomes, and supporting community cat caretakers with low-cost spay/neuter services, training, equipment and increased legal protections. Programs like these can also attract private funding and grants and engender public goodwill. Most citizens want to do the right thing for their cats, but barriers such as cost or transportation exist in communities across the country. In order to truly address cat overpopulation, these barriers need to be removed for all members of our communities.



“Veterinary students at the University of Florida have been performing TNR in the Gainesville area since 1998. Since Operation Catnip started focusing on litter prevention in community cats, the euthanasia rate for cats at our local shelter has plummeted from more than 4,000 in 1998 to less than 400 in 2012. Residents were wary at first, but 40,000 cats later, it’s well-recognized that the program to sterilize, vaccinate, and treat parasites in free-roaming cats has made our community better for people and for cats.”

—Julie Levy, DVM, PhD, Diplomate ACVIM, Director, Maddie’s® Shelter Medicine Program at the University of Florida Gainesville

Services for Pet Owners

Services for pet owners in the community must be accessible to all residents. They should include preventative and wellness care, such as vaccinations, tips for finding pet-friendly rental housing, and information on keeping pets in their homes by resolving unwanted behaviors and managing allergies. It’s important to promote keeping cats indoors and using collars, visible identification, and possibly microchipping for pet cats so that those who do go missing can be reunited with their families. It’s also important to let community members know that shelters and rescue groups provide adopters with resources when they face problems with their cats. Shelters and rescues can provide behavior assistance and potentially medical assistance when cats face severe injury or disease.

Collaboration

Each community is different. There is no one-size-fits-all solution for managing community cats. Stakeholders must work together to create programs that address specific needs and maximize their community's available resources. By working together, municipal agencies, shelters, veterinarians, and cat rescue groups can humanely reduce community cat populations while protecting the public, cats, and wildlife. The returns are plentiful: fewer free-roaming cats; lower cat intake and euthanasia; municipal cost savings; greater volunteer participation; more adoptions; better use of limited shelter, animal control, and public health resources; increased goodwill towards shelters; and more lives saved.



"One of the new programs we created was our TNR program, the Apartment Cat Team (ACT). Our data showed us that apartment complexes and mobile home parks were "ground zero" for abandoned cats, feral cats, and litters of unwanted kittens. The ACT program focuses on teaching and empowering apartment residents and managers in the benefits of TNR, spay-neuter, rabies vaccination, and microchips. In addition, we are recruiting kitten foster homes and rescuing kittens out of feral life, socializing them, and adopting them into new homes. The ACT program is a vital program that is contributing to a reduction in euthanasia—along with other innovative programs we have recently put into place to save cats and kittens. The ACT program gives us a chance to try a different approach that is not only more humane, but that also builds rapport between manager and tenant. The result is a public better educated about humane treatment of animals."

—Mike Oswald, Director, Multnomah County Animal Services, Troutdale, OR



ADDRESSING CONCERNS ABOUT COMMUNITY CATS

Concern

The cost to the municipality

Long-term solutions like TNR may sound expensive, but they usually end up costing less than repeated cycles of trap-house-euthanize. TNR is a long-term investment in a community. The cost of TNR is often covered out-of-pocket by individuals who care about community cats and by nonprofit organizations. But animal care and control agencies and nonprofit organizations with self-funded TNR programs have often found the cost of TNR less expensive than admitting, holding, euthanizing, and disposing of healthy cats. The money saved can be put towards more TNR. There are also many grant opportunities available for targeted TNR programs that can offset budgets and improve efforts.

Concern

By allowing TNR, the municipality may be liable for any future conflicts with cats

A municipality would be liable for an injury or damage only if it committed an act of negligence. Implementing or permitting a TNR program to reduce the community cat population and resolve nuisance complaints is reasonable government behavior, not negligent conduct. In addition, liability for harm caused by animals typically stems from ownership—but no one “owns” a community cat just as no one “owns” a squirrel who might cause damage.

Even if a person is bitten or scratched, a TNRed cat likely would have been vaccinated against rabies. Rabies prophylaxis treatment will likely still be advisable, but the real risk of rabies is reduced. Consider an alternate situation, where a person is bitten and sues the municipality because officials turned down a TNR program that would have dealt with an overpopulation issue and vaccinated cats against the disease. At least 34 states require rabies vaccination for cats, and efforts should be made to revaccinate cats when possible (AVMA, 2013).

Concern

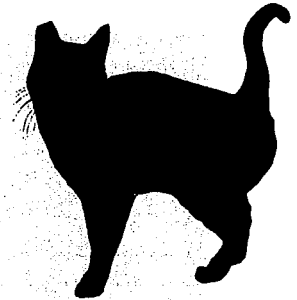
Community cats transmit diseases

Many animals, both wild and domestic, can pass diseases to people. Rabies is a disease of significant concern, and focusing on prevention is the best medicine. Vaccination against rabies should be a standard protocol for TNR practitioners.

According to the Centers for Disease Control and Prevention (CDC, 2013), over the last 100 years, rabies in the United States has changed dramatically. The number of rabies-related human deaths in the United States has declined from more than 100 annually at the turn of the century to one or two per year in the 1990s (CDC, 2013). In the United States, human fatalities associated with rabies occur in people who fail to seek medical assistance, usually because they were unaware of their exposure. Modern day prophylaxis has proven nearly 100% successful (CDC, 2013). The CDC also reports that the number of reported cases of rabies is decreasing in both wild and domestic animals. In 2010, wild animals accounted for 92% of reported cases of rabies (CDC, 2013). The World Health Organization hasn't recommended removing dogs to control rabies since 1983 because vaccine programs have been more successful (WHO, 1984).

Although the majority of rabies cases occur in wildlife, domestic animals are the source of the majority of human cases that require post-exposure treatment because people are more likely to handle unknown dogs and cats than wildlife. Most rabies cases in cats occur in areas with large raccoon populations, like the Northeast.

Vaccinating community cats against rabies as part of a TNR program should be supported as a preventative measure against the potential spread of the disease. Some public health officials have concerns about revaccinating community cats when vaccines expire. Because the lifespan of



community cats is typically much shorter than that of pet cats, a vaccine with three-year immunity may provide protection for the life of many community cats. It's clearly better than no vaccine at all. Well-managed programs should attempt to re-trap cats for further vaccinations. These programs also have the benefit of potentially reducing cat roaming. They can manage feeding so that fewer people come into contact with the cats. In this way, while the risk of rabies transmission from cats may not be entirely eliminated, it can be significantly reduced.

Sterilized cats are typically healthier overall (Scott et al., 2002) and have greater immunity against a host of other diseases and parasites (Fischer, et al., 2007). Sterilized cats are also less likely to transmit feline diseases that are largely spread through mating behavior and mating-related fighting (Finkler, et al., 2011). People who feed community cats should use feeding strategies that do not attract wildlife (e.g. not leaving food out overnight), as should people who feed their pet cats outdoors. Not all states have mandatory rabies vaccination laws for cats, so it is important to determine whether your state does (or should). You should offer low-cost vaccination options for low-income cat owners. Refer to the appendix for additional public health information and documents about rabies and other diseases.

Concern

Cats will continue to be a nuisance to residents

With TNR, nuisance behaviors can be drastically reduced or eliminated. Neutered cats typically don't yowl late at night or fight over mates (Finkler et al., 2011), so noise is greatly reduced. The odor from male urine spray is mostly eliminated because testosterone is no longer present, and spraying to mark territory may stop entirely. Altered cats, no longer in search of mates, may roam much less frequently (Scott et al., 2002) and become less visible. Because they can no longer reproduce, over time there will be fewer cats, which in itself will result in fewer nuisance behaviors, complaint calls, and a reduced impact on wildlife.

To prevent community cats from entering areas where they're unwanted, such as yards or gardens, residents can try blocking access to shelter areas and securing garbage containers. If these solutions don't work, many humane cat-deterrent products are available in stores and online. Check the appendix for a list of simple solutions to common complaints.

Remember that many cat nuisance cases are the result of neighbor disputes. Facilitating dialogue and mutually agreed-upon resolutions in those cases is often a much more effective outcome than removing the cat(s) in question.





Concern

TNR is illegal in our community

Some existing ordinances may have components that pose barriers to practicing TNR. Ordinances are typically written for pet cats, so it's important to review local and state laws to know where amendments are needed to allow your community to implement TNR. For example, laws might ban feeding animals outdoors, limit the number of cats that can be owned (with "owners" defined in a way that includes colony caretakers), prohibit returning cats to the community under abandonment language, prohibit cats from roaming freely, or require that all cats be licensed. In order for an effective TNR program to thrive, your community should amend these provisions to exempt managed community cats and their caretakers or enact an ordinance that explicitly legalizes TNR. Our website and the appendix include examples.

Even when conflicting regulations don't exist, some municipalities may still choose to enact an ordinance authorizing TNR and defining the roles and duties of all parties. Or a community might prefer, as a matter of local culture, to allow TNR informally. In such cases, a TNR ordinance might be unnecessary and actually hinder the functioning and growth of an already successful program.

The goal of a TNR ordinance is a successful sterilization program. Your program will succeed only if your community encourages participation and full engagement by caretakers and removes overly burdensome requirements and restrictions that discourage their involvement.

"Carroll County has a law that is in effect in Hampstead, which states that if you care for an animal for more than three days, the animal is considered yours. Therefore, anyone caring for feral cats for more than three days would be considered their owner and if it were more than three cats, that person would be in violation of the Hampstead limit of three cats."

The code change I proposed and got passed exempted persons participating in a TNR program with continued care of feral cats from the limit of three cats. This allowed citizens to participate in the TNR programs and management of feral cat populations."

*—Wayne H. Thomas, Councilman,
Hampstead, MD*



Concern

Welfare of cats

The idea that community cats are at great risk for suffering and untimely death if not admitted to a shelter is a long-standing one. However, a growing body of evidence suggests that this is not the case. Data from clinics that sterilized more than 100,000 cats nationwide revealed that they are generally fit and healthy, with less than one percent requiring euthanasia to end

suffering (Wallace & Levy, 2006). Common feline diseases, such as feline immunodeficiency virus (FIV) or feline leukemia virus (FeLV), occur at the same rate as in the pet cat population (Lee et al., 2002). Our article "*Keeping Feral Cats Healthy*" (animalsheltering.org/resources/magazine/sep_oct_2008/keeping_feral_cats_healthy.html) offers more details.



Concern

Welfare of wildlife

There are no easy answers to the issue of cat predation on wildlife. What to do about it has been a concern for more than 100 years. However, neither cats nor wild animals are well served by a polarized, divisive, and expensive "cats vs. wildlife" controversy. Practical solutions include humanely reducing cat populations using TNR and managing cats (individuals and colonies) so they do not impinge on designated wildlife areas and at-risk wildlife populations. Not all cat colony situations are the same. For example, cats may need to be removed when they congregate in or near a sensitive wildlife habitat, whereas they could be effectively managed behind a shopping center in a suburban town.

When predation by community cats is an issue, respectful dialogue and productive collaboration between cat and wildlife advocates is essential. There are several examples of such dialogue

(e.g. in Portland, Oregon, and New Jersey) that communities might seek to follow. It is not always easy to arrive at a solution that protects all interests to the greatest extent. Effective TNR programs seek to reduce the population of community cats, eventually bringing it to zero. Although TNR might not work as quickly as some would like, there are numerous successful examples of population reduction.

Wildlife and cat advocates can also help protect wildlife by joining forces in non-controversial collaborative projects such as informing cat owners about keeping owned cats indoors, seeking support and funds for installing cat-proof fences around sensitive natural areas, humanely relocating cat colonies that pose unacceptable risks to wildlife, and, of course, continuing community cooperation to improve the efficiency and economy of TNR programs.

FINDING FUNDING

Adequate funding is critical to a successful TNR program. When all stakeholders are engaged in targeted efforts to reduce cat populations they'll likely offer resources to help the program succeed. Municipalities that operate TNR programs through their agency or a contracting agency should include funding for these activities in the budget, but financial assistance and grant opportunities can offset budgets and help stretch dollars. A successful community TNR program can also generate savings through lower intake and euthanasia—funds that can help the program continue running.

If an incorporated nonprofit animal welfare organization runs the TNR program, it can raise funds through direct mail, grants, and special events. Many grant-making organizations

exist; some provide grants to government agencies, whereas others focus their efforts on nonprofit organizations. Many states have local or statewide community foundations that may support a program that encompasses law enforcement, public health, animal welfare, and wildlife conservation. Grant-makers are very interested in collaborations between private organizations and municipal agencies—an additional incentive to partnerships between those stakeholders.

For a list of grant-making agencies to get you started, please check out our list in the appendix. You can find information on necessary supplies, vaccines, etc. that require funding in the *Neighborhood Cats Handbook* (neighborhoodcats.org/uploads/File/Resources/NC_TNR_Handbook_WEB_v5-4.pdf).



FINAL THOUGHTS

Properly managed TNR programs do not create cat overpopulation—the cats are already there. Your community must choose between progress or an unmanaged, ever-growing problem. Well-designed and well-implemented programs that focus on non-lethal control and involve all community stakeholders are in line with public opinion. They can mobilize an army of compassionate, dedicated people who care about the cats, wildlife, and their communities.

By working together, municipal agencies, shelters, veterinarians, and cat rescue groups can humanely reduce community cat populations while protecting the public, cats, and wildlife. The returns are plentiful: fewer community cats; lower cat intake and euthanasia in shelters; municipal cost savings; greater volunteer participation; more adoptions; better use of limited shelter, animal control, and public health resources; increased goodwill towards shelters; and more lives saved.

Doing nothing or repeating failed approaches is no longer an option. Proactive, effective approaches exist and need to be fully embraced and implemented in a majority of our communities if we're going to have a lasting impact. Please join us in making our communities safer for all.

"Trap, neuter and return works. It is a humane solution and we are thrilled that in such a short time the TNR program is showing significant results in Fairfax County. With the help of citizen trappers, we are able to spay or neuter these cats before they contribute to our community's homeless cat population. TNR is saving lives in Fairfax County."

—Dr. Karen Diviney, Former Director,
Fairfax County Animal Shelter,
Fairfax, VA

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Appendix

TNR is supported by The Humane Society of the United States and many other national groups, including:

Alley Cat Allies
American Animal Hospital Association
American Association of Feline Practitioners
American Humane Association
American Society for the Prevention of Cruelty to Animals (ASPCA)
Association of Shelter Veterinarians
Best Friends Animal Society
Cat Fanciers' Association
Humane Society Veterinary Medical Association
National Animal Control Association
Petco Foundation
Petfinder
PetSmart Charities

Find Local Organizations and Agencies in the United States and Canada Supporting TNR
humanesociety.org/assets/maps/feral-cats.html

Links Found Throughout the Document

Municipal Programs

Pittsburgh, PA: pittsburghpa.gov/animalcontrol/spay_neuter.htm

Elk Grove, CA: elkgrovecity.org/animals/feral-cats.asp

Dallas, TX: dallasanimalservices.org/trap_neuter_return.html

Sacramento County, CA: animalcare.saccounty.net/SpayNeuter/Pages/FeralCatsandKittens.aspx

San Jose, CA: sanjoseca.gov/index.aspx?nid=2382

Camden County, NJ: ccasnj.org/spay_neuter_clinic/feral_cats.html

Departments of Health

New York City, NY: nyc.gov/html/doh/html/environmental/animals-tnr.shtml

State of New Jersey: state.nj.us/health/animalwelfare/stray.shtml

Baltimore, MD: neighborhoodcats.org/uploads/File/Resources/Ordinances/Baltimore_TNRRegs.pdf



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- Peterson, N. *Yes, in our Backyard*. *Animal Sheltering* Jan/Feb 2013; 32–34
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- Peterson, N. *Talking TNR*. *Animal Sheltering* July/August 2012; 41–46.
animalsheltering.org/resources/magazine/jul_aug_2012/101-dept-talking-tnr.html
- "Cats and Wildlife: An HSUS Perspective"
hsus.typepad.com/wayne/2013/01/cats-wildlife-hsus-perspective.html
- "Finding Common Ground: Outdoor Cats and Wildlife"
humanesociety.org/news/news/2011/11/ferals_wildlife.html
- "Prowling the Divide"
animalsheltering.org/resources/magazine/jul_aug_2009/creature_feature_prowling_the_divide.html
- "Keeping Feral Cats Healthy" *Animal Sheltering* September/October 2008; 51–53
animalsheltering.org/resources/magazine/sep_oct_2008/keeping_feral_cats_healthy.html

Videos

"Fixing Cat Overpopulation"
youtube.com/watch?v=fTCTuJRkvng

"How to Perform a Mass Trapping"
neighborhoodcats.org

Other Online Resources

The HSUS's Position Statement on Cats

humanesociety.org/animals/cats/facts/cat_statement.html

FAQs

humanesociety.org/issues/feral_cats/qa/feral_cat_FAQs.html

Handouts

"Can You Help This Cat?"

marketplace.animalsheltering.org/product/can_you_help_this_cat

"Helping Homeless Cats" handout in English and Spanish (can be printed on both sides of paper)

humanesociety.org/assets/pdfs/pets/helping-homeless-cats_english.pdf

humanesociety.org/assets/pdfs/pets/helping-homeless-cats-spanish.pdf

Self-Paced Online TNR Course for Caretakers and Webinar Series

humanesociety.org/outdoorcats

Community Assessment Toolkit: HSUS Pets for Life program

animalsheltering.org/how-we-help/work-for-change/pets-for-life/pets-for-life-toolkit.html

Community cat information sheets on cat ordinances, protecting public health, rabies concerns, humane deterrents, and more can be found on our website: humanesociety.org/outdoorcats

Books (Available at marketplace.animalsheltering.org)

Publicity to the Rescue shows how you can use the power of publicity to raise more money, recruit volunteers, and boost adoptions.

Coalition Building for Animal Care Organizations describes how coalition building can maximize the positive impact of animal-related organizations on their communities. The book demonstrates that, by finding common ground and putting aside their differences, groups can tackle difficult problems that can't be solved by any one agency.

Fund-Raising for Animal Care Organizations demystifies the fund-raising process and breaks down this daunting task into practical, manageable steps.

Funds to the Rescue will save you from wasting time as you search for new revenue streams to support your humane organization. The book begins with "The Hows and Whys of Fundraising" and follows with 101 entertaining and creative ideas.

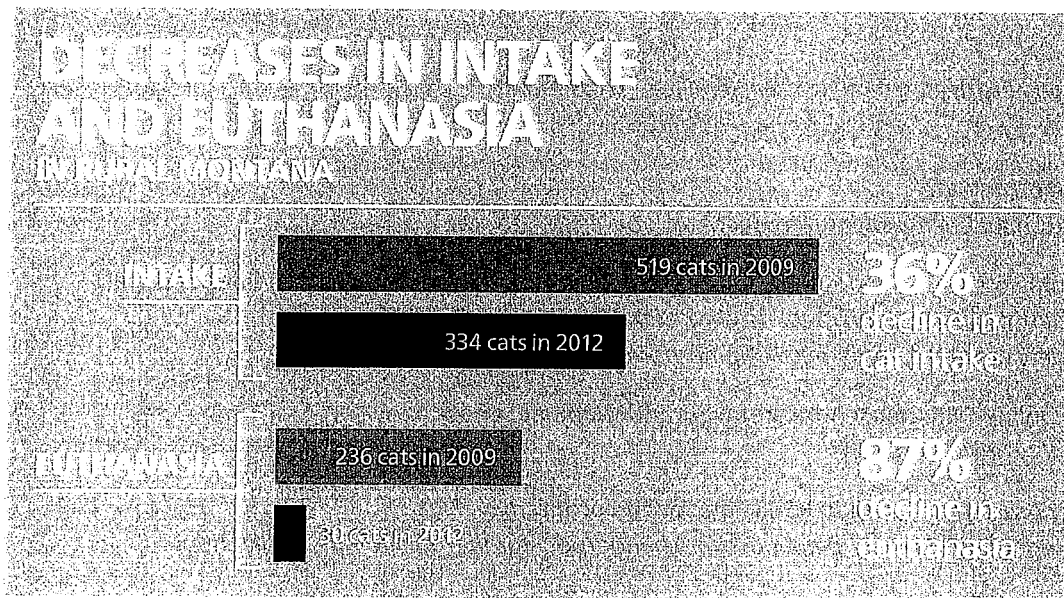
Neighborhood Cats Handbook, 2nd Edition:

neighborhoodcats.org/RESOURCES_BOOKS_AND_VIDEOS



Data from Successful Targeted TNR Programs

(Provided by PetSmart Charities)



Group: Fox Hollow Animal Project

Target area: Ravalli County, MT (pop. 40,000; 2400 sq. miles)

Project: 1,329 spays/neuters of community cats from July 1, 2010 through 2012

Results: Cat intake from Ravalli County to the Bitter Root Humane Association (open admission) went from 519 in 2009 to 334 in 2012 (36% decline) and cat euthanasia went from 236 in 2009 to 30 in 2012 (87% decline).

DECREASES IN COMPLAINT CALLS IN RURAL MONTANA



84%
decline in
cat-related calls

Group: Thompson River Animal Care Shelter (TRACS)

Target area: The five towns located in Sanders County, MT (pop. 11,000; 2700 sq. miles)

Project: 755 spays/neuters of community cats from July 1, 2010 through July 1, 2012

Results: Cat-related calls to TRACS, the only animal shelter in the county, went from 1,032 in 2009 to 166 in 2011 (84% decline).

DECREASES IN COMPLAINT CALLS IN WICHITA FALLS



90%
decline in
cat-related calls

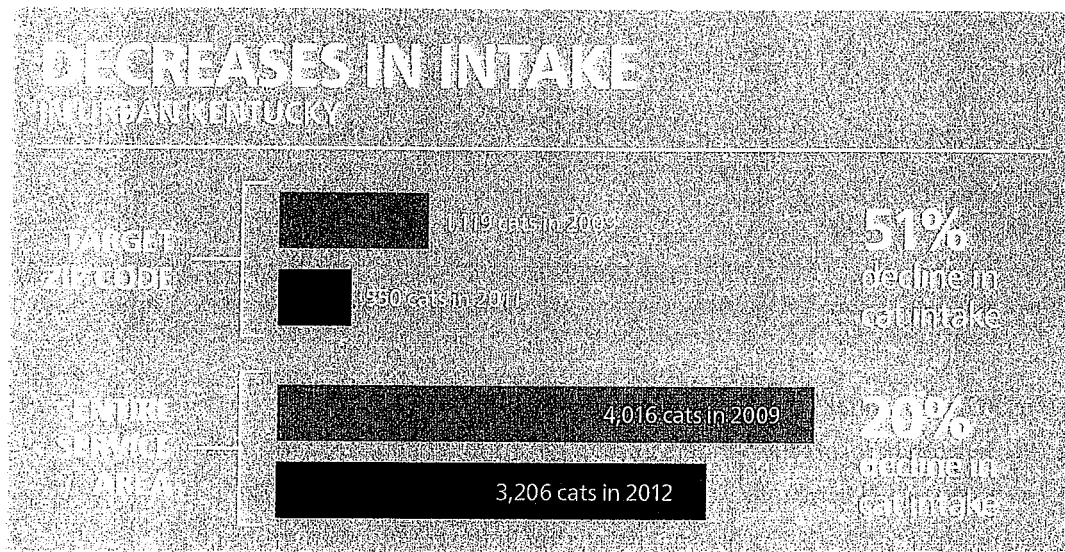
Group: PETS Low Cost Spay and Neuter Clinic

Target area: Wichita Falls, TX (pop. 104,000)

Project: 1,188 spays/neuters of community cats from 2011 through 2012

Results: Community cat related complaint calls to Wichita Falls Animal Control went from 1,958 in 2010 to less than 200 in 2012 (at least 90% decline).





Group: Alley Cat Advocates

Target area: Began as one zip code in Louisville, KY (later expanded to total of five zip codes)

Project: 2,000 spays/neuters of community cats in the five zip codes

Results: Cat intake excluding owner surrenders from the original zip code to Metro Animal Services went from 1,119 in 2009 to 550 in 2011 (51% decline). Cat intake excluding owner surrenders in the rest of the shelter's service area went from 4,016 to 3,206 (20% decline). As a result of the project, the Councilwoman for the original target zip code sponsored TNR-enabling ordinance that passed the City Council.

Other Organizations' Policies

American Animal Hospital Association, aahanet.org/Library/AAFPPosition.aspx

American Association of Feline Practitioners,
catvets.com/guidelines/position-statements/free-roaming-abandoned-and-feral-cats

American Humane Association,
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American Society for the Prevention of Cruelty to Animals (ASPCA), aspcas.org/about-us/aspcas-policy-and-position-statements/position-statement-on-feral-cat-management

Association of Shelter Veterinarians,
sheltervet.org/wp-content/uploads/2012/11/FeralCommunityCatMgmt.pdf

Best Friends Animal Society, bestfriends.org/What-We-Do/Our-Work/Initiatives/Cat-Initiatives/

Cat Fanciers' Association, cfainc.org/CatCare/OverpopulationLegislativeIssues/FeralCats.aspx

Humane Society Veterinary Medical Association, hsvma.org/legislation#feralcats

National Animal Control Association, nacanet.org/guidelines.html#community

Petfinder, petfinder.com/helping-pets/feral-cats/what-is-a-feral-cat/

PetSmart Charities, petsmartcharities.org/pro/grants/spayneuter-grants/free-roaming-cat-spayneuter-grants

This publication (*Managing Community Cats*) is intended to provide general information about community cats. The information contained in this publication is not legal advice and cannot replace the advice of qualified legal counsel licensed in your state. The Humane Society of the United States does not warrant that the information contained in the *Managing Community Cats* publication is complete, accurate, or up-to-date and does not assume and hereby disclaims any liability to any person for any loss or damage caused by errors, inaccuracies, or omissions.

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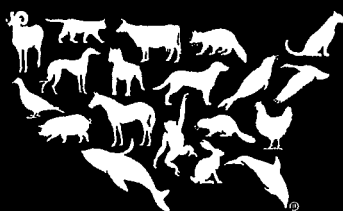


About The HSUS

The HSUS is the nation's largest and most powerful animal protection organization—backed by 11 million Americans, or one in every 28.

Established in 1954, The HSUS seeks a humane and sustainable world for all animals, including people. We are America's mainstream force against cruelty, exploitation, and neglect, and also the nation's most trusted voice extolling the human-animal bond.

Celebrating Animals | Confronting Cruelty



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SUNY Buffalo Law School

The State University of New York

SUNY Buffalo Animal Law Pro Bono Project Frequently Asked Questions (FAQs) about Trap-Neuter-Vaccinate-Return and the Model Community Cat Ordinance

What is a community cat?

A "community cat" lives un-owned anywhere from cities to rural areas. Many are feral (not socialized to humans), but others were abandoned or ran away. People often feed them, and some community cats may be friendly. The vast majority of community cats are content in their outdoor homes and research shows that they do not suffer harsh lives or pose a health risk to other cats. Community cats don't go away if people don't feed them, they just look for another food source.

Why do we need a law for community cats?

Many municipalities have laws that don't reflect modern knowledge or best practices in dealing with community cats. Those old-fashioned laws cost municipalities money and cost healthy cats their lives.

What is the Model Community Cat Ordinance and what does it do?

The SUNY Buffalo Animal Law Pro Bono Project drafted the Model Community Cat Ordinance that helps municipalities develop a law to authorize local best practices for managing community cats. The model law encourages Trap, Neuter, Vaccinate, Return (TNVR) but also allows the community to leave cats alone.

What is TNVR (or TNR)?

TNVR, or "Trap, Neuter, Vaccinate, Return," (also referred to as just TNR) helps manage community cats. Humanely trapped cats are evaluated by a licensed veterinarian, spayed or neutered, vaccinated, eartipped, and returned where found. TNVR is the scientifically proven best way to manage cat populations, as recognized by many experts including the Humane Society of the United States and the International City/County Management Association.

How does TNVR benefit humans in the community?

TNVR halts cats' reproduction cycles to keep the population in check, and decrease cats' propensity for unpleasant behaviors such as fighting, spraying, and yowling. Vaccinations create a safer, more sanitary environment for cats and the rest of the community. TNVR puts cats back home in the community, helps keep the rodent population under control, and does not reduce the wildlife population.

Does the Model Community Cat Ordinance impose any financial or other obligations?

The Community Cat Ordinance simply supports and encourages either TNVR or leaving cats alone. It does not require adopting municipalities to implement a TNVR program, or to designate any funds.

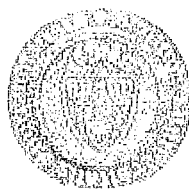
Under the Model Community Cat Ordinance, who pays for TNVR?

It depends on the community. The ordinance simply allows TNVR, it does not require municipalities to pay for it. In most communities, volunteers cover the costs. Euthanasia costs municipalities more than \$100 for each cat. TNVR costs \$60 or less in most Western NY locations, and is often funded by donations and/or volunteers.

Why does your municipality need a Community Cat Ordinance?

Expert views on community cats have evolved. Although outdoor cats have lived alongside humans for over 10,000 years, some municipalities tried to "control" the population by killing healthy cats. Now, we know these cats are integral parts of our communities in terms of rodent control, and can live long and healthy lives outside. Moreover, trying to get rid of them by killing doesn't work because other cats move in. TNVR ensures community cats are managed in such a way that addresses the communities' needs while simultaneously ensuring the humane treatment of the cats themselves.

The Animal Law Pro Bono project started at SUNY Buffalo Law School in 2013. Law students, faculty, and pro bono attorneys help address legal needs of municipalities and organizations as they pursue projects relating to animal issues. For more information, contact Kim Diana Connolly, Director of Clinical Legal Education and Vice Dean for Legal Skills, at kimconno@buffalo.edu or 716-645-2092.



SUNY Buffalo Law School

The State University of New York

Background and Summary of the SUNY Buffalo Animal Law Pro Bono Project Model Community Cat Ordinance 2014 Version

SUNY Buffalo Law School launched its Animal Law Pro Bono Project in 2013. Since then, students, faculty, and pro bono lawyers have joined together to serve the unmet legal needs of municipalities and organizations working on behalf of animal interests.

The Project's "Model Community Cat Ordinance" presents a local law addressing feral and community cats; it supports the health and welfare of such cats while reducing certain problems that sometimes arise. A trap-neuter-vaccinate-return (TNVR) program stabilizes existing feral and community cat populations and addresses potential disease concerns in the community. In the event TNVR is not an option, it clarifies that leaving community cats in place is the best alternative.

Summary of the Model Community Cat Ordinance

§ 1 "Purposes" – this section lays the groundwork as to why the ordinance is necessary and provides background as to what it has the potential to accomplish. Nothing in this section becomes enforceable law as it merely introduces the reader to the more formal parts of the text.

§ 2 "Definitions" – this section provides the formal definitions for the terms used in the ordinance. It allows for the unambiguous understanding of each important term, listing and defining the intended meaning of the word as used throughout the ordinance. Readers should reference this section as they are reading the ordinance to fully understand the complete text.

§ 3 "General Policy" – this section provides the working text of the law. It sets out the policy to be implemented and how it is to be accomplished. This is considered by many to be the most important section of an ordinance, as it lays how the law will work once passed.

§ 4 "Implementation" – this section provides how the ordinance will be administered once it is passed. It also lays out who will be responsible for ordinance oversight and enforcement.

§ 5 "Severability" – this section protects the ordinance from challenge by giving the court the ability to "sever" only one part of the ordinance and leave the rest standing.

§ 6 – This section identifies the procedure necessary to allow the ordinance to take effect immediately upon being passed.

For additional information on this issue, contact the **SUNY Buffalo Animal Law Pro Bono Project** through Professor Kim Diana Connolly at kconno@buffalo.edu or 716-645-2167

Model Community Cat Ordinance

Prepared by the Animal Law Pro Bono Project, SUNY Buffalo Law School
2014 VERSION

For more information, contact Professor Kim Diana Connolly, kimconno@buffalo.edu/716-645-2092

**For supporting information, please see the accompanying
“Background and Summary of the SUNY Buffalo Animal Law Pro
Bono Project Model Community Cat Ordinance”**

*[Appropriate introductory language to amend an existing law or create a new one
should be inserted in compliance with local norms]*

§ XX Purposes. *[Depending on local norms, these purpose statements can be included
in the legislative history process rather than statutory law]*

WHEREAS, a local law addressing feral and community cats will reduce the population of free-roaming cats, reduce annoyance caused to some people by feral or community cats, positively affect the health and welfare of feral and community cats, and reduce the problems sometimes associated with feral or community cats; and

WHEREAS, the trap-neuter-vaccinate-return (TNVR) method is the only proven mechanism to stabilize and/or reduce existing feral and community cat populations and address potential disease concerns; and

WHEREAS, [Name of Municipality] endorses TNVR policies as the model to stabilize and/or reduce existing feral and community cat populations, which would address potential disease concerns and increase the quality of life for both the citizens of [Name of Municipality] as well as the feral and community cat populations; and

WHEREAS, recent research shows that when TNVR is not possible, leaving the feral and community cat population undisturbed provides the best alternative; and

WHEREAS, approval for an effective TNVR program with the alternative of leaving the feral and community cat population undisturbed when TNVR is not possible is desirable; and

WHEREAS, it is in the best interest of [Name of Municipality] to protect the health, safety, and welfare of feral and community cats as well as [Name of Municipality] residents by setting the following standards for management of feral and community cats.

THEREFORE

§ XX. Definitions. For the purpose of this [Section/Title/Article]:

A. "At Large" means not confined, outside an area of escape such as a pen, corral, yard, cage, house, vehicle, or other secure enclosure, unless otherwise under appropriate human control.

B. "Colony" means a group of one or more community cats.

C. "Community Cat" means any cat that is:

(1) Homeless, stray, or at large, where the cat:

a. has been socialized to people, or is less than five weeks old;

b. could become feral as connection with humans is farther removed; and

c. in the case of cats older than five weeks, has a good potential to quickly become domesticated once again; or

(2) Feral, where the cat:

a. is not socialized towards humans;

b. is born in the wild or is the offspring of an owned cat; or

c. is a formerly owned cat that has been abandoned; or

(3) A cat that lives in the community but is not owned by a human, sometimes referred to as a "free-roaming" or "street" cat.

D. "Domesticated Cat" means a cat:

(1) that is social towards humans;

(2) that currently lives within the residence or on the property of a person or persons accepted as the cat's owner; and

(3) that is considered appropriate as a companion for humans.

E. "Ear Tipping" means a straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

F. "Neuter" means to permanently sterilize male cats to render them incapable of impregnating female cats by means of either surgery performed to remove the reproductive organs or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

G. "Spay" means to permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their ability to become pregnant by means of either surgery performed to remove the ovaries and uterus or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

H. "Sterilize" means to spay or neuter a cat.

I. "Trap, Neuter, Vaccinate, and Return Program" or "TNVR" means a program in which community cats are humanely trapped, which sometimes requires feeding, evaluated, vaccinated, sterilized, and ear tipped by a veterinarian and returned to the trap location with the intent of controlling or reducing feline population and reproduction.

J. "Veterinarian" means a person licensed to practice veterinary medicine in the State of [New York].

§ XX. General Policy.

A. TNVR of community cats shall be legal in [Name of Municipality] and interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis.

B. All persons who attempt to trap community cats for TNVR in [Name of Municipality] should be familiar with the guidelines supported by regional and national feral and community cat organizations, as well as the American Veterinary Medical Association (AVMA), regarding appropriate methods of TNVR.

C. Socialized cats and all kittens subject to TNVR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.

D. An ear tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required. A trapped ear tipped cat shall be released on site unless veterinary care is required.

E. [Animal control officers] shall use appropriate opportunities to inform stakeholders about TNVR.

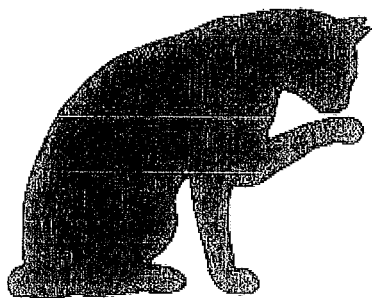
F. Proof of ownership shall not be required to claim a community cat from a local shelter.

G. It shall not be a violation of this section to determine that the best course of action for a particular cat, or cat colony, is to be left alone.

§ XX. Implementation. [Animal control officers] within the [Name of Municipality] shall implement and administer this [Article] with the goal of reducing intakes and the eliminating humane destruction of cats via TNVR, in consultation with community cat welfare experts, including [Alley Cat Allies, [NYC Feral Cat Initiative,] Best Friends Animal Society, Neighborhood Cats, IndyFeral, and No Kill Advocacy Center.]

§ XX. Severability. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the ordinance, other than the part declared to be invalid.

§ XX. This ordinance amendment shall take effect immediately upon being duly ratified pursuant to [§ XX].



ABOUT TRAP-NEUTER-RETURN (TNR)

the PROBLEM... It's estimated that tens of millions of feral and stray cats freely roam the streets of the United States and breed rapidly!

Doing nothing and using ineffective approaches are what have resulted in the current overpopulation problem. Trying to rescue all of the feral cats and find them homes is impossible given their numbers and their limited socialization. Removing or relocating all of the feral cats invites new unneutered cats to move in and the cycle of reproduction starts again.

the SOLUTION...

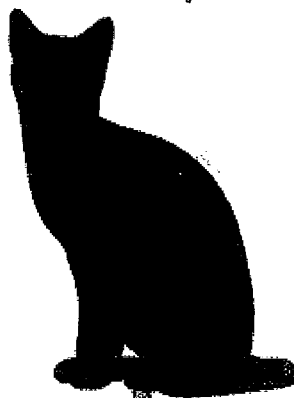
Trap-Neuter-Return (TNR) is the only method proven to be humane and effective in controlling free-roaming cat population growth. TNR is about:

Population control and **permanently reducing** the number of cats in an area

Lowering cat intake into shelters, thereby **lowering shelter euthanasia rates**

Reducing the spread of disease

The returned, spayed/neutered colony **guards its territory**, discouraging unneutered cats from moving in and beginning the cycle of overpopulation anew



TRAP

After adequate preparations, including educating the community about the TNR process, colony cats are trapped using humane traps.

1

RETURN

3

After recovery from surgery, feral cats are returned to where they were trapped and are supplied with ongoing access to food and fresh water.

NEUTER

The captured cats are brought in their traps to a spay/neuter provider. Typically, TNR programs also provide vaccinations against certain diseases, like rabies.

2



EAR TIPPING is the universal sign of a neutered feral cat. The procedure involves removing about 1/4" off the tip of the cat's ear (typically the left ear) while the cat is anesthetized for spaying/neutering; healing is rapid. The mark will help prevent unnecessary surgery, confinement, or euthanasia.

What's the difference?

STRAY CAT

A tame cat who has become lost or has been abandoned; she has been socialized to people at some point in her life.

FERAL CAT

A cat who has little contact with humans, is fearful of people and usually lives on her own outdoors.

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Charities

PetSmartCharities.org

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SUNY Buffalo Law School

The State University of New York

SUNY Buffalo Animal Law Pro Bono Project

Responses to Myths and Misunderstandings about Trap, Neuter, Vaccinate, and Return

Is a Community Cat Ordinance Supporting Trap, Neuter, Vaccinate, and Return Really Workable?

Yes. The SUNY Buffalo Animal Law Pro Bono Project drafted the Model Community Cat Ordinance to help municipalities develop laws that authorize local best practices for managing community cats. The model law encourages Trap, Neuter, Vaccinate, Return (TNVR). Catch and kill eradication programs have consistently proved to be ineffective, and such out-of-date laws cost municipalities money and cost healthy cats their lives. The ordinance has proven so effective that municipalities throughout Erie and Niagara Counties have been adopting this ordinance with unanimous votes.

Doesn't Trap, Neuter, Vaccinate, and Return for Community Cats Impose Significant Costs on Local Governments?

No. A law endorsing Trap, Neuter, Vaccinate, and Return merely allows and supports this best practice within the municipality. It does not require those municipalities adopting the ordinance to implement the TNVR program themselves. Likewise, it does not require municipalities to allocate any funds.

If Local Governments Don't Pay for Trap, Neuter, Vaccinate, and Return, Won't the Program Fail?

No. The ordinance allows Trap, Neuter, Vaccinate, and Return, a practice that has been going on regularly on a small scale in Western New York and throughout the country for many decades. In recent years it has been recognized as the best practice, and implemented on a much larger scale. In most communities, volunteers cover the costs. Euthanasia costs municipalities more than \$100 for each cat. TNVR costs \$60 or less in most Western NY locations, usually funded by grants, donations and/or volunteers.

Can Volunteers Really Support a Large-Scale Trap, Neuter, Vaccinate and Return Program?

Yes. Trap, Neuter, Vaccinate, and Return practitioners are active throughout Western New York and elsewhere the country. They implement TNVR and then support the communities. Organizations such as Feral Cat Focus, Operation Pets, the Erie County SPCA, Pets Alive, and others provide training and support for local volunteers in the start-up phase and as needed over time. The Model Ordinance merely recognizes and legalizes what likely already goes on in your town, village or city.

One-Time Rabies Vaccines for Community Cats Can't Really Protect the Public from Rabies, Right?

Wrong. First, feral cats are exempt from the NY law requiring rabies vaccines, so this increases the chances of protecting the public. Second, recent science shows that rabies vaccines last much longer than originally thought, and one vaccination confers some rabies protection over the course of a community cat's entire life.

Does Trap, Neuter, Vaccinate, and Return Really Stabilize Cat Populations?

Yes. Humanely trapped cats, after evaluation by a licensed veterinarian, are spayed or neutered, vaccinated, eartipped, and returned where found. TNVR is the scientifically proven best way to manage cat populations, as recognized by many experts including the Humane Society of the United States, ASPCA, Humane Society of the U.S. and the International City/County Management Association. Science shows that a "vacuum effect" occurs when trying to get rid of community cats. Killing the cats doesn't work because other cats move in.

The Animal Law Pro Bono project started at SUNY Buffalo Law School in 2013. Law students, faculty, and pro bono attorneys help address legal needs of municipalities and organizations as they pursue projects relating to animal issues. For more information, contact Kim Diana Connolly, Director of Clinical Legal Education and Vice Dean for Legal Skills, at kimconno@buffalo.edu or 716-645-2092.

MEMORANDUM

To: Jason Molino, City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: March 11, 2015
Subject: NYS Archives Grant - \$6,542

The City of Batavia has been awarded a grant from NYS Archives for Historical Records. This grant will pay for the purchase of supplies and equipment to ensure proper and secure storage of historical documents maintained by the City Historian. The grant also allows for the hiring of an archivist to provide technical guidance, arrangement and description of archival records.

It is recommended that the City accept this grant in the amount of \$6,542 to achieve the desired results of the historical records project.

#-2015

**RESOLUTION TO AMEND THE 2014-2015 BUDGET TO REFLECT THE RECEIPT
OF \$6,542 FROM NEW YORK STATE ARCHIVES GRANT**

Motion of Councilperson

WHEREAS, the City received \$6,542 from the New York State Archives for Historical Records project; 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 Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments to the 2014-2015 budget to undertake the projects of "New York State Archives Grant":

Effective immediately, amend the 2014-15 budget by increasing expenditure accounts

1.1325.0423.1141 by \$2,560

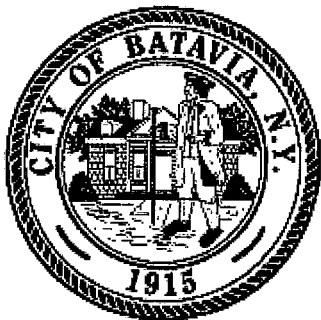
1.1325.430.1141 by \$3,982

and increasing revenue account

1.1.3060.1141 by \$6,542

Seconded by Councilperson

and on roll call



To: Jason Molino, City Manager

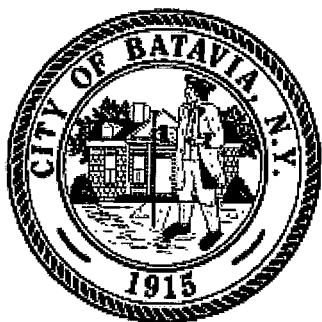
From: Sally Kuzon, Director of Public Works

Date: March 17, 2015

Subject: Roof Replacement at the Water Plant

The City of Batavia Water Plant main roof was last replaced 20 years ago. Since that time there has been two major renovations at the facility where parts of the roof have been disrupted as part of the construction. Currently the roof has some minor leaks, and an infra-red investigation shows moisture penetration throughout the insulating layer and is in need of complete tear off and replacement.

The roof replacement is part of the Water Capital Plan introduced during the 2015-16 budget discussions. We anticipate opening bids on April 6th and having a recommendation of award for City Council to consider at the regularly scheduled Business Meeting on April 13th.



City of Batavia

TO: Jason Molino, City Manager

FROM: Lisa Neary, Deputy Director of Finance

DATE: March 16, 2015

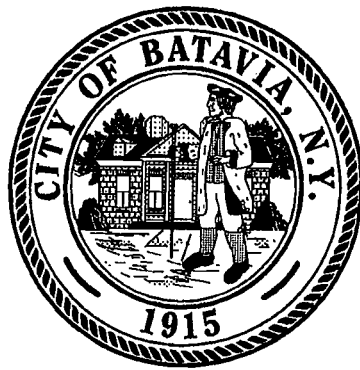
RE: Purchasing Manual

As required by law, the City's Purchasing Manual must be reviewed by City Council annually. This helps ensure that procedures are current and appropriate to meet the changing needs of the City of Batavia. A procurement policy and procedures manual generally ensures that competition is sought in a reasonable and cost effective manner for procurements below the bidding thresholds and for other contracts exempt from bidding.

I am enclosing the City's Purchasing Manual which includes the following changes and updates since its last review in February, 2014:

1. Petty Cash – wording has been added to encourage use of petty cash as a last resort for minor purchases and to consider use of the City's credit card prior to using personal funds for purchases.
2. Credit Card Usage – added requirements and the formal policy has been incorporated.
3. Travel Expenses – explanation as to the use of the travel authorization form has been clarified in that the form should be completed only when expenses to be reimbursed are expected and to remove the expectation that the form is to be filled out for general errands.
4. Local Established Credit Account Vendors – Upson-Maybach and Pauly's Pizza have been added as vendors who have established credit accounts with the City.
5. Best Value – added the requirement to complete a Cooperative Contract Due Diligence Form to document verification of requirements when using cooperative contracts.
6. Appendix B – Individuals Responsible for Purchasing – updated personnel changes.
7. Appendix C – Purchasing Approval Chart – changed to incorporate the Assistant City Manager.
8. Purchase Requisition Form – changed to add an area for account numbers and dollar amounts.
9. Voucher Form – has been changed to clarify mileage readings from the vehicle's odometer and to clarify that account # should include fund, department and item.
10. Cooperative Contract Due Diligence Form has been added to Appendix H to be used to document due diligence when entering into a contract with a cooperative.

City of Batavia Purchasing Manual



Adopted: February 10, 2014
Updated: April 13, 2015

City of Batavia

Purchasing Manual

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Appendix A – Threshold Grid

Appendix B – Individuals Responsible for Purchasing

Appendix C – Approval Chart

Appendix D – Standardization Resolution

Appendix E - Procurement Policy and Procedure Adoption Resolution

Appendix F – Disposition of Surplus Property Resolution

Appendix G – Scrap Metal Resolution

Appendix H – Forms

a. Purchase Order Requisition Form

b. Voucher Form

c. Disposal Form

d. Travel Authorization Form

e. New York State Exemption Certificate for hotel room occupancy ST-129

f. Cooperative Contract Due Diligence Form

Note: All forms are available on the City's computer system. They are located on the shared drive (S:/Finance Forms)

Appendix I – Sample resolutions

a. Surplus Resolution

I. Introduction

The purchasing procedure employed by the City of Batavia shall comply with all applicable laws and regulations and City of Batavia Charter.

Pursuant to General Municipal Law, Section 104-b, goods and services which are not required by law to be procured through competitive bidding must be procured in a manner which assures the prudent and economical use of public monies in the best interest of the taxpayers. It further requires that to facilitate the objectives of economical use of tax monies, the acquisition of goods and services of the best possible quality at the lowest possible cost, and to guard against favoritism, improvidence, fraud and corruption, internal policies and procedures governing procurement of all goods and services not required by law to be procured through competitive bidding must be adopted by all municipalities. It also requires that, effective January 1, 2009, such policies and procedures identify the individual or individuals responsible for purchasing and their respective titles.

No official or employee of the City of Batavia shall be interested financially in any contract entered into by the municipality (as defined in General Municipal Law, Sections 800 thru 808). This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplies of materials or services to the municipality.

Comments have been solicited from officers and employees of the City of Batavia involved in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

City Council shall annually review and, when needed, update this policy and procedures manual. The City Manager shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to City Council.

Unintentional failure to comply fully with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the City of Batavia or any officer or employee thereof.

All purchases made outside of the purchasing procedure will be considered unauthorized purchases and are not the financial responsibility of the City of Batavia.

Forms within this manual are not to be altered or changed in any way.

II. Code of Ethics

In addition to the Code of Ethics found in Chapter 14 of the Code of the City of Batavia, the City of Batavia has adopted the following Code of Ethics as it applies to purchasing.

The City of Batavia believes the following ethical principles should govern the conduct of every person employed by the City of Batavia:

1. To consider first the interests of the municipality and the betterment of its government.
2. To endeavor to obtain the greatest value for every dollar expended.
3. To be receptive to advice and suggestions from City Manager, Department Heads and Bureau Chiefs, insofar as such advice and suggestions are not in conflict with legal or ethical restrictions in purchasing procedures.
4. To strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency.
5. To insist on and expect honesty in sales representation and the assurance of unbiased judgment in determining whether their product meets specifications.
6. To not directly or indirectly solicit any gift, or accept or receive any gift, which in any way might influence the purchase of municipal equipment and supplies or be in conflict with the City's Code of Ethics.
7. To accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions.
8. To counsel and assist others with purchasing responsibilities in the performance of their duties whenever occasion permits.
9. To cooperate with governmental and trade associations in the promotion and development of sound business methods in the purchasing of municipal equipment and supplies.
10. To seek or dispense no personal favors.
11. To handle each administrative problem objectively and empathetically on the basis of principal and justice without discrimination.

III. General Purchasing Procedure

The acquisition of services, equipment and supplies in the City of Batavia is decentralized whereby each individual responsible for purchasing (as listed in Appendix B) is responsible for complying with this policy and the procedures set forth therein. The City will not be liable for any purchases made not in compliance with this policy and the person responsible for said purchase may be held personally accountable for the purchase. Those responsible individuals listed in Appendix B shall procure the necessary items of material, equipment, supplies and services as needed, at the best possible prices and maintain adequate records as verification of such.

The first step in procurement is to determine the type of service or good needed. A "purchase contract" is for the purchase of goods. A "public works contract" applies to those items or projects involving primarily labor or both material and labor where labor is the major portion of the purchase. A professional service is a service that requires special skill, expertise and/or creativity.

The next step in the procurement process is to determine the dollar threshold of the item being purchased. This will dictate the appropriate method of procurement as shown in Appendix A. That dollar threshold is the aggregate amount planned to be spent on the same or similar commodities or services, and technology within 12 months. "Like" commodities are those items of a similar nature, which are generally handled by one vendor (ie. cleaning supplies, office supplies) and should be grouped together for the purpose of determining whether you will exceed the \$20,000 limit. A series of transactions, each under the threshold, is subject to competitive bidding if it can be reasonably anticipated that the aggregate amount will exceed the threshold. If the actual cost of any purchases or projects are uncertain but suspected to exceed the limit, discretion will be used and the bidding procedure will take effect. Thresholds may not be avoided by artificially splitting contracts or purchases.

After the necessary due diligence in finding an appropriate vendor, a purchase shall be initiated via requisition within the City's financial software if the purchase is \$1,000 or more. Any documentation supporting the required due diligence shall be scanned and attached to the requisition. See the "Requisition Forms and Input" section of this policy for instructions to complete this process.

All requisitions shall be reviewed by the Bureau of Finance to ensure compliance with this purchasing policy and procedure. Requisitions shall not be submitted for processing until it is assured that all required information is attached and made available. After Finance approval that all steps in the procurement process have been followed appropriately, the requisition shall become a purchase order which will be forwarded to the City Manager or Department Head (see Appendix A) for final approval. Approvals will be sought in accordance with the City's Purchasing Approval Chart found in Appendix C. Only after the City Manager or Department Head has approved the Purchase Order can an order be placed or a contract for service signed.

At fiscal year end, no requisition will be approved unless the goods are to be ordered, or the contract for services to be provided is signed, prior to the end of the fiscal year. Requisitions may not be created on March 31st for the sole purpose of carrying an encumbrance forward into the next fiscal year.

IV. Requisition Forms and Input

A requisition is required to initiate a purchase order. Requisitions are initiated by any employee completing a Purchase Order Requisition Form. This form is found in the "Appendix H – Forms" section of this manual or on the City's shared drive (S:/Finance Forms).

Each Department Head/Bureau Chief signs off on the Purchase Order Requisition Form indicating they have verified compliance with the Purchasing Policy requirements as specified in this manual. Their signature/sign off on the Purchase Order Requisition Form indicates said compliance.

Purchase Order Requisition Forms and required documentation, after Department Head approval, are forwarded to the department's clerk for input into the City's financial software system. The clerk is responsible for verifying that all information is received and input as set forth in this Purchasing Policy.

The following is key information for inputting a requisition into the City's financial software system:

1. When choosing a vendor, make sure the address is correct.
2. Always enter a description whenever possible.
3. If for any reason you are not adding quotes to the quote tab, a reason **MUST** be documented in the "Contract #" field.
4. Narratives, sole source verifications, justifications, explanations and all written/fax quotes must be scanned and attached to the "Attachments" tab.
5. All quotes are added to the "Quote" tab. If the amount threshold requires written/fax quotes, those must also be scanned and attached on the "Attachments" tab.

Each employee shall be responsible for compliance by him/herself and his/her subordinates with the requirements as specified in this Purchasing Policy and Procedure Manual.

V. Invoice Input

Invoice input is decentralized in that invoices will be input into the City's financial software by each department's clerk. The procedure for inputting an invoice is as follows:

- Invoices will be separated by invoice type; invoices associated with purchase orders and invoices not associated with purchase orders.
- Invoices are placed in alphabetic order by vendor and a calculator tape will be run, or a spreadsheet used, to add up the batch of invoices to be input.
- In KVS, invoices associated with purchase orders are input in "Purchase Orders" found on the "Action" tab of the purchasing module.
- In KVS, invoices not associated with purchase orders are input in "Vouchers" found on the "Action" tab of the purchasing module.
- The pay due date will always be the next accounts payable check processing date. This date will be maintained by the Finance department and will be updated at the completion of each accounts payable check run, at which time, new invoices will be able to be input.
- Invoices are to be scanned and attached to each voucher into KVS.
- A Voucher Detail Report will be run and the total on that report will need to agree with the total of the calculator tape mentioned above.
- Balanced batches of invoices are to be forwarded to the Bureau of Finance by noon on Wednesday, the week of accounts payable processing.
- At the beginning of each calendar year, the Bureau of Finance will furnish each department with an accounts payable pay date schedule.

VI. Competitive Bidding

Pursuant to General Municipal Law, Article 5A, Section 103, all purchases for materials, equipment or supplies of the same category that involve an aggregate annual estimated total expenditure over \$20,000 (combining all City departments) shall be awarded only after public advertising soliciting formal bids. All competitive bids for purchase contract awards require City of Batavia Council approval.

Also pursuant to General Municipal Law, Article 5A, Section 103, all public work contracts (those projects that involve labor or both material and labor) involving an expenditure of over \$35,000 shall be awarded only after public advertising soliciting formal bids. All competitive bids for public works contracts need City of Batavia Council approval in order to be bid and awarded.

Alternatives to competitive bidding, where City Council approval is not required for procurements not to exceed budgeted amounts:

1. New York State Office of General Services awards centralized contracts based on competitive bidding for commodities, services, information technology and telecommunications. The City of Batavia is eligible to purchase through state contracts as a political subdivision of New York State. Since New York State General Municipal Law does not require competitive bidding if purchases are made under State Contract, spending levels (aggregate) do not apply if the purchase is made under New York State Contract. Purchases made from vendors offering "lower than state contract" prices do not qualify under this exception. State contracts are accessible on-line at <http://www.ogs.state.ny.us>. As noted elsewhere in this policy, the purchase order requisition should contain the State contract number in the "contract #" field of the requisition in KVS.
2. The City of Batavia may piggyback on municipal County and New York State contracts that have been extended to local governments. The contract must explicitly authorize piggybacking and must be let in accordance with competitive bidding laws. The purchase contract being utilized is to be scanned and attached to the purchase order requisition in KVS. And the use of these contracts need to be noted in the "contract #" field of the requisition in KVS.
3. The City is also eligible to purchase from Federal GSA Schedule 70 Technology contracts, as well as equipment for counter-drug, homeland security and emergency response activities. This contract is accessible on-line at <http://www.gsa.gov/portal/content/104506>. The use of these contracts need to be noted in the "contract #" field of the requisition in KVS.
4. The City of Batavia is permitted to purchase surplus and second-hand supplies, materials or equipment from Federal or State government or other political subdivisions or public

benefit corporations within the State. However, purchases or used items from any other source (e.g. private sources like auctions or going-out-of-business sales) are not exempt from bidding requirements.

Each bid submitted to the City of Batavia must contain a statement asserting prices in the bid were arrived at independently, without collusion; prices quoted were not knowingly disclosed by the bidder prior to bid opening; and the bidder did not induce any other person to not submit a bid.

General Municipal Law, Section 101 states that contracts for the erection, construction or alteration of buildings exceeding \$500,000 (for Genesee County), must separately and independently bid (1) Plumbing and gas fitting, (2) Steam heating, hot water heating, ventilating and air-conditioning apparatus, and (3) Electric wiring and standard illuminating fixtures. Referred to as the Wicks Law, when this law does not apply, bidders must submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform the work. After the low bid is announced, the sealed list is opened and the names of subcontractors are announced. The sealed lists of unsuccessful bidders are to be returned.

Every bid must contain a statement that the bidder is not on a list of entities that invest in the Iranian Energy Sector. A bid cannot be considered or contract awarded without that statement. The exception to this is if a bidder's investment activities were made prior to this law (April 12, 2012) or if the municipality determines in writing that the purchase of goods or services are necessary and are unable to be purchased from any other entity.

Advertising for each contract or bid shall be in the designated official newspaper of the City of Batavia. The advertisement should contain the time and place where all of the bids received will be opened. It should state if bids can be received electronically. It should name the City of Batavia and describe the project. It is required there be 5 days between the date of the advertisement and the opening of the bids. If the date of opening changes, re-advertising is required. Failure to comply with the advertising requirements will result in an illegal contract.

All formal bid contracts (those which require public advertising and competitive bidding according to General Municipal Law, Article 5A, Section 103) shall be awarded as provided by law and by Resolution of the City Council.

It shall be the policy of the City of Batavia that a low tie bid be rejected and re-bid to eliminate any question of vendor favoritism by making a choice of an award other than low price.

In KVS, the competitive bid should be referenced in the "contract #" field (name of bid or another form of reference) when the requisition is entered and the award letter and resolution should be scanned attached to the requisition.

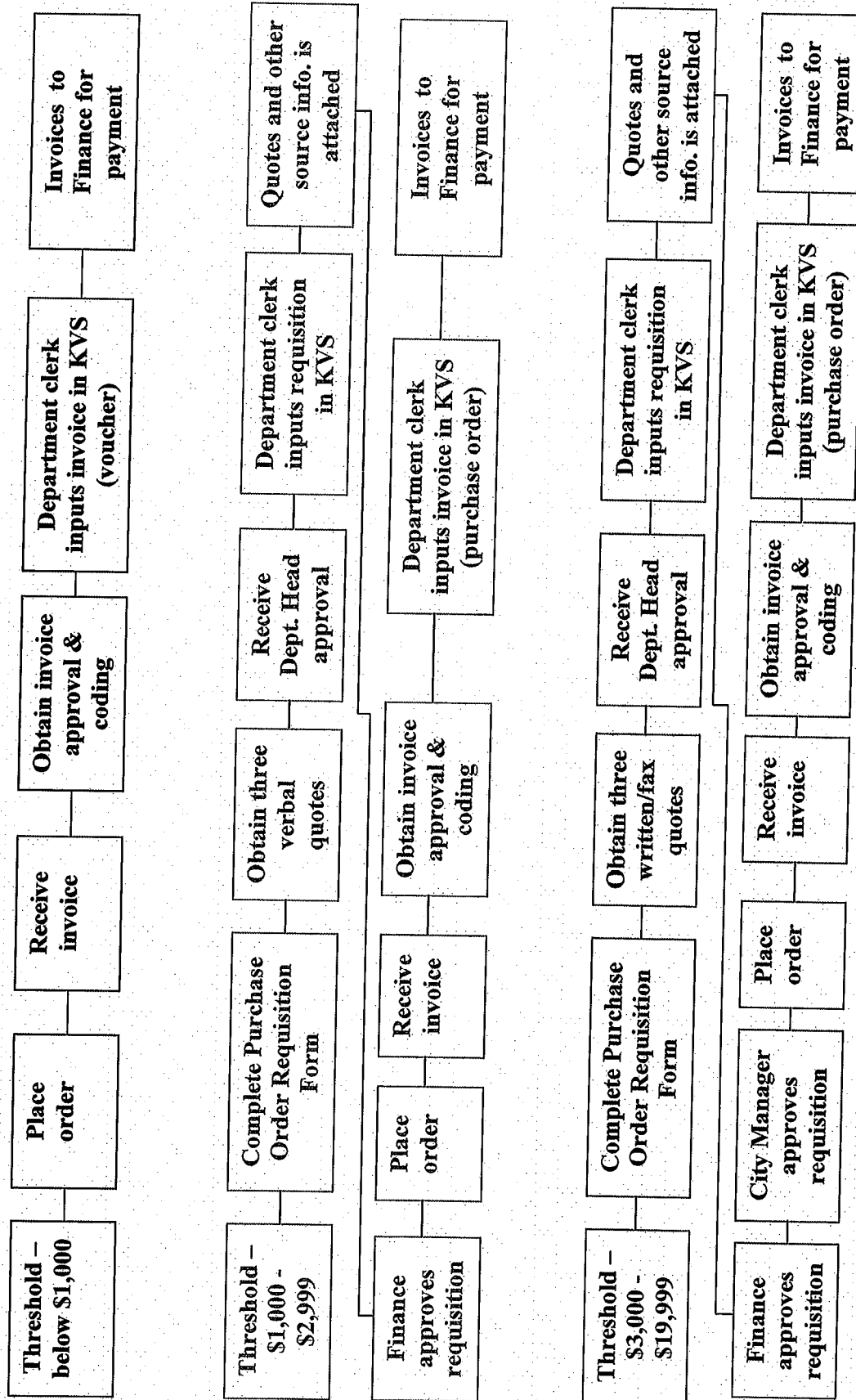
A blanket purchase order should be issued for the purpose of consolidation of bulk or numerous purchases over the year to eliminate the necessity for issuance of separate orders for groups of items which are purchased frequently by the same vendor and to permit the department to

purchase items of this nature on an "as needed" basis. Blanket purchase orders generally should be closed out at the end of a fiscal year and a new one issued for the new fiscal year.

The following include but are not limited to situations that are exempt from competitive bidding requirements:

- Public emergencies
- Sole source providers of goods or services
- Municipal cooperation agreements
- Purchases of surplus/second hand supplies materials or equipment from the Federal Government, State of New York, or any other political subdivision or district
- Real property purchases or leases
- New York State preferred source purchases
- State contract purchases
- Genesee County or other municipal contracts properly extended to municipalities
- Professional service contracts
- Special skill contracts

VII. Purchasing Flow Chart
Purchase Contracts



VIII. Prevailing Wage Rates

The New York State Department of Labor requires the payment of prevailing wages for any public work that is not performed by City of Batavia staff. Refer to New York State Labor Law Article 8 (construction such as electricians, carpenters, highway workers) and Article 9 (building service contracts such as janitorial services, landscapers and window washers). See website at <http://www.labor.ny.gov/workerprotection/publicwork/PWContents.shtm>.

The dollar threshold for payment of the wages under Article 8 is ZERO. ANY work, regardless of how small, is subject to this requirement. The dollar threshold for payment of wages under Article 9 is \$1,500. Any project or public work where the payment of wages meets these thresholds is subject to this prevailing wage requirement.

- The Department of Labor requires the City of Batavia to request a PRC # and prevailing wage schedule listing the hourly rates of wages and supplements due the workers to be employed on a public work project for any project or service contract involving labor. This schedule may be obtained by completing and forwarding a "Request for Wage and Supplement Information Form" (PW-39) from the Department of Labor or via an online request.
- The City of Batavia must attach the wage schedule to the bid specifications prior to bidding.
- Upon awarding a contract, the City of Batavia must attach the wage schedule to the contract. When signing the contract, the vendor should also sign a receipt for the wage schedule. That receipt should be kept with the bid documentation.
- Before the work begins, the vendor (contractor and subcontractors) must post wage schedules at the construction site so that workers know what they are entitled to.
- The City of Batavia is required to furnish the following information to the NYS Department of Labor Bureau of Public Works, upon the awarding of the contract:
 - The name and address of the contractor
 - The date the contract was let
 - The approximate dollar value of the contract
- Certified payrolls must be collected from the contractor prior to payment to the vendor. These certified payrolls must be kept on file with the City.
- If a vendor has any questions regarding the job category or classification they are instructed to contact the Department of Labor.
- The City of Batavia is required to notify the NYS Department of Labor Bureau of Public Works of the completion or cancellation of any public work project. The Department's Notice of Completion/Cancellation of Project Form (PW-200) is provided for that purpose.
- All forms are available for completion online.
See <http://www.labor.ny.gov/workerprotection/publicwork/PWContents.shtm>

IX. Emergency Purchases

The City may forego compliance with competitive bidding requirements when a situation arises that requires an emergency procurement. The term "Emergency Purchases" is defined in Section 103(4), Article 5A of the General Municipal Law as follows:

"...in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein require immediate action which cannot await competitive bidding, or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein."

Unless the situation threatens lives, health or public property, the purchases of services or products or public works are subject to the standard provision of this Purchasing Policy. In general, it must be an accident or an unanticipated occurrence that requires immediate attention, or threatens the health, safety or welfare of the City's property or residents. If the time it takes you to award a contract for an emergency takes as much time as it would to do a competitive bid, it is not an emergency. Improper planning for purchases or capital projects cannot be classified as an emergency purchase.

In the case of a good faith emergency, City of Batavia employees should still work to obtain goods or services at the lowest cost available.

In the event of an emergency, the Department Head responsible for that operation will assume charge for the operation. The following procedure will then be used:

1. The Department Head will provide to the City Manager the reason for the emergency and a complete description of what will need to be purchased and its cost.
2. The City Manager will provide the Department Head written approval of the emergency purchase.
3. With the City Manager's approval, the purchase can be made.
4. A requisition will need to be completed in the City's financial software system and the City Manager's written approval and the documentation provided to the City Manager describing the emergency (see #1 above) will be scanned and attached to the requisition.
5. The word "emergency" will be inserted in the "contract #" field on the requisition in KVS.
6. The purchase order resulting from the requisition will be forwarded to the department to await receipt of the invoice.

X. Sole Source & Single Source Purchases

In situations where there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services, competitive bidding or required quoting is not required.

A **sole source** can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal." To qualify under the sole source exception, the Department must demonstrate that the acquisition of the good or service sought is in the public interest. To do so, the Department must document the following: 1. The unique benefits arising from the particular good or service as compared to a different good or service; 2. That no other good or service provides substantially similar benefits; and 3. When considering the benefit conferred upon the City of Batavia from the good or service, the cost of such is reasonable. In addition, the department must demonstrate that the good or service is available from only one source for which there is no equivalent. To do this, a letter on the vendor's official letterhead must be received from the vendor. All of the above documentation must be scanned, attached and labeled on the "Attachments" tab of requisition.

A **single source** could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Should you have a situation involving a single source supplier, a letter on the manufacturer's letterhead confirming the single source authorized vendor should be obtained.

The above mentioned documentation must be scanned and attached to the requisition in each instance the purchase is made from that Vendor and "Sole Source" must be noted in the "contract #" field of the requisition.

XI. Standardization

General Municipal Law, Section 103 makes it possible for the City of Batavia to standardize purchasing a particular type of material or equipment by City Council resolution. The resolution shall state that for reasons of efficiency and economy there is a need for standardization. It shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements, or other requirements of this policy. Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply. *For example, to limit the purchase of trucks to a particular make or model on the basis of past performance and/or future plans. Previous experience may indicate that a certain vehicle is more economical to operate or functions more efficiently. A preventative maintenance program undertaken by the central garage may operate more efficiently and economically because of the ability to interchange parts.*

The make or model must be stated in the specifications, and any vendor who can furnish the item may bid. After such resolution is passed, bid specifications would no longer require the inclusion of the term "or equivalent" or "or equal" in bid specifications since, as a result of the resolution, anything other than City standard would not be acceptable.

The following items have been standardized by the City of Batavia as of this date:

Date

Item

XII. Vouchers- Reimbursement/Travel

Vouchers are used for employee reimbursement type situations. Examples of these instances include meal or mileage reimbursements.

All expenditures should be substantiated by attaching a paid receipt to the voucher. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance.

Amounts to be reimbursed should comply with the City of Batavia Personnel Policies Manual.

All vouchers must have signed approval by a Bureau Chief, Department Head or City Manager, and should be coded with an account number with which to charge the expense.

In the case of mileage reimbursement, the following is required to be noted on the voucher:

1. Beginning and ending location;
2. Beginning and ending mileage;
3. Name of the person to be reimbursed;
4. Purpose of the travel; and
5. Calculation of the mileage reimbursement using the current IRS mileage rate.

See the Travel Expense section of this manual for further information regarding mileage reimbursement.

In the case of tuition reimbursement, compliance with employee's collective bargaining agreement is required. The following is necessary to accompany the voucher:

1. Department Head's advanced written approval of the class;
2. Receipt showing class payment; and
3. Grade report.

Voucher forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms).

XIII. Professional services/Requests for Proposals (RFP) or Qualifications (RFQ)

Contracts for professional services, which are exempt under the General Municipal Law (GML), Section 103 are not subject to competitive sealed bidding requirements, but are subject to the guidelines of GML 104-b for competitive pricing to be obtained for these services. Professional services are services that require special skill, expertise and/or creativity.

Professional service examples include but are not limited to: insurance, engineering, marketing, stenographers, investment management, architect services, artistic services, attorney services, bond underwriters, financial auditors, financial consultants, management and system analysts and psychologists.

A department's decision to obtain services when competitive bidding is not required must be documented and justified to the City Manager's satisfaction. The City Manager and the City Attorney will determine when the formal request for proposal/qualification process will be used or if quotes or proposals may be obtained from specific vendors/firms. In the event it is determined that a formal request for proposal/qualification process is not necessary, the reason for that determination will be documented and that documentation will be scanned and attached to the requisition in KVS.

The information required for approval to request proposals for services that do not require competitive bidding shall include:

- a. A work statement or performance specification
- b. Time frames in which the work is to be completed
- c. Specific criteria to be used in evaluating the proposal

Request for Proposals/Qualifications may be legally advertised in the designated official newspaper of the City of Batavia and posted on the City's website. The decision to advertise will be at the discretion of the City Manager.

1. Request for proposals will be issued upon receiving all required documentation and approval from the City Manager to issue the RFP.
2. The City Manager, Department Heads and City Attorney will evaluate the proposals received for completeness, accuracy and compliance with the RFP requirements.
3. If appropriate, firms may be selected to make a presentation to the City Manager and Department Heads and/or City Council.
4. Requests for proposals or qualifications will be approved via resolution by City Council and the procurement documents will be executed by the Council President.
5. In the event a request for proposal/qualification is not required and where City Council has approved the procurement of professional services under the adopted budget, the final

ljin 12/2013

procurement decision and execution of procurement documents will be made by the City Manager. Professional services that do not require a request for proposal/qualification, of which funding is not provided for in the City of Batavia's adopted budget will require approval via resolution from City Council and execution of procurement documents by the Council President. This will be done in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

6. If a contract is awarded to other than the lowest responsible dollar offered, the reason for such award must be justified and documented.
7. After the contract is awarded, all documentation mentioned above in #s 1 – 6, including the City Manager's approval, are to be scanned and attached to the requisition.

Professional service contracts can cover a span of anywhere between 2 and 5 years. Contracts that cover a span of 2 and 3 years may be extended for another 3 years upon approval from City Manager.

XIV. Preferred Sources

Political subdivisions are required by law to purchase suitable products and commodities from sources granted Preferred Source status by the New York State Legislature. Preferred Sources are:

CORCRAFT

New York State Department of Correctional Services
Division of Industries (highest degree of preference)
www.corcraft.org

NEW YORK STATE PREFERRED SOURCE PROGRAM FOR PEOPLE WHO ARE BLIND (NYSPSP)

www.nyspsp.org

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC.

www.nysid.org

NEW YORK STATE OFFICE OF MENTAL HEALTH

BUY OMH

www.omh.ny.gov

XV. Petty Cash

A petty cash fund has been established in the amount of \$200.00 in the Clerk's Office and will be maintained by that office for reimbursement of minor purchases up to an amount of \$50.00 or less. The fund shall be used as a last resort for the payment of properly itemized invoices of nominal amounts and under conditions calling for immediate payment. Petty cash will be disbursed only when accompanied by a store receipt or invoice containing an approved signature and appropriate coding. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance. Reimbursements will be made during the Clerk's Office normal business hours. Wherever possible, City employees should make purchases from local vendors who have credit accounts established with the City or with the City's credit card. These vendors are listed in Chapter XXI, "Local Established Credit Account Vendors" of this policy.

XVI. Credit Card Usage

It is the policy of the City of Batavia that a sole credit card be issued in the name of the City of Batavia with the City Manager identified on the card. The credit card issued will be with one of the authorized City depositories pursuant to Section VII of the City's Investment Policy.

The City Clerk shall maintain custody of the credit card. A department head seeking to use the card must contact the City Clerk. Once permission is granted by the City Clerk, the credit card can be used for the purpose of only the goods and/or services approved. The Department Head will be fully responsible and liable for the use of the card including in circumstances where a subordinate is making the purchase. Credit cards are to be signed out and back in, in the Clerk's Office. In the event of travel, a travel authorization form must be signed prior to credit card issue. Receipts must be attached to the sign out sheet upon return with appropriate approval signatures and expense coding.

The use of the credit card is only permitted in situations where a vendor will not accept a check or purchase order in payment for goods and services. Authorized credit card transactions include but are not limited to: travel and conference expenditures including registration fees, hotel, webinar fees, internet purchases, dues and subscriptions. Credit cards should not be used for vendors with which the City has an established credit account. A listing of those businesses with established accounts can be found in Chapter XXI, "Local Established Credit Account Vendors", of this policy. Cash advances are not permitted. All purchases of goods or services transacted with a credit card shall comply with all other sections of this policy. At no time will any employee be reimbursed for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance. Any credit card transactions that include the payment of sales tax will require reimbursement from the employee for the sales tax.

In the event the card is lost or stolen, the individual must report the loss or theft immediately to the City Clerk and to the credit card issuer. Fraudulent use of the credit card by any employee may result in immediate suspension of card privileges, employee reimbursement to the City of Batavia via check payable to the City of Batavia within 48 hours, and formal disciplinary action including termination of employment, if appropriate.

XVII. Contracts

A purchase order is a legal contract by and between the City of Batavia and a vendor. It authorizes the vendor to deliver a product, good or service. Purchase orders are not to be prepared after a department has already received an item or when services have already begun except in the case of a Declared Emergency. The City of Batavia will not be responsible for purchases made without appropriate prior authorization as set forth in this manual.

Original contracts associated with professional services and competitive bids are required to be kept on file in the Clerk's Office in addition to being scanned and attached to the requisition they support. The Clerk's Office is the custodian of all City records.

As noted in Appendix A, the procurement of goods and services that fall below the threshold required for competitive bidding, the final procurement decision and execution of procurement documents will be made by the City Manager. The procurement of goods and services which require competitive bidding will require approval via resolution from City Council and execution of procurement documents by the Council President. This will be done in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

XVIII. Travel expenses

As stated in the City of Batavia Personnel Policies Manual, certain travel expenses shall be paid by the City and/or reimbursed to an employee. General Municipal Law, Section 77-b states no claim or expense shall be paid unless a travel authorization form, signed by the respective Department Head or City Manager, is attached to the voucher or invoice.

Travel authorization forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms). Travel authorization forms are to be completed only when you anticipate expenses assessed to you as a result of travel to a conference, for training, etc.

Mileage for travel will be reimbursed based on the Internal Revenue Service standard mileage rate in effect at the time of travel. Current rates may be found at <http://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates>. Vouchers shall be used to claim mileage reimbursement and the beginning and ending location and mileage must appear on the voucher in order for payment to be made, along with the name of the person to be reimbursed, the purpose of the travel and the calculation of the reimbursement. Voucher forms can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms).

Meals while traveling to or attending training, school or conferences will be reimbursed by the City at the rates listed below, only when meals are not provided as part of the training, schooling or conference. An itemized bill for each meal must be submitted. Rates for meals include gratuities and are not cumulative. Alcohol will be not included for reimbursement.

Meal	Maximum Allowance	Applicable Period
Breakfast	\$ 8.00	When an overnight stay is required.
Lunch	\$15.00	When the training, conference or seminar requires you to be away during normal business hours.
Dinner	\$20.00	When an overnight stay is required.

Lodging while traveling to or attending training, school or conferences should be arranged for in advance and the City's credit card may be used for reservations. See Credit Card Usage in this manual for further information. Employees should present to the hotel an Exemption Certificate ST-129 to ensure that sales taxes are not charged. The ST-129 Exemption Certificate form can be found in Appendix H of this policy or on the City's shared drive (s:/finance forms). Important to note, the ST-129 Exemption Certificate is for exemption of sales tax for hotel occupancy only. Employees are urged to verify their hotel receipts prior to check out to make certain sales taxes have not been charged and no additional charges are assessed. At no time will the City of Batavia pay or reimburse an employee for the payment of sales tax. Sales tax exempt forms are required to be used for all purchases made. They are on file in each department or are available in the Bureau of Finance.

XIX. Exceptions to Certain Purchasing Requirements

The following expenses do not require a purchase order:

1. Utility bills
2. Heating fuel
3. Vehicle fuel
4. Petty cash items
5. Medical exams
6. Collection fees
7. Software support agreements
8. Subscriptions
9. Dues
10. Social security and workers compensation premiums
11. Health and dental premium payments
12. Insurance premiums
13. Insurance settlements
14. Legal settlements/judgments and/or claims
15. Postage
16. Payments on bonds, BANs and RANs
17. Payments on leases
18. Election fees
19. Travel/training/conferences which will not exceed \$1,000 per event
20. Payment of school taxes
21. Payment of county taxes
22. Payment of payroll taxes
23. Payroll withholding payments
24. Police contraband funds
25. Insurance benefits
26. Interfund transfers or payments fund reserves

This list is subject to amendment in the future as changes are deemed necessary.

XX. Surplus Property and Scrap Metal

No items owned by the City of Batavia may be destroyed or disposed of without prior approval. As noted in the resolution authorizing the adoption of the City's Disposition of Surplus Property dated May 27, 2013, found in Appendix F of this policy, any item owned by the City of Batavia valued at less than \$1,000 can be declared surplus and disposed of with the approval of the City Manager. Items valued at \$1,000 or greater must be declared surplus via resolution and approved by City Council. The valuation of items is based on a good faith estimate by the Bureau Chief, Department Head or City Manager requesting the items to be surplus.

A City of Batavia Property Disposal/Transfer Form (for items valued at less than \$1,000) can be found in Appendix I of this policy or on the City's shared drive (s:/finance forms).

A sample resolution for the declaration of surplus equipment can be found in Appendix I of this policy.

City of Batavia Personnel Policies Manual, Section 8, Article 1.C.5 states, "In order to avoid any potential conflicts of interest or to avoid even the appearance of impropriety, no paid municipal employee or City Council Member and/or no business corporation or entity of any nature in which these individuals have an interest, shall be permitted to contract with the City of Batavia or to purchase any real or personal property offered for sale by the City of Batavia. Any bid received by the City of Batavia in contravention of this mandate shall be rejected and declared null and void."

As noted in the resolution authorizing the adoption of the City's Scrap Metal Disposal Policy, Resolution #15-2011, found in Appendix G of this policy, all scrap/waste metal generated from the operations of the Bureau of Maintenance are the property of the City of Batavia. All scrap metal shall be properly disposed of. All miscellaneous metals will be placed in the scrap metal dumpster to be picked up by the City's scrap vendor as requested by the City.

When in the best interest of the City, single type metal scrap (e.g. cast iron, aluminum, copper), may be stockpiled separately at the Bureau of Maintenance and the Water and Sewer Plants for disposal. The City will make special arrangements for pick up of the single type metals to ensure receipt by the scrap vendor.

The scrap vendor will provide the City of Batavia a printed receipt for all materials received. Any employee involved in the disposal of scrap metals will not accept cash. All payments from the scrap vendor shall be in the form of a check made payable to the City of Batavia and sent to the City Clerk's Office.

XXI. Local Established Credit Account Vendors

Following is a list of local vendors for which the City of Batavia currently has established accounts. These vendors are available to be used by employees for convenience and to avoid reimbursement situations. These vendors are to be used for diminutive and nominal purchases and are not to be used to circumvent the procurement process. Receipts are required to be approved and coded for payment.

Advantage Auto Parts
238 West Main Street
Batavia, NY 14020

I.D. Booth, Inc.
60 Liberty Street
Batavia, NY 14020

Batavia Restaurant Supply
301 West Main Street
Batavia, NY 14020

NAPA Automotive Parts & Accessories
341 West Main Street
Batavia, NY 14020

Cedar Street Sales and Rentals
111 Cedar Street
Batavia, NY 14020

Pauly's Pizzeria, Inc.
314 Ellicott Street
Batavia, New York 14020

Country Line Electric
5059 East Main Street
Batavia, NY 14020

Schaefer Plumbing Supply
44 Swan Street
Batavia, NY 14020

Genesee Auto Supply Co.
412 East Main Street
Batavia, NY 14020

TOPS Markets, LLC
390 West Main Street
Batavia, NY 14020

Genesee Lumber Co., Inc.
76 Franklin Street
Batavia, NY 14020

Upson-Maybach, Inc.
662 East Main Street
Batavia, NY 14020

Gui's Lumber & Home Center
3892 West Main Street
Batavia, NY 14020

Wal-mart Stores, Inc.
4311 Veterans Memorial Drive
Batavia, NY 14020

This list is subject to amendment in the future as changes are deemed necessary.

XXII. Best Value

General Municipal Law, Section 103 makes it possible for the City of Batavia to award purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) on the basis of best value. It also allows the City to piggyback most out of state municipal, County, State, political subdivision or district bids which are awarded based on best value. In addition, it allows the City to utilize contracts with cooperatives where contracts may have been awarded based on best value.

“Best Value” means the basis for awarding contracts for services to the offeror who optimizes quality, cost and efficiency. Using this basis requires, wherever possible, objective and quantifiable analysis.

Should the City of Batavia elect to award a purchase contract on the basis of best value, the City must determine the following: (1) the offeror is responsive and responsible; and (2) objective and quantifiable standards are applied whenever possible to determine that the offer optimizes quality, cost and efficiency.

1. Piggybacks and Cooperatives

A. Piggybacking bids awarded based on best value

The City of Batavia may piggyback most out of state municipal, County and/or State contracts that have been awarded based on best value as long as those bids have been extended to local governments. The contract must have been let by the United States or any agency thereof, any state or any county, political subdivision or district therein. In order for this exception to apply, the contract must be let either to the lowest responsible bidder or on the basis of best value in a manner consistent with GML section 103 and made available for use by other governmental entities. The contract must explicitly authorize piggybacking and must be let in accordance with competitive bidding laws. Be aware of other cost factors including delivery charges. Most OGS contracts are “Free on Board” and delivery to the purchaser’s location is generally free. Other miscellaneous costs should be investigated before you commit to purchasing.

B. Cooperative Purchasing

The City of Batavia is authorized to enter into cooperative purchasing arrangements for the purpose of purchasing. Many cooperatives award bids based on best value. The

benefits of cooperative purchasing are potential cost savings attained by lower commodity prices (achieved through economies of scale) and lower joint administrative costs. In a cooperative purchasing arrangement, all laws relating to competitive bidding or competitive offering must be complied with and the cooperative agreement must be in place prior to the solicitation of bids or offers.

C. Office of the State Comptroller Requirements and Guidance

In all of the above situations where bids are being piggybacked or when the City is contracting with a cooperative, it is the City's responsibility to review each proposed procurement to determine whether the procurement meets the exception which allows piggybacking in place of competitive bidding. In reviewing each proposed procurement, there are three prerequisites that must be met in order for a procurement of apparatus, materials, equipment and supplies, and related installation, repair and maintenance services, to fall within this exception. Note, the City has the burden of reviewing this, and documenting that a review was performed and the results of the review. The Office of the State Comptroller has put together a bulletin to provide further guidance when undertaking this review. It is summarized as follows:

1. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by a governmental entity. Contracts developed for use by local governments that are let by private parties (e.g., a private company, association or non-profit corporation is the party awarding the contract to the vendor), would not fall within the exception.
2. The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contracts available for New York local governments. This would occur by inclusion in the contract a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms would not fall within the exception.
3. The contract must have been "let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section." The term "consistent with this section" refers to General Municipal Law §103 (and related case law) applicable to New York State political subdivisions. The City needs to obtain background information on the procedures used to let the contract and, as necessary, consult with its counsel, to determine whether this prerequisite is met. Additional guidance on complying with this prerequisite follows:

In order for a non-New York contract to have been let to the lowest responsible bidder or on the basis of best value in a manner "consistent" with GML §103, the procedures used

by that government need not be exactly the same as those under GML §103. Rather, the procedures should be in harmony or general agreement with, and further the same principles as the competitive bidding or best value requirements of GML §103. The purpose of GML §103 is to guard against favoritism, improvidence, extravagance, fraud, and corruption, and to foster honest competition in order that the City may obtain the best goods and services at the lowest possible price to protect the public interest.

Based on this, there are four fundamental elements that should be present in the procedures used by the non-New York entity in letting its contract in order for the process to have been let to the lowest responsible bidder or on the basis of best value consistent with GML §103. It is the City's responsibility to review and document the review making sure these four elements are present.

- a. Public solicitation of bids or, in the case of best value, offers. A public solicitation is consistent with the statutory advertising requirement in GML §103, and services to ensure that the purposes of GML §103 are furthered.
- b. Submission of sealed bids or offers, or analogous procedures to secure and preserve the integrity of the process and confidentiality of the bids or offers submitted. A secure competitive bidding or best value process is consistent with sealed competitive bidding and competitive offering requirements of GML §103 and helps foster honest competition and guard against collusion.
- c. Preparation of specifications, or a similar document that provides a common standard for bidders or offerors to compete fairly. Consistent with the purposes of GML §103, the City, in advance of the submission of bids or offers, should convey the nature of the goods or services and other information necessary for prospective bidders or offerors to make an intelligent evaluation and bid or offer, without being unduly restrictive. In the case of a best value process, that generally should include a description of the manner in which the evaluation of the offers and award of the contract will be conducted and, as appropriate, identify the relative importance or weight of price and non-price factors.
- d. Award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder, or in the case of a best value process, an award to the responsive and responsible offeror which optimizes quality, cost and efficiency, reflecting objective and quantifiable analysis, whenever possible. A contract awarded through a negotiation process would not be consistent with the requirements and purposes of awarding to the lowest responsible bidder or on the basis of best value in a manner consistent with GML §103.

The City must maintain appropriate documentation to allow for a thorough review of the decision to use this exception to competitive bidding. This documentation should include such items as copies of the contract, analysis of the contract to ensure it meets the three prerequisites stated above, and cost savings analysis including consideration of other procurement methods. A Cooperative Contract Due Diligence form must be used to document the City's verification of these requirements. The Cooperative Contract Due Diligence form can be found in Appendix H or in the shared drive (s:/Finance Forms).

D. Procurement procedures for piggybacks and cooperatives

1. The portion of the bid containing the language authorizing municipalities to piggyback, and documentation stating who was awarded that bid (ie. resolution) must be scanned and attached to the purchase order requisition in KVS.
2. The purchase contract being utilized is to be scanned and attached to the purchase order requisition in KVS.
3. The use of the contract needs to be noted in the "contract #" field of the requisition in KVS.
4. Documentation such as the contract, and analysis of the contract to ensure it meets the three prerequisites as required by the Office of the State Comptroller, cost savings analysis including consideration of other procurement methods and correspondence with legal council should be kept on file with the contract in the clerk's office.
5. A statement should be added to the "memo" tab of the purchase order requisition stating that the analysis was completed, by whom it was completed, and that the contract was found to be consistent with GML §103.
6. Contracting with cooperatives differs depending on the cooperative. Some may require a signed contract in order to use one of their contracts, others do not allow contracting with other cooperatives. If a contract is required, consult with the City Manager and the City Attorney.

2. Preparing City of Batavia bids to be awarded using best value

- A. It is required to state in the bid for goods and services that the award will be made on the basis of best value.

- B. Identify a minimum of four (4) criteria that will be considered from the criteria list provided below. The criteria may include, but shall not be limited to, those listed below. The criteria is required to be clearly stated in the bid. Criteria should support City philosophies and should make sense based on what is being purchased. Your selection needs to be defensible.
- C. It is required that the bid include a statement of how best value will be evaluated. That determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids or offers. Where possible, the determination shall be based upon and include a quantifiable analysis. The method(s) for scoring and weighting criteria needs to be clearly documented in the bid. Where applicable, require the bidder to provide proof by independent verification, as it relates to criteria chosen. This must be clearly stated in the bid document.
- D. When evaluating bid results, record the evaluation and document the scoring. Make sure to follow methods precisely documented in the bid document.
- E. All other requirements for competitive bidding apply such as advertising, sealed bids or offers, non-collusion statements, bids or offers are publicly opened and read, etc.
- F. Consult with the City Attorney prior to bidding.
- G. Criteria examples include but are not limited to the following:
 - 1. Features of the offered product or service set forth in detailed specifications for the product offered;
 - 2. Warranties and/or maintenance to be provided with the product or service along with the availability of replacement parts or maintenance contracts;
 - 3. References, past performance and reliability, durability of the product being offered and current or past experience with provision of similar goods or services;
 - 4. Organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;
 - 5. Financial capability;

6. Record of compliance with all federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws;
7. Proximity to the end user if distance or response time is a significant term;
8. Added costs for training, transportation, installation and/or disposal; and
9. Environmental – less environmentally harmful manufacturing, less harmful end of life disposal, do they recycle.

Appendix A – Threshold Grid

The following charts constitute a minimum requirement for the acquisition of goods and services. When appropriate you may choose a greater level of competition. Threshold amounts are determined based on the aggregate amount reasonably expected to be spent on the same or similar goods/services within a 12 month period. See the “General Purchasing Procedure” section for more aggregate information.

Purchase Contract

Threshold	Requirement	Approval	KVS
\$1,000 - \$2,999	3 verbal quotes	Department Head	Use quote tab
\$3,000 - \$19,999	3 written/fax quotes	City Manager	Use quote tab and scan & attach
\$20,000 and over	Competitive bid	City Council	Reference contract # and scan & attach bid or contract

Exceptions:

1. Where City owned equipment has been sent to an authorized shop for an estimate for necessary repairs under a purchase order, that purchase order may be amended up to a total of \$5,000 for actual repairs upon provision of a written estimate by the shop without additional quotes required. The written estimate must be signed by the Department Head before authorization may be given to vendor to complete the work of the original purchase order.
2. For insurance recoverable expenses, a purchase order can be issued after three quotes/vendor prepared estimates are received and one is accepted by the City's insurance adjuster.
3. Where the City requires lodging for employees, elected or appointed officials or in conjunction with a conference or training event approved previously by a Department Head, a purchase order may be issued based on confirmation of rates from the hotel with no quotes. This also applies to training classes and conferences.
4. Every attempt will be made to receive the number of quotes required. In the event a vendor is unable to quote, make an attempt to get a letter stating the vendor was unable to quote and the reason is to be scanned and attached to the requisition.
5. Any requisition that is over budget and any emergency purchase will require City Manager approval.

Public Works Contract

Threshold	Requirement	Approval	KVS
\$1,000 - \$2,999	3 verbal quotes	Department Head	Use quote tab
\$3,000 - \$9,999	2 written/fax quotes	City Manager	Use quote tab and scan & attach
\$10,000 – 34,999	3 written/fax quotes	City Manager	Use quote tab and scan & attach
\$35,000 and over	Competitive bid	City Council	Reference contract # and scan & attach bid or contract

Appendix B

Individuals Responsible for Purchasing

Last Name	First Name	Title
Amiss	Laura	Senior Clerk Typist
Benedict	Karen	Police Clerk Typist
Bolles	Eric	Police Sergeant
Camp	Chris	Police Sergeant
Cassidy	Amy	Deputy Clerk/Treasurer
Chilano	Meg	Clerk Typist
Allen	Scott	Supervisor, Auto Mechanics
Coffey	Dan	Police Sergeant
Crossett	Todd	Police Detective Sergeant
Davis	Bill	Water & Wastewater Maintenance Supervisor
Driscoll	Kerry	Clerk Typist
Fairbanks	Dawn	Human Resource Specialist
Stevenson	Brett	Public Works Supervisor
Ficarella	Jim	Public Works Supervisor
Fix	Bob	Fire Lieutenant
Casey	Lisa	Confidential Secretary
Funke	Toni	Youth Bureau Coordinator
Gass	Teri	Financial Clerk
Green	Dave	Fire Lieutenant
Russ	Jennifer	Financial Clerk - Youth Bureau
Herberger	Dan	Fire Captain
Heubusch	Shawn	Police Chief
Hinz	Marty	Fire Lieutenant
Kuzon	Sally	Director of Public Works
Lutey	Matthew	Police Sergeant
Maxwell	Jim	Fire Chief
Mikolajczyk	Mark	Fire Captain
Molino	Jason	City Manager
Neary	Lisa	Deputy Director of Finance
Neilans	Charles	Chief Water Treatment Plant Operator
Palmer	Patty	Senior Clerk Typist
Parker	Heidi	Clerk/Treasurer
Shilvock	Greg	Fire Captain
Sikorski	Jocelyn	Youth Director
Smith	Janice	Administrative Assistant
Tourt	Ray	Superintendent of Maintenance
Volk	Eric	Chief Wastewater Treatment Plant Operator
Whitcombe	Jeff	Fire Lieutenant
Williams	Craig	Fire Captain
Worth	Matt	Superintendent of Water and Wastewater
Yaeger	Robb	Assistant Police Chief

This list is subject to amendment in the future as changes are deemed necessary.

APPENDIX E

#7-2014

**RESOLUTION AUTHORIZING THE ADOPTION OF A PURCHASING MANUAL FOR THE CITY
OF BATAVIA, NEW YORK**

Motion of Councilperson Canale

WHEREAS, General Municipal Law requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

WHEREAS, the City Council last adopted its Purchasing Manual on March 24, 2003; and

WHEREAS, the Office of the New York State Comptroller completed an audit (2013M-296) to determine if the City properly awards contracts for goods and/or services; and

WHEREAS, it was recommended by the Office of the New York State Comptroller that the City Council annually review the City's procurement policy and update as needed; and

WHEREAS, comments have been solicited from all Department Heads and Bureau Chief's in the City of Batavia involved in the procurement process; and

WHEREAS, said Purchasing Manual has been reviewed and approved by the City's Attorney; and

NOW THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York does hereby adopt the following Purchasing Manual effective immediately.

Seconded by Councilperson Briggs and on roll call approved 9-0.

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 10th day of February, 2014 and of the whole thereof.

Dated at Batavia, NY, February 11, 2014



Heidi J. Parker
City Clerk, Batavia, NY

Appendix F

A RESOLUTION AUTHORIZING THE ADOPTION OF A DISPOSITION OF SURPLUS PROPERTY POLICY FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilperson Moscicki

WHEREAS, the City of Batavia occasionally identifies tangible public property as surplus; and

WHEREAS, the City of Batavia has determined that said property is no longer needed for public use; and

WHEREAS, the City of Batavia is desirous of having a policy to dispose of said property in an equitable manner.

NOW, THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York, hereby authorizes the adoption of the following *Disposition of Surplus Property Policy* to become effective immediately.

I. Disposition of Surplus Property.

It is the policy of the City of Batavia, New York, that surplus property shall be disposed of in an orderly, equitable, and efficient manner.

A. Surplus property is defined as any tangible public property with a value of \$1,000 or more.

1. *Exception.* Firearms.
2. *Exception.* Real estate.

II. Procedures.

The following procedures shall be utilized by the City of Batavia and staff for the disposal of surplus property by the City of Batavia.

- A. Surplus property shall be identified by the Department Head and then forwarded to the City Manager for consideration for disposal.
- B. Tangible public property, with a value of less than \$1,000, shall be disposed of at the discretion of the City Manager.
- C. The Manager or his or her designee shall determine if any other city department or bureau can use the potential surplus property and, if so, said property shall be transferred to said department or bureau. Otherwise, said property shall be declared to be surplus and shall be disposed of pursuant to this policy.
- D. Prior to the transfer or disposal of any tangible public property by the City, the Batavia City Council shall make a determination that such property is to be declared surplus.

Appendix F (con't)

- E. After the declaration by Batavia City Council that said property is surplus, the Manager or his or her designee is authorized to dispose of surplus property by sale, exchange, lease, permit or transfer, for cash, credit, or other property, with or without warranty.
- F. Following the disposal of surplus property, the City Manager or his or her designee shall report to the Batavia City Council that the property has been disposed of and the manner of disposal and profits, if any, received by the City from the sale.
- G. The City Manager or his or her designee shall record or cause to be recorded any profits from the disposal of surplus property to the City Clerk.
- H. The time and manner of the sale shall be determined by the City Manager or his or her designee.
- I. This policy shall take effect immediately upon adoption.

Seconded by Councilperson Briggs and on roll call approved unanimously.

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 27th day of May, 2003 and of the whole thereof.

Dated at Batavia, NY, November 27, 2013



Heidi J. Parker
City Clerk, Batavia, NY

Appendix G

#15-2011

RESOLUTION AUTHORIZING THE ADOPTION OF A SCRAP METAL DISPOSAL POLICY FOR THE CITY OF BATAVIA, NEW YORK

Motion of Councilperson Bialkowski

WHEREAS, the City of Batavia occasionally identifies scrap metal as surplus; and

WHEREAS, the City of Batavia on May 27, 2003 adopted a *Disposition of Surplus Property Policy*;
and

WHEREAS, the Office of the New York Comptroller completed an audit to determine if internal controls over the collection and safeguarding of scrap material and the receipt of sale proceeds were appropriately designed and operating effectively; and

WHEREAS, it was recommended by the Office of the New York Comptroller that the City of Batavia document the existing procedures to ensure all scrap material is adequately secured and that sales proceeds are remitted only by check made payable to the City of Batavia;

NOW, THEREFORE, BE IT RESOLVED, that the Batavia City Council of the City of Batavia, New York, hereby authorizes the adoption of Attachment A, the *Scrap Metal Disposal Policy*, to become effective immediately.

Seconded by Councilperson Buckley and on roll call approved 9-0.

Attachment A

Scrap Metal Disposal Policy

Departmental Responsibilities / Storage of Material

All scrap / waste metal generated from the operations of the Bureau of Maintenance are the property of the City of Batavia. All scrap metal shall be properly disposed of. All miscellaneous metals will be placed in the scrap metal dumpster to be picked up by the City's scrap vendor as requested by the City.

When in the best interest of the City, single type metal scrap (e.g. cast iron, aluminum, copper), may be stockpiled separately at the Bureau of Maintenance for disposal. The City will make special arrangements for pick up of the single type metals to ensure receipt by the scrap vendor.

Financial Tracking

The scrap vendor will provide the City of Batavia a printed receipt for all materials received. Any employee involved in the disposal of scrap metals will not accept cash. All payments from the scrap vendor shall be in the form of a check made out to the City of Batavia and sent to the City Clerk's office.

Appendix G (con't)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 14th day of February, 2011 and of the whole thereof.

Dated at Batavia, NY, November 27, 2013

A handwritten signature in black ink, appearing to read "Heidi J. Parker", with a long horizontal flourish extending to the right.

Heidi J. Parker
City Clerk, Batavia, NY

Appendix H

Forms:

- a. Purchase Order Requisition Form
- b. Voucher Form
- c. Disposal Form
- d. Travel Authorization Form
- e. New York State Exemption Certificate for hotel room occupancy (Form ST-129)

Note: All forms are available on the City of Batavia computer system. They are located on the shared drive S:/finance forms/

City of Batavia
Purchase Order Requisition Form

Date: _____
Requisition #: _____

Commodity or Service Requested: _____

1. Estimated aggregate dollar amount to be spent on same or similar commodities in the next 12 months City-wide: _____
2. Department Head/Bureau Chief approval: _____
3. Quotes obtained by: _____

<u>Acct # (fund, dept, item, project)</u>	<u>Amount</u>

#1 Vendor Name: _____ Contact: _____
Address: _____ Phone #: _____
Fax #: _____

Quantity	Description	Unit Price	Total
		Total	\$

#2 Vendor Name: _____ Contact: _____
Address: _____ Phone #: _____
Fax #: _____

Quantity	Description	Unit Price	Total
		Total	\$

#3 Vendor Name: _____ Contact: _____
Address: _____ Phone #: _____
Fax #: _____

Quantity	Description	Unit Price	Total
		Total	\$

Comments or explanation if lowest quote not accepted: _____

Delivery Location: _____

Voucher # _____

City of Batavia

One Batavia City Centre Batavia, NY 14020
Fed EIN #16-6002535

Account # (fund, dept, item)	Amount
Total	

(Claimant's name)

Date: _____

(Street Address)

Goods or services supplied to:

(City, State, and Zip)

(Department)

[illegible]

Travel:

Purpose:	
From:	Beginning Odometer Reading (Mileage):
To:	Ending Odometer Reading (Mileage):

Total Mileage	\$
X Mileage Rate	
Mileage Reimbursement	\$
Tolls*	\$
Fuel*	\$
Meals*	\$
Total	\$

*Attach receipts

I, _____, the claimant, certify that the above account in the amount of \$_____ is true and correct, that the items, services, and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been presented for payment; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

Date: _____ Claimant's Signature _____

The above claim for items, services or disbursements is proper and was duly ordered or contracted for and were actually furnished or rendered in accordance with an order or contract. Said claim has not previously been presented for audit or payment.

Department or Bureau Head Signature _____



CITY OF BATAVIA PROPERTY DISPOSAL / TRANSFER FORM
Disposal of Property under \$1,000.00

Dept / Bureau:

Description of Property:
(Make, Model, Serial No., Year, etc.)

Method of Disposal:

Estimated Value:

I hereby authorize disposal of the aforementioned Surplus Public Property:

Signature of Dept / Bureau Director

Date

City Manager

Date

Date of Disposal:

Purchaser:
(If applicable)

Amount Received:
(If applicable)

Signature of Dept / Bureau Director

Date

Transfer of Property

Transferring Property From:
(Dept./Bureau)

Transferring Property To:
(Dept./Bureau/Agency)

Description of Property:
(Make, Model, Serial No.)

Signature of Dept / Bureau Transferring Property

Date

Signature of Dept./Bureau/Agency Receiving Property

Date

Upon completion please retain a copy and submit the original form to the City Manager's Office.

City of Batavia
Travel Authorization Form
To be completed and approved prior to travel event.

Today's Date: _____	
Employee Name: _____	
Department: _____	Ext.: _____

Destination: _____

Reason: _____

Date and time of travel: _____

Duration: _____

Other employees attending: _____

Method of travel:

☐ Air travel ☐ City vehicle ☐ Personal vehicle ☐

Rental vehicle

Employee signature: _____ Date: _____

<u>Approval</u>	
_____ Department Head/Bureau Chief Signature	_____ Date
Note: Please attach signed approval to vouchers and/or invoices relevant to this travel event.	



New York State Department of Taxation and Finance
New York State and Local Sales and Use Tax
Exemption Certificate
Tax on occupancy of hotel or motel rooms

ST-129
(4/12)

This form may only be used by government employees of the United States, New York State, or political subdivisions of New York State.

Name of hotel or motel		Dates of occupancy		
		From:	To:	
Address (number and street)	City	State	ZIP code	Country

Certification: I certify that I am an employee of the department, agency, or instrumentality of New York State, the United States government, or the political subdivision of New York State indicated below; that the charges for the occupancy of the above business on the dates listed have been or will be paid for by that governmental entity; and that these charges are incurred in the performance of my official duties as an employee of that governmental entity. I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements and issue this exemption certificate with the knowledge that this document provides evidence that state and local sales or use taxes do not apply to a transaction or transactions for which I tendered this document, and that willfully issuing this document with the intent to evade any such tax may constitute a felony or other crime under New York State Law, punishable by a substantial fine and a possible jail sentence. I understand that the vendor is a trustee for, and on account of, New York State and any locality with respect to any state or local sales or use tax the vendor is required to collect from me; that the vendor is required to collect such taxes from me unless I properly furnish this certificate to the vendor; and that the vendor must retain this certificate and make it available to the Tax Department upon request. I also understand that the Tax Department is authorized to investigate the validity of tax exemptions claimed and the accuracy of any information entered on this document.

Governmental entity (federal, state, or local)		Agency, department, or division	
Employee name (print or type)	Employee title	Employee signature	Date prepared

Instructions

Who may use this certificate

If you are an employee of an entity of New York State or the United States government and you are on official New York State or federal government business and staying in a hotel or motel, you may use this form to certify the exemption from paying state-administered New York State and local sales taxes (including the \$1.50 hotel unit fee in New York City). This **does not** include locally imposed and administered hotel occupancy taxes, also known as *local bed taxes*.

New York State governmental entities include any of its agencies, instrumentalities, public corporations, or political subdivisions.

Agencies and instrumentalities include any authority, commission, or independent board created by an act of the New York State Legislature for a public purpose. Examples include:

- New York State Department of Taxation and Finance
- New York State Department of Education

Public corporations include municipal, district, or public benefit corporations chartered by the New York State Legislature for a public purpose or in accordance with an agreement or compact with another state. Examples include:

- Empire State Development Corporation
- New York State Canal Corporation
- Industrial Development Agencies and Authorities

Political subdivisions include counties, cities, towns, villages, and school districts.

The United States of America and its agencies and instrumentalities are also exempt from paying New York State sales tax. Examples include:

- United States Department of State
- Internal Revenue Service

Other states of the United States and their agencies and political subdivisions do not qualify for sales tax exemption. Examples include:

- the city of Boston
- the state of Vermont

To the government representative or employee renting the room

Complete all information requested on the form. Give the completed Form ST-129 to the operator of the hotel or motel upon check in or when you are checking out. You must also provide the operator with proper identification. Sign and date the exemption certificate. You may pay your bill with cash, with a personal check or personal credit card, with a government voucher, or with a government credit card.

Note: If, while on official business, you stay at more than one location, you must complete an exemption certificate for each location. If you are in a group traveling on official business, each person must complete a separate exemption certificate and give it to the hotel or motel operator.

To the hotel or motel operator

Keep the completed Form ST-129 as evidence of exempt occupancy by New York State and federal government employees who are on official business and staying at your place of business. The certificate should be presented to you when the occupant checks in or upon checkout. The certificate must be presented no later than 90 days after the last day of the first period of occupancy. If you accept this certificate after 90 days, you have the burden of proving the occupancy was exempt. You must keep this certificate for at least three years after the later of:

- the due date of the last sales tax return to which this exemption certificate applies; or
- the date when you filed the return

This exemption certificate is valid if the government employee is paying with:

- cash
- personal check or credit/debit card
- government voucher
- government credit card

Do not accept this certificate unless the employee presenting it shows appropriate and satisfactory identification.

Substantial penalties will result from misuse of this certificate.

City of Batavia

Cooperative Contract Due Diligence

Cooperative _____

Contract Name and No. _____

Vendor(s) Name(s) _____

Department completing this form _____

We have reviewed and completed due diligence on the aforementioned cooperative contract. As part of the due diligence review, we have confirmed that the contract complies substantially with our procurement rules and practices. We have further confirmed that all purchases will comply with the terms and prices in the contract. It has been determined that it is in the best interest of the City of Batavia to utilize this contract for the reasons cited below:

Issue	Procurement Consideration
New York State Considerations:	
1. Was the contract let by the United States or any agency thereof, any state or any other political subdivision or district therein?	Y or N Who: _____
2. Does the contract contain wording making it available for use by other governmental entities?	Y or N
3. Was the public solicitation of bids advertised and were bids opened at the advertised date and time in a public forum?	Y or N
4. Was the submission of sealed bids, or analogous procedure, done in a manner to secure and preserve the integrity of the process and confidentiality of the bids submitted?	Y or N
5. Was the preparation of bid specifications, or a similar document that provides a common standard for bidders to compete fairly?	Y or N
6. Was the award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder?	Y or N
General Considerations:	
7. Were the terms, conditions and scope of work/specifications negotiable?	It should be noted here if terms or prices were negotiated
8. Does the cooperative contract provide the most advantageous solution? Why?	Factors may include advantageous terms, conditions, prices, quality, performance, timing, entity's experience and ability duplicate the contract, age of the contract, etc.
9. Will volume pricing advantages be applied to purchases?	Y or N

10. Did the cooperative or lead agency have the expertise, reputation and history of quality contracting for the good or service being procured?	Y or N
11. Was past experience with the cooperative or lead agency acceptable?	Y, N, or N/A
12. What is the age of the contract? How many years is it into its contract term?	

Signature _____

Printed Name _____

Date _____

Appendix I

Sample resolutions:

- a. Surplus resolution

#XX-201X
**RESOLUTION TO DECLARE DEPARTMENT OF _____ VEHICLES AND
EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

Motion of Councilperson

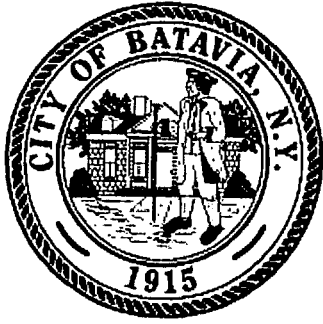
WHEREAS, the Bureau of _____ has declared the vehicles and equipment listed below surplus and the cost of needed repairs exceeding the vehicle's value; and

WHEREAS, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal:


- Year, make model, and serial no.
- Same

**Seconded by Councilperson
and on roll call**



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: March 17, 2015

Subject: Dwyer Stadium/Rochester Red Wings Renewal

The current Dwyer Stadium Lease and Sublease Extension Agreement expires April 2, 2015. Both the Rochester Red Wings and the Genesee County Baseball Club (GCBC) intend to continue to manage the stadium and Muckdogs ball club. In addition, the New York Penn League requires that if the Rochester Red Wings are to continue managing the Batavia Muckdogs, the lease and sublease will have to be extended prior to the start of the 2015 season.

Attached is a draft lease and sublease extension agreement, extending the terms and conditions for another two years ending April 2, 2017. There are no changes to the extension agreement from the prior agreement.

It is recommended that City Council execute the extension agreement at the April Business Council meeting to ensure the Red Wings can continue to manage Dwyer Stadium and the Batavia Muckdogs ball club for the 2015 and 2016 season.

#-2015

RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN A DWYER STADIUM LEASE AND SUBLEASE EXTENSION AGREEMENT

Motion of Councilperson

WHEREAS, the City of Batavia is the owner of Dwyer Stadium and the Batavia Regional Recreation Corporation (BRRRC) operates and manages the Dwyer Stadium facility as outlined in the Dwyer Stadium Lease Agreement; and

WHEREAS, the Genesee County Baseball Club, Inc. (GCBC) owns the Batavia Muckdogs minor league franchise and the BRRRC sublets the premises to GCBC so that the Batavia Muckdogs can use the facility to play its home baseball games at Dwyer Stadium; and

WHEREAS, GCBC and Rochester Community Baseball, Inc. (RCBI) are parties to a Management and Operating Agreement by which RCBI manages and operates the day to day business of GCBC including the Batavia Muckdogs, pursuant to and as more particularly provided for by the Management and Operating Agreement.

WHEREAS, the City, BRRRC, GCBC and RCBI are mutually desirous of extending the Lease and Sublease Agreements, which presently is to expire on April 2, 2015, in accordance with, and as more particularly provided for by an Extension agreement.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the Council President by and is hereby authorized to sign said lease and sublease extension agreement as stated in "Attachment A" on behalf of the City of Batavia.

**Seconded by Councilperson
and on roll call**

Attachment A

DWYER STADIUM
LEASE AND SUBLEASE
EXTENSION AGREEMENT

This Lease and Sublease Extension Agreement ("Extension Agreement") is made the day of April , 2015 by and among the City of Batavia ("City"), Batavia Regional Recreation Corporation ("BRRC"), Genesee County Baseball Club, Inc. ("GCBC") and Rochester Community Baseball, Inc. ("RCBI").

RECITALS

- A. The City and BRRC are parties to a Lease Agreement, dated March 12, 2008 pursuant to which the City, as owner of certain real property with improvement thereon consisting of a baseball field and grandstand facilities, known as Dwyer Stadium ("Premises" or "Facility"), leases the Facility to BRRC to operate and manage the Facility.
- B. BRRC, GCBC and the City are parties to a Sublease Agreement, dated April 3, 2008 pursuant to which BRRC subleases the Facility to GCBC, owner of the Batavia Muckdogs, minor league franchise of the New York-Pennsylvania Professional Baseball League, Inc. ("NY-Penn League"), so that the Batavia Muckdogs can use the Facility to play its home baseball games at the Facility and which Sublease Agreement amended the Lease Agreement, in part, as more particularly set forth in the Sublease Agreement.
- C. GCBC and RCBI are parties to a Management and Operating Agreement by which RCBI manages and operates the day to day business of GCBC including the Batavia Muckdogs, pursuant to and as more particularly provided for by the Management and Operating Agreement.
- D. In connection with RCBI's operation of the Batavia Muckdogs, GCBC, BRRC and RCBI are parties to a Delegation Agreement, dated April 3, 2008 pursuant to which GCBC delegates to RCBI all of its rights, duties, privileges, obligations, benefits, responsibilities and authority under the Sublease Agreement and RCBI accepted and assumed such delegation and the City consented to the terms and conditions of the Delegation Agreement.
- E. On or about January 19, 2011 the City, BRRC, GCBC and RCBI mutually extended the Lease Agreement and Sublease Agreement, which presently are to expire on April 2, 2013.
- F. On or about March 13, 2013 the City, BRRC, GCBC and RCBI mutually extended the Lease Agreement and Sublease Agreement, which presently are to expire on April 2, 2015.
- G. The City, BRRC, GCBC and RCBI are mutually desirous of extending the Lease Agreement and Sublease Agreement, which presently is to expire on April 2, 2015, and to confirm the

continuation of the Delegation Agreement, in accordance with, and as more particularly provided for by this Extension Agreement.

NOW, THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged by the parties hereto and in consideration of the mutual covenants and agreements contained therein, it is agreed as follows:

1. Subject to and pursuant to the terms and conditions set forth in this Extension Agreement, the Lease Agreement, as amended by the Sublease Agreement, is extended so that the term of the Lease Agreement shall continue through and including April 2, 2017, unless terminated earlier as more particularly provided for therein.
2. The Lease Agreement, as amended by the Sublease Agreement, shall remain in full force and effect in accordance with its provisions during the extended term.
 - (b) The Sublease Agreement shall remain in full force and effect in accordance with its provisions except as follows:
 - (i) Section 18 of the Sublease Agreement is hereby amended as follows:

18. Capital Fund. In addition to the City's obligations set forth in Section 13 of the Lease Agreement, the City shall maintain the Dwyer Stadium Capital Fund, which funds shall be utilized as set herein and as permitted by the fund. The current balance in the capital fund is \$55,975. The City shall maintain a minimum capital fund balance of \$20,000 during the 2015 and 2016 NY-Penn League seasons. Under no circumstances shall the payment of the capital fund obligation eliminate (and shall be in addition to) the City's financial obligation to maintain and repair the Premises as provided in Section 13 of the lease or pursuant to Sections 5(d), 5(h), 5(i) or Section 19 herein. GCBC shall on an annual basis submit a capital project plan and budget for the next year for review and approval by the City. The City shall approve the capital project and spending prior to GCBC performing or undertaking any capital projects or improvements.
3. The parties hereby agree and reconfirm that the Delegation Agreement remains in full force and effect in accordance with its provisions.
4. Except as specifically set forth in this Extension Agreement, neither the Lease Agreement, Sublease Agreement nor the Delegation Agreement are otherwise amended or modified.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day first written above.

CITY of BATAVIA

GENESEE COUNTY BASEBALL
CLUB, INC.

By: _____
Brooks Hawley, Council President

By: _____
Brian Paris, President

BATAVIA REGIONAL
RECREATION CORPORATION

ROCHESTER COMMUNITY
BASEBALL, INC.

By: _____
Steven Maxwell, President

By: _____
Gary Harder, President

STATE OF NEW YORK)
 :SS.:
COUNTY OF GENESEE)

On this _____ day of _____ 2015, before me personally came BROOKS HAWLEY, known to me to be the COUNCIL PRESIDENT of the CITY OF BATAVIA and the same person who executed the foregoing instrument; and that she acknowledged that she executed the foregoing instrument on behalf of the CITY OF BATAVIA as said COUNCIL PRESIDENT and pursuant to the authority vested in her by resolution of the City of Batavia City Council.

Notary Public

STATE OF NEW YORK)
 :SS.:
COUNTY OF _____)

On this _____ day of _____ 2015, before me personally came STEVEN MAXWELL, to me known, who being by me duly sworn, did depose and say that he has an office at _____; that he is the PRESIDENT of the BATAVIA REGIONAL RECREATION CORPORATION, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

STATE OF NEW YORK)
 :SS.:
COUNTY OF GENESEE)

On this _____ day of _____ 2015, before me personally came BRIAN PARIS, to me known, who being by me duly sworn, did depose and say that he has an office at _____; that he is the PRESIDENT of the GENESEE COUNTY BASEBALL CLUB, INC., the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

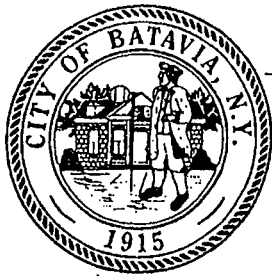
STATE OF NEW YORK)
 :SS.:
COUNTY OF _____)

On this _____ day of _____ 2015, before me personally came GARY LARDER, to me known, who being by me duly sworn, did depose and say that he has an office at _____; that he is the PRESIDENT of the ROCHESTER COMMUNITY BASEBALL, INC., the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

CITY OF BATAVIA

BATAVIA, NEW YORK 14020



Our essential mission is to professionally protect and preserve life, property, and the environment and to minimize loss, suffering, and damage in our community and to our citizens through community partnerships, proactive prevention and education efforts, and high quality and timely response.

To: Jason Molino, City Manager
From: Jim Maxwell, Fire Chief
Date: March 16, 2015
Subject: DHS – SAFER Grant Submission

The City of Batavia Fire Department has submitted for the Department of Homeland Security – Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fill three (3) current vacancies within the Fire Department.

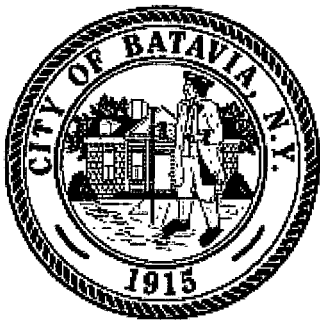
The Fire Department has been short staffed for the past four years which has consistently resulted in daily staffing levels of six (6) firefighters (minimum level per contract) and increased overtime to maintain minimum staffing. This trend will continue until we reach our established staffing level in January of 2018 according to the current hiring guidelines.

If awarded this grant we will be able to fill the three (3) current vacancies fully funded for a period of two (2) years at which time the City assumes funding the positions per the current contract. There is no City match required for this grant.

The addition of these firefighters will provide for more consistent daily staffing levels and reduce the dependency on overtime to maintain minimum staffing.


Grant Award Breakdown:

	First 12-Month Period	Second 12 Month Period	Total
Personnel	\$142,062.00	\$156,267.00	\$298,329.00
Benefits	\$103,650.00	\$114,015.00	\$217,665.00
Total:	\$245,712.00	\$270,282.00	\$515,994.00
Total Federal Share	\$245,712.00	\$270,282.00	\$515,994.00



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: March 17, 2015

Subject: Distressed & Abandoned Properties

In October 2014 City Council was presented with information relating to the city's existing distressed and abandoned properties and several recommendations moving forward. The following is a review of the current status of several initiatives the city is working on in relation to abandoned properties:

Vacant/Abandoned Properties Inventory

We are developing a vacant and abandoned properties inventory with relevant information to allow the city to better track each property, resources expended in relation to each property and progress towards better reuse or redevelopment of each property. Currently the city is finalizing data collection and is attempting to include current mortgage holders contact information as part of this assembly of information. This has proven to be the most challenging information to collect as the process is very cumbersome and can take considerable time to investigate. As a result the city is considering engaging a title search company to acquire this information. The inventory is expected to be completed by the end of April.

The NYS Attorney General's Office has hosted several conference calls regarding zombie properties. The AG's office has developed a mortgage servicer contact list with several banks. These contacts are to be used by municipalities to for assistance and information regarding zombie properties. Once the city's data base is complete we will begin to investigate each property further.

Municipal Code Revisions

After last year's concern regarding rooming houses and their approval processes it is recommended that city staff work with the Planning and Development Committee (PDC) and the City Attorney to review the current municipal code and recommend changes that may prevent new rooming houses from being established. This should also include reviewing the regulations for monitoring rooming houses to ensure these structures are providing safe living units. Currently there are 10 rooming houses that provide 89 living units. Based on City Council discussions regarding this issue, staff would begin to review the code and present findings to the PDC for review and consideration, prior to recommending to City Council.

Office of the City Manager
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com

Develop Comprehensive Plan

Last year the city received grant funding to develop a comprehensive plan. This process will take approximately 18-24 months to complete. A good comprehensive plan should position the city to make decisions that result in smart outcomes and with positive results. By prioritizing community needs. Currently the city is developing the statement of work in partnership with NYSERDA, the agency administering the grant. Once the statement of work is finalized an RFP/Q needs to be developed and steering committee selected. As the statement of work is finalized a more formal recommendation on steering committee make up will be recommended.

Taking Title to Properties

This area of interest is focused on how to acquire properties, specifically abandoned properties, so as to reposition them for greatest redevelopment opportunity, and what role the city should play in this process. This will be developed further after more information is understood regarding the current abandoned properties.

Increase Community Development Efforts

The 2014 CDBG housing rehab grant is currently underway. Potential grant recipients are being identified, the city is reviewing potential improvements for each location and developing bid specifications. It is expected that physical improvements and construction will begin within the next 60 days.

In February the City received notice of our eligibility for "Accelerated Eligibility" into FEMA's Community Rating Service (CRS) program. This has resulted in city being evaluated for entrance into the CRS program in May. After review of the city's program a determination will be made by FEMA as to the city's rating into CRS which may result in discounted flood insurance premiums for city policy holders.

The city continues to participate in the development of the Ellicott Trail in partnership with the Town of Batavia. The Ellicott Trail development is part of a \$1 million grant the Town received last year. Currently we are still in the scoping phase of the project that will then lead to the design phase. Construction is not expected to begin until 2016/2017.

State Legislative Changes

The New York Attorney General has stated that within the upcoming weeks he will be introducing an improved Abandoned Property Neighborhood Relief Act similar to last year. This bill is again expected to aim at reducing the number of vacant and abandoned properties falling into disrepair across the state, require mortgage lenders and servicers to identify, secure and maintain vacant and abandoned properties much earlier in the foreclosure process, and create a registry of such properties to assist municipalities with enforcement of laws regarding property maintenance. In a new provision, any fines levied against banks and other lenders for noncompliance with the law would be directed to a fund for local governments to hire additional code enforcement officers. When this bill is released, and after internal

review, it may be recommended that City Council again pass a resolution of support similar to last year. Attached please find last year's resolution.

Improve Gap Financing Tools

Included in the recommendations last year was an aggressive initiative to address the challenges in redeveloping abandoned properties as many times the level of investment outpaces the value of the property once redeveloped, therein creating little incentive to invest in a property that will be paying higher taxes but not yielding the return on the initiative investment.

In an attempt to address this issue and provide tax relief for interested residents and/or investors willing to take on redeveloping abandoned properties, the city with assistance from the New York Conference of Mayors, has developed home rule legislation that will provide a gap financing tool by exempting the increase in assessed value for the redevelopment of abandoned properties into owner-occupied single family residences. This in return will provide a means for greater investment into abandoned properties, without a significant property tax burden, and transform highly distressed properties, many times tax delinquent, into a functioning reuses.

In summary the exemption includes the following:

- a. In order to qualify for the exemption the property must be one of the following:
 - i. City has taken title of the property by Real Property Actions and Proceeding Law Article 19-A; or
 - ii. City has taken title via tax foreclosure; or
 - iii. The property has been vacant for at least three years; or
 - iv. The property has outstanding code violations that the cost to remedy the violations or demolish the property would exceed the value of the property.
- b. In order to be eligible for the exemption the property must have the following:
 - i. All improvements are in compliance with State and city codes; and
 - ii. The property upon completion of improvements is a owner-occupied single family home; and
 - iii. The property owner must verify annually that they are the owner-occupier of the home in order to continue receiving the exemption.
- c. If the property is no longer owner-occupied and a single family home the exemption ceases. Also if the property owner is convicted of a violation or misdemeanor pursuant to the State or city building code in relation to the property the exemption ceases.
- d. The exemption period is determined by the total cost of the redevelopment divided by the increase in taxes to be paid due to the redevelopment. The exemption cannot to exceed 25 years.
- e. The exemption can be filed up to three years after the work is complete.
- f. The home rule legislation would be requested so that if desired, the County and School District may opt to recognize the exemption, providing greater return to interested property owners.

This exemption is targeted at abandoned homes by providing a financing tool to support the needed investment to redevelop the property resulting in an owner-occupied single family home. This exemption does not assist rental or income properties. However, a property can be redeveloped by one owner and sold to another, but still be eligible for the exemption. This provides incentive for investors to buy and redevelop or “flip” a property with the incentive for a potential purchaser to be eligible for the tax exemption. The exemption also stays with the property, and can be transferred to future owners. Lastly, the exemption can last up to 25 years, providing a financial tool equal to the length of a traditional residential mortgage.

In order for the city to provide this gap financing exemption a Home Rule Legislation request will have to be adopted by City Council. This would require City Council to adopt a resolution requesting Senator Ranzenhofer and Assemblyman Hawley, that home rule legislation be drafted for this issue. Once said resolution is adopted, the city would work with both legislative offices to finalize home rule bill language. Once the bill is finalized it would be introduced by both legislators and would be assigned specific bill numbers in the Senate and Assembly. After which, the City Council would then adopt a second resolution, a home rule message, formally requesting that each piece of legislation, identified by bill number, be adopted.

The City’s Strategic Plan calls for recommendations to City Council to address abandoned properties and various community development initiatives. We want to make sure any questions are answered on Monday night and, based on your feedback, we will in future meetings provide progress reports and more specific recommendations if needed

Attachments

1. Press release from Attorney General regarding “Zombie Law”
2. Resolution #57-2014 adopted July 14, 2014
3. Draft of gap financing exemption – Exemption for Residential Redevelopment Inhibited Property
4. Draft resolution for home rule request

Redevelopment Inhibited Property Exemption

Base Assessed Value	\$ 40,000
Total Cost of redevelopment	\$ 60,000
Redevelopment Assessed Value	\$ 75,000

Gap Financing

\$ 60,000	Total Cost of redevelopment
\$ 35,000	Increase in assessed value (redevelopment assessment - base assessment)
\$ 25,000	Gap Financing

Exemption Period

City tax rate	\$ 9.21
County tax rate	\$ 9.86
School tax rate	\$ 24.33
Total tax rate	\$ 43.40
Base assessed value taxes	\$ 1,736.00
Redevelopment assessed value taxes	\$ 3,255.00
Increase in taxes	\$ 1,519.00

This is an example of how the proposed property exemption for abandoned properties could work. This example provides a practical understanding of what a typical redevelopment of an abandoned property may consist of, and the how the exemption period is determined assuming all taxing jurisdictions recognize the exemption.

Exemption Period = \$25,000/\$1,519

16.46 years

Exemption period would be 17 years assuming the City, County and School district participate in the exemption.

City, County and School district continue to receive taxes on base assessment of \$40,000.

A.G. Schneiderman To Submit Expanded Legislation To Address Growing Problem Of “Zombie Properties”

AG’s Abandoned Property Neighborhood Relief Act Will Protect Homeowners And Communities From Growing Scourge Of Vacant And Abandoned Properties

Bill To Require Mortgage Lenders And Servicers To Notify Homeowners Of Their Rights, Identify, Secure And Maintain Vacant And Abandoned Properties Earlier; Fines To Be Directed To Increased Code Enforcement

Schneiderman: With 50% More Zombie Properties Statewide, We Must Solve The Vacant And Abandoned Property Crisis

ALBANY – Attorney General Eric T. Schneiderman announced that in the next two weeks he will resubmit to the legislature an expanded version of a bill he proposed last year to address the growing statewide problem of so-called “zombie properties” – vacant and abandoned homes that are not maintained during a prolonged foreclosure proceeding. The Attorney General’s program bill, the Abandoned Property Neighborhood Relief Act, aims to reduce the number of vacant and abandoned properties falling into disrepair across the state by informing homeowners of their right to stay in their home until a court orders the homeowner to leave, requiring mortgage lenders and servicers to identify, secure and maintain vacant and abandoned properties much earlier in the foreclosure process, and creating a registry of such properties to assist municipalities with enforcement of laws regarding property maintenance. In a new provision, any fines levied against banks and other lenders for noncompliance with the law would be directed to a fund for local governments to hire additional code enforcement officers. Independent Democratic Conference Leader and Senate Coalition Co-Leader Jeffrey D. Klein and Assembly Member Helene Weinstein are expected to sponsor the legislation. Attorney General Schneiderman announced the bill in a speech before the New York State Association of Towns’ 2015 Training School and Annual Meeting.

“Leaving zombie properties to rot is unfair to municipalities and unfair to neighbors, who pay their taxes and maintain their homes,” said **Attorney General Schneiderman**. “In the next two weeks, my office will resubmit to the Legislature our bill that would require banks to take responsibility for maintaining properties much earlier in the foreclosure process, take that burden off of towns and cities, and allow local governments to more easily identify the mortgagees of these properties to make sure they maintain them. And as my office enforces the requirement that banks take responsibility for these properties, any fines we levy will go into a fund to help towns and cities hire more code enforcement officers.”

In his remarks, Attorney General Schneiderman noted that the problem of zombie properties has gotten worse in New York State in the last year. The Attorney General’s office analyzed 2014 data and found that zombie foreclosures increased almost 50 percent in 2014 compared to 2013. There were roughly 16,700

zombie foreclosures across the state last year. The top ten counties with the most zombie properties stretch from Long Island, to New York City, through the Hudson Valley to Western New York. The regions with the largest share of zombie foreclosures are the North Country and Central New York. In those areas, 42 percent of properties in foreclosure are abandoned before the foreclosure process is complete.

The Attorney General's Abandoned Property Neighborhood Relief Act would address the problem of zombie properties in several ways. Too often, when a homeowner falls behind on mortgage payments and receives a notice of arrears or a foreclosure notice, the homeowner abandons the property. Many families may not understand that they have the right to remain in their home until a judge declares the foreclosure complete. The bill requires that homeowners be provided with early notice that they are legally entitled to remain in their homes until ordered to leave by a court.

At the same time, there is evidence that lenders are actually slowing down the foreclosure process, and in some cases, seeking to discontinue the foreclosure action in the middle of the process, leaving homes in a "zombie" state of being vacant, abandoned, and not maintained. To address this problem, Attorney General Schneiderman's bill requires mortgagees and their loan servicers and agents to identify, secure and maintain vacant and abandoned properties soon after they are abandoned – not, as under current law, at the end of a lengthy foreclosure process. The bill establishes a periodic inspection requirement for mortgagees and loan servicing agents to determine if property subject to a delinquent mortgage is currently occupied. The bill also makes it unlawful for a mortgagee or loan servicing agent, or a person acting on their behalf, to enter a property that is not vacant or abandoned for the purpose of intimidating, harassing or coercing a lawful occupant in order to induce them to vacate the property, thereby rendering it vacant and abandoned.

Zombie homes also burden municipalities. With no one maintaining these derelict properties, they become vulnerable to crime, decay, vandalism and arson. Furthermore, these zombie homes decrease the property value of neighboring homes and become an enormous burden for local code enforcement and emergency service providers. To help municipalities address these problems, the bill requires mortgagees or their agents to electronically register these properties with a newly-created statewide Vacant and Abandoned Property Registry to be established and maintained by the Attorney General. The Registry, in turn, will provide a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State, and will be supplemented by a toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them. The bill would also create a fund to hire local code enforcement officers, and direct any fines levied for violations of the law into that fund.

"The ripple effects of abandoned properties due to foreclosure continue – year after year property values plummet and our once quiet and family-friendly neighborhoods are now becoming hotbeds for criminal activity," said **Independent Democratic Conference Leader Jeffrey D. Klein**. "More than six years ago, Assemblywoman Weinstein and then State Senator Schneiderman and I worked together to pass

legislation requiring that financial institutions maintain properties upon foreclosure. Attorney General Schneiderman's legislation is the next vital step in holding banks accountable for these zombie properties in our communities and providing the needed financial assistance to the localities that are forced to maintain these eyesores. This bill will ensure we not only keep our communities safe, but our neighborhoods beautiful and strong."

"In too many neighborhoods across New York State, lenders have permitted vacant and abandoned residential properties to fall into disrepair," said **Assemblywoman Helene E. Weinstein, Assembly Judiciary Committee Chair**. "These properties are a blight on neighborhoods and bring down the property values in communities. I look forward to working with New York State Attorney General Eric Schneiderman to help protect our neighborhoods by identifying and ensuring maintenance of properties early on."

Nassau County Executive Edward P. Mangano said, "Vacant and abandoned homes are often an eyesore in our local neighborhoods and negatively impact our quality of life. I thank Attorney General Eric Schneiderman for holding lending institutions responsible for maintaining properties during the foreclosure process."

Buffalo Mayor Byron W. Brown said, "Banks and lending institutions that allow their properties to fall into disrepair and become blighted are bad neighbors and will not be tolerated in Buffalo. This proposal will require banks to maintain a property if it becomes vacant after the start of a foreclosure proceeding. This will be an important tool to maintain our city residents' quality of life and ensure stable residential neighborhoods throughout the city at a time when Buffalo is experiencing tremendous new investment and job growth. I applaud Attorney General Eric T. Schneiderman for leading the charge on this important issue."

Syracuse Mayor Stephanie A. Miner said, "The City of Syracuse has worked tirelessly to address blight in our neighborhoods. One of the best ways we can address blight is by dealing with vacant properties. In Syracuse, we have taken proactive steps by establishing a vacant property registry and one of the first land banks in New York State, which received generous support from the Attorney General. This proposed legislation will be another tool that we are able to use to preserve a high quality of life in Syracuse's neighborhoods and it is my hope the legislature takes action on the bill this year."

Binghamton Mayor Richard C. David said, "Many vacant and abandoned properties are a significant source of blight, magnets for criminal activity, negatively impact property values and detract from residents overall quality of life. This issue impacts cities across the nation and the Attorney General's proposal to hold mortgage lenders more accountable and provide a strategy to keep these properties from deteriorating will ultimately protect homeowners and improve the integrity of our neighborhoods."

Niagara Falls Mayor Paul Dyster said, "Any city like Niagara Falls that has suffered substantial population loss is going to have vacant properties. Often times, banks will start a foreclosure process, but

then not complete it because they don't want to have responsibility for taking care of that property. That's just not fair, because the home then becomes the city's problem. I commend Attorney General Eric Schneiderman for introducing legislation that will create a statewide registry of foreclosed properties and track those that are in the process. I'm confident that enacting legislation like this will improve the overall quality of our neighborhoods."

Newburgh Mayor Judy Kennedy said, "I commend Attorney General Schneiderman for his leadership in seeking a solution to the devastating impact of vacant and abandoned properties throughout New York. It is an especially big problem in the City of Newburgh. The Attorney General's legislative proposal will both protect the rights of homeowners and require the banks that conduct business in our communities to be good neighbors."

Albany Mayor Kathy Sheehan said, "Vacant and abandoned properties are a drain on taxpayer resources and are devastating cities throughout New York. Therefore, I urge the state legislature to pass Attorney General Schneiderman's bill, which offers a comprehensive solution to combat the plague of properties that damage communities and entire cities."

Jamestown Mayor Sam Teresi said, "The reintroduction of zombie property legislation crafted by Attorney General Schneiderman and his office has my full support as the mayor of Jamestown. This legislation is needed more now than when it was first proposed last year, because the problem has since compounded. The registry that will be created for vacant and abandoned homes is critically essential now more than ever to give our code enforcement and public safety officers an important tool for our continued neighborhood revitalization efforts. I encourage the New York State Senate and Assembly to pass this legislation, and the governor to sign it to help protect our neighborhoods, which are the heart and soul of our communities. We cannot have robust economic development if our neighborhoods are in trouble with vacant and abandoned properties that have to endure a long and protracted foreclosure process, leaving the city taxpayers to take care of these properties."

Nyack Mayor Jennifer Laird White said, "These zombie properties are such a tremendous problem for all communities, but particularly for small communities where one property can reduce property values and create danger in an entire neighborhood. The utter lack of responsiveness on the part of the banks has left municipalities financially overburdened with the responsibility of keeping an abandoned property safe and secure. This bill is a huge and important step toward forcing irresponsible lenders to step up and do the right thing and will surely reduce the burden on both taxpayers and local governments. We thank the Attorney General for this excellent step."

Valley Stream Mayor Ed Fare said, "As someone who fought "zombie homes" from day one of my administration, I support and commend Attorney General Schneiderman on his strong stance in spearheading this crucial legislation. It provides villages like Valley Stream with a strong weapon in our arsenal against banks that show no concern whatsoever for our community, its aesthetic environment, and the safety and welfare of our citizens."

New York Conference of Mayors Executive Director Peter A. Baynes said, "The New York State Conference of Mayors applauds Attorney General Schneiderman's continuing efforts to address the growing problem of zombie properties which plague communities across the State. Vacant and abandoned properties blight communities, create nuisance conditions, depress the value of neighboring properties and create serious public safety issues. Attorney General Schneiderman already has a well-established track record as an ally of local governments in addressing these issues. His support for the expansion of New York's land bank program and his providing much-needed financing of land bank activities is invaluable. In addition, his efforts in creating a zombie property hotline will prove to be a much needed conduit of communication between the mortgage lenders and the communities affected by properties in the foreclosure process. Now, the Attorney General's Abandoned Property Neighborhood Relief Act will give local officials and their communities the tools to effectively deal with the zombie properties that are threatening the vitality of New York's cities and villages."

Attorney General Schneiderman's Abandoned Property Neighborhood Relief Act is one component of his broad strategy to help New York homeowners and communities recover from the foreclosure crisis. He successfully fought for a strong National Mortgage Settlement that delivered more than \$2 billion in relief to financially struggling New York families. He dedicated \$100 million from the National Mortgage Settlement to create the Homeowner Protection Program, or HOPP, a program to fund free foreclosure prevention legal services and housing counseling across the state. Through December, 2014, the HOPP program helped approximately 39,000 families statewide. He has also committed \$33 million to fund land banks, not-for-profit organizations that help municipalities to buy up vacant and abandoned properties and either rehabilitate them or tear them down so the land can be put to productive use. The Attorney General has also proposed legislation, which was enacted into law last year, increasing the maximum allowable number of land banks in the State from 10 to 20.

Homeowners who need assistance are encouraged to call the Attorney General's statewide foreclosure hotline at 855-HOME-456 and visit www.AGHomeHelp.com to connect with HOPP organizations and agencies in their area that can provide foreclosure prevention services.

February 16, 2015

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE ABANDONED PROPERTY
NEIGHBORHOOD RELIEF ACT OF 2014**

Motion by Councilperson Christian

WHEREAS, vacant and abandoned properties are an epidemic in New York's municipalities and dealing with these distressed properties can be an expensive, time-consuming task for local officials. Vacant and abandoned properties that are also entangled in mortgage foreclosure present even greater challenges for cities and villages since foreclosures drag on for years, restricting local officials' efforts to address the social costs that these blighting properties have on neighboring parcels and the surrounding community as a whole; and

WHEREAS, the New York State Abandoned Property Neighborhood Relief Act of 2014 (here after referred to as the "Act") amends Real Property Actions and Proceedings Law §1307 to define "vacant and abandoned" residential real property, and expands the duty of a mortgagee to maintain vacant, residential real property to include pre-foreclosure "vacant and abandoned" residential property; and

WHEREAS, the Act requires mortgagees and loan servicing agents to periodically inspect residential real property to determine if properties with delinquent mortgages are currently occupied; and

WHEREAS, the Act requires the Attorney General to establish and maintain a statewide electronic Vacant and Abandoned Property Registry that local officials will be able to access, and mortgagees or their agents must promptly register vacant and abandoned properties in the Registry; and

WHEREAS, the Act also authorizes municipalities to intervene as of right in foreclosure actions involving vacant and abandoned residential property for the purpose of requesting injunctive relief, to ensure that the property is maintained in accordance with law and that the foreclosure action is timely prosecuted; and

WHEREAS, this Act will greatly facilitate the ability of City officials to deal with vacant and abandoned properties, empowering them to address these challenges in a manner that minimizes the negative impact that such properties can have on the community; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia, New York supports the passage of the Act recommends its enactment into law; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Andrew Cuomo, Attorney General Eric T. Schneiderman, New York State Senator Michael Ranzenhofer and New York State Assemblyman Steve Hawley.

BE IT FURTHER RESOLVED, the Act is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Neighborhood Revitalization strategic priority.

Seconded by Councilperson Canale and on roll call approved 8-0.

Exemption for Residential Redevelopment Inhibited Property

Exemption Established.

Redevelopment inhibited property is exempt from taxation and special ad valorem levies as herein provided.

Definitions.

REDEVELOPMENT INHIBITED PROPERTY - A residential property that been neglected or abandoned because of the local economic conditions and/or conditions on the property that inhibit the property from being redeveloped by the private sector. Land that is undeveloped may not be designated as redevelopment inhibited property.

GAP FINANCING COSTS - The total cost of the property's redevelopment as approved by the local government minus the increase in the full valuation of the property upon completion of the redevelopment.

EXEMPTION PERIOD - The "gap financing costs" divided by the "incremental increase in annual property taxes" resulting from the redevelopment. The "exemption period" is rounded up to the nearest whole number and may not exceed twenty-five years.

BASE ASSESSMENT - The assessed value of the property on the day the City of Batavia designates the property as redevelopment inhibited.

INCREASED ASSESSMENT - The assessed value of the property as is determined by the assessor upon completion of the redevelopment.

INCREMENTAL INCREASE IN PROPERTY TAXES - The taxation based on the "increased assessment" minus the taxation based on the "base assessment".

Designating redevelopment inhibited property.

- A. The City of Batavia may designate any property within the City boundaries as a redevelopment inhibited property if one or more of the following are met:
- (1) The City has acquired title to the property pursuant to Real Property Actions and Proceedings Law Article 19-A; or
 - (2) The property has been continuously vacant for a period of at least three years; or
 - (3) The City has acquired title to the property via foreclosure for unpaid tax pursuant to Article 11 of the Real Property Tax Law; or

- (4) The property has outstanding zoning, housing, or Uniform Code violations and the cost of remedying the violations exceeds the property's value.

Eligibility for Exemption

- A. Redevelopment inhibited property is exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to demolition, alteration, or rehabilitation, or remediation pursuant to the following procedure:
- (1) The demolition, alterations, rehabilitation, and/or remediation shall be permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permits issued and said demolition, alterations, rehabilitation, and/or remediation shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the City of Batavia Bureau of Inspection upon completion; and
 - (2) The property for which the exemption is sought must be a owner-occupied one-family residence; and
 - (3) The owner of such property must file an Affidavit of Residency with the Assessor of the City of Batavia on or before the taxable status date of March 1, confirming continued owner-occupancy of the property; and
 - (4) Redevelopment inhibited property is exempt from taxation and special ad valorem levies attributable to the increased assessment minus the taxes and special ad valorem levies imposed on the base assessment.
- B. In the event the property granted an exemption pursuant to this article ceases to be owner-occupied and/or the Affidavit of Residency is not filed annually for the approved exemption period, the exemption granted pursuant to this article shall cease.
- C. In the event the property granted an exemption pursuant to this article ceases to be a one-family dwelling, the exemption granted pursuant to this article shall cease.
- D. In the event the owner of the property is convicted of a violation or misdemeanor pursuant to New York State Uniform Fire Prevention and Building Code or the Batavia Municipal Code, the exemption granted pursuant to this article shall cease.

Exemption Period.

The exemption period will equal the gap financing costs divided by the incremental increase in annual property taxes resulting from the redevelopment. The exemption period is rounded up to the nearest whole number and may not exceed twenty-five years.

Application for Exemption.

- A. Such exemption shall be granted only upon application by the owner of such building for the redevelopment inhibited property exemption, on a form prescribed by the City. The application must be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. The application must be filed with the Assessor of the City of Batavia within three years from the date of completing the demolition, alterations, rehabilitation, and/or remediation.
- B. The owner filing such exemption does not have to be the owner responsible for completing the demolition, alterations, rehabilitation, and/or remediation.
- C. Once granted, the residential redevelopment inhibited property tax exemption runs with the land for the exemption period pursuant to this article.

Authorization for Exemption.

This partial exemption from real property taxation of the increase in assessed value attributable to demolition, alterations, rehabilitation, and/or remediation made to residential property. Genesee County may hold public hearings and then adopt a local law granting the exemption. The Batavia City School district may have the option to pass a resolution providing that the exemption applies to school taxes. Where it is adopted, the exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments.

**RESOLUTION REQUESTING THAT THE NEW YORK STATE LEGISLATURE
INTRODUCE LEGISLATION AUTHORIZING THE EXEMPTION FOR
RESIDENTIAL REDEVELOPMENT INHIBITED PROPERTY FOR THE CITY OF
BATAVIA, NEW YORK**

WHEREAS, vacant and abandoned properties are an epidemic in New York's municipalities and dealing with these distressed properties can be an expensive, time-consuming task for local officials.

WHEREAS, vacant and abandoned properties that are also entangled in mortgage foreclosure present great challenges for the City of Batavia since foreclosures drag on for years, restricting the City's efforts to address the social costs that these blighting properties have on neighboring parcels and the surrounding community as a whole; and

WHEREAS, vacant and abandoned properties strain the resources of the City's police, fire and public works departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life of remaining residents; and

WHEREAS, the vacant and abandoned properties contribute to the loss of population, loss of businesses, real estate speculation and poverty; and

WHEREAS, the City of Batavia has determined that most of the vacant and abandoned properties within the City of Batavia are single family residences and that the annual impact of the properties include, but are not limited to \$25,000 in delinquent property taxes, \$20,000 in lost water and sewer revenue, \$10,000 in City staff time, \$11,300 in unpaid fees and fines per property and over \$500,000 in lost resident retail buying power. In addition, between 2009-2014 the average assessed value for a single family home increased 1.8%, however the average assessed value for a vacant/abandoned home decreased 5.1%; and

WHEREAS, the cost to redevelop vacant and abandoned property many times exceeds the market value of the property, creating a disincentive to invest and improve the property; and

WHEREAS, the City has drafted legislation that will create a property tax exemption to encourage the redevelopment of vacant and abandoned single family residences ("Exemption for Residential Redevelopment Inhibited Property") and the City of Batavia wishes to start the process of legislative approval;

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia hereby requests that the New York State Legislature commence the process of introduction of legislation authorizing the City of Batavia to create the Exemption for Residential Redevelopment Inhibited Property and containing all other provisions deemed necessary to accomplish these goals; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley and Attorney General Eric T. Schneiderman and the New York Conference of Mayors.

To: Honorable City Council

Date: March 18, 2015

Subject: Adoption of Budget Resolutions

Councilperson Jankowski wanted to discuss the process for adopting budget resolutions.