



BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
January 27, 2020**

AGENDA (Amended)

- I. Call to Order
- II. Invocation – Councilmember Briggs
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Batavia Business Improvement District – Craft Beer Walk “FeBREWary”
Saturday, February 22, 2020
- VII. Council President Report
 - a. Announcement of the next City Council Business Meeting to be held on Monday, February 10, 2020 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
 - b. Proclamation – Retired Police Officer – Kevin Czora
 - c. Ceremonial Swearing-in of Promotions:
 - Christopher Camp to Assistant Police Chief
 - Matthew Lutey to Detective Sergeant
 - Mitch Cowen to Police Sergeant
 - Marc Lawrence to Police Sergeant
- VIII. I-1 Industrial District Modification for Motor Vehicle Repair
- IX. Budget Resolutions that require Public Hearings
- X. Capital Close-out Projects
- XI. Adopt Genesee County 2019 Hazard Mitigation Plan
- XII. Amend 2019-2020 Police Budget to Reflect STOP-DWI Grant
- XIII. Sale of City Owned Property – Jackson Square

- XIV. New York Main Street Grant RFP for Professional Services
- XV. Appoint Members to Various city Committees/Boards
- XVI. Appoint Marriage Officer
- XVII. Executive Session...Collective Bargaining
- XVIII. Adjournment

BID Beer Walk

There are no costs from the departments.



City of Batavia
Batavia, New York 14020
(585) 343-6300

Official Use Only:

2020-3

Event Application #:

emailed
12.10.19
(20)

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

Event Sponsor Downtown Batavia Business Improvement District

Type of Event Beer Walk

Date of Event Saturday Feb 22nd, 2020

Time of Event (don't include set up time here - just actual event time) 4-8 PM

Location of Event Downtown Batavia Businesses

Details of Event (be as specific as possible!) Craft Beer walk - 25 Downtown Businesses to host a local brewery inside their business. VOD ticket holders travel throughout the businesses for a tasting sample @ each location.

Contact Information:

Primary contact:

Secondary contact:

Name Beth Kemp

Phone # 993-7747

E-mail address director@downtownbataviany.com

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

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? each local brewery

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. **

DATE: 01/07/2020
GENERAL RECEIPTS
RECEIPT TYPE: 2590
RECEIPT # 414692
AMOUNT PAID ----

TIME: 12:43:53

25.00

EVENT INFORMATION (required):

Set up date: Feb 22, 2020 Set up time: 3:00 PM
Tear down date: Feb 22, 2020 Tear down time: 8:00 PM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 2/22/2020 Start time: 4:00 PM End time: 8:00 PM
Estimated crowd size: 1000 # of Vendors/Displays 25 Breweries

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/POP-UPS:

- 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 ☒

NOTE – Appropriate anchoring is required for all tents, canopies, and pop-up structures

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

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

~~ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE~~

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

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

_____	_____	&
Street to be closed	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 ☒

Ask for possible walk through or available if needed.

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.

Downtown Batavia

Hold Harmless Agreement

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 Batavia 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.

12/10/19
Date

Downtown Batavia B.I.D.
Name of Event Sponsor
Elizabeth Kemp, Director
Authorized Signature, Title
Elizabeth Kemp
Name - Printed or Typed

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

12/10/19
Date

Elizabeth Kemp
Signature of Applicant

Please forward this application to:

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

#-2020
A RESOLUTION INTRODUCING 2020-2021 BUDGET ORDINANCE AND
SCHEDULING A PUBLIC HEARING

Motion of Councilperson

WHEREAS, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2020-2021 fiscal year on January 13, 2020 pursuant to Section 16.3 of the City Charter, copies of which were received by all members of the City Council and a copy placed on file in the City Clerk's Office; and

WHEREAS, a Public Hearing is required for compliance with the City Charter and the public hearing will be held on February 24, 2020 at 7:00 PM in the Council Board Room of City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the 2020-2021 Budget Ordinance is hereby introduced pursuant to Section 3.13 of the City Charter.

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said Budget Ordinance in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 PM on Monday, February 24, 2020; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

Seconded by Councilperson
and on roll call

ORDINANCE #001-2020
AN ORDINANCE ADOPTING THE 2020-2021 BUDGET AND DETERMINING THE
AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2020-2021
FISCAL YEAR

BE IT ENACTED, by the Council of the City of Batavia, New York:

SECTION 1. The proposed Budget for 2020-2021, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 13, 2020, setting forth the estimates of revenues and expenditures for the fiscal year 2020-2021, including all wage adjustments and salary schedules for all employees covered under collective bargaining agreements, and non-union, part-time and seasonal employees, of the various funds of the City of Batavia, namely, General Fund, Water Fund, Sewer Fund, City Centre Fund, Workers' Compensation Fund, and Health Insurance Fund is hereby approved and that the several amounts allowed as estimated expenditures be and are hereby appropriated to the use of the several departments of the City of Batavia for the purpose set forth in each estimate in the proposed budgets for the fiscal year 2020-2021.

SECTION 2. The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year of 2020-2021 is \$5,429,333.

SECTION 3. The sum of \$5,429,333 the entire amounts heretofore ascertained, fixed, and determined as necessary, proper, and legal be raised by tax to defray the expenditures of the City of Batavia for the fiscal year 2020-2021, be and the same is hereby levied on all the real property subject to taxation by the City of Batavia according to valuation upon the assessment roll for the fiscal year 2020-2021.

SECTION 4. The amounts to be raised by taxation as hereby stated for City purposes is hereby a warrant upon the Clerk-Treasurer to spread and extend such levies upon the current assessment tax roll and to collect the same.

SECTION 5. The budget summaries, as filed in the Clerk-Treasurer's Office of the various funds of the City of Batavia, are made a part hereof and are hereby declared to be part of the Ordinance.

SECTION 6. This Ordinance shall become effective April 1, 2020.

Budget Summaries

General Fund

General Fund - Capital Reserves	\$ 220,000.00
City Council	\$ 46,867.00
City Manager	\$ 182,126.00
Finance	\$ 134,410.00
Administrative Services	\$ 369,045.00
Clerk/Treasurer	\$ 181,000.00
City Assessment	\$ 146,130.00
Legal Services	\$ 234,917.00
Personnel	\$ 157,860.00
Engineering	\$ 27,000.00
Elections	\$ 21,230.00
Public Works Administration	\$ 106,080.00
City Facilities	\$ 323,190.00
Information Systems	\$ 129,300.00
General Fund - Contingency	\$ 240,000.00
Police	\$ 3,996,070.00
Fire	\$ 3,893,745.00
Control of Dogs	\$ 1,450.00
Inspection	\$ 363,190.00
Vital Statistics	\$ 19,615.00
Maintenance Administration	\$ 204,090.00
Street Maintenance	\$ 841,290.00
Public Works Garage	\$ 480,720.00
Snow Removal	\$ 524,495.00
Street Lights & Traffic Signals	\$ 278,440.00
Sidewalk Repairs	\$ 111,000.00
Parking Lots	\$ 60,620.00
Community Development	\$ 25,157.00
Economic Development	\$ 110,000.00
Council on Arts	\$ 6,250.00
Parks	\$ 581,590.00
Summer Recreation	\$ 84,925.00
Youth Services	\$ 187,021.00
Historic Preservation	\$ 2,177.00
Community Celebrations	\$ 15,850.00
Planning & Zoning Boards	\$ 2,300.00
Storm Sewer	\$ 184,890.00
Refuse & Recycling	\$ 87,290.00
Street Cleaning	\$ 124,880.00
General Fund - Debt Service/Bonds	\$ 459,022.00

General Fund – BAN	\$ 14,843.00
Install Pur Debt - Municipal Lease	\$ 28,487.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 85,043.00
Gen. Fund – Transfer for Cap Proj	\$ 185,500.00
General Fund - Transfer/Other Funds	\$ 2,391,710.00
TOTAL GENERAL FUND	\$ 17,870,815.00

**Water, Wastewater &
Workers Comp Funds**

**PROPOSED
2020/21**

Water Administration	\$ 2,650,738.00
Pump Station & Filtration	\$ 1,264,470.00
Water Distribution	\$ 378,610.00
Water Fund Contingency	\$ 20,000.00
Water Fund - Debt Service/Bonds	\$ 89,025.00
Install Pur Debt – Municipal Lease	\$.00
Water Fund– Debt Srvc-Energy Lease	\$ 16,294.00
Water Fund - Transfer to Other Funds	\$ 470,790.00
Water Fund - Reserve	\$ 105,106.00
Water Fund – Debt Service - BAN	\$ 37,621.00
TOTAL WATER	\$ 5,032,654.00

Wastewater Administration	\$ 331,528.00
Sanitary Sewers	\$ 459,190.00
Wastewater Treatment	\$ 836,490.00
WW Fund Contingency	\$ 15,000.00
WW Fund - Debt Service/Bonds	\$ 297,269.00
WW Fund - Debt Srvc-Energy Lease	\$ 8,419.00
Install Pur Debt – Municipal Lease	\$.00
WW Fund – Transfer to Other Funds	\$ 214,760.00
WW Fund - Reserve	\$ 636,345.00
TOTAL WASTEWATER	\$ 2,799,001.00

Workers' Compensation	\$ 363,180.00
Transfer to Reserves	\$ 326,000.00
TOTAL WORKER'S COMP	\$ 689,180.00

TOTAL WATER, WASTEWATER, WORKERS' COMP	\$ 8,520,835.00
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**CITY CENTRE & HEALTH
INSURANCE FUNDS**

Administration	\$ 173,872.00
Contingency	\$ 9,185.00
City Centre Fund-Transfer to Other Funds	\$ 29,910.00
TOTAL CITY CENTRE	\$ 212,967.00

Medical Insurance	\$ 2,494,090.00
Transfer to Reserves	\$ 110,000.00
TOTAL HEALTH INSURANCE	\$ 2,604,090.00

TOTAL CITY CENTRE & HEALTH INSURANCE	\$ 2,817,057.00
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TOTAL ALL FUNDS **\$ 29,208,707**

#-2020

A RESOLUTION INTRODUCING A LOCAL LAW AMENDING SECTION 184-41 (A), (B), (C), AND (O) OF THE BATAVIA MUNICIPAL CODE TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Motion of Councilperson

BE IT RESOLVED, that Local Law No. 2 of the Year 2020 entitled “**LOCAL LAW NO. 2 OF THE YEAR 2020 CITY OF BATAVIA TO AMEND §184-41.(A), (B), (C), AND (O) OF THE CODE OF THE CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A CAPITAL IMPROVEMENT FEE**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council hold a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, February 24, 2020; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least three (5) days prior thereto.

**Seconded by Councilperson
and on roll call**

**LOCAL LAW NO. 2 OF THE YEAR 2020
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §184-41(A), (B), (C), AND (O) OF THE CODE OF THE
CITY OF BATAVIA TO ESTABLISH NEW WATER RATES, METER FEES AND A
CAPITAL IMPROVEMENT FEE**

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

Section 1. § 184-41. Water rates.

A. Water Rates

City – Water – Quarterly Schedule

~~\$5.49~~ [~~\$5.68~~] per 1,000 gallons

Town Served Directly by the City – Building and Hydrants

~~\$7.04~~ [~~\$7.29~~] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$7.35~~ [~~\$7.61~~] per 1,000 gallons; cards: \$12.50 each.

Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2019~~
~~as billed on and after June 1, 2019~~ [April 1, 2020 billed on and after June 1, 2020]

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$10.69 [\$11.06]
Disc	3/4	\$13.53 [\$14.00]
Disc	1	\$14.25 [\$14.75]
Disc	1 ½	\$24.22 [\$25.06]
Disc	2	\$33.62 [\$34.80]
Compound	2	\$28.48 [\$29.48]
Compound	3	\$108.33 [\$112.12]
Compound	4	\$172.43 [\$178.46]
Compound	6	\$260.47 [\$269.59]
Turbo	3	\$64.10 [\$66.34]
Turbo	4	\$108.33 [\$112.12]
Fireline	4	\$108.33 [\$112.12]
Fireline	6	\$172.43 [\$178.46]

Fireline	8	\$240.36 [\$248.78]
Fireline	10	\$313.88 [\$324.87]

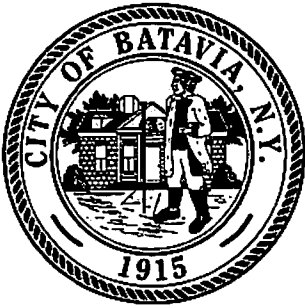
All of the above meter service charges include the required remote reading encoder systems.

O. Quarterly Capital Improvement fee for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	\$6.59 [\$7.25]
Disc	¾	\$8.35 [\$9.18]
Disc	1	\$8.78 [\$9.66]
Disc	1 ½	\$14.93 [\$16.43]
Disc	2	\$20.73 [\$22.80]
Compound	2	\$17.57 [\$19.33]
Compound	3	\$66.81 [\$73.49]
Compound	4	\$106.34 [\$116.97]
Compound	6	\$160.65 [\$176.71]
Turbo	3	\$39.53 [\$43.48]
Turbo	4	\$66.81 [\$73.49]
Fireline	4	\$66.81 [\$73.49]
Fireline	6	\$106.34 [\$116.97]
Fireline	8	\$148.24 [\$163.06]
Fireline	10	\$193.59 [\$212.95]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]



City of Batavia

Memorandum

To: Martin D. Moore, Ph.D., City Manager

From: Lisa Neary, Deputy Director of Finance

Date: January 21, 2020

Subject: Capital Project Close Out Resolution

In an effort to keep our capital project fund up to date and current, it is necessary to close out certain capital projects that are completed at this time. Those capital projects are listed as follows:

Summit Street Road Improvement

There is a residual balance of approximately \$1,660 to be transferred back to the General Fund.

Attached please find a resolution in support of this action.

#-2020
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, projects completed at this time that require official closing are listed as follows:

#0901 Summit Street Road Improvement

WHEREAS, the City Council authorizes the City Manager to make the recommended transfers and close out the specified capital projects effective March 31, 2020; and

WHEREAS, in order to close the Summit Street Road Improvement project, the City will need to transfer approximately \$1,660 from the Capital Projects Fund to the General Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the Summit Street Road Improvement capital project be closed effective March 31, 2020.

Seconded by Councilperson
and on roll call



City of Batavia

Memorandum

To: Martin Moore, Ph.D., City Manager

From: Stefano Napolitano, Fire Chief

Date: December 16, 2019

Subject: Resolution to adopt the Genesee County 2019 Hazard Mitigation Plan.

Attached please find a Resolution to adopt the Genesee County 2019 Hazard Mitigation Plan which will serve as the City of Batavia's Hazard Mitigation Plan.

The Genesee County 2019 Hazard Mitigation Plan which was developed under the FY2015 Pre-Disaster Mitigation Competitive Grant Program has been reviewed and approved by the State Emergency Management Office (SEMO) and by the Federal Emergency Management Agency (FEMA) and adopted by the Genesee County Legislature in October 2019 as an official plan for the County.

In order for the County or the City of Batavia to receive Federal pre-disaster mitigation funds, we are required to have an approved hazard mitigation plan on file with FEMA. The adoption of the Genesee County Hazard Mitigation Plan, which has an annex specific to the City of Batavia will satisfy the requirements of 44 CFR Part 201.

I am respectfully requesting the City Council to pass this resolution and adopt this plan as the City of Batavia's Hazard Mitigation Plan.

If you have any questions, please do not hesitate to contact me.

Thank you.



-2020

**A RESOLUTION AUTHORIZING THE ADOPTION OF THE 2019 GENESEE
COUNTY, NY HAZARD MITIGATION PLAN**

Motion of Councilperson

WHEREAS, all jurisdictions within Genesee County have exposure to natural hazards that increase the risk of life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390 established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Genesee County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Genesee County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

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

1. Adopts in its entirety, the 2019 Genesee County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide pre-and post-disaster mitigation of the hazards identified.
3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Hazard Mitigation Steering Committee and Planning Partnership as described within the Plan.
5. Will help to promote and support the mitigation successes of all participants in this Plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.
7. Will provide an update of the Plan in conjunction with the County no less than every five years.

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



Hazard Mitigation Plan

Volume I

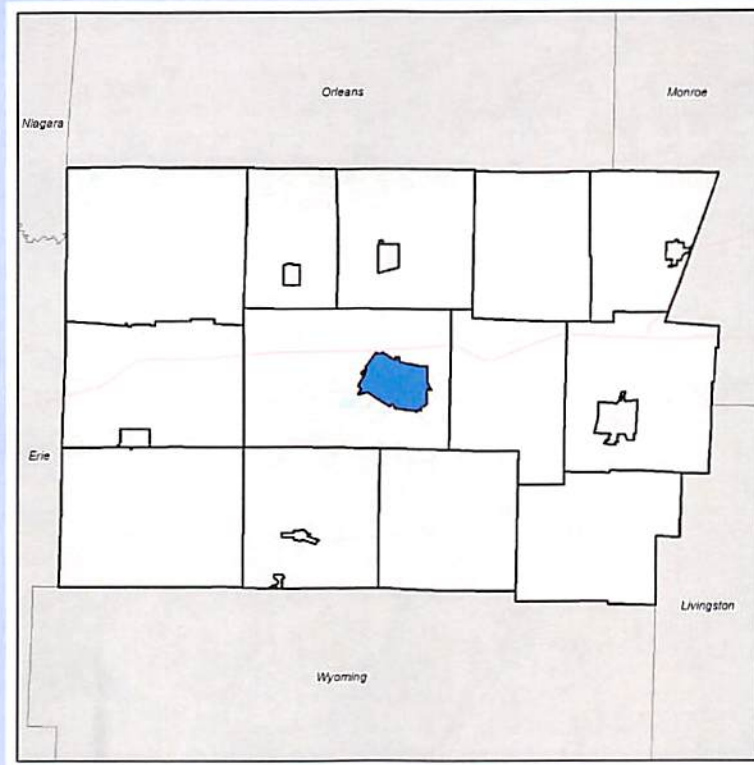
October 2019



Prepared By:
Tetra Tech, Inc.
2400 Park Drive, Suite I
Harrisburg, PA 17110



MUNICIPAL ANNEX | City of Batavia



Total Population
(2010 Census)

15,465



Total Number of
Buildings

5,818



Number of National
Flood Insurance
Program (NFIP) Policies

293



Number of Repetitive
Loss (RL) Properties

2



Total Land
(square miles)

5.3

Percent of Buildings
in Regulatory
Floodplain

16%

Percent of NFIP
Policies in Regulatory
Floodplain

91%

Number of Severe
Repetitive Loss (SRL)
Properties

0



Proposed
Project
Types

Structure and Infrastructure
Projects
Education and Awareness
Programs



Mitigation
Focus

Multi-Hazard



9.6 City of Batavia

This section presents the jurisdictional annex for the City of Batavia. It includes resources and information to assist public and private sectors to reduce losses from future hazard events. This annex is not guidance of what to do when a disaster occurs. Rather, this annex concentrates on actions that can be implemented prior to a disaster to reduce or eliminate damage to property and people. This annex includes a general overview of the municipality and who in the city participated in the planning process, an assessment of the City of Batavia's risk and vulnerability, the different capabilities used in the city, and an action plan that will be implemented to achieve a more resilient community.

9.6.1 Hazard Mitigation Planning Team

The following individuals have been identified as the City of Batavia's hazard mitigation plan primary and alternate points of contact.

Primary Point of Contact	Alternate Point of Contact
Name: Steve Napolitano Title: Fire Chief Phone Number: 585-815-5012 Email: snapolitano@batavianewyork.com	Name: Martin D. Moore, Ph. D Title: City Manager Phone Number: 585-345-6330 Address: One Batavia City Centre, Batavia, NY 14020
Floodplain Administrator	
Name: Steve Napolitano Title: Fire Chief Phone Number: 585-815-5012 Email: snapolitano@batavianewyork.com	

9.6.2 Municipal Profile

The City of Batavia is in the center of Genesee County and is the county seat. The city has a total area of 5.2 square miles. The city is centrally within the Town of Batavia. The city is governed by 9 Council members. The City of Batavia is in the center of Genesee County, within the Town of Batavia and is the county seat. Section 9.7. provides for more information about the Town of Batavia.

The estimated 2017 U.S. Census American Community Survey population was 14,868, a decrease from the 2010 Census (15,465). Data from the 2017 U.S. Census American Community Survey estimates that 18.6 percent is 65 years of age or older. Communities must deploy a support system that enables all populations to safely reach shelters or to quickly evacuate a hazard area.

History and Cultural Resources

The city was an early settlement in Genesee County. The City of Batavia was founded in 1802 by Joseph Ellicott, agent of the Holland Land Company. Batavia, New York, was named for the Batavian Republic in honor of the Holland Land Company.

Growth/Development Trends

Table 9.6-1 summarizes major residential/commercial development that known or anticipated to take place prior to 2023. Figure 9.6-1 illustrates the hazard areas, along with the location of potential new development.



Table 9.6-1. Growth and Development

Property or Development Name	Type (e.g. Res., Comm.)	# of Units / Structures	Location (address and/or Parcel ID)	Known Hazard Zone(s)	Description/Status of Development
Recent Development from 2008 to present					
DePaul	Comm.	42 Units	555 East Main	NEHRP D	Special Needs Apt.'s
McDonalds	Comm.	1	573 East Main	None	Restaurant
Fred Mruczek	Res.	2 Units	61 River Street	SFHA	Dwelling
Bruce Curtis	Res.	2 Units	64 River Street	SFHA	Dwelling
Known or Anticipated Development in the Next Five (5) Years					
Ellicott Station	Comm./Res.	42 Units	40-52 Ellicott Street	SFHA	Comm./Res./Office/Restaurant

* Only location-specific hazard zones or vulnerabilities identified.

9.6.3 Hazard Event History Specific to the City of Batavia

Genesee County has a history of natural hazard events as detailed in Volume I, Section 5.0 (Risk Assessment). A summary of historical events is provided in each of the hazard profiles and includes a chronology of events that have affected the county and its municipalities. The City of Batavia's history of federally-declared (as presented by FEMA) and significant hazard events (as presented in NOAA-NCEI) is consistent with that of Genesee County. Table 9.6-2 provides details regarding municipal-specific loss and damages the city experienced during hazard events. Information provided in the table below is based on reference material or local sources.

Table 9.6-2. Hazard Event History

Dates of Event	Event Type (Disaster Declaration if applicable)	Genesee County Designated?	Summary of Event	Municipal Summary of Damages and Losses
February 2, 2002	Ice Storm	N/A	A winter storm impacted Genesee County dropping snow, sleet, and freezing rain.	2 commercial and 2 residential properties had moderate structure damage. 4 commercial and 116 residential structures had low structure damage. 18 fences were damaged and one private electric service pole was found leaning and required to be secured. 246 people were sheltered during the storm.
March 16, 2007	Flood	N/A	Flooding on the Tonawanda Creek	Tonawanda Creek flooded the southern part of the City, closing numerous roads. The Creek crested at 11.9 feet (flood stage of 9 feet).
January 9, 2008	High Wind	N/A	A powerful cold front crossed the region during early morning hours. The thunderstorms that accompanied the front produced damaging wind gusts measured to 75 mph.	Information on event damages was not available.



Dates of Event	Event Type (Disaster Declaration if applicable)	Genesee County Designated?	Summary of Event	Municipal Summary of Damages and Losses
January 30, 2008	High Wind	N/A	Low pressure over upper Michigan tracked across the northern Great Lakes to Quebec. Winds increased to 25 to 40 mph with gusts measured to 75 mph.	Information on event damages was not available.
June 6, 2008	Hail	N/A	Thunderstorms moving through the region produced strong winds and hail.	Information on event damages was not available.
September 14, 2008	High Wind	N/A	The remains of Hurricane Ike moved over the area, resulting in high winds with gusts measured to 66 mph.	Information on event damages was not available.
December 28, 2008	High Wind	N/A	A complex area of low pressure developed over the midsection of the nation and strengthened as it moved into the western Great Lakes region then into Quebec. Winds accompanying the system increased rapidly across the area ranging from 30 to 40 m.p.h. sustained. A peak gust of 75 m.p.h. was recorded the Buffalo Airport.	Information on event damages was not available.
July 25, 2009	Tornado	N/A	A tornado crossed the town of Darien and village of Corfu in Genesee county. The tornado was rated an EF1 with wind speeds estimated close to 100 mph.	Information on event damages was not available.
May 8, 2010	High Wind	N/A	Deep low pressure passed over western New York with its trailing cold front rapidly sweeping east across the region. Winds increased within a few hours of the approaching front to gust speeds of 60 to 65 mph.	Information on event damages was not available.
April 26-May 8, 2011	Severe Storms, Flooding, Tornadoes, High Wind (DR-1993)	No	Following the passage of a strong cold front, strong synoptic winds developed across western New York. Gusts reached up to 83 mph.	Information on event damages was not available.
July 31, 2012	Flash Flood, Severe Storm	N/A	A slow moving cold front caused thunderstorms resulting in heavy rains. Over parts of Genesee county, two to three inches of rain fell in less than two hours.	The city had between 2.65 to over 4 inches of rain in 2 hours. Flash flooding resulted in one rescue of a car in water, 17 water problems, and 7 fire-related jobs. About 3 dozen residents had flooded or wet basements. The city experienced \$5,000 of municipal costs primarily from a controller at a pump station being destroyed by a lightning strike. The rainfall event was considered to be in the 100-year event category or greater for a 2-hour rain event.



Dates of Event	Event Type (Disaster Declaration if applicable)	Genesee County Designated?	Summary of Event	Municipal Summary of Damages and Losses
October 29, 2012	High Wind (DR-4085)	Yes	Remnants of Hurricane Sandy brought strong winds and heavy rains to western and north central New York. Wind gusts were measured to 60 mph.	Information on event damages was not available.
November 17-19, 2014	Lake Effect Snow (DR-4204)	Yes	Heavy lake effect snow fell throughout the region in back to back events resulting in over 3 feet of snow and several deaths in the region.	Information on event damages was not available.
November 24, 2014	Flood	N/A	Up to 6 feet of snow that fell during 2 lake effect events the previous week melted as temperatures climbed into the 60s. Snow water equivalents ranged from 4 to 6 inches. The melting snow combined a limited rainfall to produce some urban and river flooding over the lake-effect snow affected area.	Information on event damages was not available.
March 8, 2017	High Wind	N/A	Deep low pressure brought strong winds to the entire region with sustained winds up to 49 mph and wind gusts as high as 81 mph.	Information on event damages was not available.

Notes:

DR Major Disaster Declaration (FEMA)

N/A Not applicable

9.6.4 Hazard Ranking and Jurisdiction-Specific Vulnerabilities

The hazard profiles in Section 5.0 (Risk Assessment) have detailed information regarding each plan participant's vulnerability to the identified hazards. This section provides a summary of exposure and impacts from significant hazards of concern as identified by the City of Batavia.

Hazard Risk Ranking

This section includes the community specific identification of the primary hazard concerns based on identified problems, impacts and the results of the risk assessment as presented in Section 5 (Risk Assessment). The ranking process involves an assessment of the likelihood of occurrence for each hazard, along with its potential impacts on people, property, and the economy as well as community capability and changing future climate conditions. This input supports the mitigation action development to target those hazards with highest level of concern.

As discussed in Section 5.3 (Hazard Ranking), each participating town or city may have differing degrees of risk exposure and vulnerability compared to Genesee County as a whole. Therefore, each municipality ranked the degree of risk to each hazard as it pertains to their community. The table below summarizes the hazard risk/vulnerability rankings of potential natural hazards for the City of Batavia. The City of Batavia has reviewed the county hazard risk/vulnerability risk ranking table, as well as its individual results, to reflect the relative risk of the hazards of concern to the community.

During the review of the hazard/vulnerability risk ranking, the city agreed with the calculated risk rankings.



Table 9.6-3. Hazard Risk/Vulnerability Risk Ranking

Hazard type	Estimate of Potential Dollar Losses to Structures Vulnerable to the Hazard ^{a, c}	Probability of Occurrence	Risk Ranking Score (Probability x Impact)	Hazard Ranking ^b
Civil Unrest	Damage estimate not available	Occasional	24	Medium
Drought	Damage estimate not available	Frequent	21	Medium
Earthquake ^{d,e}	RCV Exposed to D and E Soils: \$1,726,628	Occasional	26	Medium
Epidemic	Damage estimate not available	Frequent	39	High
Extreme Temperature	Damage estimate not available	Frequent	39	High
Flood ^d	RCV Exposed to 1% Annual Chance Flood Event \$690,139,000	Frequent	36	High
Hazardous Materials	Damage estimate not available	Frequent	42	High
Severe Storm ^c	100-year MRP: \$0 500-year MRP: \$0	Frequent	48	High
Severe Winter Weather ^c	100-year MRP: \$22,344,470 500-year MRP: \$111,722,350	Frequent	51	High
Terrorism	Damage estimate not available	Rare	14	Low
Transportation Accident	Damage estimate not available	Frequent	42	High
Utility Failure	Damage estimate not available	Frequent	45	High
Wildfire	Estimated RCV in WUI Hazard Area \$150,022,000	Occasional	20	Medium

Notes:

- Building damage ratio estimates based on FEMA 386-2 (August 2001)
- The valuation of general building stock and loss estimates was based on custom inventory for the municipality.
High = Total hazard priority risk ranking score of 31 and above
Medium = Total hazard priority risk ranking of 20-30+
Low = Total hazard risk ranking below 20
- Loss estimates for the severe storm and severe winter storm hazards are structural values only and do not include the value of contents.
- Loss estimates for the flood and earthquake hazards represent both structure and contents.
- The HAZUS-MH earthquake model results are reported by Census Tract.

Critical Facilities Flood Risk

DEC Statute 6 CRR-NY 502.4 sets forth floodplain management criteria for state projects located in flood hazard areas. The law states that no such projects related to critical facilities shall be undertaken in a SFHA unless constructed according to specific mitigation specifications, including being raised 2 feet above the BFE. This statute is outlined at <http://tinyurl.com/6-CRR-NY-502-4>. While all vulnerabilities should be assessed and documented, the state places a high priority on exposure to flooding. Critical facilities located in an SFHA, or having ever sustained previous flooding, must be protected to the 500-year flood event, or worst damage scenario. For those that do not meet these criteria, the jurisdiction must identify an action to achieve this level of protection (NYS DHSES 2017).

The table below identifies critical facilities in the community located in the 1-percent and 0.2-percent floodplain and presents HAZUS-MH estimates of the damage and loss of use to critical facilities as a result of a 1-percent annual chance flood event.



Table 9.6-4. Potential Flood Losses to Critical Facilities

Name	Type	Exposure		Addressed by Proposed Action
		1% Event	0.2% Event	
2	Electrical Facility	X	X	C. Batavia-3
13	Electrical Facility	X	X	C. Batavia-4
153 Cedar St	Communication	X	X	C. Batavia-16
18240013.-1-111	Well	X	X	C. Batavia-5
31037006540000-City of Batavia	Gas Well	X	X	C. Batavia-6
Ascension Parish	Polling Place	X	X	C. Batavia-7
Batavia Bus Services	Bus	X	X	C. Batavia-8
Batavia City #1	Fire Station	X	X	C. Batavia-2
Batavia Municipal Dam	Dam	X	X	C. Batavia-9
Batavia Transload Warehouse	Rail	X	X	C. Batavia-10
Chapin Manufacturing, Inc.	Major Employer	X	X	C. Batavia-11
City Highway Garage	DPW	X	X	C. Batavia-1
City of Batavia Treatment Facility	Treatment Facility	X	X	C. Batavia-12
County Highway	Government Building	X	X	C. Batavia-13
Courts Facility	Court	-	X	-
Engine House	Government Building	-	X	-
Genesee County Chapter NYSARC	Major Employer	-	X	-
Genesee County Hwy Garage	DPW	-	X	-
Holland Land Office Museum	Polling Place	X	X	-
Jackson St. School	School	X	X	C. Batavia-14
NYS Federation of Growers' and Processors' Association	Day Care	-	X	-
O-AT-KA Milk Products Cooperative, Inc.	Major Employer	-	X	-
Premier Credit of North America	Major Employer	X	X	C. Batavia-15

Source: Genesee County 2017; HAZUS-MH

The City of Batavia reviewed the list of critical facilities and determined that polling locations were not critical for the purpose of essential services. As a result, the City of Batavia did not develop mitigation actions to protect those facilities to the 500-year flood level.

Identified Issues

The municipality has identified the following vulnerabilities within their community:

- The southern portion of the city is within the 1 percent annual chance floodplain.

9.6.5 Capability Assessment

This section identifies the following capabilities of the local jurisdiction:

- Planning and regulatory capability
- Administrative and technical capability
- Fiscal capability
- Community classification



- National Flood Insurance Program
- Integration of mitigation planning into existing and future planning mechanisms

Planning and Regulatory Capability

The table below summarizes the regulatory tools that are available to the City of Batavia.

Table 9.6-5. Planning and Regulatory Tools

Tool / Program (code, ordinance, plan)	Do you have this? (Yes/No) If Yes, date of adoption or update	Authority (local, county, state, federal)	Dept. /Agency Responsible	Code Citation and Comments (Code Chapter, name of plan, explanation of authority, etc.)
Planning Capability				
Comprehensive Plan	Yes	Local	Planning Department	Comprehensive Plan
Capital Improvements Plan	Yes	Local	Planning Department	Capital Improvements Plan
Floodplain Management / Basin Plan	Yes	Local	Planning Department	Floodplain Management Plan
Stormwater Management Plan	Yes	Local	Planning Department	Stormwater Management Plan
Open Space Plan	No	-	-	-
Stream Corridor Management Plan	No	-	-	-
Watershed Management or Protection Plan	No	-	-	-
Economic Development Plan	Yes	Local	Planning Department	Economic Development Plan
Comprehensive Emergency Management Plan	Yes	Local	CBFD/CBPD	Comprehensive Emergency Management Plan
Emergency Operation Plan	Yes	Local	OEM	Emergency Operation Plan
Post-Disaster Recovery Plan	No	-	-	-
Transportation Plan	No	-	-	-
Strategic Recovery Planning Report	No	-	-	-
Other Plans:	No	-	-	-
Regulatory Capability				
Building Code	Yes	State & Local	Codes Department	I.C.C., Chapter 51 of the City Code
Zoning Ordinance	Yes	Local	Codes Department	Chapter 190 of the City Code
Subdivision Ordinance	Yes	Local	Codes Department	Chapter 162 of City Code
NFIP Flood Damage Prevention Ordinance	Yes	Federal, State, Local	City Engineer	Chapter 87 of the City Code
NFIP: Cumulative Substantial Damages	No	-	-	-
NFIP: Freeboard	Yes	State, Local	City Engineer	State mandated BFE+2 for single and two-family residential construction, BFE+1 for all other construction types



Tool / Program (code, ordinance, plan)	Do you have this? (Yes/No) If Yes, date of adoption or update	Authority (local, county, state, federal)	Dept. /Agency Responsible	Code Citation and Comments (Code Chapter, name of plan, explanation of authority, etc.)
Growth Management Ordinances	Yes	Local	Codes Department	ZURY ORDINANCES
Site Plan Review Requirements	Yes	Local	Codes Department	Chapter 190-44 of the City Code
Stormwater Management Ordinance	No	-	-	-
Municipal Separate Storm Sewer System (MS4)	No	-	-	-
Natural Hazard Ordinance	No	-	-	-
Post-Disaster Recovery Ordinance	No	-	-	-
Real Estate Disclosure Requirement	Yes	State	-	NYS mandate, Property Condition Disclosure Act, NY Code - Article 14 §460-467
Other (Special Purpose Ordinances [i.e., sensitive areas, steep slope])	No	-	-	-

Administrative and Technical Capability

The table below summarizes potential staff and personnel resources available to the City of Batavia.

Table 9.6-6. Administrative and Technical Capabilities

Resources	Is this in place? (Yes or No)	Department/ Agency/Position
Administrative Capability		
Planning Board	Yes	Planning Board
Mitigation Planning Committee	No	-
Environmental Board/Commission	No	-
Open Space Board/Committee	No	-
Economic Development Commission/Committee	Yes	-
Maintenance programs to reduce risk	Yes	-
Mutual aid agreements	Yes	-
Technical/Staffing Capability		
Planner(s) or engineer(s) with knowledge of land development and land management practices	Yes	Consultants
Engineer(s) or professional(s) trained in construction practices related to buildings and/or infrastructure	Yes	Consultants
Planners or engineers with an understanding of natural hazards	Yes	Consultants
NFIP Floodplain Administrator (FPA)	Yes	City Engineer
Surveyor(s)	No	-
Personnel skilled or trained in GIS and/or Hazards United States (HAZUS) – Multi-Hazards (MH) applications	No	-
Scientist familiar with natural hazards	No	-



Resources	Is this in place? (Yes or No)	Department/ Agency/Position
Emergency Manager	Yes	Fire Chief
Grant writer(s)	No	Contractual
Staff with expertise or training in benefit/cost analysis	Yes	Dept. of Public Works
Professionals trained in conducting damage assessments	Yes	City Code Department

Fiscal Capability

The table below summarizes financial resources available to the City of Batavia.

Table 9.6-7. Fiscal Capabilities

Financial Resources	Accessible or Eligible to Use (Yes/No)
Community development Block Grants (CDBG, CDBG-DR)	Yes
Capital improvements project funding	Yes
Authority to levy taxes for specific purposes	Yes
User fees for water, sewer, gas or electric service	Yes
Impact fees for homebuyers or developers of new development/homes	No
Stormwater utility fee	No
Incur debt through general obligation bonds	Yes
Incur debt through special tax bonds	No
Incur debt through private activity bonds	No
Withhold public expenditures in hazard-prone areas	No
Other federal or state Funding Programs	Yes
Open Space Acquisition funding programs	No
Other	No

Community Classifications

The table below summarizes classifications for community programs available to the City of Batavia.

Table 9.6-8. Community Classifications

Program	Do you have this? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Community Rating System (CRS)	Yes	Class 7	Recertified in 2019
Building Code Effectiveness Grading Schedule (BCEGS)	No	-	-
Public Protection (ISO Fire Protection Classes 1 to 10)	Yes	3	02/26/2016
NYSDEC Climate Smart Community	No	-	-
Storm Ready Certification	No	-	-
Firewise Communities classification	No	-	-
Natural disaster/safety programs in/for schools	Yes	-	-
Organizations with mitigation focus (advocacy group, non-government)	No	-	-



Program	Do you have this? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Public education program/outreach (through website, social media)	Yes	-	-
Public-private partnership initiatives addressing disaster-related issues	Yes	-	-
Other	No	-	-

Note:

N/A Not applicable

- Unavailable

The classifications listed above relate to the community's ability to provide effective services to lessen its vulnerability to the hazards identified. These classifications can be viewed as a gauge of the community's capabilities in all phases of emergency management (preparedness, response, recovery and mitigation) and are used as an underwriting parameter for determining the costs of various forms of insurance. The CRS class applies to flood insurance while the BCEGS and Public Protection classifications apply to standard property insurance. CRS classifications range on a scale of 1 to 10, with class 1 being the best possible classification and class 10 representing no classification benefit. Firewise classifications include a higher classification when the subject property is located beyond 1000 feet of a creditable fire hydrant and is within 5 road miles of a recognized fire station.

Criteria for classification credits are outlined in the following documents:

- The Community Rating System Coordinators Manual.
- The Building Code Effectiveness Grading Schedule (<https://www.isomitigation.com/bcegs/>).
- The ISO Mitigation online ISO's Public Protection (<https://www.isomitigation.com/ppc/>).
- New York State Climate Smart Communities (<http://www.dec.ny.gov/energy/56876.html>).
- The National Weather Service Storm Ready (<https://www.weather.gov/stormready/communities>).
- The National Firewise Communities website at (<http://firewise.org/>).

Self-Assessment of Capability

The table below provides an approximate measure of the City of Batavia's capability to work in a hazard-mitigation capacity or effectively implement hazard mitigation strategies to reduce hazard vulnerabilities.

Table 9.6-9. Self-Assessment Capability for the Municipality

Area	Degree of Hazard Mitigation Capability		
	Limited (If limited, what are your obstacles?)	Moderate	High
Planning and regulatory capability	-	X	-
Administrative and technical capability	-	X	-
Fiscal capability	-	X	-
Community political capability	-	X	-
Community resiliency capability	-	X	-
Capability to integrate mitigation into municipal processes and activities	-	X	-



National Flood Insurance Program

This section provides specific information on the management and regulation of the regulatory floodplain.

NFIP Floodplain Administrator (FPA)

Rahat Bari, City Engineer

National Flood Insurance Program (NFIP) Summary

The City of Batavia maintains lists/inventories of properties that have been flood damaged but does not identify property owners who are interested in mitigation. The city has 2 repetitive loss properties. The city makes Substantial Damage estimates if necessary but has not declared any properties as Substantially Damaged. Currently, none of the repetitive loss properties are interested in mitigation.

The following table summarizes the NFIP statistics for the City of Batavia.

Table 9.6-10. NFIP Summary

Municipality	# Policies (1)	# Claims (Losses) (1)	Total Loss Payments (2)	# Rep. Loss Prop. (1)	# Severe Rep. Loss Prop. (1)	# Policies in 100-year Boundary (3)
City of Batavia	293	49	\$93,986	2	0	268

Source: FEMA 2018

Notes: Policies, claims, repetitive loss, and severe repetitive loss statistics provided by FEMA Region 2, and current as of February 28, 2018. The total number of repetitive loss properties does not include severe repetitive loss properties

Resources

The FPA is the sole person responsible for floodplain administration. The city provides various NFIP administration services and functions including damage assessment, record keeping, public education, and outreach. Outreach includes literature at the public library. The FPA stated they do not feel there are any barriers to running an effective floodplain management program but do not feel adequately supported and trained for their position. The FPA would attend continuing education or certification training on floodplain management if it were offered in the county for all local floodplain administrators.

Compliance History

The City of Batavia is in good standing in the NFIP. According to the FPA, the CAV took place in 2016. DEC records indicate that prior to this, the city had a compliance audit on June 6, 2006.

Regulatory

Flood Damage Prevention Ordinance: The City of Batavia's Flood Damage Prevention Ordinance (Chapter 87 of the municipal code) is established in order to:

- Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- Control filling, grading, dredging and other development which may increase erosion or flood damages.



- Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- Qualify for and maintain participation in the NFIP.

The city's floodplain management regulations meet state minimum requirements, thereby exceeding FEMA minimum requirements. The Flood Damage Prevention Ordinance requires 2 feet of freeboard above the BFE. The FPA performs reviews of all development proposed in the floodplain. The city participates in the Community Rating System program as a Class 7 community.

Integration of Hazard Mitigation into Existing and Future Planning Mechanisms

For a community to succeed in reducing long-term risk, hazard mitigation must be integrated into the day-to-day local government operations. As part of this planning effort, each community was surveyed to obtain a better understanding of their community's progress in plan integration. A summary is provided below. In addition, the community identified specific integration activities that will be incorporated into municipal procedures, which is also indicated below.

Planning

Existing Integration

Comprehensive Plan: The City of Batavia's Comprehensive Plan includes areas of natural hazard risk but does not refer to the Countywide Hazard Mitigation Plan.

Comprehensive Emergency Management Plan: The City of Batavia's Comprehensive Emergency Management Plan does not refer to the Hazard Mitigation Plan. The plan includes a Continuity of Operations/Continuity of Government (COOP/COG) plan.

The city is not an MS4 Regulated Community and does not have a formal Stormwater Management Plan. The city has a Re-Development Plan, Growth Plan, and Economic Development Plan. The city does not have an Open Space Plan, Watershed or Stream Corridor Management Plan, Local Waterfront Revitalization Plan, Post-Disaster Recovery Plan, Post-Disaster Redevelopment Plan, or Strategic Recovery Plan.

Opportunities for Future Integration

New or updated planning documents could refer to the Countywide Hazard Mitigation Plan and include information on natural hazards.

Regulatory and Enforcement (Ordinances)

Existing Integration

Zoning Ordinance: The City of Batavia's Zoning Ordinance (Chapter 190 of the municipal code) is established in order to guide the future growth and development of the City of Batavia in accordance with a comprehensive plan of land use and population distribution that represents and promotes beneficial and convenient relationships among residential, commercial, industrial and public areas within the city, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living, and future needs for various types of land development, and to achieve the purposes more particularly described in Subdivisions 24 and 25 of § 20 of the General City Law.



Subdivision of Land Ordinance: The City of Batavia's Subdivision of Land Ordinance (Chapter 162 of the municipal code) is established in order to:

- To assure sites suitable for building purposes and human habitation and to provide for the harmonious development of the city.
- To coordinate the existing streets with proposed streets, parks or other features of the city's Official Map.
- To provide conditions favorable to the health, safety, morals and general welfare of the citizens of the city.
- To establish rules for the processing, design and construction of subdivisions.

Municipal zoning, subdivision regulations, and the site plan review process consider natural hazard risk and require developers to take additional actions to mitigate natural hazard risk. The Planning Board/ZBA are provided with GIS, training, and professional staff's information to guide their decisions with respect to natural hazard risk management.

Opportunities for Future Integration

When updating ordinances, the city will account for hazards and include information on hazard mitigation where applicable.

Operational and Administration

Existing Integration

The City of Batavia does not have any other boards or committees that include functions with respect to managing natural hazard risk. Stormwater Management functions are performed by the Department of Public Works. NFIP Floodplain Management functions are performed by the City Engineer. The city has staff and contracts with firms that have experience in performing project evaluation/cost analysis. The city has staff that are capable of performing Substantial Damage Estimates. The city has staff or contracts with firms that are capable of preparing grant applications in-house each year. No staff have job descriptions that specifically include identifying or implementing mitigation projects/actions or other efforts to reduce natural hazard risk, but the Building Codes Department participates in associations, organizations, groups or other committees that support natural hazard risk reduction and build hazard management capabilities. Staff receive training and continuing professional education which supports natural hazard risk reduction. The city has a tree management plan in place.

Opportunities for Future Integration

All staff would benefit from additional trainings.

Funding

Existing Integration

The municipal /operating budget has line items for mitigation projects. The Capital Improvements Budget includes budget for mitigation-related projects. The city recently has pursued and been awarded grant funds for mitigation related projects. The city fiscally supports hazard mitigation projects through the city budget and possible grants, when they are available.

Opportunities for Future Integration

The city continues to support hazard mitigation through applying for grant funding.



Education and Outreach

Existing Integration

The City of Batavia operates a website (<http://www.batavianewyork.com/>) that includes news as well as educational information. This includes a flood information page (<http://www.batavianewyork.com/home/pages/flood-information>) that highlights the major outreach categories of the Community Rating System (know your risk, insure your property, protect people, protect your property, build responsibly, protect natural floodplain functions), as well as a winter and spring flood risk page (http://www.batavianewyork.com/sites/bataviany/files/file/file/winter_and_spring_flooding_risks.pdf). The city has a Facebook page that highlights various news and information. The City of Batavia Fire Department runs public education and prevention programs. The City Manager operates a Twitter page.

Opportunities for Future Integration

The city could continue to pursue additional outreach initiatives to provide additional materials about hazard mitigation and emergency management on their website.

Sheltering, Evacuation, and Temporary Housing

Temporary housing, evacuation routes, and sheltering measures must be in place and available for public awareness to protect residents, mitigate risk, and relocate residents, if necessary, to maintain post-disaster social and economic stability.

Temporary and Permanent Housing

The City of Batavia has not identified potential sites for the placement of temporary housing for residents displaced by a disaster or potential sites suitable for relocating houses of the floodplain and/or building new homes once properties in the floodplain are acquired. Section 9.1 provides more information on temporary and permanent housing.

Evacuation and Sheltering Needs

Sheltering and evacuation procedures are documented in the city's Comprehensive Emergency Management Plan.

9.6.6 Mitigation Strategy and Prioritization

This section discusses past mitigations actions and status, describes proposed hazard mitigation initiatives, and their prioritization.

Past Mitigation Initiative Status

The 2008 Genesee County Hazard Mitigation Plan included county-wide municipal actions. The City of Batavia reviewed the municipal actions identified in the 2008 Plan and indicated no progress on previous actions took place within the town. In addition, the town noted that none of the projects were specific to the city and chose not to include any of the previous actions in the 2019 update.

Completed Mitigation Initiatives Not Identified in the Previous Mitigation Strategy

The City of Batavia has performed ongoing maintenance projects to reduce the impact of flooding but has not identified specific mitigation projects/activities that have been completed but were not identified in the previous mitigation strategy in the 2008 Plan.



Proposed Hazard Mitigation Initiatives for the Plan Update

The City of Batavia participated in a mitigation action workshop on June 18, 2018 and was provided the following FEMA publications to use as a resource as part of their comprehensive review of all possible activities and mitigation measures to address their hazards: FEMA 551 'Selecting Appropriate Mitigation Measures for Floodprone Structures' (March 2007) and FEMA 'Mitigation Ideas – A Resource for Reducing Risk to Natural Hazards' (January 2013).

Table 9.6-11 summarizes the comprehensive-range of specific mitigation initiatives the City of Batavia would like to pursue in the future to reduce the effects of hazards. Some of these initiatives may be previous actions carried forward for this plan update. These initiatives are dependent upon available funding (grants and local match availability) and may be modified or omitted at any time based on the occurrence of new hazard events and changes in municipal priorities. Both the four FEMA mitigation action categories and the six CRS mitigation action categories are listed in the table below to further demonstrate the wide-range of activities and mitigation measures selected.

As discussed in Section 6 (Mitigation Strategy), 14 evaluation/prioritization criteria are used to complete the prioritization of mitigation initiatives. For each new mitigation action, a numeric rank is assigned (-1, 0, or 1) for each of the 14 evaluation criteria to assist with prioritizing your actions as 'High', 'Medium', or 'Low.' The table below summarizes the evaluation of each mitigation initiative, listed by Action Number.

Table 9.6-12 provides a summary of the prioritization of all proposed mitigation initiatives for the plan update.



Table 9.6-11. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Protect the Highway Garage to the 500-year flood level.			Priority	High
C. of Batavia-1	Description of Problem	The City of Batavia Highway Garage is in the 100-year floodplain. Flooding of the facility would be costly and interrupt critical services.			Lead & Support Agencies	Highway Department
	Description of Solution	The city will raise all electrical components in the Highway Garage above the 500-year flood level. The city will develop a staging area for equipment and vehicles to be located to that is on the north side of the city, away from the floodplain, for use when flooding is forecast.			Estimated Benefits	Critical services maintained, flood damage avoided.
	Hazard(s) Mitigated	Flood	Estimated Timeline	1 year	Estimated Cost	\$15,000
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	City budget, HMGP, PDM
	CRS Category	PP	EHP Issues	None	Goals Met	2
Project Number	Project Name	Protect the Batavia City #1 Fire Station to the 500-year flood level.			Priority	High
C. of Batavia-2	Description of Problem	The Batavia City #1 Fire Station is in the 100-year floodplain. Flooding of the facility would be costly and interrupt critical services.			Lead & Support Agencies	Fire Department
	Description of Solution	The city will floodproof the interior of the Fire Station. The exterior and garage will have electrical components raised above the 500-year flood level.			Estimated Benefits	Critical services maintained, flood damage avoided.
	Hazard(s) Mitigated	Flood	Estimated Timeline	1 year	Estimated Cost	\$50,000
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	City budget, HMGP, PDM
	CRS Category	PP, ES	EHP Issues	None	Goals Met	2
Project Number	Project Name	Work with owner to protect the 2 Electrical facility to the 500-year flood level.			Priority	Medium
C. of Batavia-3	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3



Project Number	Project Name	Work with owner to protect the 13 Electrical facility to the 500-year flood level.			Priority	Medium
C. of Batavia-4	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Protect the 18240013.-1-111 Well to the 500-year flood level.			Priority	High
C. of Batavia-5	Description of Problem	The facility is in the 100-year floodplain.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level			Estimated Benefits	Reduce or eliminate flood damages.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	Medium
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	HMGP, PDM
	CRS Category	PP	EHP Issues	None	Goals Met	1, 2
Project Number	Project Name	Protect the 31037006540000 Gas Well to the 500-year flood level.			Priority	High
C. of Batavia-6	Description of Problem	The facility is in the 100-year floodplain.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level			Estimated Benefits	Reduce or eliminate flood damages
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	Medium
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	HMGP, PDM
	CRS Category	PP	EHP Issues	None	Goals Met	1, 2
Project Number	Project Name	Work with owner to protect the Ascension Parish to the 500-year flood level.			Priority	Medium
C. of Batavia-7	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager



	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Work with owner to protect the Batavia Bus Services facility to the 500-year flood level.			Priority	Medium
C. of Batavia-8	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Protect the Batavia Municipal Dam to the 500-year flood level.			Priority	High
C. of Batavia-9	Description of Problem	The facility is in the 100-year floodplain.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Reduce or eliminate flood damages.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	High
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget, HMGP, PDM
	CRS Category	PP	EHP Issues	None	Goals Met	1, 2
Project Number	Project Name	Work with owner to protect the Batavia Transload Warehouse rail facility to the 500-year flood level.			Priority	Medium
C. of Batavia-10	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions



	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	Flood
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	EAP
	CRS Category	PI	EHP Issues	None	Goals Met	PI
Project Number	Project Name	Work with owner to protect the Chapin Manufacturing facility to the 500-year flood level.			Priority	Medium
C. of Batavia-11	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Protect the City of Batavia Treatment Facility to the 500-year flood level.			Priority	High
C. of Batavia-12	Description of Problem	The facility is in the 100-year floodplain and is vulnerable to flooding damages that would interrupt critical services.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Reduce or eliminate flood damages
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	Medium
	Mitigation Category	SIP	Critical Facility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Funding Sources	HMGP, PDM
	CRS Category	PP	EHP Issues	None	Goals Met	1, 2
Project Number	Project Name	Work with the county to protect the County Highway Facility to the 500-year flood level.			Priority	Medium
C. of Batavia-13	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100



	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Work with facility manager to protect the Jackson Street School to the 500-year flood level.			Priority	Medium
C. of Batavia-14	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Work with owner to protect the Premier Credit of North America facility to the 500-year flood level.			Priority	Medium
C. of Batavia-15	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes	Potential Funding Sources	Municipal budget
	CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
Project Number	Project Name	Work with owner to protect the 153 Cedar Street communication facility to the 500-year flood level.			Priority	Medium
C. of Batavia-16	Description of Problem	The facility is in the 100-year floodplain. The city does not have jurisdiction over the facility and cannot mitigate themselves.			Lead & Support Agencies	City floodplain administrator, facilities manager
	Description of Solution	The city will contact the facilities manager and discuss options for protecting the facility to the 500-year level.			Estimated Benefits	Provide outreach to the property owner and informing them of potential flood damage and possible solutions.
	Hazard(s) Mitigated	Flood	Estimated Timeline	Within 6 months	Estimated Cost	<\$100
	Mitigation Category	EAP	Critical Facility	<input checked="" type="checkbox"/> Yes	Potential Funding Sources	Municipal budget



CRS Category	PI	EHP Issues	None	Goals Met	1, 2, 3
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Notes:

Not all acronyms and abbreviations defined below are included in the table.

Acronyms and Abbreviations:

CAV	Community Assistance Visit
CRS	Community Rating System
DPW	Department of Public Works
FEMA	Federal Emergency Management Agency
FPA	Floodplain Administrator
HMA	Hazard Mitigation Assistance
N/A	Not applicable
NFIP	National Flood Insurance Program
OEM	Office of Emergency Management

Potential FEMA HMA Funding Sources:

FMA	Flood Mitigation Assistance Grant Program
HMGP	Hazard Mitigation Grant Program
PDM	Pre-Disaster Mitigation Grant Program

Timeline:

The time required for completion of the project upon implementation

Cost:

The estimated cost for implementation.

Benefits:

A description of the estimated benefits, either quantitative and/or qualitative.

Mitigation Category:

- Local Plans and Regulations (LPR) – These actions include government authorities, policies or codes that influence the way land and buildings are being developed and built.
- Structure and Infrastructure Project (SIP) – These actions involve modifying existing structures and infrastructure to protect them from a hazard or remove them from a hazard area. This could apply to public or private structures as well as critical facilities and infrastructure. This type of action also involves projects to construct manmade structures to reduce the impact of hazards.
- Natural Systems Protection (NSP) – These are actions that minimize damage and losses, and also preserve or restore the functions of natural systems.
- Education and Awareness Programs (EAP) – These are actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. These actions may also include participation in national programs, such as StormReady and Firewise Communities

CRS Category:

- Preventative Measures (PR) - Government, administrative or regulatory actions, or processes that influence the way land and buildings are developed and built. Examples include planning and zoning, floodplain local laws, capital improvement programs, open space preservation, and storm water management regulations.
- Property Protection (PP) - These actions include public activities to reduce hazard losses or actions that involve (1) modification of existing buildings or structures to protect them from a hazard or (2) removal of the structures from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.
- Public Information (PI) - Actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and educational programs for school-age children and adults.
- Natural Resource Protection (NR) - Actions that minimize hazard loss and also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
- Structural Flood Control Projects (SP) - Actions that involve the construction of structures to reduce the impact of a hazard. Such structures include dams, setback levees, floodwalls, retaining walls, and safe rooms.
- Emergency Services (ES) - Actions that protect people and property during and immediately following a disaster or hazard event. Services include warning systems, emergency response services, and the protection of essential facilities

Critical Facility:

- Yes ☑ - Critical Facility located in 1% floodplain





Table 9.6-12. Summary of Prioritization of Actions

Project Number	Project Name	Life Safety	Property Protection	Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline	Agency Champion	Other Community Objectives	Total	High / Medium / Low
C. of Batavia-1	Protect the Highway Garage to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-2	Protect the Batavia City #1 Fire Station to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-3	Work with owner to protect the 2 Electrical facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-4	Work with owner to protect the 13 Electrical facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-5	Protect the 18240013.-1-111 Gas Well to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-6	Protect the 31037006540000 Gas Well to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-7	Work with owner to protect the Ascension Parish to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-8	Work with owner to protect the Batavia Bus Services facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-9	Protect the Batavia Municipal Dam to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-10	Work with owner to protect the Batavia Transload Warehouse rail facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium



Table 9.6-12. Summary of Prioritization of Actions

Project Number	Project Name	Life Safety	Property Protection	Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline	Agency Champion	Other Community Objectives	Total	High / Medium / Low
C. of Batavia-11	Work with owner to protect the Chapin Manufacturing facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-12	Protect the City of Batavia Treatment Facility to the 500-year flood level.	1	1	0	1	1	1	0	1	1	1	0	0	1	1	10	High
C. of Batavia-13	Work with the county to protect the County Highway Facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-14	Work with facility manager to protect the Jackson Street School to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-15	Work with owner to protect the Premier Credit of North America Facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium
C. of Batavia-16	Work with owner to protect the 153 Cedar Street Communication Facility to the 500-year flood level.	0	1	1	0	1	0	1	1	1	0	0	1	1	0	8	Medium

Note: Refer to Section 6 (Mitigation Strategy), which conveys guidance on prioritizing mitigation actions. Low (0-4), Medium (5-8), High (9-14).



9.6.7 Future Needs To Better Understand Risk/Vulnerability

None at this time.

9.6.8 Staff and Local Stakeholder Involvement in Annex Development

The City of Batavia followed the planning process described in Section 3 (Planning Process). This annex was developed over the course of several months with input from city departments, including the Fire Chief. The Fire Chief represented the community on the Genesee County Hazard Mitigation Plan Planning Partnership, Steering Committee, and supported the local planning process requirements by securing input from persons with specific knowledge to enhance the plan. All departments were asked to contribute to the annex development through reviewing and contributing to the capability assessment, reporting on the status of previously identified actions, and participating in action identification and prioritization.

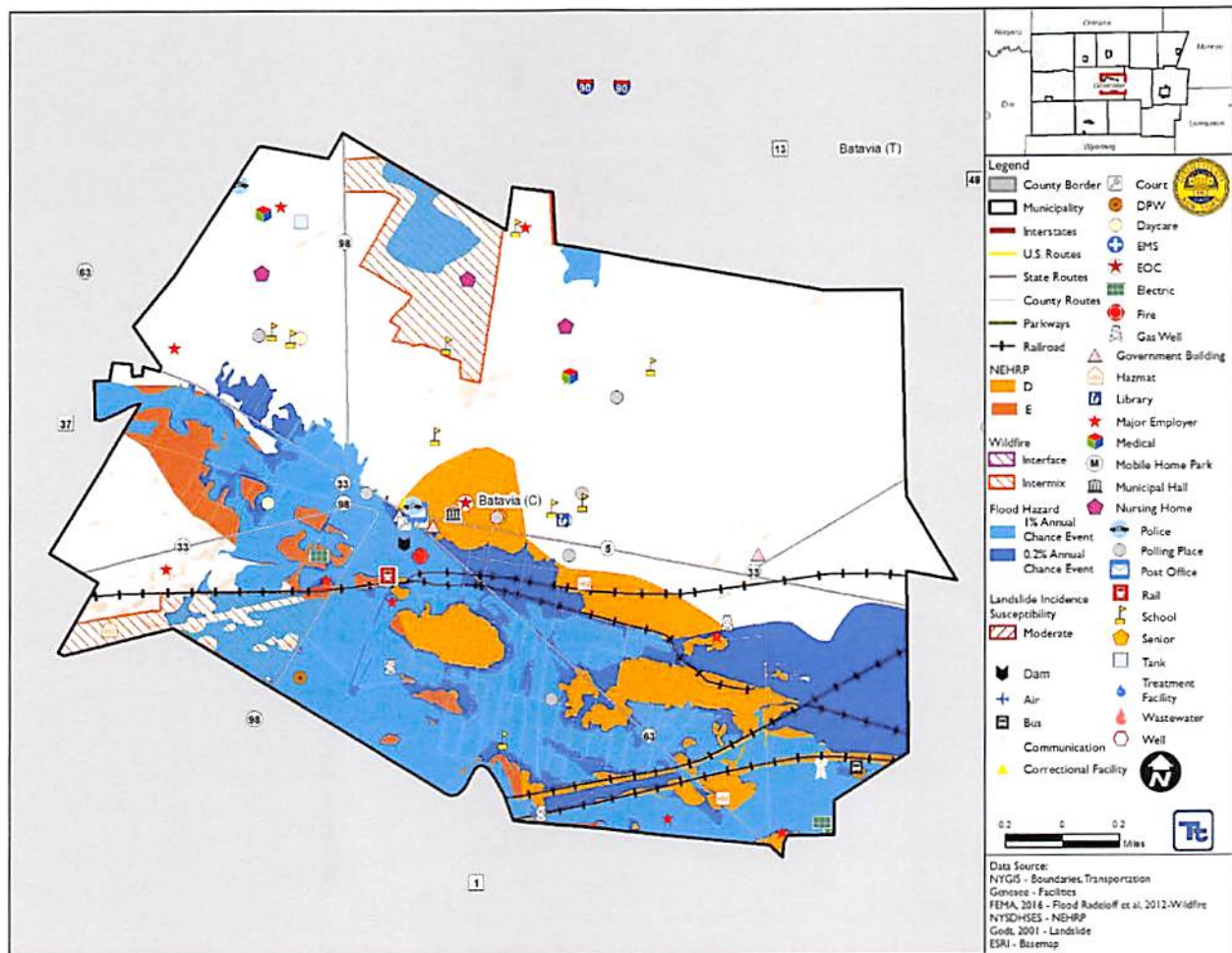
Additional documentation on the municipality's planning process through Planning Partnership meetings is included in Section 3 (Planning Process) and Appendix B (Meeting Documentation).

9.6.9 Hazard Area Extent and Location

A hazard area extent and location map has been generated for the City of Batavia that illustrates the probable areas impacted within the city. This map is based on the best available data at the time of the preparation of this plan and is adequate for planning purposes. A map has only been generated for those hazards that can be clearly identified using mapping techniques and technologies and for which the City of Batavia has significant exposure. A map of the City of Batavia hazard area extent and location is provided on the following page. This map indicates the location of the regulatory floodplain, as well as identified critical facilities within the municipality.



Figure 9.6-1. City of Batavia Hazard Area Extent and Location Map





City of Batavia Action Worksheet			
Project Name:	Protect the Highway Garage to the 500-year flood level.		
Project Number:	C. of Batavia-1		
Risk / Vulnerability			
Hazard(s) of Concern:	Flood		
Description of the Problem:	The City of Batavia Highway Garage is in the 100-year floodplain. Flooding of the facility would be costly and interrupt critical services.		
Action or Project Intended for Implementation			
Description of the Solution:	The city will raise all electrical components in the Highway Garage above the 500-year flood level. The city will develop a staging area for equipment and vehicles to be located to that is on the north side of the city, away from the floodplain, for use when flooding is forecast.		
Is this project related to a Critical Facility?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	500-year flood	Estimated Benefits (losses avoided):	Critical services maintained. Flood damage avoided.
Useful Life:	30 years	Goals Met:	2
Estimated Cost:	\$15,000	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	High	Desired Timeframe for Implementation:	Within 5 years
Estimated Time Required for Project Implementation:	1 year	Potential Funding Sources:	City budget, HMGP, PDM
Responsible Organization:	Highway Department	Local Planning Mechanisms to be Used in Implementation if any:	-
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Problem continues.
	Relocate Highway Garage	N/A	No suitable location for relocation
	Build floodwall around Highway Garage	N/A	Not technically feasible, due to access needs
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			



Action Worksheet		
Project Name:	Protect the Highway Garage to the 500-year flood level.	
Project Number:	C. of Batavia-1	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Project will protect critical functions of the Highway Garage.
Property Protection	1	Project will protect the Highway Garage from damages.
Cost-Effectiveness	0	
Technical	1	
Political	1	
Legal	1	The city has the legal authority to complete the project.
Fiscal	0	
Environmental	1	
Social	1	
Administrative	1	
Multi-Hazard	0	Flood
Timeline	0	
Agency Champion	1	Highway Department
Other Community Objectives	1	Protection of critical facilities.
Total	10	
Priority (High/Med/Low)	High	



City of Batavia Action Worksheet			
Project Name:	Protect the Batavia City #1 Fire Station to the 500-year flood level.		
Project Number:	C. of Batavia-2		
Risk / Vulnerability			
Hazard(s) of Concern:	Flood		
Description of the Problem:	The Batavia City #1 Fire Station is in the 100-year floodplain. Flooding of the facility would be costly and interrupt critical services.		
Action or Project Intended for Implementation			
Description of the Solution:	The city will floodproof the interior of the Fire Station. The exterior and garage will have electrical components raised above the 500-year flood level.		
Is this project related to a Critical Facility?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	500-year flood	Estimated Benefits (losses avoided):	Critical services maintained. Flood damage avoided.
Useful Life:	30 years	Goals Met:	2
Estimated Cost:	\$50,000	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	500-year flood	Desired Timeframe for Implementation:	Within 5 years
Estimated Time Required for Project Implementation:	1 year	Potential Funding Sources:	City budget, HMGP, PDM
Responsible Organization:	Fire Department	Local Planning Mechanisms to be Used in Implementation if any:	
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Problem continues.
	Relocate Fire Station	N/A	The facility cannot be relocated as it must service the area it is in.
	Floodproof entire Fire Station	N/A	Garage cannot be dry floodproofed.
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			



Action Worksheet		
Project Name:	Protect the Batavia City #1 Fire Station to the 500-year flood level.	
Project Number:	C. of Batavia-2	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Project will protect critical functions of the Fire Station.
Property Protection	1	Project will protect the Fire Station from damages.
Cost-Effectiveness	0	
Technical	1	
Political	1	
Legal	1	The city has the legal authority to complete the project.
Fiscal	0	
Environmental	1	
Social	1	
Administrative	1	
Multi-Hazard	0	Flood
Timeline	0	
Agency Champion	1	Fire Department
Other Community Objectives	1	Protection of critical facilities
Total	10	
Priority (High/Med/Low)	High	



City of Batavia Action Worksheet			
Project Name:	Protect the City of Batavia Treatment Facility to the 500-year flood level.		
Project Number:	C. of Batavia-12		
Risk / Vulnerability			
Hazard(s) of Concern:	Flood		
Description of the Problem:	The facility is in the 100-year floodplain and is vulnerable to flooding damages that would interrupt critical services.		
Action or Project Intended for Implementation			
Description of the Solution:	The city will floodproof the Batavia Treatment Facility to the 500-year flood level. The city will conduct a study to determine the most cost-effective form of protection (flood wall, levee, etc.) and carry out the selected action.		
Is this project related to a Critical Facility?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	500-year flood	Estimated Benefits (losses avoided):	Critical services maintained. Flood damage avoided.
Useful Life:	30 years	Goals Met:	2
Estimated Cost:	\$50,000	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	500-year flood	Desired Timeframe for Implementation:	Within 5 years
Estimated Time Required for Project Implementation:	1 year	Potential Funding Sources:	City budget, HMGP, PDM
Responsible Organization:	Batavia Treatment Plant	Local Planning Mechanisms to be Used in Implementation if any:	
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Problem continues.
	Relocate Batavia Treatment Plant	N/A	The facility cannot be relocated as it must service the area it is in.
	Elevate Batavia Treatment Plant	N/A	Plant cannot be elevated.
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			



Action Worksheet		
Project Name:	Protect the City of Batavia Treatment Facility to the 500-year flood level.	
Project Number:	C. of Batavia-12	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Project will protect critical functions of the Batavia Treatment Facility.
Property Protection	1	Project will protect the Treatment facility from damages.
Cost-Effectiveness	0	
Technical	1	
Political	1	
Legal	1	The city has the legal authority to complete the project.
Fiscal	0	The project requires funding assistance.
Environmental	1	
Social	1	
Administrative	1	
Multi-Hazard	0	Flood
Timeline	0	
Agency Champion	1	Batavia Treatment Plant
Other Community Objectives	1	Protection of critical facilities
Total	10	
Priority (High/Med/Low)	High	



City of Batavia

Memorandum

To: Martin Moore, PhD., City Manager

From: Shawn Heubusch, Chief of Police

Date: December 31, 2019

Subject: 2020 STOP-DWI Award

Attach: Grant Award Documents

On December 31, 2019 the City Police were awarded \$25,481 from the Genesee County STOP-DWI program to provide for specialized patrols targeting drug and alcohol impaired driving, the purchase of equipment that will enhance DWI enforcement and training of personnel in specialized DWI enforcement methods for the calendar year of 2020.

The City of Batavia will benefit greatly from this STOP- DWI funding by enhancing the Police Department's ability to conduct more specialized enforcement details to target alcohol or drug impaired drivers.

Feel free to call with any questions you may have. Thank you.

Police Department
10 Main Street
Batavia, New York 14020



Phone: 585-345-6350
Fax: 585-344-1878
Records: 585-345-6303
Detective Bureau: 585-345-6370
www.batavianewyork.com

#-2020

**A RESOLUTION TO AMEND THE 2019-2020 POLICE DEPARTMENT BUDGET TO
REFLECT THE RECEIPT OF A STOP-DWI GRANT AMENDMENT IN THE AMOUNT OF
\$25,481 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR
DRIVING WHILE ABILITY IMPAIRED BY DRUGS**

Motion of Councilperson

WHEREAS, the City of Batavia Police Department has received grant funding in the amount of \$17,981 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS, TRAINING AND EQUIPMENT; and

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

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2019-2020 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Effective February 10, 2020 amend the 2019-20 budget:

Increase expenditure accounts

001.3120.0101.1190	\$	18,000.00
001.3120.0431.1190	\$	481.00
001.3120.0201.1190	\$	2,000.00
001.3120.0435.1190		

Increase revenue accounts

1.1.3389.1190	\$	25,481.00
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**Seconded by Councilperson
and on roll call**



L. Matthew Landers
Coordinator

**WORKING AGREEMENT
BATAVIA CITY POLICE DEPARTMENT**

The Genesee County Special Traffic Options Program for Driving While Intoxicated (STOP-DWI) Program was established in 1982 for the purpose of developing a comprehensive county-wide program to combat drunk driving. A major function of this STOP-DWI Program is to coordinate the activities of the participating agencies in this effort, and to analyze their performance in accordance with the STOP-DWI philosophy and the New York State Department of Motor Vehicles Rules and Regulations.

The following is a cooperative agreement between Genesee County STOP-DWI Program and Batavia City Police Department. It will outline reporting procedures to be followed by Batavia City Police Department.

- 1) A monthly report and voucher for reimbursement for services are due by the 10th of each month. (i.e. January 2020, report/voucher due date is February 10, 2020) If no activity has occurred, such should be indicated on the report form.
- 2) Funds have been allocated in the amount of \$25,481 for the Law Enforcement component of the budget.

Enforcement Nights	\$18,000
Training	\$ 5,000
Equipment/Supplies	\$ 481
Calibrations/Repairs	\$ 2,000
- 3) The STOP-DWI Program will provide monthly forms for vouchering and reporting STOP-DWI related activities. Reimbursement will be limited to those services or materials delineated in the approved 2020 STOP-DWI Plan.
- 4) Program evaluations will be conducted by the STOP-DWI Coordinator in a manner mutually agreeable between the Agency and the Coordinator to ascertain program effectiveness in combating the drinking driver problem.
- 5) The duration of this working agreement will be from January 1, 2020 through December 31, 2020.

6) The STOP-DWI Program reserves the right to reject (partially or fully) any claims for reimbursement for the following reasons:

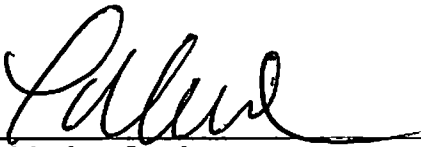
- a) Insufficient funds available to the STOP-DWI Program.
- b) The expenditures are not in the program's established budget.
- c) Report forms are more than 90 days in arrears.



Chief Shawn Heubusch
Batavia City Police Department

12-6-19

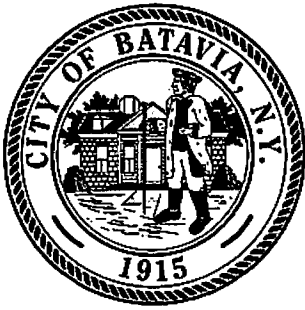
Date



L. Matthew Landers
STOP-DWI Coordinator

12/9/19

Date



City of Batavia

Memorandum

To: Dr. Martin Moore and City of Batavia City Council

From: Rachael J. Tabelski, Assistant City Manager

Date: January 6, 2020

Subject: Sale of City owned property located within Jackson Square

AGRV Properties Inc., a New York corporation located in Batavia New York, is interested in purchasing a 12 ft. by 50 ft. parcel of property abutting The Eli Fish Restaurant and Brewery in Jackson Square. They plan to expand their restaurant offerings to include out-door dining.

The location of Jackson Square for outside events and dining is unique in Batavia. The City of Batavia contracted with Rynne, Murphy & Associates, Inc., a real estate/appraisal firm, to determine the fair market value of the parcel of land. The appraisal valued of the parcel is \$840.

AGRV Properties has offered the City \$840 to purchase the land. Attached you will find a resolution and purchase and sale contract dictating the terms of the sale of the property. The property will go onto the tax rolls, and all of the appraisal fees and closing costs will be paid by AGRV Properties.

I recommend that the City continue to foster development and activity in Jackson Square, a unique downtown asset, and authorize the sale of this parcel of land.

#-2020

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF A 12' x 50'
PARCEL OF PROPERTY ABUTTING JACKSON SQUARE**

Motion of Councilperson

WHEREAS, AGRV Properties has offered the city of Batavia \$840.00 to purchase 12' x 50' parcel of land abutting Jackson Square and the Eli Fish Restaurant; and

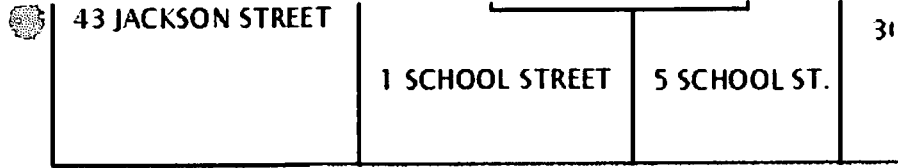
WHEREAS, AGRV Properties Inc., a New York corporation located in Batavia New York owns Eli Fish Restaurant and Brewery in Jackson Square; and

WHEREAS, AGRV Properties plans to expand their restaurant offerings to include outdoor dining into Jackson Square.

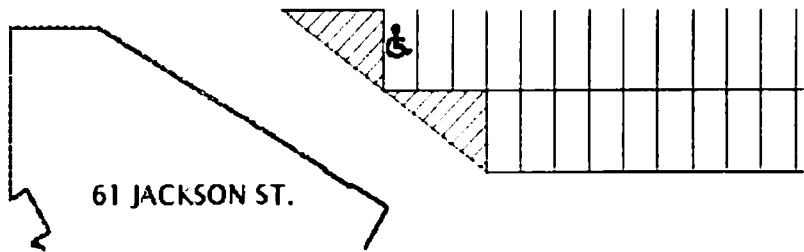
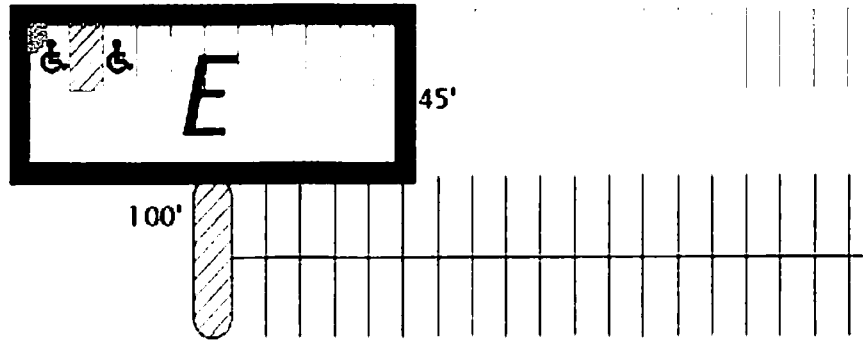
NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of this property and authorizes the City Council President to sign a Purchase Agreement, and any other related documents, including easements, with AGRV Properties, to sell said property for \$840.

**Seconded by Councilperson
And on roll call**

JACKSON STREET



SCHOOL STREET



PURCHASE AND SALE CONTRACT

This Agreement made this ____ day of January, 2019 by and between the CITY OF BATAVIA, a municipal corporation with offices at One Batavia City Centre, Batavia, New York 14020 (the "Seller") and AGRV PROPERTIES, INC., a New York corporation with offices at 8322 Park Road, Batavia, New York (the "Purchaser").

The Seller agrees to sell and the Purchaser agrees to purchase the Property stated below under the terms and conditions stated herein:

1. **Property Description:**

A parcel of land commonly known as follows:

- a. A 12 ft by 50 ft parcel of property abutting Jackson Square, City of Batavia, County of Genesee, State of New York ("Property"); part of SBL #84.049-1-25; (see attached tax parcel map) and as further described in the attached Schedule A.

2. **Purchase Price:**

The purchase price shall be Eight Hundred Forty Dollar (\$840.00). The Purchaser will pay the sum of Eight Hundred Forty Dollar (\$840.00) in cash or certified check or bank draft as payment in full of the purchase price.

3. **Title Documents:**

Seller shall provide the following documents in connection with the sale:

a. **Deed.**

Seller shall deliver to Purchaser at closing a properly signed and notarized Quit Claim Deed with accompanying TP-584 and RP-5217 which shall describe the parcel in the legal description in Schedule A and shall convey all of the right, title and interest of the City of Batavia in and to the said parcel.

b. **Abstract Bankruptcy and Tax Searches and Instrument Survey Map.**

The Seller will execute no warranties concerning the parcel or the title thereto and will not deliver or be responsible for abstracts, title searches, surveys, maps or other documents concerning the parcel whatsoever. In the event Purchaser wishes to obtain a title search or survey, it shall be at Purchaser's sole expense and shall not be a basis to delay closing.

4. Present Condition.

Purchaser will accept the property in its present condition in all respects and subject to restrictions of record, water line, sanitary sewer drainage, gas distribution line and main, electrical and telephone easements and rights of way of record provided they are or may be used to service the property and provided buildings and other improvements on the Property are not located on the easements.

5. Closing Date, Place and Possession.

Transfer of title shall take place at the Genesee County Clerk's, Batavia, New York on the earlier of either: March 19, 2020 or such other time as mutually agreed in writing by Seller and Purchaser.

6. No Warranty of Title.

The City of Batavia shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, so that no claim or demand of any nature shall ever be made against said City of Batavia arising from such sale or conveyance or any proceedings leading thereto. The Property is being sold subject to any and all covenants, easements, restrictions, encroachments, liens, encumbrances and defects in the title. The City of Batavia assumes no responsibility for such items.

7. Recording Costs, Mortgage Tax, Transfer Taxes and Closing Adjustments.

Purchaser shall pay any and all real property transfer taxes and filing fees. Purchaser shall pay for the recording of the deed and the mortgage and the entire mortgage tax, if any. Purchaser shall also bear the cost of any studies, plans and fees required by the City of Batavia, County of Genesee and/or the State of New York.

The Property is currently non-taxable. There shall be pro-rated and adjusted as of the date of closing, taxes and assessments appearing on future tax bills that will be issued to the Property. The Purchaser will accept title to the Property subject to, and will pay, all assessments and taxes and installments of assessments and taxes for special or local improvements not yet due and payable as of date of closing.

8. Zoning.

Seller has provided Buyer with a zoning letter regarding the property.

9. Risk of Loss.

Seller shall assume any risk of loss or damage to the Property by fire or other casualty until the transfer of title. If damage to the Property by fire or other such casualty

occurs prior to transfer, Purchaser may cancel this contract without any further liability to Seller and Purchaser's deposit shall be returned.

10. Purchaser's Purchase of Property is "As Is".

The Purchaser shall take the parcel "As Is" upon delivery of the above stated deed, in such condition as the same exists as of that date and subject to all alleged possessory or other claims and all covenants, easements and restriction of record. Also, any outstanding or current water and sewer charges shall be the responsibility of the Purchaser. Seller makes no covenant, representation or warranty as to the suitability of the property, the physical condition of the property for any purpose whatsoever, any restriction related to the development of the property, or the applicability of any governmental requirements to the property, including but not limited to Environmental Laws. The term "Environmental Law" shall mean, as may be amended, all federal, state and local laws, statutes, ordinances, codes, rules and regulations and all permits, licenses, approvals, directives, orders, consent orders, settlement agreements and any other binding agreements issued by or entered into by federal, state or local governmental authorities or courts, relating to protection of the environmental and/or governing the use, handling, generation, treatment, recycling, storage, manufacture, transportation or disposal of Hazardous Substances, in effect as of, or which come into effect after, the Closing Date including, but not limited to, as amended, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., Comprehensive Environmental Response, Compensation and Liability Act, 42. U.S.C. §§ 9601 et seq., the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., Clean Water Act, 33 U.S.C. §§ 1251 et seq., Clean Air Act, 42 U.S.C. §§ 7401 et seq., New York Navigation Law and New York Environmental Conservation Law.

The Purchaser acknowledges that it has inspected the property, observed its physical characteristics and existing conditions, and has been afforded the opportunity to conduct such investigation and study on and of the property as it deems necessary for the purpose of acquiring the property for Purchaser's intended use, and Purchaser hereby waives any and all objections to or claims with respect to any and all physical Hazardous Substances in, at, on, under or related to the property. Purchaser unconditionally releases Seller from and against any and all liability to Purchaser under CERCLA or any other Environmental Law or cause of action for Environmental Damages arising out of any violation of Environmental Laws due to the presence of any Hazardous Substances on, under, or about the property, whether or not caused by the negligence of Seller. The term "Hazardous Substances" shall mean any gasoline, petroleum products, explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, polychlorinated biphenyls or related or similar materials, asbestos or any material containing asbestos, or any other substance or material as may be defined as a hazardous or toxic substance or material by any environmental law, ordinance, rule or regulation of any governmental authority, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §§ 9601 et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. §§ 1801 et seq.), the Resource Conservation and Recovery Act, as amended (42

U.S.C. §§ 6901 et seq.), and the Clean Air Act (42 U.S.C. §§ 7401 et seq.) and N.Y.C.R.R. Part 371, as amended, promulgated pursuant to the New York State Environmental Conservation Law, and Articles 15 and 27 of the New York State Environmental Conservation Law, as amended. Purchaser further acknowledges and agrees that the property is to be sold and conveyed to, and purchased and accepted by, Purchaser in its present condition, "As Is" and with all faults, and hereby assumes the risk that adverse past, present or future physical characteristics and environmental conditions may not have been revealed by its inspection or investigation.

11. Responsibility of Persons Under the Contract; Assignability.

If more than one person signs this contract as Purchaser, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by Purchaser in this contract. If more than one person signs this contract as Seller, each person or any party who takes over that person's legal position will be fully responsible for keeping the promises made by Seller. However, this contract is personal to the parties and may not be assigned by either party without the other's written consent.

12. Notices.

All notices under this contract shall be deemed delivered upon receipt. Any notices relating to this contract may be given by and to the attorneys for the parties.

Counsel for Seller shall be:

Underberg & Kessler LLP
Attn: George S. VanNest, Esq.
50 Fountain Plaza
Suite 320
Buffalo, New York 14202

Counsel for Purchaser shall be:

_____, Esq.

13. Entire Contract.

This contract, when signed by both Purchaser and Seller will be the complete contract between the Purchaser and Seller concerning the purchase and sale of the Property. No verbal agreements or promises will be binding.

14. Survival.

The terms and conditional of Sections 4, 6 and 10 of this Contract shall survive closing and delivery of the Deed.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date set forth below.

Dated: March ____, 2020

SELLER:

CITY OF BATAVIA

PURCHASER:

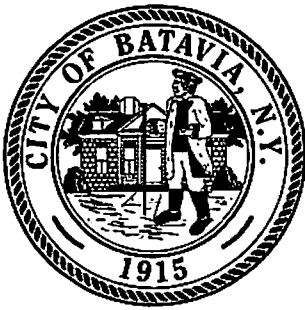
AGRV PROPERTIES, INC.
CORPORATION

By: _____
Eugene Jankowski, Jr.
City Council President

By: _____

Schedule A

Draft



City of Batavia

Memorandum

To: Dr. Martin Moore & City of Batavia City Council

From: Rachael J. Tabelski, MPA

Date: January 17, 2020

Subject: New York Main Street Grant RFP for professional services.

On December 19, 2019 the City was awarded a New York Main Street grant for \$300,000 as part of New York Governor Andrew Cuomo's New York State Regional Economic Development Council Awards.

The New York Main Street grant funding will match private investments to undertake proposed building improvements within the Batavia Business Improvement District (BID). To assist with program management and administration a Request for Proposals (RFP) was issued on January 17, 2020 to qualifying firms with expertise in program administration for Main Street Grants.

The following professional services were included in the scope of the RFP:

- Assist with outreach to property owners;
- Prepare forms and contract documents;
- Monitor and supervise the NY Main Street program;
- Schedule activities;
- Comply with environmental and historic preservation requirements;
- Comply with other NY Main Street regulations;
- Provide fiscal monitoring; and
- Coordinate with field representatives of the New York State Office of Community Renewal.

Attached is a resolution authorizing the City Council President to execute an agreement with the professional services firm chosen through the RFP process. Proposals will be scored on February 6th and identified in the final resolution at the February 10th business meeting.

The amount of the contract for services will not exceed \$22,500. The entire cost of contract will be covered by the grant.

#-2020

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO EXECUTE
AN AGREEMENT WITH**

Motion of Councilperson

WHEREAS the City of Batavia is the recipient of a \$300,000 New York Main Street grant to assist property owners within a specified target area, the Batavia Business Improvement District; and

WHEREAS, the funding will be used primarily by owners to improve the appearance and economic conditions for mixed – use buildings in the Batavia Business Improvement District; and

WHEREAS, the city of Batavia, with assistance from the Batavia Development Corporation (BDC), requested proposals from multiple architectural and engineering firms to provide specialized administrative professional services for the grant; and

WHEREAS, these activities will include- assist with outreach to property owners, prepare forms and contracts, monitor and supervise the NY Main Street program, schedule activities, comply with environmental and historic preservation requirements and other regulations, provide fiscal monitoring, and coordinate directly with the New York State Office of Community Renewal; and

WHEREAS, _____ was selected to provide professional services after the City evaluated and scored proposals.

NOW THEREFORE, BE IT RESOLVED, that the Council President of the City of Batavia is hereby authorized to execute a professional services agreement; not to exceed \$22,500.

**Seconded by Councilperson
And on roll call**

#-2020

**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/
BOARDS**

Motion of Councilperson

WHEREAS, certain vacancies exist on various City Committees/Boards.

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

Board of Assessment Review

Lois Gerace

September 30, 2024

**Seconded by Councilperson
and on roll call**

#-2020

A RESOLUTION APPOINTING A MARRIAGE OFFICER

Motion of Councilperson

WHEREAS, pursuant to Domestic Relations Law, Section 11-C, "Marriage Officers", one or more Marriage Officers may be appointed to have the authority to perform marriage ceremonies; and

WHEREAS, certain City Council members are desirous of having said authority to perform marriage ceremonies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that Council members may be authorized to perform marriage ceremonies pursuant to Domestic Relations Law, Section 11-C. Those members desirous of having said authority are:

Rose Mary Christian

BE IT FURTHER RESOLVED, the term of appointment as Marriage Officer shall be for the length of the Councilmembers term of office but shall not exceed four years.

**Seconded by Councilperson
and on roll call**

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

WHEREAS, Article 7, Section 105(1)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law..." and;

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**