

**BATAVIA CITY COUNCIL  
BUSINESS MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, September 10, 2018  
7:00 PM**

**AGENDA**

- I. Call to Order
- II. Invocation – Councilperson Canale
- III. Pledge of Allegiance
- IV. Approval of August 2018 Minutes
- V. Assignment of Agenda Items
- VI. Communications
  - a. Liquor License – Los Compadres Mexican Taqueria
  - b. John Kennedy Color Run – October 13<sup>th</sup>
- VII. Council President Report
  - a. Announcement of the City Council Conference Meeting to be held on Monday, September 24, 2018 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.
- VIII. City Attorney's Report
- IX. City Manager's Report
- X. Committee Reports
- XI. Public Comments
- XII. Council Responses to Public Comments
- XIII. Unfinished Business

**XIV. New Business**

- #72-2018     A Resolution to Return Unused Committed Fund Balance to Unassigned Fund Balance Related to Ban Insurance Costs**
- #73-2018     A Resolution to Re-Establish the City's Business Improvement District Fund (27)**
- #74-2018     A Resolution Authorizing Ownership and Installation of Receptacles in Right of Way**
- #75-2018     A Resolution to Enter Into a CJIS Management Control Agreement for Information Technology with Genesee County**
- #76-2018     A Resolution to Submit an Application for Next Round of Transportation Improvement Program with New York State Department of Transportation for City of Batavia, Highway Preventive Maintenance (Four Streets)**
- #77-2018     A Resolution to Authorize the City Council President to Sign the Easement with Savarino Companies/Ellicott Station LLC**
- #78-2018     A Resolution Approving the Execution of an Undertaking Agreement Between the City Of Batavia and Savarino Companies LLC Referencing National Grid Urban Center/Commercial District Program Project and Ellicott Station Urban Corridor Project #4708**
- #79-2018     A Resolution to Declare Department of Public Works Vehicles and Equipment Surplus for the Purpose of Salvage and Disposal**
- #80-2018     A Resolution to Refer a Proposed Amendment of the Zoning Map of the City of Batavia to the Planning and Development Committee**

**XV. Adjournment**

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

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

1. Date Notice was Sent: 08/13/2018 1a. Delivered by: Personal Delivery with Proof of Receipt

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

☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change ☐ Method of Operation Change

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

For Renewal applicants, answer all questions

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

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

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

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

For Method of Operation Change applicants, although not required, if you choose to submit, attach an explanation detailing those changes

**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. Licensee Serial Number (if applicable): \_\_\_\_\_ Expiration Date (if applicable): \_\_\_\_\_

5. Applicant or Licensee Name: Los Compadres 2 LLC

6. Trade Name (if any): Los Compadres Mexican Taqueria

7. Street Address of Establishment: 34-40 Oak Street

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

9. Business Telephone Number of Applicant/Licensee: (585) 813-2147

10. Business E-mail of Applicant/Licensee: icastaneda97@yahoo.com

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

12. Extent of Food Service:

☒ Full food menu; full kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; food prep area at minimum

13. Type of Establishment: Restaurant (full kitchen and full menu required)

14. Method of Operation: (check all that apply) ☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☒ Recorded Music ☐ Karaoke

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): \_\_\_\_\_

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

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

☐ Other (specify): \_\_\_\_\_

15. Licensed Outdoor Area: (check all that apply) ☒ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify): \_\_\_\_\_

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

16. List the floor(s) of the building that the establishment is located on: **basement and first floor**
17. List the room number(s) the establishment is located in within the building, if appropriate: **5**
18. Is the premises located within 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. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
- |            |               |
|------------|---------------|
| <b>N/A</b> |               |
| Name       | Serial Number |
21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

**Owner of the Building in Which the Licensed Establishment is Located**

22. Building Owner's Full Name: **Geib Corp**
23. Building Owner's Street Address: **39 Prospect Avenue**
24. City, Town or Village: **Batavia** State: **NY** Zip Code: **14020**
25. Business Telephone Number of Building Owner: **(585) 356-5141**

**Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice**

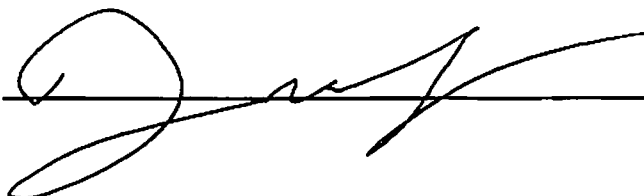
26. Representative/Attorney's Full Name: **Thomas D. Williams**
27. Representative/Attorney's Street Address: **2 Court Street Plaza**
28. City, Town or Village: **Batavia** State: **NY** Zip Code: **14020**
29. Business Telephone Number of Representative/Attorney: **(585) 343-1486**
30. Business E-mail Address of Representative/Attorney: **sme@williamslawllp.com**

I am the applicant or licensee holder or 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.

31. Printed Principal Name: **Jose M. Castaneda** Title: **Member**

Principal Signature: \_\_\_\_\_



**John Kennedy Color Run**

Estimated costs from the police department are \$365. There are no other costs from the other departments.



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

**Official Use Only:**

2018-26  
Event Application #

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

Event Sponsor John Kennedy School

Type of Event Color Run

Date of Event 10/13/18 - Sat.

Time of Event (don't include set up time here - just actual event time) 9am → Race starts at

Location of Event 1160 Vine Street Batavia NY 14020

Details of Event (be as specific as possible!) Early Registration 9am Race  
at 10am - 5K

10am  
from  
JK  
school

**Contact Information:**

Primary contact:

Name Courtney Marsh  
Phone # 585-808-6028  
E-mail address Cmarsh@bataviacscl.org

Secondary contact:

Amanda Cook  
585-343-2480 x 5000  
acook@bataviacscl.org

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

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

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

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

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

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

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

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

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

**EVENT INFORMATION (required):**Set up date: 10/13/18Set up time: 8amTear down date: 10/13/18Tear down time: 12pm**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**Date: 10/13/18 Start time: 9am End time: 12pmEstimated crowd size: 200 # 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: WCIW \_\_\_\_\_ Jimi Jamn \_\_\_\_\_ (589) 343 2480  
Company Contact/Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_\_\_\_\_\_  
Address, Street: 166 Vinc St \_\_\_\_\_ Batavia \_\_\_\_\_ 14020  
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? N/AWill 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. \_\_\_\_\_

**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:

See Map 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)

**POLICE**

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

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



**PLEASE NOTE:**

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

**Hold Harmless Agreement**

John Kennedy, 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 John Kennedy (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

7/25/18  
Date:

John Kennedy Intermediate  
Name of Event Sponsor:  
Event Coordinator  
Authorized Signature, Title

Courtney Marsh  
Name - Printed or Typed

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

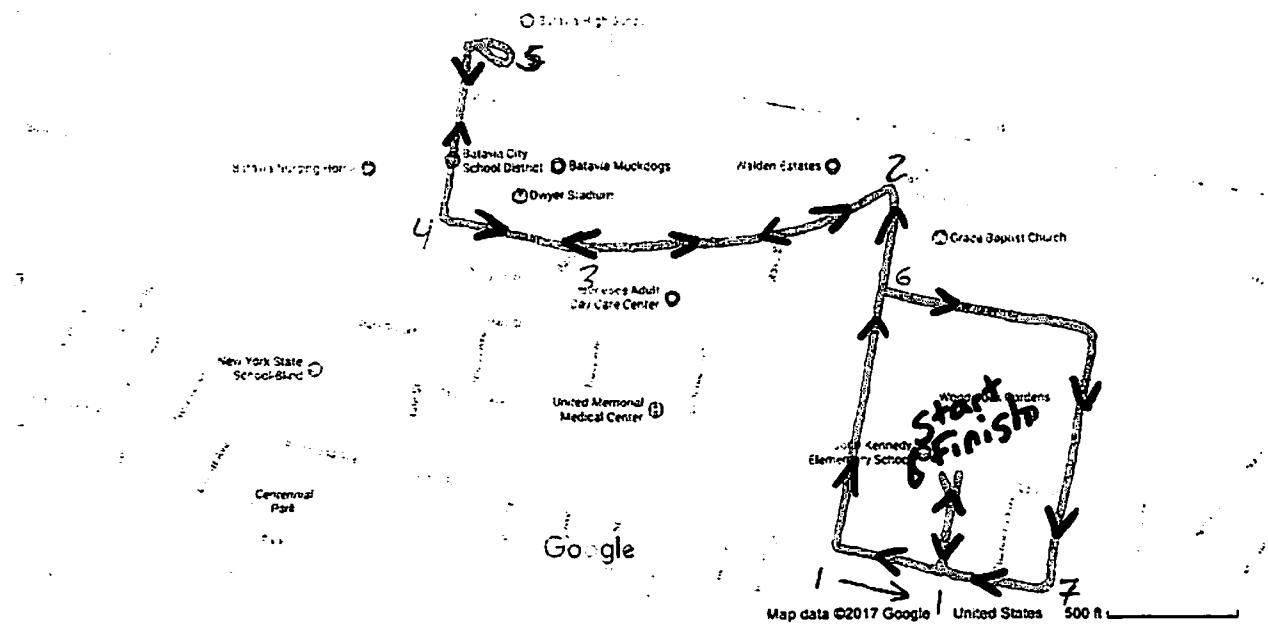
7/25/18  
Date

Courtney Marsh  
Signature of Applicant

Please forward this application to:

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

Maps Batavia



### Route

1. corner of vine and N. street  
↳ Elm and N. Street
2. corner of Bank and Vine
3. corner of Denio and Bank
4. corner of State and Denio

5. bus loop (bathroom)
6. corner of Evergreen and Vine
7. corner of North Street and North Spruce

<https://www.google.com/maps/place/Batavia+NY/@43.0075558,-78.1781068,16z/data=!4m5!3m4!1e0v90d3m4d3892> 10/10/2017

**#72-2018**

**A RESOLUTION TO RETURN UNUSED COMMITTED FUND BALANCE TO  
UNASSIGNED FUND BALANCE RELATED TO BAN INSURANCE COSTS**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia City Council resolved to commit \$20,000 of unassigned General Fund balance to Committed fund balance to cover the costs of issuing a BAN for the TIP and Healthy Schools projects in resolution #98-2017, November of 2017; and

**WHEREAS**, the City's expenses associated with the issuance of this BAN totaled \$9,649.40 for services rendered by the City's bond counsel, Underberg and Kessler and by the City's fiscal advisors, Municipal Solution; and

**WHEREAS**, there is a balance of unused committed fund balance for this purpose that need to be returned to unassigned fund balance in the amount of \$10,350.60.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$10,350.60, the remaining balance of Committed fund balance for the purpose of covering the issuance cost of the BAN acquired in May of 2018, to the Unassigned General Fund balance.

**Seconded by Councilperson  
on roll call**

**#73-2018**  
**A RESOLUTION TO RE-ESTABLISH THE CITY'S BUSINESS IMPROVEMENT**  
**DISTRICT FUND (27)**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia is in the process of implementing the corrective plan of action in response to the New York State Office of the State Comptroller's Audit of the City's Business Improvement District; and

**WHEREAS**, the State recommends the City take custody of BID charges levied along with the excess charges levied in previous years and maintain those funds in a City account where receipts and disbursements can be properly accounted for; and

**WHEREAS**, in years past, the City had a Business Improvement District Fund (27) in their financial system software.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby re-instate the establishment of the Business Improvement District Fund (27) for the purposes of taking custody of BID charges levied and to properly account for their receipt and disbursement as a course of corrective action.

**Seconded by Councilperson**  
**On roll call**

**#74-2018**

**A RESOLUTION AUTHORIZING OWNERSHIP AND INSTALLATION OF  
RECEPTACLES IN RIGHT OF WAY**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Business Improvement District (BID) has purchased and would like to give the City of Batavia fourteen bicycle racks and six trash receptacles to be placed strategically throughout the BID district; and

**WHEREAS**, the trash receptacles match the existing trash receptacles currently utilized by the City; and

**WHEREAS**, the City of Batavia would take ownership of the receptacles; and

**WHEREAS**, the City of Batavia would install sixteen of the twenty bicycle racks and trash receptacles in the NYSDOT Right of Way and the City of Batavia's Right of Way; and

**WHEREAS**, the City of Batavia would add new receptacles to the current annual NYSDOT highway permit; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia does hereby approve that the City will take ownership of the sixteen receptacles and they will be placed in the City and State's ROW and be added on the City's NYSDOT highway permit.

**Seconded by Councilperson  
and on roll call**

**#75-2018**

**A RESOLUTION TO ENTER INTO A CJIS MANAGEMENT CONTROL  
AGREEMENT FOR INFORMATION TECHNOLOGY WITH GENESEE COUNTY**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia and Genesee County share Information Technology for the purpose of Law Enforcement Records through a shared network application; and

**WHEREAS**, the New York State Criminal Justice Information Systems (CJIS) Security Policy requires a Management Control Agreement relative to CJIS information obtained through the network; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council President for the City of Batavia is hereby authorized to sign an Agreement with Genesee County for the purpose of establishing the City of Batavia as having Management Control over CJIS information retrieved from the shared network for the City of Batavia as attached hereto.

**Seconded by Councilperson  
and on roll call**

**#76-2018**

**A RESOLUTION TO SUBMIT AN APPLICATION FOR NEXT ROUND OF  
TRANSPORTATION IMPROVEMENT PROGRAM WITH NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR CITY OF BATAVIA, HIGHWAY  
PREVENTIVE MAINTENANCE (FOUR STREETS)**

**Motion of Councilperson**

**WHEREAS**, the Department of Public Works anticipates a release of aid from the Transportation Improvement Program (TIP); and

**WHEREAS**, the City of Batavia has several streets or segments of streets that qualify for consideration; and

**WHEREAS**, an application for funding to the TIP (FHWA Aid) for the rehabilitation of four streets classified as federal aids eligible roadways will be required; and

**WHEREAS**, for the next round of the TIP funding the City is considering applying for rehabilitation to the following four roadways, Harvester Avenue, Jackson Street, Bank Street and Richmond Avenue; and

**WHEREAS** the City of Batavia is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds.

**NOW THEREFORE, BE IT RESOLVED**, the City Council, duly convened does hereby concur to move forward with the submission of application for the above-referenced project; and

**BE IT FURTHER RESOLVED**, that the Council President of the City of Batavia is hereby authorized to execute all necessary requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the rehabilitation of these above-mentioned roadways.

**Seconded by Councilperson  
and on roll call**

**#77-2018**

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO SIGN  
THE EASEMENT WITH SAVARINO COMPANIES/ELLICOTT STATION LLC**

**Motion of Councilperson**

**WHEREAS**, Ellicott Station LLC, having an address of 500 Seneca Street, Suite 508, Buffalo, New York 14204 (hereinafter referred to as "Grantor") and City of Batavia, a municipal corporation with a mailing address at One Batavia City Centre, Batavia, New York 14020 (hereinafter referred to as "the City"); and

**WHEREAS**, Grantor is the owner of the property located at 40-52 and 56-70 Ellicott Street, Batavia, New York, having the tax identification numbers 84.015-1-2, 84.015-1-4, 84.015-1-5, 84.015-1-37.312 and 84.015-1-37.311 (the "Premises"); and

**WHEREAS**, a storm water sewer line for the City of approximately three feet by four feet crosses the Grantor's property (the "Storm Line"); and

**WHEREAS**, the City wishes to operate and maintain the Storm Line; and

**WHEREAS**, Grantor intends to develop this property, including construction of a five story building of approximately 56,000 SF on the property directly over the storm line; and

**WHEREAS**, the City has consulted with its engineers who have reviewed Grantor's proposed box culvert proposal for the storm line and advised that it is appropriate; and

**WHEREAS**, Grantor will install a five foot by five foot box culvert replacing the current conduit for the storm line under the building in accordance with plans dated February 23, 2018 per sheet S-121 and revised by addendum no. 2; and

**WHEREAS**, the execution of this easement is a requirement of the site approval issued by the City Planning and Development Committee, as well as legal document giving the City access for maintenance of this storm sewer in the future.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council President for the City of Batavia is hereby authorized to sign the easement with Savarino Companies aka Ellicott Station LLC to move forward with the development.

**Seconded by Councilperson  
and on roll call**



**#78-2018**

**A RESOLUTION APPROVING THE EXECUTION OF AN UNDERTAKING  
AGREEMENT BETWEEN THE CITY OF BATAVIA AND SAVARINO COMPANIES LLC  
REFERENCING NATIONAL GRID URBAN CENTER/COMMERCIAL DISTRICT  
PROGRAM PROJECT AND ELLICOTT STATION URBAN CORRIDOR PROJECT #4708**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia entered into a grant disbursement agreement with National Grid for a grant of up to \$250,000 for the Ellicott Station Urban Corridor Project located in the City of Batavia which is to consist of the redevelopment, repurposing and adaptive reuse of a former construction yard, power company service facility and adjacent properties as part of the City's Master and Brownfield Opportunity Plan and as part of the Ellicott Trail Corridor Project; and

**WHEREAS**, Savarino Companies LLC has agreed to undertake additional improvements to the Ellicott Trail Project; and

**WHEREAS**, the City of Batavia received confirmation from National Grid that the City has been awarded \$250,000; and

**WHEREAS**, Savarino Companies, as part of their development project will be including enhancements such as lighting, landscaping, seating, parking, etc. to further develop the Ellicott Trail area; and

**WHEREAS**, the City of Batavia is requiring Savarino Companies LLC to enter into an Undertaking Agreement to assume the obligations of the City under the grant; and

**WHEREAS**, the funds payable pursuant to the City pursuant to the Grant Agreement will be disbursed for the benefit of Savarino Companies solely to pay the costs of undertaking and completing the project by the Savarino Companies LLC

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia Council hereby authorizes the Council President to execute an Undertaking Agreement with Savarino Companies LLC to access up to \$250,000 for approved and verified costs associated with improvements to this property addressing the removal of blight and enhancing the Trail.

**Seconded by Councilperson  
and on roll call**

**#79-2018**

**A RESOLUTION TO DECLARE DEPARTMENT OF PUBLIC WORKS VEHICLES  
AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

**Motion of Councilperson:**

**WHEREAS**, the Department of Public Works have declared the equipment listed below surplus and as part of the equipment replacement plan; and

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

**WHEREAS**, any revenue received from disposal is to be put into the Department of Public Works equipment reserve fund, fund revenue to be used for approved equipment replacement.

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

**BE IT FURTHER RESOLVED**, that the City Manager be and hereby is authorized to make the necessary budget transfers in the 2018-2019 budget;

- 1995 Caterpillar Wheel Loader, SN – 8TK3104 and accessories

**Seconded by Councilperson  
and on roll call**

**#80-2018**

**A RESOLUTION TO REFER A PROPOSED AMENDMENT OF THE ZONING  
MAP OF THE CITY OF BATAVIA TO THE PLANNING AND DEVELOPMENT  
COMMITTEE**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia has received the attached Petition to amend the zoning map of the City of Batavia at 110 Liberty Street (SBL No. 84.066-1-11), 42 Central Avenue (SBL No. 84.066-1-47), 112-116 Liberty Street (SBL No. 84.066-1-12), 118 – 120 Liberty Street (SBL No. 84.066-1-13), 122 Liberty Street (SBL No. 84.066-1-14), 122-124 Liberty Street-Rear (SBL No. 84.066 -1-15), and 124-126 Liberty Street (SBL No. 84.066-1-16) from the current zoning of R-3 Residential District to C-3 Commercial District; and

**WHEREAS**, Section 190-51 of the Batavia Municipal Code provides that the City Council may from time to time make zoning map amendments after review and report by the City's Planning and Development Committee; and

**WHEREAS**, in accordance with Section 190-51 if the Planning and Development Committee fails to file a report within 30 days after referral from City Council, the proposed amendment is deemed approved, and the City Council may proceed in addressing the re-zoning request; and

**BE IT RESOLVED**, that the Petition and additional request to amend the zoning map related to 42 Central Avenue, 110,112-116,118-120, 122, 122-124 Rear, 124-126 Liberty Street is referred to the Planning and Development Committee for review, analysis and recommendation; and

**BE IT FURTHER RESOLVED** that the Planning and Development Committee shall report back to the Council on its recommendation regarding the proposed amendment to the zoning district map; and

**BE IT FURTHER RESOLVED** that the Planning and Development Committee shall take necessary steps to review and report back to Council regarding this matter within thirty days of the date of this referral.

**Seconded by Councilperson  
and on roll call**