

BATAVIA CITY COUNCIL BUSINESS MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, July 13, 2015
7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Council President Brooks Hawley
- III. Pledge of Allegiance
- IV. Approval of June 2015 Minutes
- V. Approval of May Monthly Financial Statements
- VI. Assignment of Agenda Items
- VII. Communications
 - a. Northside Deli, LLC – Renewal of Alcoholic Beverage License
 - b. Summer in the City – August 15, 2015 11:00 a.m. to 9:00 p.m.
 - c. National Night Out – August 4, 2015 6:00 to 8:00 p.m.
 - d. Community Action Children’s Carnival – August 21, 2015 10:00 a.m. to 2:00 p.m.
- VIII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, August 10, 2015 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
- IX. City Attorney’s Report
- X. City Manager’s Report
 - a. Ellicott Station - Request For Proposal
- XI. Committee Reports
- XII. Public Comments
- XIII. Council Responses to Public Comments
- XIV. Unfinished Business

XV. New Business

- #54-2015 A Resolution to Appoint Members to the Audit Advisory Committee
- #55-2015 A Resolution to Discontinue the Public Use and to authorize the Council President to Sign Agreements for the Sale of the 214 Ellicott Sold at Auction on June 9, 2015
- #56-2015 A Resolution to Authorize Budget Transfers and Transferring \$2,975 to the Parking Lot Capital Reserve Fund
- #57-2015 A Resolution to Close-out Capital Projects
- #58-2015 A Resolution to Amend the City of Batavia Annual Fee for Renewing a Rooming House Permit
- #59-2015 A Resolution to Authorize Wage Adjustment for the City Manager
- #60-2015 A Resolution to Enter into an Agreement with Sunshine Concrete Co. Inc. for City Sidewalk Replacement Project - 2015
- #61-2015 A Resolution Authorizing the City Council President to Execute a Consulting Contract with GAR Associates Inc. to Provide Assessment Services
- #61A-2015 A Resolution Establishing the City of Batavia as Lead Agency Under the State Environmental Quality Review Act ("SEQR") and Determining Significance of an Amendment to §190-9, R-2 Residential Districts of the Batavia Municipal Code to Prohibit New Applications for Boardinghouse, Lodging House, Rooming House and Tourist Home as a Permitted Principle Use
- #62-2015 A Resolution to Adopt Local Law No. 2 of the Year 2015 Entitled "a Local Law to Amend §190-9, R-2 Residential Districts, (A) Permitted Principal Uses, (3), and §190-39, Parking Requirements, (A) Off-Street Parking (2), (A), (9) of the Batavia Municipal Code to Prohibit New Applications for Boardinghouse, Lodging House, Rooming House and Tourist Home as a Permitted Principle use"
- #63-2015 A Resolution to adopt Local Law No. 3 of the Year 2015 Entitled "A Local Law to Amend §143 Rooming Houses to Prohibit New Applications for Rooming Houses"
- #64-2015 A Resolution to Authorize the City Manager to Execute and Submit a New York State Community Development Block Grant (CDBG) Application
- #65-2015 A Resolution to Authorize the City Manager to Execute and Submit a New York State Community Development Block Grant (CDBG) Community Planning Grant Application
- #66-2015 A Resolution to Submit a Recreational Trails Grant

#67-2015 A Resolution to Support the Batavia Development Corporation's New York Main
Street Grant Application

- XVI. Executive Session...Employment Matters
- XVII. Adjournment

GENERAL FUND
CITY OF BATAVIA
FOR PERIOD ENDED - May 31, 2015

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %	Change \$
Revenues						
Real Property Taxes	\$ 5,070,713.00	\$ 5,080,961.83	100.20%	\$ 5,029,777.83	1.02%	\$ 51,184
Payments in Lieu of Tax	\$ 64,590.00	\$ 114,182.80	176.78%	\$ 40,388.36	182.71%	\$ 73,794
Interest & Pen. on Tax	\$ 175,000.00	\$ 10,985.04	6.28%	\$ 10,732.03	2.36%	\$ 253
Sales and Use Tax	\$ 6,150,000.00	\$ -	0.00%	\$ 193.64	-100.00%	\$ (194)
Utility Gross Receipts Tax	\$ 210,000.00	\$ 3,799.52	1.81%	\$ 4,662.73	-18.51%	\$ (863)
Cable TV Franchise	\$ 210,000.00	\$ -	0.00%	\$ -		\$ -
Clerk/Treasurer Fees	\$ 32,000.00	\$ 7,341.42	22.94%	\$ 3,827.35	91.81%	\$ 3,514
Charges for tax redemption	\$ -	\$ 300.00		\$ 450.00	-33.33%	\$ (150)
Marriage Licenses	\$ 3,000.00	\$ 925.00	30.83%	\$ 877.50	5.41%	\$ 48
Other Gen Govern Dept Inc.	\$ 15,840.00	\$ -	0.00%	\$ -		\$ -
Police Fees	\$ 2,700.00	\$ 508.25	18.82%	\$ 476.75	6.61%	\$ 32
Dog Seizure Fees	\$ 600.00	\$ 110.00	18.33%	\$ 140.00	-21.43%	\$ (30)
Vital Statistics Fees	\$ 33,000.00	\$ 5,360.00	16.24%	\$ 4,911.00	9.14%	\$ 449
Ambulance service revenue	\$ -	\$ -		\$ -		\$ -
Public Works Services	\$ 12,000.00	\$ -	0.00%	\$ -		\$ -
Fines & Forfeited Bail	\$ 108,108.00	\$ 13,979.00	12.93%	\$ 9,897.00	41.24%	\$ 4,082
Maintenance Fee - Ice Rink	\$ 35,630.00	\$ -	0.00%	\$ -		\$ -
Park User Fees	\$ 3,000.00	\$ 900.00	30.00%	\$ 875.00	2.86%	\$ 25
Special Recreat. Fac Charges	\$ 32,189.00	\$ -	0.00%	\$ -		\$ -
Other Culture & Rec income	\$ 3,000.00	\$ -	0.00%	\$ -		\$ -
Zoning Fees	\$ 1,500.00	\$ 250.00	16.67%	\$ -		\$ 250
Code Violation Charges	\$ 35,500.00	\$ 225.00	0.63%	\$ 4,435.00	-94.93%	\$ (4,210)
EMS Program	\$ 53,990.00	\$ (13,250.00)	-24.54%	\$ (18,800.00)	-29.52%	\$ 5,550
Interest and Earnings	\$ 5,000.00	\$ -	0.00%	\$ 565.01	-100.00%	\$ (565)
Interest and Earnings Reserves	\$ -	\$ -		\$ 568.21	-100.00%	\$ (568)
Rental of Real Property	\$ 46,000.00	\$ 15,557.56	33.82%	\$ 15,106.76	2.98%	\$ 451
Rental, other - facility usage	\$ 500.00	\$ 295.00	59.00%	\$ 195.00	51.28%	\$ 100
Business/Occup. Licenses	\$ 5,000.00	\$ 75.00	1.50%	\$ 435.00	-82.76%	\$ (360)
Games of Chance	\$ 100.00	\$ 50.00	50.00%	\$ 50.00	0.00%	\$ -
Bingo Licenses	\$ 2,500.00	\$ 130.12	5.20%	\$ 588.50	-77.89%	\$ (458)
Dog Licenses	\$ 12,000.00	\$ 2,038.50	16.99%	\$ 2,272.00	-10.28%	\$ (234)
Licenses, Other	\$ 700.00	\$ 766.84	109.55%	\$ 442.44	73.32%	\$ 324
Bldg/Alter Permits	\$ 45,000.00	\$ 16,547.61	36.77%	\$ 6,445.50	156.73%	\$ 10,102
Street Opening Permits	\$ 10,000.00	\$ 1,000.00	10.00%	\$ 2,260.00	-55.75%	\$ (1,260)
Plumbing Permits	\$ 5,000.00	\$ 339.00	6.78%	\$ 444.00	-23.65%	\$ (105)
Permits, Other	\$ 5,000.00	\$ 4,000.00	80.00%	\$ 3,780.00	5.82%	\$ 220
Parking ticket fees	\$ 35,000.00	\$ 7,150.00	20.43%	\$ 5,125.00	39.51%	\$ 2,025
Forfeiture of Deposits	\$ 500.00	\$ -	0.00%	\$ -		\$ -
White Goods	\$ -	\$ -		\$ -		\$ -
Sale of Scrap/Excess Mat.	\$ 2,000.00	\$ 61.00	3.05%	\$ 4,050.00	-98.49%	\$ (3,989)
Minor Sales	\$ 1,300.00	\$ 172.09	13.24%	\$ 234.83	-26.72%	\$ (63)
Minor Sales - EMS Program	\$ -	\$ -		\$ -		\$ -
Sale of Real Property	\$ -	\$ -		\$ -		\$ -
Sale of Equipment	\$ -	\$ -		\$ -		\$ -
Insurance Recoveries	\$ -	\$ -		\$ -		\$ -
Other Comp for Loss	\$ -	\$ -		\$ -		\$ -
Refund-Prior Year Exps	\$ -	\$ 1,031.00		\$ -		\$ 1,031
Healthcare Premiums	\$ 74,370.00	\$ 12,431.36	16.72%	\$ 17,122.30	-27.40%	\$ (4,691)
Healthcare Revenue	\$ -	\$ 3,442.63		\$ 3,555.79	-3.18%	\$ (113)
Gifts and Donations	\$ -	\$ -		\$ -		\$ -
VLT	\$ -	\$ -		\$ -		\$ -
Unclassified Revenue	\$ 1,000.00	\$ -	0.00%	\$ -		\$ -
Reserve revenue	\$ -	\$ -		\$ -		\$ -
Per Capita State Aid	\$ 1,750,975.00	\$ 1,504,868.00	85.94%	\$ 1,504,868.00	0.00%	\$ -
Mortgage Tax	\$ 105,000.00	\$ -	0.00%	\$ 57,776.71	-100.00%	\$ (57,777)
Real Property Tax Admin	\$ -	\$ -		\$ 11,484.93	-100.00%	\$ (11,485)
State Aid - Record Mgmt	\$ 3,271.00	\$ 2,616.00	79.98%	\$ -		\$ 2,616
Rail Infrastructure Invest. Act	\$ -	\$ -		\$ -		\$ -
State Aid - Public Safety	\$ 59,251.31	\$ 3,082.12	5.20%	\$ 2,987.24	3.18%	\$ 95
Consolidate Highway (CHIPS)	\$ 201,800.00	\$ -	0.00%	\$ -		\$ -
State Aid - Sidewalk repair	\$ -	\$ -		\$ -		\$ -
Recreation Program	\$ 19,217.00	\$ 3,442.00	17.91%	\$ -		\$ 3,442
Arterial Reimbursement	\$ 157,400.00	\$ -	0.00%	\$ -		\$ -
State Aid - Planning Studies	\$ 15,000.00	\$ -	0.00%	\$ (16,599.26)	-100.00%	\$ 16,599
Assessment Parcel Reimb	\$ -	\$ -		\$ -		\$ -
Fed. Aid - Bullet Proof Vest	\$ 1,850.00	\$ -	0.00%	\$ -		\$ -
Fed. Aid - Crime Control	\$ -	\$ -		\$ (4,166.40)	-100.00%	\$ 4,166
Fed Aid - Commun. Improv.	\$ -	\$ -		\$ -		\$ -
Interfund Transfers	\$ 230,500.00	\$ -	0.00%	\$ -		\$ -
TOTAL REVENUES	\$ 15,047,594.31	\$ 6,805,673.69	45.23%	\$ 6,712,435.75	1.39%	\$ 93,238

GENERAL FUND
CITY OF BATAVIA
FOR PERIOD ENDED - May 31, 2015

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %	Change \$
Expenses						
City Council	\$ 51,700.00	\$ 9,156.20	17.71%	\$ 9,380.94	-2.40%	\$ (225)
City Manager	\$ 158,600.00	\$ 16,894.58	10.65%	\$ 16,536.20	2.17%	\$ 358
Finance	\$ 156,206.00	\$ 15,931.69	10.20%	\$ 21,764.46	-26.80%	\$ (5,833)
Administrative Services	\$ 316,602.97	\$ 121,442.62	38.36%	\$ 70,191.78	73.02%	\$ 51,251
Clerk-Treasurer	\$ 141,376.00	\$ 14,894.13	10.54%	\$ 28,010.41	-46.83%	\$ (13,116)
City Assessment	\$ 137,562.00	\$ 28,870.74	20.99%	\$ 28,445.18	1.50%	\$ 426
Legal Services	\$ 221,055.00	\$ 24,784.04	11.21%	\$ 14,530.50	70.57%	\$ 10,254
Personnel	\$ 130,605.20	\$ 12,155.67	9.31%	\$ 12,074.81	0.67%	\$ 81
Engineering	\$ 47,000.00	\$ -	0.00%	\$ 3,664.91	-100.00%	\$ (3,665)
Elections	\$ 11,835.00	\$ 11,835.00	100.00%	\$ 34,735.00	-65.93%	\$ (22,900)
Public Works Admin	\$ 94,310.00	\$ 13,330.64	14.13%	\$ 9,289.24	43.51%	\$ 4,041
City Facilities	\$ 303,782.06	\$ 50,923.79	16.76%	\$ 41,667.92	22.21%	\$ 9,256
Information Systems	\$ 76,668.00	\$ 42,215.00	55.06%	\$ 84,117.76	-49.81%	\$ (41,903)
Contingency	\$ 250,000.00	\$ -	0.00%	\$ -		\$ -
Police	\$ 3,621,952.94	\$ 368,081.99	10.16%	\$ 362,100.10	1.65%	\$ 5,982
Fire	\$ 3,485,157.00	\$ 381,770.15	10.95%	\$ 404,354.88	-5.59%	\$ (22,585)
Control of Dogs	\$ 1,310.00	\$ 995.21	75.97%	\$ 780.45	27.52%	\$ 215
Inspection	\$ 289,131.85	\$ 28,731.28	9.94%	\$ 30,330.49	-5.27%	\$ (1,599)
Vital Statistics	\$ 18,330.00	\$ 1,739.12	9.49%	\$ 1,679.09	3.58%	\$ 60
Maintenance Admin	\$ 176,990.00	\$ 20,412.68	11.53%	\$ 21,886.45	-6.73%	\$ (1,474)
Street Maintenance	\$ 549,955.00	\$ 44,382.17	8.07%	\$ 39,879.74	11.29%	\$ 4,502
Public Works Garage	\$ 473,102.00	\$ 41,709.82	8.82%	\$ 40,389.40	3.27%	\$ 1,320
Snow Removal	\$ 514,583.94	\$ 48,818.56	9.49%	\$ 14,147.83	245.08%	\$ 34,671
Street Lights/Traf Signals	\$ 279,849.00	\$ 8,181.47	2.92%	\$ 13,124.04	-37.66%	\$ (4,943)
Sidewalk Repairs	\$ 318,558.00	\$ -	0.00%	\$ -		\$ -
Community Development	\$ 20,600.00	\$ 2,853.55	13.85%	\$ 2,486.12	14.78%	\$ 367
Economic Development	\$ -	\$ -		\$ -		\$ -
Council on Arts	\$ 2,250.00	\$ 2,250.00	100.00%	\$ 2,250.00	0.00%	\$ -
Parks	\$ 580,426.67	\$ 70,223.30	12.10%	\$ 68,947.52	1.85%	\$ 1,276
Summer Recreation	\$ 68,659.68	\$ 1,352.08	1.97%	\$ 3,586.50	-62.30%	\$ (2,234)
Youth Services	\$ 185,325.00	\$ 14,207.63	7.67%	\$ 18,052.24	-21.30%	\$ (3,845)
Historic Preservation	\$ 2,395.00	\$ 155.62	6.50%	\$ 94.31	65.01%	\$ 61
Celebrations	\$ 14,570.00	\$ 1,907.85	13.09%	\$ 649.27	193.85%	\$ 1,259
Planning & Zoning Boards	\$ 3,200.00	\$ 630.35	19.70%	\$ 158.60	297.45%	\$ 472
Storm Sewers	\$ 208,419.25	\$ 12,777.92	6.13%	\$ 17,454.00	-26.79%	\$ (4,676)
Refuse & Recycling	\$ 62,430.00	\$ 2,917.46	4.67%	\$ 3,101.24	-5.93%	\$ (184)
Street Cleaning	\$ 117,180.00	\$ 8,948.18	7.64%	\$ 3,966.02	125.62%	\$ 4,982
Medical Insurance	\$ 1,658,640.00	\$ 238,433.57	14.38%	\$ 138,189.15	72.54%	\$ 100,244
Debt Service	\$ 643,846.00	\$ 56,156.45	8.72%	\$ 71,578.54	-21.55%	\$ (15,422)
Energy Lease	\$ 73,255.00	\$ -	0.00%	\$ -		\$ -
Transfer for capital projects	\$ -	\$ -		\$ -		\$ -
Transfer to other funds	\$ 398,230.00	\$ 19,740.00	4.96%	\$ -		\$ 19,740
Capital Reserves	\$ 201,303.00	\$ 201,303.00	100.00%	\$ -		\$ 201,303
TOTAL EXPENSES	\$ 16,086,951.56	\$ 1,941,113.51	12.08%	\$ 1,633,595.09	18.82%	\$ 307,518
Operating Income (Loss)		\$ 4,864,560.18		\$ 5,078,840.66	-4.22%	\$ (214,280)

WATER FUND
CITY OF BATAVIA
FOR PERIOD ENDED - May 31, 2015

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
Revenues					
Metered Water Sales	\$ 2,396,204.00	\$ 169,248.59	7.06%	\$ 231,058.25	-26.75%
Bulk Water Sales	\$ 15,000.00	\$ 1,148.65	7.66%	\$ 712.05	61.32%
Water Service Charges	\$ 2,500.00	\$ 1,945.00	77.80%	\$ 1,009.99	92.58%
Capital improvement fee	\$ 116,762.00	\$ 21,557.21	18.46%	\$ 14,389.50	49.81%
Int/Pen-Water Rents	\$ 35,000.00	\$ 4,921.10	14.06%	\$ 4,500.22	9.35%
County Contract	\$ 1,347,170.00		0.00%		
Other Govt - Walnut St Const	\$ -				
Interest and Earnings	\$ 1,000.00		0.00%	\$ 431.79	-100.00%
Interest and Earnings-Reserve	\$ -			\$ 413.25	-100.00%
State Aid - Rate study	\$ -				
State Aid - Planning	\$ -				
Rental of Real Property	\$ 550,000.00		0.00%		
Sale of scrap	\$ -			\$ 2,443.10	-100.00%
Gain on disposition of asset	\$ -				
Insurance recoveries	\$ -				
Healthcare premiums	\$ 8,100.00		0.00%		
Healthcare revenue	\$ -	\$ 359.12		\$ 346.29	3.70%
Unclassified revenue	\$ 5,000.00	\$ 547.50	10.95%	\$ 767.29	-28.64%
Reserve revenue	\$ -				
Interfund transfers	\$ -				
Total Revenue	\$ 4,476,736.00	\$ 199,727.17	4.46%	\$ 256,071.73	-22.00%
Expenses					
Contingency	\$ 18,489.00		0.00%		0.00%
Water Admin	\$ 2,322,892.14	\$ 28,068.75	1.21%	\$ (496,035.88)	-105.66%
Pump Station & Filtration	\$ 1,584,266.63	\$ 102,424.68	6.47%	\$ 45,425.39	125.48%
Water Distribution	\$ 357,250.00	\$ 50,622.92	14.17%	\$ 13,205.10	283.36%
Medical Insurance	\$ 172,910.00	\$ 25,532.46	14.77%	\$ (543.87)	-4794.59%
Debt Service bonds	\$ 29,695.00	\$ 1,934.82	6.52%	\$ (5,626.11)	-134.39%
Energy lease	\$ 17,481.00		0.00%		
Transfer to Other Funds	\$ 279,070.00	\$ 2,680.00	0.96%		
Capital Reserves	\$ 82,086.00	\$ 82,086.00	100.00%		
Total Expense	\$ 4,864,139.77	\$ 293,349.63	6.03%	\$ (443,575.37)	-166.13%
Operating Income (Loss)		\$ (93,622.46)		\$699,647.10	-113.38%

Consumption

*consumption in 1,000 gallons

	2015	Difference	2014	Difference	2013
April	68,893	14.34%	60,255	-2.56%	61,837
May	20,338	22.24%	16,638	-16.37%	19,894
June	21,102	2.19%	20,649	4.18%	19,821
July		-100.00%	67,810	0.85%	67,240
August		-100.00%	20,993	-6.42%	22,434
Sept		-100.00%	22,085	-3.66%	22,923
Oct*		-100.00%	76,963	-12.35%	87,803
Nov		-100.00%	21,574	-6.76%	23,137
Dec		-100.00%	21,477	-4.43%	22,473
Jan*		-100.00%	75,713	1.62%	74,507
Feb		-100.00%	20,758	-22.53%	26,795
March		-100.00%	22,267	0.86%	22,077
Total	110,333	-75.33%	447,182	-5.05%	470,941

SEWER FUND
CITY OF BATAVIA
FOR PERIOD ENDED - May 31, 2015

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
Revenues					
Sewer Rents	\$ 2,466,509.00	\$ 400,542.83	16.24%	\$ 429,132.96	-6.66%
Sewer Surcharge	\$ -	\$ 22,235.81		\$ 18,653.58	19.20%
Int/Pen-Sewer Rents	\$ 25,000.00	\$ 2,286.75	9.15%	\$ 2,285.84	0.04%
Interest and earnings	\$ 1,280.00		0.00%	\$ 360.67	-100.00%
Interest & Earnings Cap. Rsv	\$ -			\$ 182.61	-100.00%
Healthcare premiums	\$ 1,600.00		0.00%		
Healthcare revenue	\$ -	\$ 326.10		\$ 320.95	1.60%
Unclassified revenue	\$ 70,000.00	\$ 109,098.50	155.86%	\$ 28,228.45	286.48%
Interfund transfers inc	\$ -				
Reserve revenue	\$ -				
Total Revenues	\$ 2,564,389.00	\$ 534,489.99	20.84%	\$ 479,165.06	11.55%
Expenses					
Contingency	\$ 28,000.00		0.00%		
Wastewater Admin	\$ 301,343.57	\$ 31,350.32	10.40%	\$ 30,221.28	3.74%
Sanitary Sewers	\$ 389,655.00	\$ 35,443.08	9.10%	\$ 26,709.14	32.70%
Wastewater Treatment	\$ 877,853.74	\$ 78,893.83	8.99%	\$ 108,104.76	-27.02%
Medical Insurance	\$ 156,380.00	\$ 23,912.15	15.29%	\$ 4,907.63	387.24%
Debt Service	\$ 188,528.00	\$ 3,708.70	1.97%	\$ 4,207.84	-11.86%
Energy lease	\$ 7,251.00		0.00%		
Transfer to Other Funds	\$ 574,330.00	\$ 1,950.00	0.34%		
Transfers for Capital projects	\$ -				
Capital Reserves	\$ 120,500.00	\$ 120,500.00	100.00%		
Total Expenses	\$ 2,643,841.31	\$ 295,758.08	11.19%	\$ 174,150.65	69.83%
Operating Income (Loss)		\$ 238,731.91		\$ 305,014.41	-21.73%

Consumption

*consumption in 1,000 gallons

	2015	Difference	2014	Difference	2013
April	105,899	17.73%	89,954	-4.78%	94,469
May	20,308	-62.36%	53,952	11.96%	48,189
June	20,897	1.95%	20,497	4.17%	19,677
July		-100.00%	102,880	5.70%	97,334
Aug		-100.00%	58,595	5.90%	55,333
Sept		-100.00%	22,017	-3.65%	22,851
Oct *		-100.00%	109,123	-1.18%	110,430
Nov		-100.00%	61,673	3.69%	59,481
Dec		-100.00%	21,399	-4.47%	22,400
Jan *		-100.00%	113,840	-1.29%	115,332
Feb		-100.00%	55,705	-3.78%	57,892
March		-100.00%	22,119	0.77%	21,950
Total	147,104	-79.90%	731,754	0.88%	725,338

WORKERS COMPENSATION FUND
CITY OF BATAVIA
FOR PERIOD ENDED - May 31, 2015

DESCRIPTION	ADJUSTED BUDGET	YTD TOTAL	% OF BUDGET	YTD 2014	YTD Change %
<u>Revenues</u>					
Workers Compensation	\$ 467,260.00		0.00%		
Interest and earnings	\$ -			\$ 4.09	-100.00%
Interest and earnings - Cap Rsrvs	\$ -			\$ 37.24	-100.00%
Insurance Recoveries	\$ 64,040.00		0.00%		
Reserve revenue	\$ 30,000.00		0.00%		
Total Revenues	\$ 561,300.00	\$ -	0.00%	\$ 41.33	-100.00%
Contractual Expense	\$ 561,300.00	\$ 82,667.54	14.73%	\$ 63,148.64	30.91%
Total Expenses	\$ 561,300.00	\$ 82,667.54	14.73%	\$ 63,148.64	30.91%
Operating Income/(Loss)		\$ (82,667.54)		\$ (63,107.31)	31.00%

☐ Original☐ Amended

Date

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

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

(Page 1 of 2 of Form)

1. Date Notice was Sent: (mm/dd/yyyy)

6/16/15

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

☐ New Application ☒ Renewal ☐ Alteration ☐ Corporate Change

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

3. Name of Municipality or Community Board

City of Batavia

Applicant/Licensee Information

4. License Serial Number, if not New Application:

3131376

Expiration Date, if not New Application:

7/31/18

5. Applicant or Licensee Name:

NORTHSIDE DELI, LLC

6. Trade Name (if any):

7. Street Address of Establishment:

162 BANK ST

8. City, Town or Village:

Batavia

,NY

Zip Code:

14020

9. Business Telephone Number of Applicant/Licensee:

585-343-2888

10. Business Fax Number of Applicant/Licensee:

585-343-4078

11. Business E-mail of Applicant/Licensee:

NORTHSIDEDELI.BATAVIA@YAHOO

For New applicants, provide description below using all information known to date.
For Alteration applicants, attach complete description and diagram of proposed alteration(s).
For Current Licensees, set forth approved Method of Operation only.
Do Not Use This Form to Change Your Method of Operation.

12. Type(s) of Alcohol sold or to be sold: ("X" One)

☒ Beer Only ☐ Wine & Beer Only ☐ Liquor, Wine & Beer

13. Extent of Food Service: ("X" One)

☒ Restaurant (Sale of food primarily;
Full food menu; Kitchen run by chef) ☐ Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol
sales primarily; Meets legal minimum food
availability requirements)
14. Type of Establishment:
("X" all that apply)

☐ Recorded Music ☐ Live Music ☐ Disc Jockey ☐ Juke Box ☐ Karaoke Bar ☐ Stage Shows
☐ Patron Dancing (small scale) ☐ Cabaret, Night Club (Large Scale Dance Club) ☐ Catering Facility
☐ Capacity of 600 or more patrons ☐ Topless Entertainment ☐ Restaurant ☐ Hotel
☐ Recreational Facility (Sports Facility/Vessel) ☐ Club (e.g. Golf Club/Fraternal Org.) ☐ Bed & Breakfast
☐ Seasonal Establishment

15. Licensed Outdoor Area:
("X" all that apply)

☒ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure
☐ Sidewalk Cafe ☐ Other (specify):

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

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

(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on: First
17. List the room number(s) the establishment is located in within the building, if appropriate: N/A
18. Is the premises located with 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) ☒ Yes (If Yes SKIP 21-24) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name: _____
22. Building Owner's Street Address: _____
23. City, Town or Village: _____ State: _____ Zip Code: _____

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
Establishment Identified in this Notice**

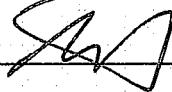
25. Attorney's Full Name: Mark S. Boylan
26. Attorney's Street Address: 45 W. Main St.
27. City, Town or Village: Leray State: NY Zip Code: 14482
28. Business Telephone Number of Attorney: 585-768-8148
29. Business Email Address of Attorney: _____

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

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

30. Printed Name: DAVID STUPP Title: SOLE MEMBER

Signature: X



Summer in the City

The cost for public works is estimated at \$3,869 for overtime and materials and for police is \$1,025. There are no additional costs for any other departments.

National Night Out

There are no additional costs for any departments.

Community Action Children's Carnival

There are no additional costs for any departments.

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

Event Application #: 2015-23 Summer in the City

Department: Bureau of Maintenance
List Department Name Here

Department Approval

	YES	NO
Community Development	<input type="checkbox"/>	<input type="checkbox"/>
DPW – Bureau of Maint.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: \$3117.84 regular time/
\$3719.35 overtime/ \$150
Materials.

If applicable

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

Previous year. Regular time cost to pre-set detour, load tables & cans and organize materials upon return. Overtime for implementing detour, setout tables and cans and to setup stage in morning. In evening overtime cost is for clean up of sidewalks, empty trash cans, sweep streets, breakdown stage, open detour and return materials to the Bureau of Maintenance. REGULAR TIME: (2staffx20hrs + 4staffx12hrs)x\$23.62x1.5ben/adm= **\$3117.84**
OVERTIME 10staff x\$23.62rate x1.5ot x 3hr x 1.5ben/adm= **\$1594.35 set-up**, 10staff x \$23.62rate x 1.5ot x 4hr x 1.5ben/adm = **\$2125.80 clean-up**. Trash bags, cable ties, screws estimated at \$150

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

City not able to provide dumpster service and trash disposal. Organizer will have to arrange for container and disposal. SITC typically produces 1 –2 tons of refuse.

*All grounds for generators need to have underground locates made for ground rods.

*No staking of any sort into pavement or sidewalk.

*All vendors are to properly dispose of trash, hot coals and grease.

***Organizers to maintain traffic closures until streets opened (This is especially true during breakdown).**

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

Submitted By: Raymond Tourt
Name / Title

6/30/15
Date Submitted



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

Official Use Only:

2015-23

Event Application #:

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

Batavia Business Improvement District Management Association Inc
Name of Renter / Sponsor / Organization:

Summer in the City Festival
Type / Name of Event

August 15, 2015
Date(s) / Time(s) of Event

Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

Laurie Oltramari

Primary Contact Name

B.I.D., 200 East Main St., Ste. 12, Batavia

Primary Contact Address

LOLTRAMART @ Downtown Batavia NY.com

E-Mail Address

(585) 344-0900

Home Phone #

261-0431

Cell Phone #

Other #

Jeff Gillard, Chairperson

Secondary Contact Name

B.I.D., 200 East Main St., Ste. 12, Batavia

Secondary Contact Address

(585) 344-0900

Home Phone #

737-3484

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

B.I.D. Office

Contact Name

(585) 344-0900

Home Phone #

Cell Phone #

Other #

Location of your event: Downtown Batavia B.I.D. District (see maps)

Please provide details of your 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):

August 15, 2015 7:30am Same 9:30pm
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

August 15, 2015 11am 9pm 4,000-5,000 40-50
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 ☐

See listing attached
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? Generators will provide power for the main stage and food/commercial vendors

Will generators be used? Yes ☒ No ☐

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

SIZE OF GENERATOR(S) 20-36 KW FUEL SOURCE - GAS - ☐ - DIESEL - ☒ - PROPANE - ☐

* Number of generators depends on exact number of vendors.

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.

10' x 10' Canopies

ANCHORING INTO PAVEMENT IS PROHIBITED!

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-982-7962 or 811

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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)

trash cans and picnic tables

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

Batavia Business Improvement District
Mgt. Assoc. Inc. (B.I.D.) 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 B.I.D. (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.

6/4/15
Date:

Batavia Business Improvement District Mgmt. Assoc. Inc.
Name of Event Sponsor:

Don Burk
Authorized Signature, Title

Don Burk
Name - Printed or Typed

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

6/4/15
Date:

Don Burk
Signature of Applicant:

Please forward this application to:

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

Summer in the City
Street & Parking Lot Closings
Saturday, August 15th
Event: 11 am to 9 pm

Saturday, August 15th:

Close streets (barricades) at 7:30 am: Bank, Main, Center, School, Jackson, Court & Jefferson:

Bank at Alva Place
Bank at Washington
Main at Upton Monument
Main at Liberty / Summit
Jackson at Ellicott
Center at School
Court at Ellicott / Parking Lot Entrances / Bank Drive-Thru
Jefferson at Intersection Tonawanda Valley & Wendy's Parking Lots
Wendy's - Main Street Entrance

5 K Race / Walk* - Barricades setup at:

Alva Parking Lot
Bank & Washington Avenue
* (See additional map for race barricades)

Main Stage: Will be located in front of Wendy's / County Building #1 on Main Street facing east. Entertainment: begins at 2:00pm and ends at 9:00pm.
Featured: Old Hippies, Flat Top Gypsy, and Terry Buchwald (Elvis)

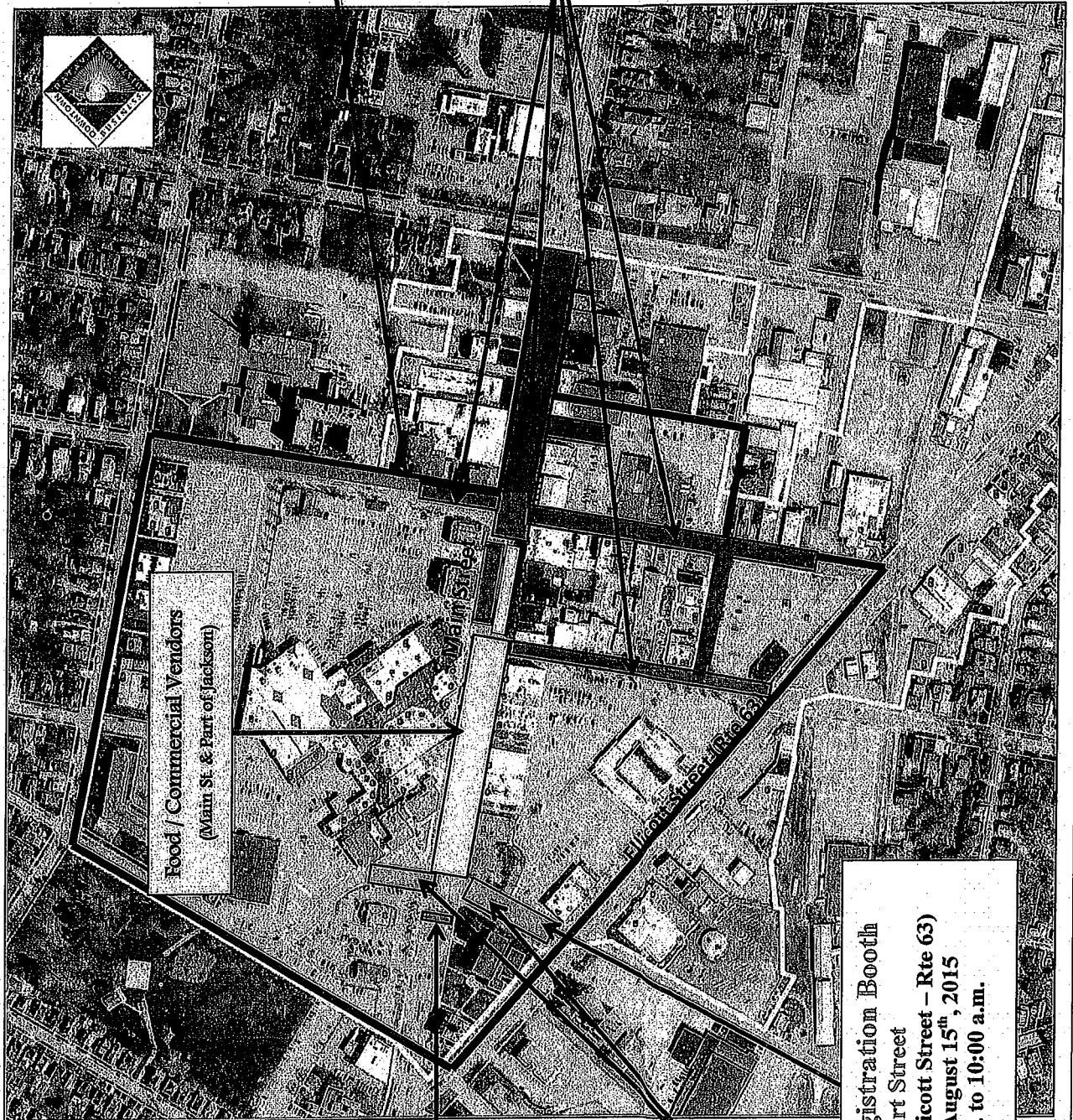
Vendors: Crafters and non-profits & KidsZone will be located on Main, Court & Jefferson. Food vendors will be on the north side of Main Street from in front of Larry's Steakhouse west to corner of Main & Jefferson. Commercial vendors will be on the south side of Main Street from corner of Court to Center Street.

Super Cruise: Vehicles will be on the north side of Main Street from Jackson Street east to Liberty / Summit and the south side from Center to Liberty Street. They will also be on Jackson, School Center Streets and a segment of Bank Street.

Donny Carroll 5K Race: Start/ Finish line will be at the entrance of Bank of America Drive-Thru. The race starts at 9:00 am and ends finishes by 10:30 am.

Re-open streets at 11:00 pm

BATAVIA BUSINESS IMPROVEMENT DISTRICT
Summer In The City Festival 2015



Donny Carroll 5K
 Race & Walk
 Start/Finish Area
 (Bank Street)

Classic Cars &
 Motorcycles
 (Main, Bank,
 Center, School &
 Jackson Sts.)

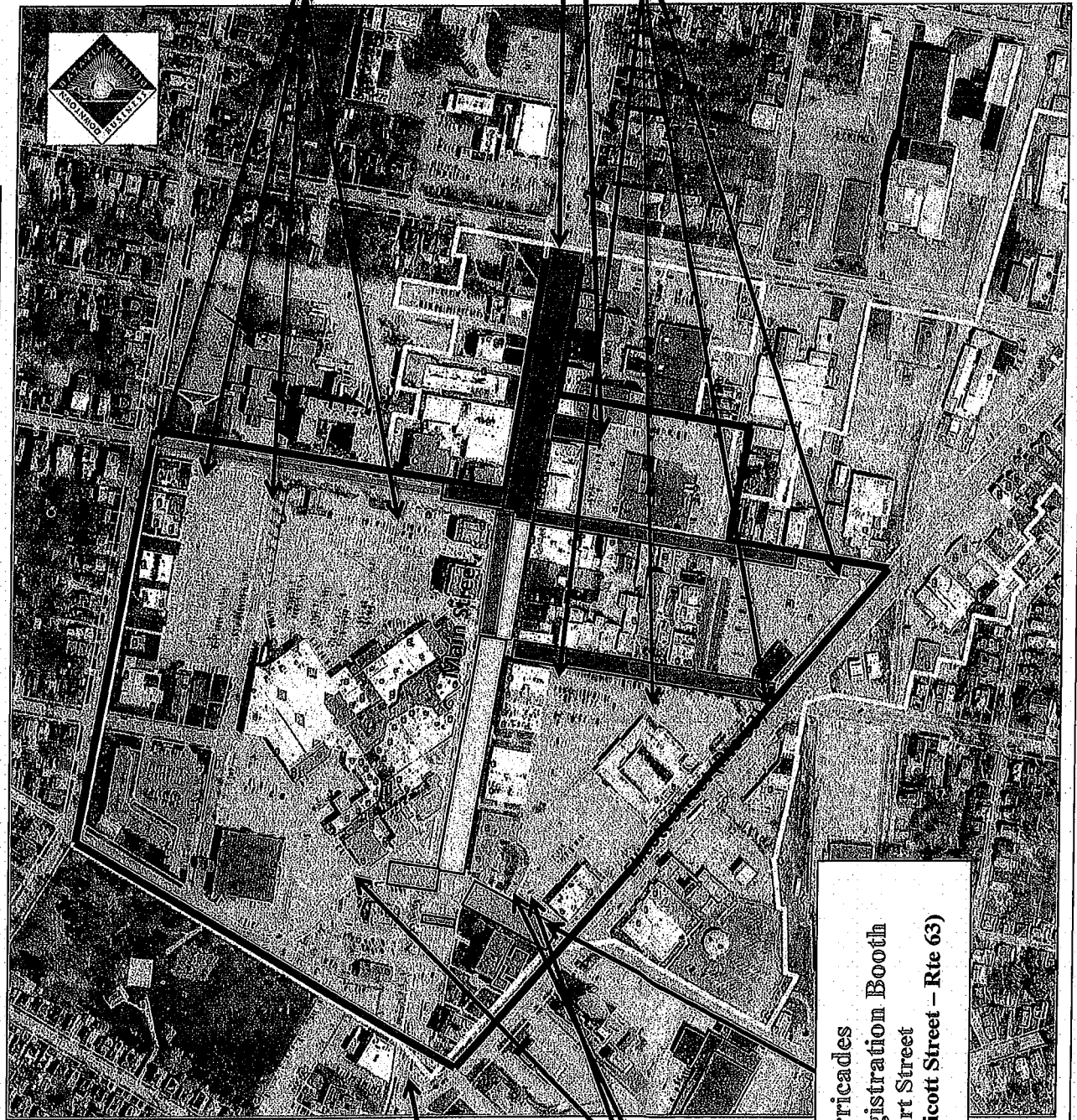
Food / Commercial Vendors
 (Main St. & Part of Jackson)

Main Stage
 (Main St. in front
 of Wemyss)

KidsZone
 Bounce Houses
 Crafters
 Non-Profit
 Vendors
 Fire, EMS &
 Police
 (Court St)

Vendor Registration Booth
 Court Street
 (Enter from Ellicott Street - Rte 63)
 Saturday, August 15th, 2015
 8:00 a.m. to 10:00 a.m.

**BATAVIA BUSINESS IMPROVEMENT DISTRICT
Summer In The City Festival 2015 - Barricades**



Barricades
Donny Carroll's
Race & Walk
(Bank Street)

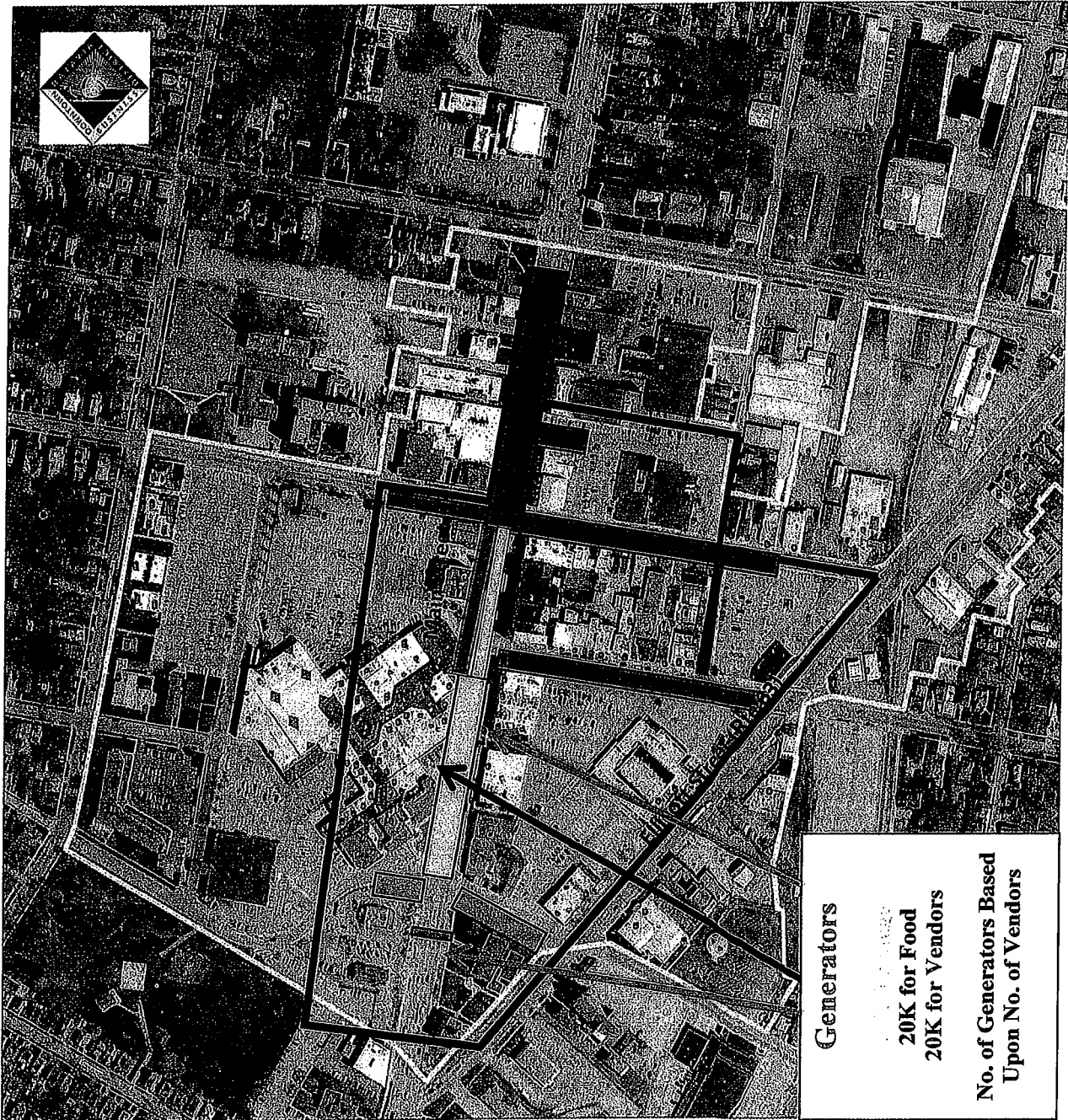
Barricades
Classic Cars &
Motorcycles
(Main, Bank
Center, School &
Jackson Sts)

Barricades
Main Stage
(Main St.)

Barricades
KidsZone
Crafters, Non-
Profit Vendors
& Fire / EMS
(Court St.)

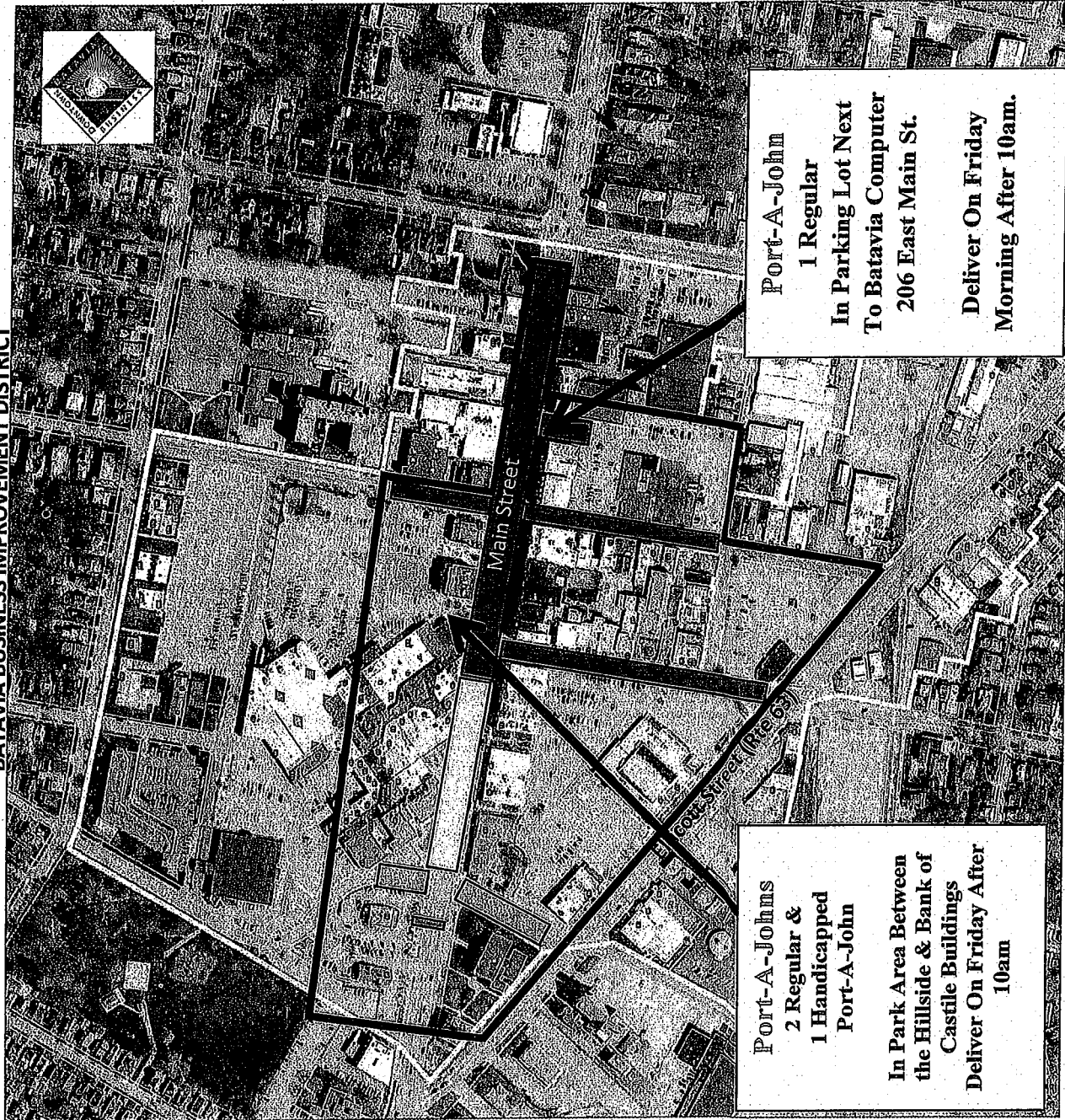
Barricades
Vendor Registration Booth
Court Street
(Enter from Ellicott Street - Rte 63)

BATAVIA BUSINESS IMPROVEMENT DISTRICT



2015 SUMMER IN THE CITY
Generator (Approximate) Locations

BATAVIA BUSINESS IMPROVEMENT DISTRICT



Port-A-Johns
2 Regular &
1 Handicapped
Port-A-John

In Park Area Between
the Hillside & Bank of
Castle Buildings
Deliver On Friday After
10am

Port-A-John
1 Regular
In Parking Lot Next
To Batavia Computer
206 East Main St.
Deliver On Friday
Morning After 10am.

2015 SUMMER IN THE CITY (Saturday, August 16th)

Port-A-Johns Location

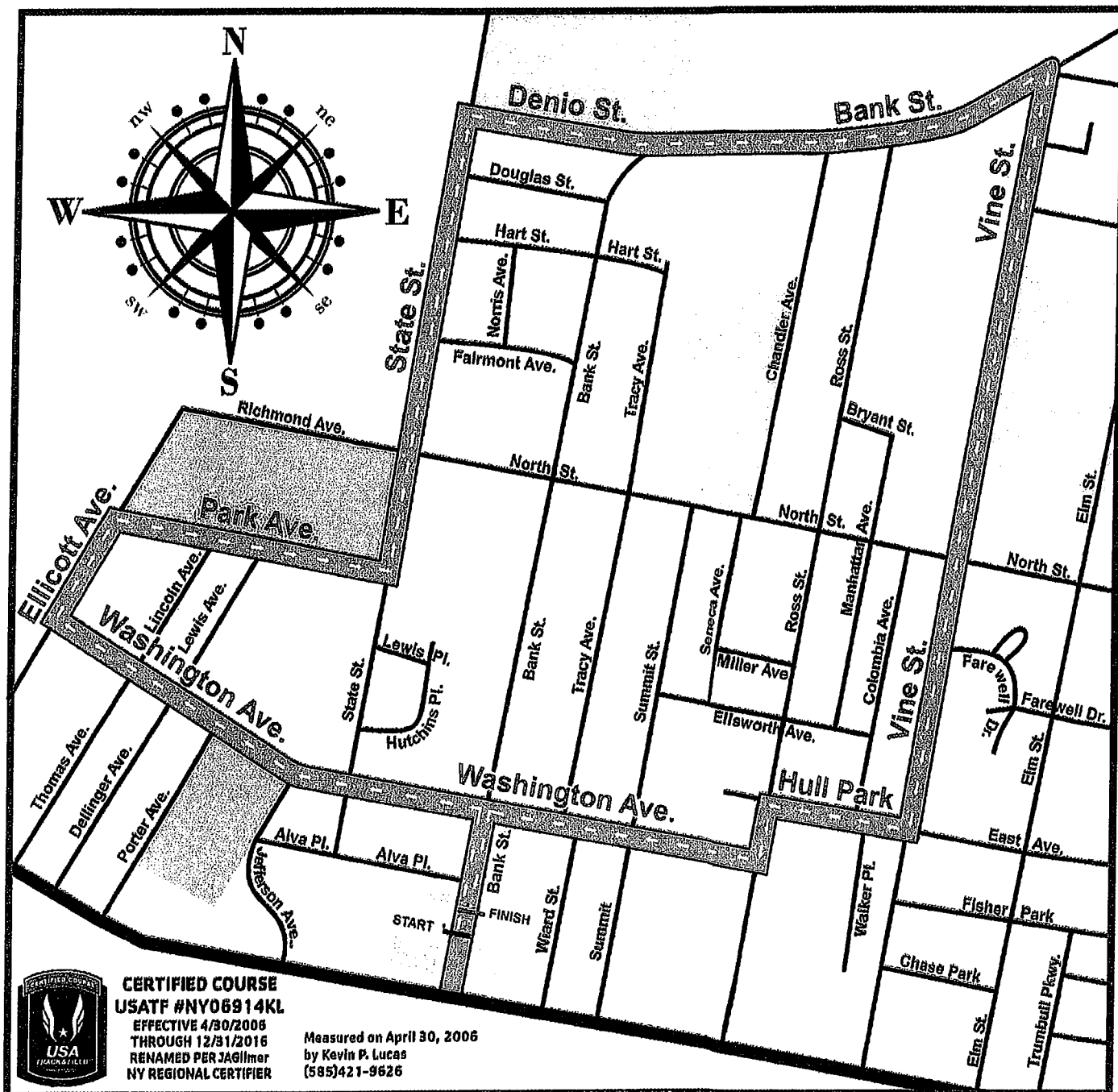


Elevations:
Start/Finish = 892 feet
Highest = 907ft.
Lowest = 889ft.

1 Mile Mark:
166 State St.
14ft. South of Storm Drain
on Westside

2 Mile Mark:
231 Vine St.
23ft. South of Center
of Driveway

3 Mile Mark:
203 Washington Ave.
6ft. West of Manhole



Starting Line:

10ft. 9in. South of Light Pole #5
On Bank Street Near Senior Center

Finish Line:

12ft 10in. South of Man Hole Cover
On Bank Street Near BOA Drive Thru

Race Directors:

Beth and Brian Kemp
DonCarrollRace.com
111 Main St.
Batavia, NY 14020



IN COOPERATION WITH



DOWNTOWN
BATAVIA BUSINESS
IMPROVEMENT DISTRICT



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

Official Use Only:

2015-25

Event Application #:

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

Batavia Police Department

Name of Renter / Sponsor / Organization:

National night out 2015

Type / Name of Event:

10th Annual

Tue 08-04-15 6p-8p

Date(s) & Time(s) of Event

Profit Non-Profit



CONTACT INFORMATION:

Richard Schauf

Primary Contact Name

Schauf@bataviainewyork.com

E-Mail Address

10 W. Main St

Primary Contact Address

585-409-8479

Home Phone #

Cell Phone #

Other #

Secondary Contact Name

Secondary Contact Address

E-Mail Address

Home Phone #

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Same

Contact Name

Home Phone #

Cell Phone #

Other #

Location of your event: Birchwood village Dewey Ave Batavia ny

Please provide details of your event: Request Street closure from 6p-8p
Dewey Ave between Pearl St + Birchwood Dr.

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

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

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

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

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

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

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

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

EVENT INFORMATION (required):

Set-Up Date:

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)
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: Parking emergency
vehicle for display

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

<u>Dewey Ave</u>	<u>Pearl St</u>	<u>&</u>	<u>Birchwood Dr</u>
<small>Street to be closed</small>		<small>Cross Streets</small>	
		<u>&</u>	
<u>Street to be closed</u>		<small>Cross Streets</small>	
		<u>&</u>	
<u>Street to be closed</u>		<small>Cross Streets</small>	
		<u>&</u>	
<u>Street to be closed</u>		<small>Cross Streets</small>	

Will street barricades be requested from the City? Yes ☒ No ☐ How Many? 4Will 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)

No**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

_____, 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.

Date:

Name of Event Sponsor:

Authorized Signature, Title

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 #: 2015-25 National Night
Out - PD

Department: Bureau of Maintenance
List Department Name Here

Department Approval

	YES	NO
Community Development	<input type="checkbox"/>	<input type="checkbox"/>
DPW – Bureau of Maint.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: \$70.86 regular time
If applicable

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

Previous year. Regular time cost to set out barricades for organizer to use and to pick back up the next morning. 2 employees at \$23.62/hr x 1 hr x 1.5 admin/ben = \$70.86 - Application

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

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

Submitted By: Raymond Tourt
Name / Title

7/6/15
Date Submitted

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

Event Application #: 2015-22 Children's
Carnival – Community
Action of Orleans and
Genesee

Department: Bureau of Maintenance
List Department Name Here

Department Approval

	YES	NO
Community Development	<input type="checkbox"/>	<input type="checkbox"/>
DPW – Bureau of Maint.	<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:

City not able to provide dumpster service and trash disposal. Organizer will have to arrange for container and disposal.

*All grounds for generators need to have underground locates made for ground rods. The Pavilion only has a 15Amp service.

*No staking of any sort into pavement or sidewalk. Tents staking need to have a locate called in by installer.

*** Absolutely No vehicles in the Park. This includes Displays for PD, Fire, Ambulance services and booths.**

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

Submitted By: Raymond Tourt
Name / Title

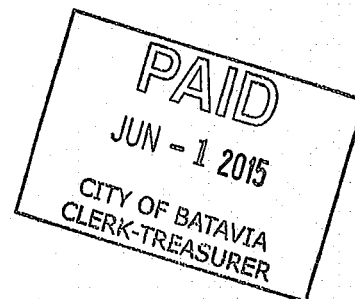
6/30/15
Date Submitted



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

Official Use Only:

2015-22
Event Application #:



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

Community Action of Orleans & Genesee
Name of Renter / Sponsor / Organization:

Children's Carnival
Type / Name of Event:

Friday August 21, 2015 10am-2pm
Date(s) & Time(s) of Event

Profit ☐ Non-Profit ☒

CONTACT INFORMATION:

Lisa P. Wittmeyer
Primary Contact Name

wittmeyer@coaginc.org
E-Mail Address

5073 Clinton St Rd Batavia
Primary Contact Address

343-7798 x116
Home Phone #

585-860-7256
Cell Phone #

Other #

Kim Gloskowski
Secondary Contact Name

kgloskowski@coaginc.org
E-Mail Address

same as above
Secondary Contact Address

343-7798 x114
Home Phone #

Cell Phone #

Other #

EVENT DAY CONTACT INFORMATION:

Lisa P. Wittmeyer
Contact Name

343-7798 x116
Home Phone #

860-7256
Cell Phone #

Other #

Location of your event: Austin Park

Please provide details of your event: Open to all children and families in the area.

Genesee Co. agencies will host "game or activity booths"; prizes will be given out as well. Police, Fire, EMS will be invited to share information etc.

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):

August 21, 2015 8:00 am 2:00 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 ☒

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group ☐ Recorded/DJ ☒

DJ. David Laraby D.J. Gravelly Dazzy (585) 861-7876
 Name of Company Providing Above: _____ Company Contact/Representative _____ Phone # _____

Albion NY 14411
 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? An inflatable slide

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.

Inflatable slide

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

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

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

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

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

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

POLICE

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

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

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

Community Action, 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 Community Action (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.

May 27, 2015

Date:

Community Action of Orleans & Genesee

Name of Event Sponsor:

Lisa P. Wittmeyer

Authorized Signature, Title

Emergency Services Case Manager

Lisa P. Wittmeyer

Name -- Printed or Typed

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

May 27, 2015

Date:

Lisa P. Wittmeyer

Signature of Applicant:

Please forward this application to:

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

#54-2015
A RESOLUTION TO APPOINT MEMBERS TO THE
AUDIT ADVISORY COMMITTEE

Motion of Councilperson

WHEREAS, currently, vacancies exist on Audit Advisory Committee; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the following appointments be made to the Audit Advisory Committee:

Audit Advisory Committee

Councilperson Pierluigi Cipollone
Councilperson John Canale
David Leone
Marc Staley
Nicholas Harris

Term Expiration

December 31, 2015
December 31, 2015
December 31, 2015
December 31, 2015
December 31, 2015

Seconded by Councilperson
and on roll call

#55-2015

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE
214 ELLICOTT SOLD AT AUCTION ON JUNE 9, 2015**

Motion of Councilperson

WHEREAS, the City foreclosed on 214 Ellicott St for non-payment of property taxes; and

WHEREAS, ads were placed in the Batavia Daily News and documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

WHEREAS, a Public Real Estate Auction was held at Bontrager's Auction Center on June 9, 2015 at 10:00 a.m.; and

WHEREAS, the highest bids received for the auctioned properties are as follows:

Property	Highest Bidder	Highest Bid
1) 214 Ellicott	MKP Realty	\$1,000

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidder for the property, subject to purchaser's execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

**Seconded by Councilperson
and on roll call**

#56-2015

**A RESOLUTION TO AUTHORIZE BUDGET TRANSFERS AND TRANSFERRING
\$2,975 TO THE PARKING LOT CAPITAL RESERVE FUND**

Motion of Councilperson

WHEREAS, in order to close out the 2014-2015 fiscal year budget certain budget amendments and transfers need to be made; and

WHEREAS, pursuant to General Municipal Law 6-c the City of Batavia has an established Parking Lot Reserve Fund; and

WHEREAS, the City of Batavia for the fiscal year ending March 31, 2015 received parking and dumpster permit revenue in the amount of \$2,975 and is desirous of transferring said \$2,975 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby transfer \$2,975 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments:

Effective March 31, 2015, amend the 2014-15 budget by increasing expenditure accounts:

001.3410.0803	207 Supplemental	\$ 10,294.68
001.3410.0100	Fire – Personnel	\$ 19,807.25
002.8340.0100	Water Distribution – Personnel	\$ 1,305.00
002.8340.0474	Water Distribution – Mains	\$ 29,200.00
002.8340.0802	Water Distribution – Social Security	\$ 1,195.00

by decreasing expense account:

001.1990.0500	General Fund Contingency	\$ 30,101.93
002.1990.0500	Water Fund Contingency	\$ 31,700.00

**Seconded by Councilperson
and on roll call**

#57-2015
A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS

Motion of Councilperson

WHEREAS, the City of Batavia should periodically close capital projects which are completed; and

WHEREAS, the project completed at this time that requires official closing is listed as follows:

#1302 Tracy Ave and Hart Street Sewer Replacement

WHEREAS, the City Council concurs with this list and directs to close out the specified capital project effective March 31, 2015; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the projects listed above be closed.

Seconded by Councilperson
and on roll call

#58-2015
**A RESOLUTION TO AMEND THE CITY OF BATAVIA ANNUAL FEE FOR
RENEWING A ROOMING HOUSE PERMIT**

Motion of Councilperson

WHEREAS, the City of Batavia has established various fees for permits and other services it provides; and

WHEREAS, City Council desires to amend the annual fee for renewing a rooming house permit to compensate for the cost of those permits and related services; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia, that it adopts and sets the annual fee for renewing a rooming house permit at \$150; and

BE IT FURTHER RESOLVED, that said fees become effective immediately.

**Seconded by Councilperson
and on roll call**

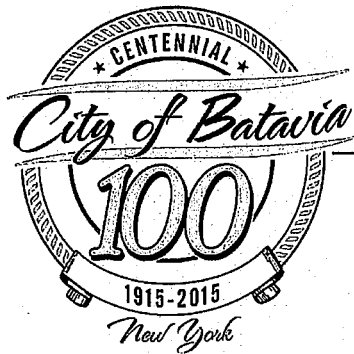
#59-2015
A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR
THE CITY MANAGER


Motion of Councilperson

WHEREAS, the City Council of the City of Batavia wishes to grant a wage adjustment to the City Manager for the current year based on his favorable performance evaluation; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the wage of the City Manager is increased by 2.0%, to \$91,272 and be and hereby is enacted and retroactive to April 1, 2015.

Seconded by Councilperson
and on roll call



To: Honorable City Council
From: Jason Molino, City Manager 
Date: July 7, 2015
Subject: Sidewalk Replacement Bid

The City has received bids ranging from \$294,440.00 to \$417,755.00 for the replacement of various sidewalks on Allen Street, Holland Avenue, North Street, Olyn Avenue, and Redfield Parkway. GHD Consulting Services Inc. has canvassed the bids and recommends that the City of Batavia award the contract to Sunshine Concrete Co. Inc., the lowest responsible bidder for \$294,440.00.

Supporting Documents:

1. Resolution
2. GHD Bid Recommendation Letter

Department of Public Works
Bureau of Inspection
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6325
Phone: 585-345-6345
Fax: 585-345-1385
www.batavianewyork.com

#60-2015

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH SUNSHINE CONCRETE CO. INC. FOR CITY SIDEWALK REPLACEMENT PROJECT – 2015 AND TRANSFER \$20,000 FROM THE GENERAL FUND CONTINGENCY BUDGET TO THE SIDEWALK REPAIRS BUDGET

Motion of Councilperson

WHEREAS, a project for the replacement of approximately 3,250 square yards of City sidewalks and handicap accessible ramps on portions of Allen Street, Holland Avenue, North Street, Olyn Avenue, and Redfield Parkway was competitively bid on July 7, 2015; and

WHEREAS, a competitive bid was made by Sunshine Concrete Co. Inc., for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project - 2015; and

WHEREAS, Sunshine Concrete Co. Inc. is the lowest responsible bidder (\$294,440.00); and

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

BE IT FUTHER RESOLVED, that the lowest bid was \$20,000 over the expected construction budget of the project in the 2015-16 adopted budget and that the City Council of the City of Batavia authorizes the City Manager to make the following budget amendments to complete the project:

Effective July 13, 2015, amend the 2015-16 budget by increasing expenditure accounts:

001.5410.0401 Supplies & Mat.-Repairs	\$20,000.00
---------------------------------------	-------------

by decreasing expense account:

001.1990.0500 General Fund Contingency	\$20,000.00
--	-------------

**Seconded by Councilperson
and on the roll call**



July 7, 2015

Reference No. 631148

Ms. Sally Kuzon
Director of Public Works
City of Batavia
One Batavia City Centre
Batavia, New York 14020

Dear Ms. Kuzon:

Re: City of Batavia Sidewalk Replacement Project - 2015

On Tuesday, July 7, 2015 at 10:00 a.m., the City of Batavia received four bids for the above-referenced project. The bids were as follows:

<u>Bidder</u>	<u>Total Amount of Bid</u>
Sunshine Concrete Co., Inc. *	\$294,440.00
Campobello Construction Co., Inc.	\$337,050.00
Titan Development, Inc.	\$349,150.00
Keeler Construction Co., Inc.	\$417,755.00

** There were mathematical errors in the bid received from Sunshine Concrete Co., Inc.; however, the errors did not affect the determination of the low bidder.*


We have enclosed five copies of the bid tabulations for your information.

We have reviewed the qualifications and experience of the low bidder, Sunshine Concrete Co., Inc., and have found they have performed similar work acceptably. We, therefore, recommend award of the 2015 Sidewalk Replacement project to Sunshine Concrete Co., Inc. in the total bid amount of \$294,440.00, contingent upon the availability of project funding and review by the City's legal counsel.

If you have any questions, or require additional information, please advise.

Sincerely,

GHD Consulting Services Inc.



Daniel J. Kolkmann
Construction Manager

DJK/des/03
Encl.

cc: Robert P. Lannon, P.E., CRA

GHD Consulting Services Inc.
285 Delaware Avenue Suite 500 Buffalo New York 14202 USA
T 716 856 2142 F 716 856 2160 W www.ghd.com

REGISTERED COMPANY FOR
ISO 9001
ENGINEERING DESIGN

#61-2015

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

Motion of Councilperson

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

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

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

**Seconded by Councilperson
and on roll call**

**AGREEMENT
FOR
PROFESSIONAL SERVICES**

Agreement made this day of __July 2015 by and between the **CITY OF BATAVIA**, a municipality of the State of New York, (hereinafter referred to as the "CITY) and **GAR ASSOCIATES, INC.**, having a principal place of business at 2399 Sweet Home Road, Amherst, New York 14228, (hereinafter referred to as the "CONTRACTOR").

WHEREAS, the **CITY** has resolved to annually reassess properties and maintain equity. This hereinafter referred to as the "**PROJECT**" and

NOW, THEREFORE, for and in consideration of the mutual promises hereinafter set forth, and for other good and valuable consideration, the parties hereto agree as follows:

1. EMPLOYMENT

The **CITY** engages the **CONTRACTOR** and the **CONTRACTOR** hereby accepts to provide the **professional services requested** upon the terms and conditions as hereinafter set forth.

2. SERVICES & RESPONSIBILITIES

The **CONTRACTOR** will provide professional real property reassessment support services to encompass all parcels as indicated in the Roll Section Responsibility Grid below. Support services include but are not limited to: commercial sales verification and valuation modeling, commercial field review, project meetings, appointments for commercial informal hearings (phone bank), commercial informal hearings (up to 5 man days one hearing officer), consultation of commercial and vacant land valuation and analysis up to a maximum of 25 hours per year, residential field review support up to a maximum of 1,000 parcels (under fixed price), two copies of assessment sales and assessment books, data verification (desk and field) including data entry, updating digital sketches, and or digital photographs as needed and assessment administration support. See proposal for details on limits based on fixed price. Under the fixed price set forth, the **CONTRACTOR** is not responsible with the valuation of highly complex parcels identified by the **CITY**.

ROLL SECTION RESPONSIBILITY GRID (1)

ROLL SECTION

RESPONSIBLE PARTY

1	Taxable	Contractor/City
3	State Owned Properties	ORPTS
5	Special Franchise	ORPTS and CITY
6	Utility	ORPTS and CITY - Structural
	Contractor - Land Only, all parcels	
7	Railroads	ORPTS and CITY
8	Wholly Exempt	Contractor - IDA Properties only
		ORPTS and CITY - All other parcels

Also see Proposed Payment Schedule

The CITY is responsible and assisted by the CONTRACTOR for meeting the requirements of New York State Office of Real Property Tax Services (NYSORPTS) Cyclical Reassessment Program for sustaining equity and possibility of receiving reimbursement from NYS as stated under current NYSORPTS requirements. If these requirements change, the CONTRACTOR and the CITY have the option to renegotiate services CONTRACTOR may be asked to provide.

The CITY agrees that the CONTRACTOR shall be the CITY's exclusive provider of Support Services for the term of this **Agreement** and the CITY further agrees that it shall not engage the services of any consultant, subcontractor or any other entity to perform any aspect of the above-described Support Services during the term of this **Agreement**, without the prior written consent of **CONTRACTOR**.

3. TERM

This Agreement shall commence on July __, 2015 and shall continue through June 30, 2018. This agreement will automatically renew for a period of up to two (2) one year terms at the end of the term under the current terms and conditions set forth. In the event, however that the CITY may need additional or modified services upon renewal of the term of the Agreement, the CITY agrees that the CONTRACTOR can provide a proposal including updated costs. The CITY and CONTRACTOR mutually agree to amend the agreement as deemed necessary and appropriate.

4. COMPENSATION

For all professional services provided by the **CONTRACTOR**, the **CITY** agrees to pay to the **CONTRACTOR** the aggregate sum of Sixty Seven Thousand Five Hundred Dollars (\$67,500), to be paid as indicated by the payment schedule attached (page 10).

In addition to the services outlined and covered under the fixed price contract, additional services may be added to the contract at the request of the **CITY**. Fees for additional services follow:

Additional Books	\$600 per set
Education Classes	\$750 per class
Additional Informal Hearings	\$750 per day
Permits	\$45 per permit - residential
Residential Field Review	\$10/per parcel (minimum of 50 parcels)
Data Verification (desk and field)	\$15/pp – residential \$25/pp- commercial
Assessment Administration Support	\$25-\$50 per hour

If other services are required, **CONTRACTOR** to provide a proposal for said services to **CITY** for authorization.

All invoices shall be paid promptly and no later than thirty (30) days, after submission, after which interest will accrue on a daily basis using a monthly rate of 1% one percent.

6. Guarantee of Payment of Contract.

The **CITY** will make payment of contract in total, based on satisfactory completion of project specifications related in the **CONTRACTOR'S** response.

7. LIABILITY INSURANCE

The **CONTRACTOR** shall maintain in full force and effect adequate insurance and shall file a certificate demonstrating such with the office of **CITY** Clerk prior to performing this agreement or receiving any payment hereunder. Such insurance shall name the **CITY** as additional insured.

8. TERMINATION

CONTRACTOR may cancel this Agreement only in the event of non-payment by the **CITY** of any sum due hereunder for thirty (30) days following the day such payment first fell due; however, the **CONTRACTOR** must provide to the **CITY**, within thirty (30) days, written notice of intention to terminate and opportunity to cure. The **CITY** may cancel this Agreement only in the event of material breach by **CONTRACTOR** of its obligations hereunder and the continuation of such breach following, thirty (30) days written notice to **CONTRACTOR** and the opportunity to cure, from **CITY** specifying such breach in reasonable detail.

In the event of termination of this Agreement, the **CONTRACTOR** shall be entitled to payment in the same proportion of total contract price, including interest, as it relates to the proportion of the services provided up to termination date. Both parties may mutually agree in writing to terminate this contract at any time.

9. WAIVER OF BREACH

The failure of either party to enforce at any time any provision of this agreement, including all attachments, shall not affect or impair the validity of the provisions of the agreement.

10. ENTIRE AGREEMENT

This agreement contains all the terms and conditions agreed to by the parties hereto, and no other agreements oral or otherwise regarding the subject matter of this agreement shall be deemed to exist or bind either party. This agreement may be modified and amended at any time upon mutual agreement, in writing, of both parties.

11. INDEPENDENT CONTRACTOR

The relationship of the **CONTRACTOR** to the **CITY** shall be that of an independent contractor and no principal-agent or employee-employer relationship is created by this agreement.

12. **OWNERSHIP OF DATA**

Data collected is the property of the **CITY**. That data used by the **CONTRACTOR** in the services contemplated herein shall remain the property of the **CITY** and no use or copying shall be made thereof beyond that listed in the agreement without the written permission of the **CITY**.

13. **EMPLOYMENT LAWS**

The **CONTRACTOR** shall comply with all the applicable provisions of Federal and New York State Laws, rules and regulations regarding employment and shall further specifically comply with those sections related to discrimination.

14. **DOCUMENTS**

Upon the completion of the **PROJECT**, the **CONTRACTOR** will deliver to the **CITY** the required documents as agreed by the **CONTRACTOR** and **CITY**.

15. **LAWS GOVERNING**

This agreement shall be construed in accordance with the laws of the State of New York.

16. **NON-DISCLOSURE**

In order to protect the interests of the **CITY**, and **CONTRACTOR**, no valuation data will be released to the general public without the express written consent of the **CITY**. In the event the **CONTRACTOR** shall be made a party to any suit seeking to compel the disclosure of information, which the **CITY** has declined to permit **CONTRACTOR** to disclose, the **CITY** shall indemnify and hold **CONTRACTOR** harmless from all costs, expenses and judgments, including reasonable attorneys fees incurred in such suit. Upon delivery to the Project Administrator all specific work products shall belong to the **CITY**, and the **CONTRACTOR** shall not sell or otherwise disclose any information concerning specific properties or classes of property within the **CITY** during or after the completion of this contract without the express written consent of the **CITY**.

17. U.S.P.A.P COMPLIANCE

All valuation and appraisal methodology will be utilized in accordance with U.S.P.A.P. (Uniform Standards of Professional Appraisal Practice) Standards and will be performed on appropriate parcels according to the terms of the contract. The **CONTRACTOR** agrees and the **CITY** acknowledges the U.S.P.A.P. compliance required by **CONTRACTOR**. Further the **CITY** acknowledges that under the U.S.P.A.P. compliance, **CONTRACTOR** is obligated to support any and all assessment valuations developed by **CONTRACTOR** and accepted by the **CITY**, for the purpose of the reassessment project. Accordingly, the **CONTRACTOR** shall appear as an expert witness on behalf of the **CITY** in all certiorari proceedings resulting from the final assessed values, which the **CONTRACTOR** made and which were placed on parcels on the final assessment roll and only if that grievance has been filed prior to grievance day. This service is not part of the **CONTRACTOR'S** fixed price but is indicated at an hourly rate of \$75-\$200 per hour.

Therefore, the **CONTRACTOR** continues to be bound by the U.S.P.A.P. standard compliance in the succeeding Maintenance Calendar Years. In consideration of this professional compliance, the **CITY** agrees that any future (beyond the scope of this contract) related appraisal and related services associated with tax certiorari actions, and related services, which the **CITY** may require as a result of the reassessment project and maintenance effort contemplated by this agreement, the **CITY** releases the **CONTRACTOR** of any conflict of interest and or obligation to said assessment values **CONTRACTOR** was engaged to create as a result of this agreement, unless the **CONTRACTOR** is further engaged to represent the **CITY**, with respect to such matters. The **CONTRACTOR** will not provide any appraisal services on behalf of a Petitioner in a proceeding under Real Property Tax Law Article 7 for the duration of the contract term

18. CLARIFICATION OF PROPOSAL TERM – Project Staffing

The **CONTRACTOR** acknowledges project staffing, shall be interpreted to require the **CONTRACTOR** to provide personnel and services as mutually agreed upon. The **CONTRACTOR** will attempt to assign consistent personnel including but not limited to Project Manager, Field Review Appraisers and Informal Hearing Officers. At the request of the **CITY**, the **CONTRACTOR** will make reasonable accommodations to assign the same Field Review Staff and Informal Hearing Officers, but the **CONTRACTOR** cannot guarantee which specific personnel shall perform said services, given changes in staff, etc. that may occur. The **CONTRACTOR** further agrees that in the event staffing changes may occur, the Assessor will have the ability to approve the use of alternative Field Review and Informal Hearing Officer staff.

19. INDEMNIFICATION

The **CONTRACTOR** shall defend, indemnify and hold the **CITY** harmless from any liability, claim, demand and attorney's fees or judgment arising from negligence, willful act or omission of the **CONTRACTOR** in connection with this contract of the work to be performed hereunder. The **CITY** must promptly inform **CONTRACTOR** of any claim or threatened claim requiring indemnity and afford the **CONTRACTOR** and its insurer the opportunity to assume defense.

Notwithstanding the foregoing, nothing in this Agreement or otherwise shall be construed as a guaranty of the **CONTRACTOR'S** assessment of market value of any parcel of real property covered by this Agreement, it being understood and agreed that the techniques and procedures to be employed hereunder by the **CONTRACTOR** have been developed for mass appraisals.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
this _____th day of _____, 2015.

CITY OF BATAVIA, NEW YORK

BY, _____

(Seal)

GAR ASSOCIATES, INC.

(Seal)

BY, _____

F. Cindy Baire, Vice President

Proposed Payment Schedule – No Interest

April 2015

Date	Amount Due
	Monthly Invoice
September -15	\$3,200
October- 15	\$3,200
January- 16	\$3,200
February- 16	\$3,200
March- 16	\$3,200
April -16	\$3,200
May – 16	\$3,300
Total	\$22,500
September 16	\$3,200
October- 16	\$3,200
January-17	\$3,200
February-17	\$3,200
March-17	\$3,200
April-17	\$3,200
May-17	\$3,300
Total	\$22,500
September 17	\$3,200
October- 17	\$3,200
January-18	\$3,200
February-18	\$3,200
March-18	\$3,200
April-18	\$3,200
May-18	\$3,300
Total	\$22,500
Grand Total	\$67,500

A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") and DETERMINING SIGNIFICANCE OF AN AMENDMENT TO §190-9, R-2 RESIDENTIAL DISTRICTS OF THE BATAVIA MUNICIPAL CODE TO PROHIBIT NEW APPLICATIONS FOR BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED PRINCIPLE USE

Motion of Councilperson

WHEREAS, the City of Batavia has proposed to amend the Batavia Municipal Code §190-9, R-2 Residential Districts; and

WHEREAS, this amendment of the City's zoning code and allowable uses in the City's zoning districts is Type I action under SEQR; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

WHEREAS, a Full Environmental Assessment Form has been completed for the Action, a copy of which is attached hereto as Schedule A; and

WHEREAS, the Full Environmental Assessment has been circulated to other interested or involved agencies, namely Genesee County Planning Department on May 7, 2015 and said agency provided comments and recommendation supporting the proposed action on May 14, 2015

WHEREAS, the City Council has carefully reviewed the potential environmental impacts of the proposed action against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts required by SEQR, and

RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR 617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City's Batavia Municipal Code; and it is further

RESOLVED, that the City Council having reviewed a completed Full Environmental Assessment Form and accompanying narrative which is part of the record of this Action and having considered the environmental impacts of the proposed action against the criteria in 6 NYCRR 617.7(c), finds that the proposed action will not result in any significant adverse environmental impact; and it is further

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Batavia does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

Seconded by Councilperson
And on roll call

SCHEDULE A
Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Amendment of Residential Districts (R-2) - § 190-9 A. Principle permitted uses.		
Project Location (describe, and attach a general location map): All R-2 zones throughout the City of Batavia, NY		
Brief Description of Proposed Action (include purpose or need): Amending § 190-9 A. Principle permitted uses. to prohibit any boardinghouse, lodging house, rooming house, tourist home, tourist camps or cabins as permitted principle uses for new applications.		
Name of Applicant/Sponsor: City of Batavia		Telephone: 585-345-6330
		E-Mail: jmolino@batavianewyork.com
Address: One Batavia City Centre		
City/PO: Batavia	State: New York	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Jason Molino, City Manager		Telephone: 585-345-6330
		E-Mail: jmolino@batavianewyork.com
Address: One Batavia City Centre		
City/PO: Batavia	State: New York	Zip Code: 14020
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council	4/27/2015
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	City Planning & Development Committee	4/27/2015
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Batavia Brownfield Opportunity Area Plan

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential District R-2

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Batavia City School District

b. What police or other public protection forces serve the project site?

City of Batavia Police Department, Genesee County Sheriffs Office, New York State Police

c. Which fire protection and emergency medical services serve the project site?

City of Batavia Fire Department, Mercy EMS

d. What parks serve the project site?

All park located within the City of Batavia.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe. _____ _____ _____	
v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☒ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☐ Yes ☒ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ 	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>			
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: _____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

All residential, commercial and industrial zoning districts within the City. _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☒ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☒ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>
<p>E.3. Designated Public Resources On or Near Project Site</p>
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: Historic District Overlay iii. Brief description of attributes on which listing is based: _____ </div>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Describe possible resource(s): <u>See attached.</u> ii. Basis for identification: <u>Local designation by the Historic Preservation Commission.</u> </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. </div>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? </div>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

F. Additional Information

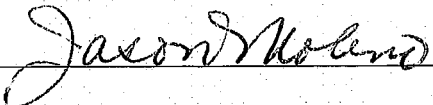
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Jason Molino Date 4/27/2015

Signature  Title City Manager

PRINT FORM

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Amendment (R-2) - § 190-9 A.
Date : 4/27/2015

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency: City Council

Name of Responsible Officer in Lead Agency: Jason Molino

Title of Responsible Officer: City Manager

Signature of Responsible Officer in Lead Agency:

Date: 4/27/2015

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Jason Molino

Address: One Batavia City Centre

Telephone Number: 585-345-6330

E-mail: jmolino@batavianewyork.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Page 2 of 2

#62-2015

**A RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF THE YEAR 2015
ENTITLED "A LOCAL LAW TO AMEND §190-9, R-2 RESIDENTIAL
DISTRICTS, (A) PERMITTED PRINCIPAL USES, (3), AND §190-39, PARKING
REQUIREMENTS, (A) OFF-STREET PARKING (2), (A), (9) OF THE BATAVIA
MUNICIPAL CODE TO PROHIBIT NEW APPLICATIONS FOR
BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST
HOME AS A PERMITTED PRINCIPLE USE"**

Motion of Councilperson

WHEREAS, an amendment of the City Code requires the adoption of a Local Law;
and

WHEREAS, a public hearing on this proposed Local Law was held on June 22,
2015 before this Council, pursuant to public notice duly published in *The Daily News*; and

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 2 of
2015 entitled "A LOCAL LAW TO AMEND §190-9, R-2 RESIDENTIAL
DISTRICTS, (A) PERMITTED PRINCIPAL USES, (3), AND §190-39, PARKING
REQUIREMENTS, (A) OFF-STREET PARKING (2), (A), (9) OF THE BATAVIA
MUNICIPAL CODE TO PROHIBIT NEW APPLICATIONS FOR
BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE AND TOURIST
HOME AS A PERMITTED PRINCIPLE USE" be and the same is hereby enacted by
City Council of the City of Batavia, New York.

**Seconded by Councilperson
and on roll call**

**LOCAL LAW NO. 2 OF THE YEAR 2015
CITY OF BATAVIA**

**TO AMEND §190-9, R-2 RESIDENTIAL DISTRICTS, (A) PERMITTED
PRINCIPAL USES, (3), AND §190-39, PARKING REQUIREMENTS, (A) OFF-
STREET PARKING (2), (a), (9) OF THE BATAVIA MUNICIPAL CODE TO
PROHIBIT NEW APPLICATIONS FOR BOARDINGHOUSE, LODGING
HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED
PRINCIPLE USE**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. §190-9. Residential Districts

A. Permitted principal uses.

- (3) Boardinghouse, lodging house, rooming house, tourist home, but not tourist camps or cabins. [Effective July 1, 2015 boardinghouse, lodging house, rooming house and tourist home will not be a permitted principle use for new applications. Only existing permits prior to July 1, 2015 will be authorized.]

Section 2. §190-39. Residential Districts

A. Off-street parking.

- (2) Residential and related uses. Minimum parking spaces required for residential and related uses:

(a) Provisional parking standards.

- [9] Boarding- or rooming house: one space for ~~each bedroom~~. [each roomer owning and/or keeping a motor vehicle.]

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

#63-2015

**A RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF YEAR 2015 ENTITLED "A
LOCAL LAW TO AMEND §143 ROOMING HOUSES TO PROHIBIT NEW
APPLICATIONS FOR ROOMING HOUSES"**

Motion of Councilperson

WHEREAS, an amendment of the City Code requires the adoption of a Local Law;
and

WHEREAS, a public hearing on this proposed Local Law was held on June 22,
2015 before this Council, pursuant to public notice duly published in *The Daily News*; and

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 3 of
the Year 2015 entitled "**A LOCAL LAW TO AMEND §143 ROOMING HOUSES TO
PROHIBIT NEW APPLICATIONS FOR ROOMING HOUSES**" be and the same is
hereby enacted by City Council of the City of Batavia, New York.

**Seconded by Councilperson
and on roll call**

**LOCAL LAW NO. 3 OF THE YEAR 2015
CITY OF BATAVIA**

**TO AMEND §143 ROOMING HOUSES TO PROHIBIT NEW APPLICATIONS
FOR ROOMING HOUSES**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. §143. Rooming Houses

§ 143-1. Title.

This chapter shall be known and may be cited as the "City of Batavia Rooming House Ordinance."

§ 143-2. Purpose and intent.

In recognition of the ~~influx~~ [saturation] of ~~semiresident persons~~ [rooming houses] in the city, it is the intent of this chapter to permit [existing] owners of dwellings to ~~provide~~ [maintain] sanitary, safe and attractive rooming houses for ~~such persons~~, in order to promote the public health, welfare and safety of the community. [It is also the intent of this chapter to prevent new rooming houses from being established after the enactment of this amendment.]

§ 143-3. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following definitions shall apply:

ROOMER

A roomer shall be any person renting or hiring habitation space in a dwelling unit hereinbefore defined, not within the second degree of kindred and who does not occupy such space as an incident of employment therein.

ROOMING HOUSE

A rooming house shall be a dwelling unit used wholly for habitation, where rooms for more than two and up to 20-[10] people who would not be classified as a family unit as described in the City of Batavia zoning regulations are offered for hire, with or without meals, with or without kitchen facilities.

§ 143-4. Applicability.

- A. In order to protect the public health, welfare and safety of the community, no person shall operate a rooming house within the City of Batavia without obtaining a permit issued by the ~~Housing Inspector~~ [Code Enforcement Officer] upon the approval of the Planning Board [and Development Committee.] Such permit may be issued, provided that the procedures and standards of this chapter have been complied with.
- B. This chapter shall apply to existing buildings and dwelling houses [that have already received a permit to operate a rooming house prior to July 1, 2015. No new permits shall be issued by the Planning and Development Committee following July 1, 2015 other than renewal permits as outlined in § 143-5 of this chapter.] ~~intended to be renovated and buildings newly constructed for the accommodation of roomers as herein defined.~~
- C. All provisions of the City of Batavia Municipal Code shall apply to the provisions of this chapter, except where exemptions are specifically authorized by this chapter.

§ 143-5. [Renewal of] Permits.

The ~~issuance of a~~ [renewal of a] permit to operate a rooming house shall be granted upon the approval of the ~~Housing Inspector~~ [Code Enforcement Officer] subject to specific terms and conditions as herein provided. If any of these conditions are violated, the permit is subject to revocation [or not being renewed.]

A. General provisions. The following general provisions shall apply:

- ~~(a) All applications for a rooming house permit shall be accompanied by a fee as set from time to time by resolution of the City Council.~~
- (1) All rooming house permits shall be renewed each and every year prior to January 1, and such permit shall be valid for the ensuing calendar year [only.]
- (2) The annual fee for renewing a rooming house permit shall be as set from time to time by resolution of the City Council.
- (3) In the event that a rooming house is sold or the ownership is in any way changed, the existing permit shall be terminated and a new application shall be made as hereinabove set forth. Under no circumstances shall a permit for a rooming house be assigned. Change of ownership without a new application being made shall be grounds for revocation of such permit.
- ~~(4) Any person wishing to operate a rooming house shall make application for a permit. A rooming house operating prior to October 13, 1971, shall not be bound to the restrictions contained in § 143-6 which were not in force at that~~

date. Any change in ownership of such a rooming house shall terminate such exemption, however, and the new owner must make application for a rooming house permit.

(5) No structure changes, alterations or modifications to rooming houses operating prior to October 13, 1971, shall be made except to reduce the degree of nonconformance with the restrictions of this chapter.

(6)(4) Rooming houses legally operating and duly licensed at the time of adoption of the ordinance from which this chapter is derived, and/or which may constitute nonconforming uses under the zoning regulations of the City of Batavia, shall be entitled to the issuance of a license under this chapter upon compliance with all of the provisions of this chapter except those restrictions contained in § 143-6.

B. Procedures for obtaining [renewing a rooming house permit or new application due to change in ownership.] In order to operate a [renew a] rooming house [permit] within the City of Batavia, the following procedures shall be followed:

(1) Applications for a rooming house permit [renewal] shall be in triplicate [completed,] and upon forms furnished by the office of the Chief Inspector [Code Enforcement Officer]. The application shall consist of a sworn statement setting forth:

(b)(a) _____ The name, address and telephone number of all persons involved as owners and/or operators of the proposed rooming house, a statement detailing a description of the building, ~~the present accommodations therein and the proposed renovations to be made;~~ information regarding the number of roomers to be accommodated and with specific information on the number of persons in each bedroom; ~~information regarding the square footage of the area of living space within the building and the square footage regarding the area of the proposed bedrooms.~~

(b) Where the applicant for a rooming house permit is a nonresident, the application shall identify the name, address and telephone number of a local agent designated to act on behalf of the owner and responsible for the maintenance of the rooming house.

(c) [An inspection by the Code Enforcement Officer of the property and compliance with section 143-6 of this chapter.]

(d) ~~In addition there shall be submitted detailed plans, both of the building and the lot upon which the building stands, and detailed use plans of the interior of the building, showing the rooms, their designated purposes, and the square footage of each room, location of windows and doorways and other pertinent information which the office of the Chief Inspector deems~~

~~necessary to protect and promote the public health, welfare and safety of the community. There shall also be set forth in the plans the type of renovation which will be made, with specific mention of building materials, electrical fixtures and type of heating.~~

- (2) In considering the ~~granting~~ [renewal or new application for] of a license [permit to operate] for a rooming house, the ~~Housing Inspector~~ [Code Enforcement Officer] shall take into consideration: ~~the general adaptability of the particular dwelling for renovation as a rooming house;~~

- (a) ~~P~~potential traffic problems[that have arisen without resolve;]
~~the improvement of the property and of the neighborhood,~~
(b) ~~[The] where the present structure is unsafe or in an unsanitary~~ [safety and/or sanitary] condition [of the structure], and the appearance of the building in the neighborhood;

- (a)(c) _____ [Refusal to permit an inspection of the property by the Code Enforcement Officer;

- (b)(d) _____ False statements on the application permit;

- (e)(e) _____ Permittee's conviction of a crime;

- (d)(f) _____ Any act or conduct of the permittee which indicates his/her unfitness to operate a rooming house;

- (e)(g) _____ Any activity which affects the safety or tranquility of the surrounding community;]

~~and that by granting such a permit, enable a safe, sanitary and attractive building to be made available for rooming house purposes, where a need for same exists.~~

- (3) In the event the application is denied, the ~~Housing Inspector~~ [Code Enforcement Officer] shall notify the applicant of such action and indicate the reasons for such denial in writing.

- (4) In the event that the application is approved, the ~~Housing Inspector~~ [Code Enforcement Officer] shall set forth all the details and conditions for the granting of such permit in writing to the applicant. In such instances, all and any repairs or improvements, pursuant to the report of the ~~Housing Inspector~~ [Code Enforcement Officer,] shall be considered as conditions for the granting of a permit and shall be made by the applicant as directed prior to the issuance of the permit.

- (5) The granting of such a permit shall also include the conditions necessary for maintenance and renewal of such permit. Under the terms and conditions of

this chapter of the City of Batavia Municipal Code, a rooming house permit shall be subject to revocation if prescribed terms and conditions upon which the permit was issued are not kept and/or it is found that the operations of such rooming house create an adverse impact upon the neighborhood. Adverse impact may include but shall not be limited to: excessive noise, [criminal activity by the roomers on the premise,] undue disturbances affecting the neighborhood and inadequate property maintenance and upkeep.

C. Enforcement. The ~~Housing Inspector~~ [Code Enforcement Officer] shall have all the powers and duties to enforce this chapter and to make inspections, serve notices and orders, and take any other appropriate action, except as otherwise provided in this chapter.

D. Revocation of permit.

- (1) The ~~Housing Inspector~~ [Code Enforcement Officer,] if he or she determines that reasonable grounds exist, may refer to the City Planning Board [and Development Committee] for a hearing to revoke any permit issued under this chapter.
- (2) The ~~Housing Inspector~~ [Code Enforcement Officer] shall give written notice to the holder of the rooming house permit of the charges, and the time, date and place that they will be presented to the Planning Board [and Development Committee.] Any permit may be revoked for making any false statement in the application for a permit; for a violation of any of the terms and conditions upon which the permit was issued; for any disorderly, indecent or immoral conduct on the premises; or for a violation of any of the rules or regulations, ordinances or laws of the United States, State of New York, County of Genesee or the City of Batavia.
- (3) The ~~Housing Inspector~~ [Code Enforcement Officer] shall cause notice of such referral and the reason or reasons therefor to be served upon the persons named in the application as the owner or holder and also upon the owner of record of the premises so used as a rooming house. Said service shall be by registered mail with a return receipt, directed to the holder of the permit at the subject premises and to the owner of the address of said owner last known to the ~~Housing Inspector~~ [Code Enforcement Officer,] or by personal or substituted service.
- (4) If the City Planning Board [and Development Committee] finds reasonable cause, the City Planning Board [and Development Committee] shall set a public hearing to consider revocation of the permit and shall cause a notice thereof specifying the time, date and place of the public hearing to be served in the same manner as above provided. If the City Planning Board [and Development Committee] finds, after the public hearing, that revocation of the permit is in the best interest of the community, the operator shall be notified

of this decision in writing and an appropriate time for discontinuance of the rooming house established.

§ 143-6. Standards.

The following standards shall be met by an applicant for a rooming house permit:

- A. All applicable provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, shall apply to this chapter and shall be the standard imposed by the Bureau of Inspection in determining the fitness of the building for a rooming house, as hereinbefore provided, and shall determine the standards for violations.
- B. The owner or operator of any such rooming house shall provide one car space for each roomer owning and/or keeping a motor vehicle.
- C. A rooming house, as hereinbefore provided, must conform to the zoning requirements as set forth in Chapter 190, Zoning, of this Code.
- D. The maximum number of occupants permitted shall be in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, and its applicable standards.
- E. To ensure compliance with the New York State Uniform Fire Prevention and Building Code, all [any] plans and specifications [for the structure] shall be prepared by either a New York State registered architect or licensed professional engineer.
- F. No sign advertising the location of a rooming house or the availability of rooms shall be permitted.

§ 143-7. Penalties for offenses.

- A. The penalties for a violation of any of the provisions of this chapter shall be as prescribed in Chapter 1, General Provisions, Article II, General Penalty, of the City of Batavia Municipal Code. In addition to other remedies, the City of Batavia may institute appropriate action to restrain, prevent, enjoin, abate, correct or remove any violation and to take such other legal action as is necessary to carry out the terms and provisions of this chapter.
- B. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 143-8. Appeals.

- A. Any person affected by any notice of violation or order issued in connection with the enforcement of any provision of this chapter concerning buildings or structures, or of any rule or regulation adopted pursuant thereto or the denial of issuance of permit, may request and shall be granted a hearing before the ~~City Planning Board~~ [City Planning and Development Committee,] provided that such person shall file in the ~~Office of the Chief Inspector~~ [Department of Public Works] a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.
- ~~B. If this request~~ Is filed within 10 days after the service of notice of violation or order, compliance with such notice shall not be required while the hearing is pending, except in emergencies or as otherwise provided.

Deletions designated by ~~strikeout~~
Additions designated as [brackets]

#64-2015

**RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND SUBMIT
A NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION**

Motion of Councilperson

WHEREAS, it is the desire of the City Council to submit an application for the New York State Community Development Block Grant Program; and

WHEREAS, the process for this application involves holding a public hearing to provide residents with information about the Community Development Block Grant Program and to discuss community development needs and priorities; and

WHEREAS, the City of Batavia held a public hearing on Tuesday, July 7, 2015 allowing residents to assist the City in defining community development priorities and to assist the Council in identifying the possible projects for inclusion in the City's application for CDBG funding; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby authorizes the City Manager of the City of Batavia, Genesee County, New York as the official representative of the City to execute and submit a Community Development Block Grant application for State Street Infrastructure Improvements to the administrative agency for the Fiscal Year 2015 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED, that the City is currently designing the State Street Infrastructure Improvements as part of the City of Batavia's adopted Capital Improvement Plan.

**Seconded by Councilperson
and on roll call**

#65-2015

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND
SUBMIT A NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) COMMUNITY PLANNING GRANT APPLICATION**

Motion of Councilperson

WHEREAS, it is the desire of the City Council to submit an application for the CDBG Community Planning Grant Program; and

WHEREAS, the process for this application involves holding a public hearing to provide residents with information about the Community Development Block Grant Program and to discuss community development needs and priorities; and

WHEREAS, the City of Batavia held a public hearing on Tuesday, July 7, 2015 allowing residents to assist the City in defining community development priorities and to assist the Council in identifying the possible projects for inclusion in the City's application for CDBG funding; and

WHEREAS, the City of Batavia will be submitting a grant application for the development of a Community Improvement Plan in the amount of \$50,000 for a total project amount of \$60,000; and

NOW, THEREFORE BE IT RESOLVED, that the City Council commits it will provide \$10,000 in matching funds; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia hereby authorizes the City Manager of the City of Batavia, Genesee County, New York is hereby authorized as the official representative of the City to execute and submit a Small Cities Community Planning Program grant application to the administrative agency for the Fiscal Year 2015 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Seconded by Councilperson

And on roll call

#66-2015

A RESOLUTION TO SUBMIT A RECREATIONAL TRAILS GRANT

Motion of Councilperson

WHEREAS, the City of Batavia is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Recreational Trails Program for acquisition of easements along the Ellicott Trail; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the City Manager, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in an amount not to exceed \$200,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Batavia; and

BE IT FURTHER RESOLVED, that the City of Batavia Council does hereby approve and endorse the application for a grant under the Recreational Trails Program for acquisition of easements along the Ellicott Trail; and

BE IT FURTHER RESOLVED, that the City of Batavia is committed to providing at least a 25 percent match toward the project.

**Seconded by Councilperson
and on roll call**

#67-2015

**A RESOLUTION TO SUPPORT THE BATAVIA DEVELOPMENT
CORPORATION'S NEW YORK MAIN STREET GRANT APPLICATION**

Motion of Councilperson

WHEREAS, the New York State Office of Community Renewal (NYSOCR) is offering New York Main Street grants of up to \$500,000 through the Consolidated Funding Application (CFA); and

WHEREAS, the New York Main Street program provides funding for restoration or improvement of housing, commercial areas and public and community facilities; and

WHEREAS, the Batavia Development Corporation is an eligible applicant for the New York Main Street program; and

WHEREAS, the Batavia Development Corporation successfully administered the City of Batavia's 2011 New York Main Street program; and

WHEREAS, the Batavia Development Corporation would like to apply for an Anchor Grant under the New York Main Street Program; and

WHEREAS, municipalities in which New York Main Street projects are located are required to provide a resolution supporting the application for funding; and

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia Council does hereby enthusiastically support the Batavia Development Corporation's application to the 2015 New York Main Street Program for an Anchor Grant of up to \$500,000.

**Second by Councilperson
and on roll call**

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation...".

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilperson
and on roll call**