

# **CITY OF BATAVIA**

## **BUSINESS MINUTES**

### **MARCH 11, 2019**

The regular business meeting of the City Council was held Monday, March 11, 2019 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, McGinnis, Viele, Canale, Christian, Tabelski, and Bialkowski.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Bialkowski led a prayer and the Pledge of Allegiance.

The financials from January 2019 were approved.

The minutes from the February 2019 meetings were approved.

The Council President assigned the regular agenda items.

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#### **Communications**

All Babies Cherished requested to hold a 5K on Saturday, June 8<sup>th</sup> from 9:00am – 12:00pm. The race would start and end at 350 Bank St as a fundraiser for this organization. Council approved.

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#### **Council President's Report**

Council President Jankowski announced the next regular City Council Conference meeting would be held Monday, March 25, 2019 at 7:00 p.m. in the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

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#### **City Attorney's Report**

George Van Nest, City Attorney, noted they continue to work on a variety of matters but there was nothing specific to report.

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## **City Manager's Report**

Martin Moore, City Manager, noted that the CRS recertification had been approved, City staff would have a table at the Home Show April 5-7, and DRI was moving forward.

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## **Committee Reports**

Councilperson Bialkowski noted that he, Councilpersons Canale, Pacino, Council President Jankowski and Mr. Moore attended the Chamber awards dinner and that it was a nice event. Council President Jankowski noted that he attended the EDC luncheon and listened to a great speaker about hiring millennials.

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## **Public Comments**

Samuel Scarborough, 7495 Maple St Rd, Basom, noted that he used to be a Councilmen for the Town of Alabama and wanted to speak about the Reproductive Health Act (RHA). He noted that he wasn't able to make the last two meetings but wanted Council to know that he found it disgusting that one of the first things the Democrats did after taking power was to legalize abortion through birth. He asked if that is really what the majority of the Democratic Party stood for. He stated that he was proud of the Republicans as none of them voted for the RHA and he thanked Councilperson Christian for her stand.

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## **Council Responses to Public Comments**

Councilperson Christian thanked the speaker for his kind words. Council President Jankowski noted that he ran into Chris Collins at a function and he agreed that the issue was out of control. Mr. Collins told him they would continue to fight and noted that when people show up and want to talk to their Congress person it really gets their attention more so than receiving a letter.

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## **Unfinished Business**

None.

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**#20-2019**

**A RESOLUTION TO ADOPT THE 2019-2020 BUDGET ORDINANCE**

**Motion of Councilperson Briggs**

**WHEREAS**, the City Manager prepared and submitted to the City Council a Proposed Budget for the 2019-2020 fiscal year on January 14, 2019 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**, the City Council has reviewed and amended the City Manager's proposed budget.

**WHEREAS**, said proposed budget estimated revenues and expenditures for all operating funds of the City of Batavia at \$27,494,132 including the General Fund at \$16,944,197; and

**WHEREAS**, said proposed budget includes revenues to be received through the property tax levy of \$5,251,607; and

**WHEREAS**, the City Council of the City of Batavia wishes to grant wage adjustments to its non-union City employees at a salary increase of 2.5% effective April 1, 2019; and

**WHEREAS**, the City Council of the City of Batavia wishes to grant a salary adjustment due to the minimum wage increase for all seasonal and part-time employees; and

**WHEREAS**, said proposed budget has been made public and available for public inspection since January 14, 2019 and a public hearing was held on February 25, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the 2019-2020 Budget Ordinance is hereby enacted pursuant to Section 3.13 of the City Charter.

**Seconded by Councilperson Viele and on roll call approved 8-1. Councilperson Christian voted no.**

**ORDINANCE #001-2019**

**AN ORDINANCE ADOPTING THE 2019-2020 BUDGET AND DETERMINING THE AMOUNT OF TAX TO BE LEVIED ON ALL REAL PROPERTY FOR THE 2019-2020 FISCAL YEAR**

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

**SECTION 1.** The proposed Budget for 2019-2020, submitted by the City Manager pursuant to Sections 16.3, 16.4, and 16.5 of the City Charter on January 14, 2019, setting forth the estimates of revenues and expenditures for the fiscal year 2019-2020, 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, and Workers' Compensation 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 2019-2020.

**SECTION 2.** The City Council does hereby finally ascertain, fix, and determine that the entire amount necessary, proper, and legal be received by tax to defray the expenditures of the City of Batavia for the fiscal year of 2019-2020 is \$5,251,607.

**SECTION 3.** The sum of \$5,251,607 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 2019-2020, 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 2019-2020.

**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, 2019.

## **Budget Summaries**

### **General Fund**

General Fund - Capital Reserves	\$ 114,327.00
City Council	\$ 49,910.00
City Manager	\$ 177,320.00
Finance	\$ 132,775.00
Administrative Services	\$ 343,050.00
Clerk/Treasurer	\$ 144,170.00
City Assessment	\$ 144,300.00
Legal Services	\$ 220,419.00
Personnel	\$ 151,030.00
Engineering	\$ 27,000.00
Elections	\$ 14,130.00
Public Works Administration	\$ 102,450.00
City Facilities	\$ 472,980.00
Information Systems	\$ 72,500.00
General Fund - Contingency	\$ 264,500.00
Police	\$ 3,835,160.00
Fire	\$ 3,696,425.00
Control of Dogs	\$ 1,450.00
Inspection	\$ 326,590.00
Vital Statistics	\$ 19,155.00
Maintenance Administration	\$ 191,880.00

Street Maintenance	\$ 525,600.00
Public Works Garage	\$ 454,610.00
Snow Removal	\$ 569,890.00
Street Lights & Traffic Signals	\$ 278,990.00
Sidewalk Repairs	\$ 135,000.00
Parking Lots	\$ 6,000.00
Community Development	\$ 20,157.00
Economic Development	\$ 110,000.00
Council on Arts	\$ 6,250.00
Parks	\$ 622,070.00
Summer Recreation	\$ 80,505.00
Youth Services	\$ 176,631.00
Historic Preservation	\$ 1,200.00
Community Celebrations	\$ 15,470.00
Planning & Zoning Boards	\$ 2,600.00
Storm Sewer	\$ 178,560.00
Refuse & Recycling	\$ 86,810.00
Street Cleaning	\$ 118,610.00
General Fund - Debt Service/Bonds	\$ 481,360.00
General Fund – BAN	\$ 102,215.00
Install Pur Debt - Municipal Lease	\$ 32,215.00
Gen. Fund – Debt Srvc-Energy Lease	\$ 82,543.00
Gen. Fund – Transfer for Cap Proj	\$ 209,500.00
General Fund - Transfer/Other Funds	\$ 2,145,890.00
<b>TOTAL GENERAL FUND</b>	<b>\$ 16,944,197.00</b>

**Water, Wastewater &  
Workers Comp Funds**

**PROPOSED  
2019/20**

Water Administration	\$ 2,586,077.00
Pump Station & Filtration	\$ 1,226,030.00
Water Distribution	\$ 373,030.00
Water Fund – Medical Insurance	\$ .00
Water Fund Contingency	\$ 30,000.00
Water Fund - Debt Service/Bonds	\$ 90,817.00
Install Pur Debt – Municipal Lease	\$ 2,016.00
Water Fund– Debt Srvc-Energy Lease	\$ 19,697.00
Water Fund – Transfers for Cap Proj	\$ .00
Water Fund - Transfer to Other Funds	\$ 503,510.00
Water Fund - Reserve	\$ 13,863.00
Water Fund – Debt Service - BAN	\$ .00
<b>TOTAL WATER</b>	<b>\$ 4,845,040.00</b>

Wastewater Administration	\$ 318,797.00
Sanitary Sewers	\$ 594,390.00
Wastewater Treatment	\$ 821,430.00
WW Fund Contingency	\$ 15,000.00
WW Fund – Medical Insurance	\$ .00
WW Fund - Debt Service/Bonds	\$ 444,703.00
WW Fund – Debt Service/BAN	\$ .00
WW Fund - Debt Srvc-Energy Lease	\$ 8,171.00
Install Pur Debt – Municipal Lease	\$ 14,514.00
WW Fund – Transfer to Other Funds	\$ 189,380.00
WW Fund – Transfer for Capital Proj	\$ .00
WW Fund - Reserve	\$ 491,980.00
<b>TOTAL WASTEWATER</b>	<b>\$ 2,898,365.00</b>

Workers' Compensation	\$ 347,020.00
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<b>TOTAL WORKER'S COMP</b>	<b>\$ 347,020.00</b>
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<b>TOTAL WATER,WASTEWATER, WORKERS' COMP</b>	<b>\$ 8,090,425.00</b>
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## **CITY CENTRE & HEALTH INSURANCE FUNDS**

Administration	\$ 168,740.00
Contingency	\$ 7,270.00
City Centre Fund-Transfer to Other Funds	\$ 28,370.00
<b>TOTAL CITY CENTRE</b>	<b>\$ 204,380.00</b>

Medical Insurance	\$ 2,255,130.00
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<b>TOTAL HEALTH INSURANCE</b>	<b>\$ 2,255,130.00</b>
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<b>TOTAL CITY CENTRE &amp; HEALTH INSURANCE</b>	<b>\$ 2,459,510.00</b>
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**TOTAL ALL FUNDS                      \$ 27,494,132**

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**#21-2019**

**A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2019 ENTITLED 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**

**Motion of Councilperson McGinnis**

**WHEREAS**, City Council having found amendments to §184-84 (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, herein attached are in the public interest and that;

**WHEREAS**, copies of the aforesaid proposed local Law have been laid upon the desk of each member of the City Council by the City Clerk; and

**WHEREAS**, a public hearing on this proposed Local Law No. 1 of 2019 was held on February 25, 2019 before this Council, pursuant to public notice duly published in *The Daily News*.

**BE IT RESOLVED**, that Local Law No. 1 of 2019 entitled Local Law No. 1 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 and the same is hereby enacted by City Council of the City of Batavia, New York.

**Seconded by Councilperson Briggs and on roll call approved 8-1. Councilperson Christian voted no.**

**LOCAL LAW NO. 1 OF THE YEAR 2019  
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**

~~\$5.30~~ [\$5.49] per 1,000 gallons

**Town Served Directly by the City – Building and Hydrants**

~~\$6.80~~ [\$7.04] per 1,000 gallons

B. Bulk rate at water plant fill station: ~~\$7.10~~ [\$7.35] per 1,000 gallons; cards: \$12.50 each.

### Section 3. Effective Date

The foregoing amendment shall become effective with the water consumed ~~April 1, 2018 as billed on and after June 1, 2018~~ [April 1, 2019 as billed on and after June 1, 2019].

C. Quarterly meter service and availability charge for meters:

Type	Size in Inches	Quarterly Fee
Disc	5/8	<del>\$10.33</del> [\$10.69]
Disc	3/4	<del>\$13.07</del> [\$13.53]
Disc	1	<del>\$13.77</del> [\$14.25]
Disc	1 ½	<del>\$23.40</del> [\$24.22]
Disc	2	<del>\$32.49</del> [\$33.62]
Compound	2	<del>\$27.52</del> [\$28.48]
Compound	3	<del>\$104.67</del> [\$108.33]
Compound	4	<del>\$166.60</del> [\$172.43]
Compound	6	<del>\$251.66</del> [\$260.47]
Turbo	3	<del>\$61.93</del> [\$64.10]
Turbo	4	<del>\$104.67</del> [\$108.33]
Fireline	4	<del>\$104.67</del> [\$108.33]
Fireline	6	<del>\$166.60</del> [\$172.43]
Fireline	8	<del>\$232.24</del> [\$240.36]
Fireline	10	<del>\$303.27</del> [\$313.88]

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	<del>\$5.99</del> [\$6.59]
Disc	¾	<del>\$7.59</del> [\$8.35]
Disc	1	<del>\$7.99</del> [\$8.78]
Disc	1 ½	<del>\$13.58</del> [\$14.93]
Disc	2	<del>\$18.85</del> [\$20.73]
Compound	2	<del>\$15.97</del> [\$17.57]
Compound	3	<del>\$60.73</del> [\$66.81]
Compound	4	<del>\$96.67</del> [\$106.34]
Compound	6	<del>\$146.04</del> [\$160.65]
Turbo	3	<del>\$35.94</del> [\$39.53]
Turbo	4	<del>\$60.73</del> [\$66.81]
Fireline	4	<del>\$60.73</del> [\$66.81]
Fireline	6	<del>\$96.67</del> [\$106.34]
Fireline	8	<del>\$134.76</del> [\$148.24]
Fireline	10	<del>\$175.99</del> [\$193.59]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]



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**#22-2019**

**A RESOLUTION REVIEWING THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQR”) AND DETERMINING A NEGATIVE DECLARATION FOR AMENDING §190-43, SIGNS OF THE BATAVIA MUNICIPAL CODE AND RELATED PROVISIONS**

**Motion of Councilperson Tabelski**

**WHEREAS**, the City of Batavia has proposed to amend the Batavia Municipal Code §190-43, Signs; and

**WHEREAS**, this amendment of the City’s zoning ordinance Section 190-43, Signs is UNLISTED action under SEQR; and

**WHEREAS**, the City Council of the City of Batavia has already approved a resolution (10-2019) to act as lead agency for the Action; and

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

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

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

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

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**#23-2019**

**A RESOLUTION TO ADOPT A LOCAL LAW NO. 2 of 2019 AMENDING §190-3, ZONING, ENTITLED “DEFINITIONS”, AND §190-43, ENTITLED “SIGNS” AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE**

**Motion of Councilperson McGinnis**

**BE IT RESOLVED**, that Local Law No. 2 of the Year 2019 entitled “LOCAL LAW NO. 2 OF THE YEAR 2019 CITY OF BATAVIA TO AMEND §190-3, ZONING, DEFINITIONS, AND §190-43, SIGNS AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND RELATED PROVISIONS” was introduced before the City Council of Batavia, New York; and

**WHEREAS**, copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

**WHEREAS**, that the City Council held 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 25, 2019; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts amendments to §190-3, Zoning, entitled “Definitions” and, §190-43 entitled “Signs” of the Batavia Municipal.

**BE IT FURTHER RESOLVED**, that the local law amendment shall be effective immediately after passage and in accordance with law.

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

**LOCAL LAW NO. 2 OF THE YEAR 2019  
CITY OF BATAVIA**

**TO AMEND §190-3, ZONING, DEFINITIONS, AND §190-43, SIGNS AND EXHIBIT A  
OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND  
RELATED PROVISIONS**

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

**Section 1. §190-3. Definitions**

SIGN<sup>2</sup>

(1) **AWNING SIGN**

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

(2) **BACKLIT ILLUMINATION**

Signs that are backlit illuminated involve a low level of external light shining out from behind solid object, most often letters, creating a soft glow around the outside of the objects.

(3) **BRACKET SIGN**

A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

(4) **CANOPY SIGN**

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

(5) DIRECTIONAL SIGN

A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business.

(6) DRIVE-THROUGH MENU BOARD SIGN

A sign located outside of a building, on a route to a point of service, with or without built-in communication devices, which displays a list of items offered. A drive-through menu board sign may be designed as a pole sign, monument sign, wall sign, projecting sign or iconic sign.

(7) ELECTRICAL RACEWAY

A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

(8) ELECTRONIC MESSAGE BOARD

An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.

(9) EXTERNAL ILLUMINATION

Signs that are externally illuminated have light shining on to the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).

(10) FREESTANDING SIGN

A self-supporting sign not attached to any building, wall or fence, but in a fixed location, includes pole signs, pylon signs, and masonry wall-type signs, but does not include drive-through menu board signs and portable trailer-type signs.

(11) ICONIC SIGN

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

(12) ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.

(13) INTERNAL ILLUMINATION

Signs that are internally illuminated have light shining through the surface of the sign. Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.

- (14) **MARQUEE SIGNS**  
A sign attached to the top or the face of a permanent roof-like structure.
- (15) **MONUMENT SIGN**  
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.
- (16) **OFF-PREMISES SIGN**  
A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.
- (17) **POLE SIGN**  
A freestanding sign constructed on a structure of one or more poles.
- (18) **PORTABLE SIGN**  
A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.
- (19) **PROJECTING SIGN**  
A sign attached to the building façade at a ninety-degree angle, extending more than 15 inches. A projecting sign may be two or three dimensional.
- (20) **SHINGLE SIGN**  
A small projecting sign that hangs from a bracket or support.
- (21) **SIDEWALK SIGN**  
A moveable sign not secured or attached to the ground or surface upon which it is located.
- (22) **SIGN**  
A structure or device designed or intended to convey information to the public in written or pictorial form.
- (23) **SIGN STRUCTURE**  
Framework for the sign.
- (24) **SIGN SURFACE AREA**  
The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign face area unless it is an integral part of the sign.
- (25) **TEMPORARY SIGN**  
A sign having a duration of no more than 60 days.
- (26) **WALL SIGN**  
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.

(27) WINDOW SIGN

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

**Section 2. §190-43, SIGNS AND EXHIBIT A**

Deleted existing §190-43, Signs and EXHIBIT A in entirety and replace it with the following §190-43, Signs:

## § 190-43 Signs.

A. **Statement of Purpose.** The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

B. **Applicability.**

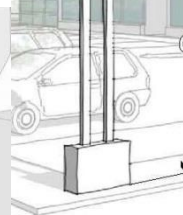
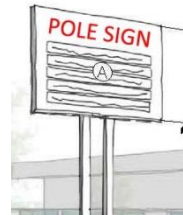
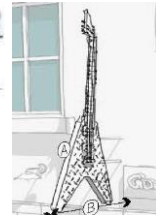
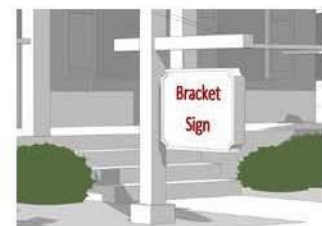
- (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
- (2) All signs must be located on the same lot as the permitted use.

C. **Application for Permit.** Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:

- (1) Name address and telephone number of applicant and property owner.
- (2) Location of building, structure or land upon which the sign now exists or is to be erected.

(a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:

- [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
- [2] The method of illumination, and position of lighting.
- [3] Graphic design, including symbols, letters, materials, and possible color combinations.

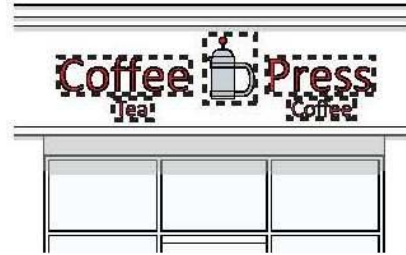


(b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign. The Department of Public Works shall give written notice to the applicant if the sign application has been denied.

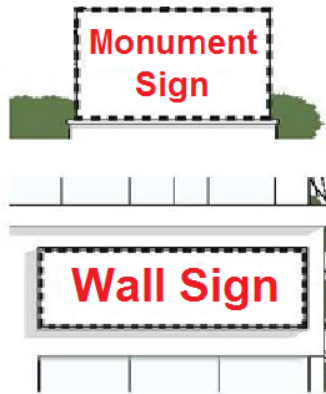
D. **Common Sign Plan.** A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

E. **Computation of Sign Type Area.** The area of a sign type is determined as follows:

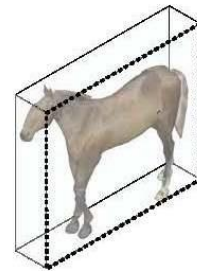
- (1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



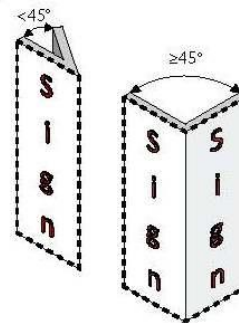
- (2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



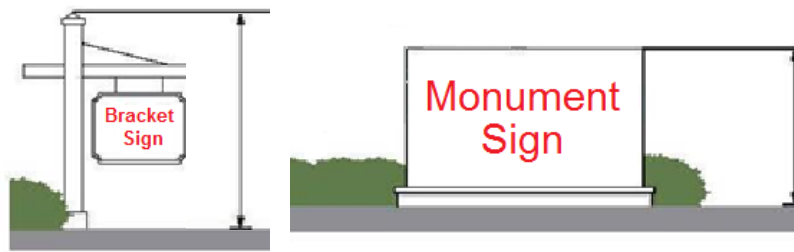
- (3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- (4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



- F. **Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



- G. **Fees.** Fees for sign permits shall be as set by resolution of the City Council.
- H. **Permitted Signs.** All signs which comply with the provisions and conditions set forth in this Section and obtain a permit shall be allowed, and all signs not so compliant are specifically prohibited.
- I. **Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. ~~Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.~~
- (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
  - (2) Flags
  - (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
    - (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
  - (4) Three or fewer temporary signs (**banner**, window, posters, lawn, and directional) not exceeding 60 days, and per the overall area allocation in Sec. M below.
  - (5) **Open and closed signs, hours of operation, and** decorations, including lighting.
  - (6) **On-premises directional signs not exceeding four square feet in area and no more than four feet in height.**
- J. **Prohibited Signs.**
- (1) No off-premises signs shall be allowed other than those ~~allowed~~ **permitted by other subsections contained in this article.**
  - (2) No sign shall be illuminated by or contain flashing, rotating, scrolling, strobing, or moving lights.
  - (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
  - (4) No sign shall be placed upon the roof of any building.
  - (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
  - (6) No advertising message shall be extended over more than one sign placed along a street or highway.



- (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.
- (8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and shingle signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

**K. Portable Signs.**

- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

- L. Sign Types Allowed by District.** Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3, P-1, P-2, P-3	L
Wall Sign	•	•	•	•	•	•	•	
Awning Sign			•	•	•	•	•	
Canopy Sign			•	•	•	•	•	
Projecting Sign	•	•	•	•	•	•	•	
Shingle Sign	•	•	•	•	•	•		
Window Sign			•	•	•	•	•	
Pole Sign				•		•		
Monument Sign	•	•	•	•	•	•	•	•
Marquee Sign				□	•			
Iconic Sign			□	□	•			
Bracket Sign	•	•	•	•	•	•	•	•
Sidewalk Sign			•	•	•	•		
<b>Drive-through Menu Board Sign (1)</b>			•	•	•			

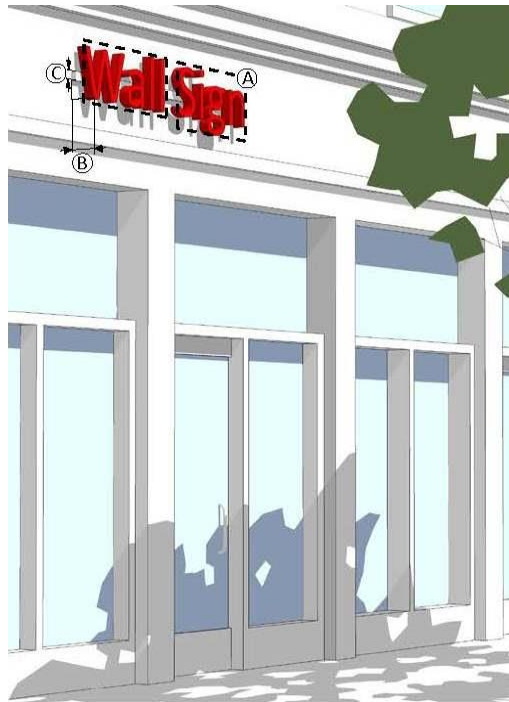
**(1) No more than two drive-through menu board signs are permitted per establishment**

KEY: • = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

**M. Allocation of Overall Sign Area** The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted wall sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types	Zoning Districts										
	R-1, R-1A, R- 2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3	P-1	P-2	P-3	L
Wall Sign	2 sf	2 sf	10%	15%	15%	15%	15%	15%	15%	10%	
Awning Sign	2 sf	2 sf	15%	25%	20%	20%	20%	20%	20%	20%	
Canopy Sign			15%	25%	20%	20%	20%	20%	20%	20%	
Projecting Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Shingle Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Window Sign			25%	25%	25%	25%	25%	25%	25%	25%	
Pole Sign				40 sf		15 sf					
Monument Sign	15 sf	15 sf	15 sf	40 sf	15 sf	15 sf	15 sf	15 sf	15 sf	6 sf	6 sf
Marquee Sign				100 sf	175 sf						
Iconic Sign			15 sf	40 sf	15 sf						
Bracket Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Sidewalk Sign			20 sf	20 sf	20 sf						
Temporary Sign	9 sf	9 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	9 sf
Drive-through menu board sign			42 sf	42 sf	42 sf						

#### N. Wall Signs.



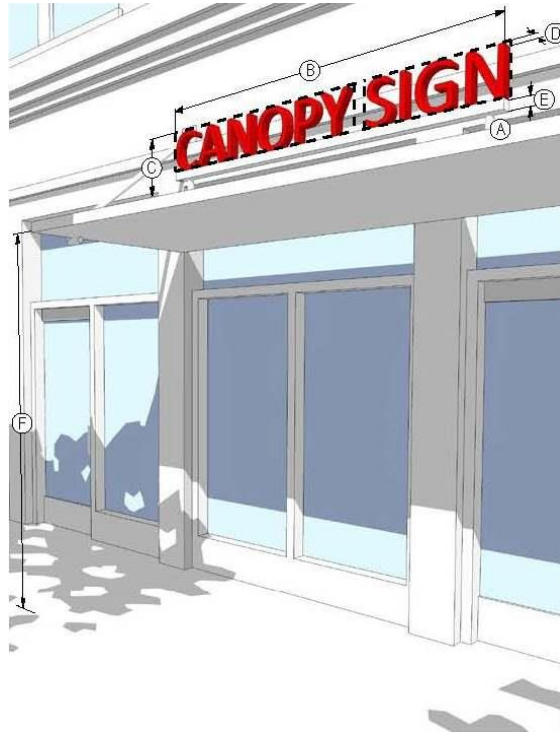
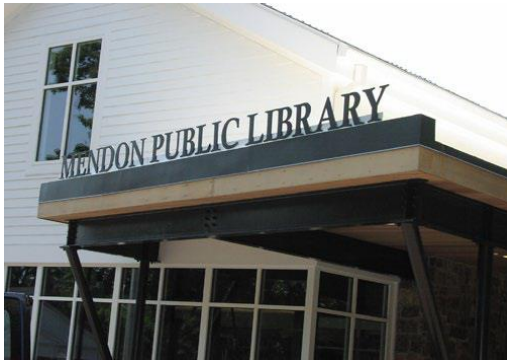
Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories.</li> <li>2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.</li> <li>3. A wall sign cannot cover windows or architectural details.</li> <li>4. A wall sign may be illuminated in accordance with <u>Sec. Z below</u>.</li> <li>5. <b>As many as two drive-through menu board signs designed as wall signs shall be permitted, but in no case shall the total number of menu board signs exceed two.</b></li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

## O. Awning Signs.



Description		
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.		
General Provisions		
<ol style="list-style-type: none"> <li>1. An awning sign cannot extend outside the awning.</li> <li>2. Only awnings over ground story doors or windows may contain signs.</li> <li>3. A maximum of one sign is allowed per awning face per establishment.</li> <li>4. Signs are only allowed in the vertical areas of the awning.</li> <li>5. An awning sign may only be externally illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

## P. Canopy Signs.



Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.</li> <li>2. A maximum of one sign is allowed per canopy per establishment.</li> <li>3. A canopy sign must be located over an accessible building entrance.</li> <li>4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face.</li> <li>6. A canopy sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.



## Q. Projecting Signs.



### Description

A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.

### General Provisions

1. A projecting sign must be located at least 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story.
  7. A projecting sign may be illuminated in accordance with Sec. Z below.
  8. As many as two drive-through menu board signs designed as projecting signs shall be permitted, but in no case shall the total number of menu board signs exceed two.

### Standards

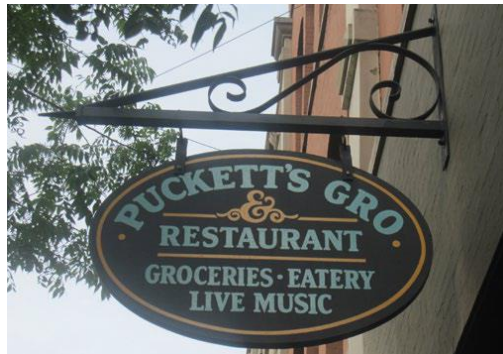
A	Overall area allocation (max)	Sec. M above
B	Height (1) (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.

E	Depth (max)	1 ft.
F	Clear height above sidewalk (2) (min)	10 ft.

(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

(2) Drive-through menu board signs are exempt from the clear height above sidewalk requirement when not located over a pedestrian way.

## R. Shingle Signs.



Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A shingle sign must be located within 5 feet of an accessible building entrance.</li> <li>2. The hanging bracket must be an integral part of the sign design.</li> <li>3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.</li> <li>4. A shingle sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

## S. Window Signs.



Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows signs are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment.</li> <li>2. A window sign can only be internally illuminated in accordance with <u>Sec. Z</u> below.</li> <li>3. Overall area allocation shall be calculated for all windows per floor, per establishment, per side of the building.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>



## T. Pole Signs.



Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> <li>One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.</li> <li>Additionally, as many as two drive-through menu board signs designed as pole signs shall be permitted, but in no case shall the total number of menu board signs exceed two.</li> <li>A pole sign must be set back at least 5 feet from any property line.</li> <li>A pole sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (1) (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (2) (min/max)	10 ft./15 ft.

(1) Maximum height of drive-through menu board signs shall be 7 ft.

(2) Drive-through menu board signs are exempt from the vertical clearance requirements.

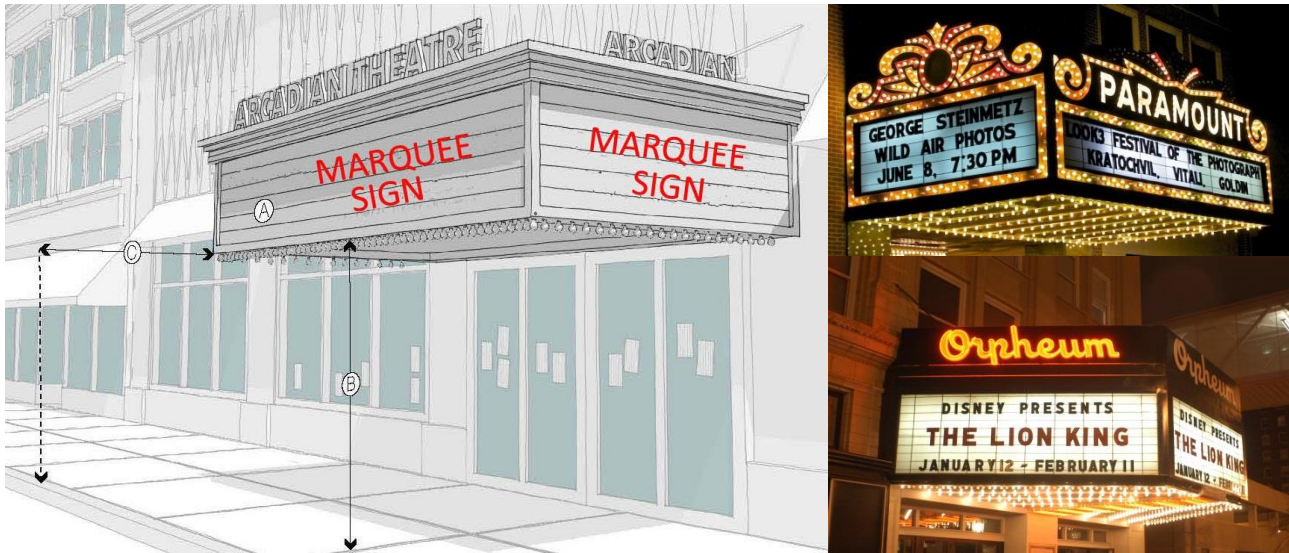
#### U. Monument Signs.



Description		
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.		
General Provisions		
<ol style="list-style-type: none"> <li>One monument sign is allowed per street frontage, except that one additional monument free standing sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument freestanding sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.</li> <li>Additionally, as many as two drive-through menu board signs designed as monument signs shall be permitted, but in no case shall the total number of menu board signs exceed two.</li> <li>A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line.</li> <li>A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.</li> <li>A monument sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Height (1) (max)	6 ft.
C	Depth (max)	18 in.

(1) Maximum height of drive-through menu board signs shall be 7 ft.

## V. Marquee Signs.



Description		
A sign attached to the top or the face of a permanent roof-like structure.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility, indoor or outdoor; or live entertainment.</li> <li>2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.</li> <li>3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.</li> <li>4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional.</li> <li>5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way.</li> <li>6. A marquee sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.



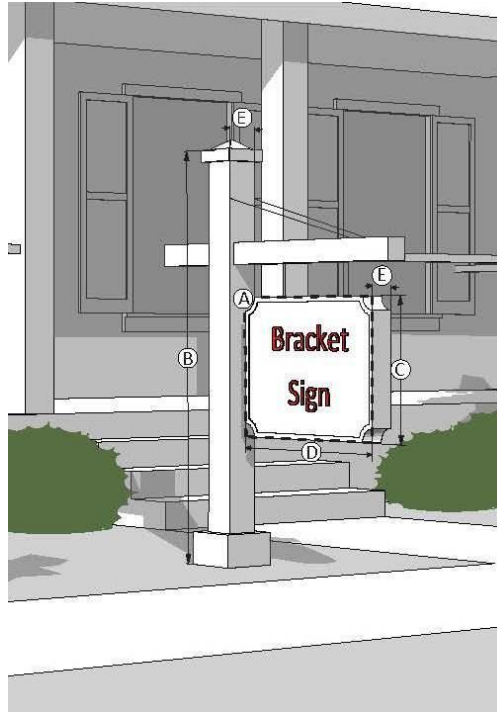
## W. Iconic Signs.



Description		
A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.		
General Provisions		
<ol style="list-style-type: none"> <li>1. <u>A maximum of one iconic sign is permitted per establishment.</u></li> <li>2. <u>An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.</u></li> <li>3. <u>The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building.</u></li> <li>4. <u>Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story.</u></li> <li>5. <u>An iconic sign may be illuminated in accordance with Sec. Z below.</u></li> <li>6. <b>Additionally, as many as two drive-through menu board signs designed as iconic signs shall be permitted, but in no case shall the total number of menu board signs exceed two.</b></li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (1) (min)	10 ft.
D	Setback from curb line (min)	18 in.

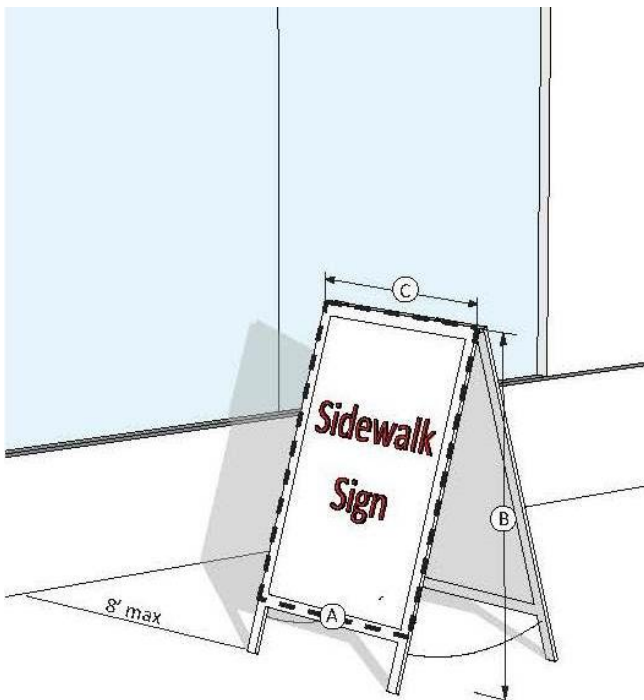
(1) Drive-through menu board signs are exempt from the clear height above sidewalk requirement when not located over a pedestrian

## X. Bracket Signs.



Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Only one bracket sign is allowed per building.</li> <li>2. A bracket sign must be located at least 25 feet from any other bracket sign.</li> <li>3. The hanging bracket must be an integral part of the sign design.</li> <li>4. A bracket sign can only be externally illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.

## Y. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business.</li> <li>2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.</li> <li>3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.</li> <li>4. A sidewalk sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M above</u>
B	Height (max)	5 ft.
C	Width (max)	4 ft.





## Z. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

### (1) External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.

- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and shall not obscure the sign.

### (2) Internal Illumination

- (a) The background must be opaque or a darker color than the message of the sign.

### (3) Exposed Neon

- (a) Exposed neon may be used for lettering or as an accent.

### (4) Backlit Illumination

- (a) Light can be white or a color.
- (b) The background surface that the light shines onto shall not be reflective.

### (5) Prohibited Light Sources.

The following light sources are not allowed:

- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination except for Marquee Signs.

### (6) Electrical Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit sign with darker background



(7) Electronic Message Boards

- (a) Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage permitted in Sec. M above, **excluding drive-through menu board signs.**
- (b) One electronic message boards is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above, **excluding drive-through menu board signs.**
- (c) An electronic message board may not change or move more often than once every ten seconds **when located in districts other than Residential. When located in residential districts, electronic message board signs may not change more than once daily.**
- (d) The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- (e) The transition from one static display to another must be instantaneous without any special effects.
- (f) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (g) An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with this section.
- (h) An electronic message board must not be brighter than is necessary for clear and adequate visibility.
- (i) An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- (j) An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
- (k) An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- (l) An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.



(8) Illumination Types Allowed by District.

Illumination Types	Zoning Districts <b>(1)</b>							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1,	L

							P-2, P-3	
External Illumination	•	•	•	•	•	•	•	•
Internal Illumination			•	•		•	•	
Backlit Illumination			•	•	•	•	•	
Exposed Neon			•	•	•	•		
Electronic Message Board	•	•	•	•	•	•	•	•

(1) Electronic message boards are not permitted on parcels directly adjacent to the H-O District

KEY:

• = Allowed

Blank Cell = Not allowed

☐ = Allowed on state highways except where entire parcel is directly adjacent to the H-O District

#### AA. Nonconforming Signs.

- (1) Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming.
- (2) Any sign or other advertising structure in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.
- (3) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, there shall be no increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (4) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
- (5) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

**BB Removal of Signs.** Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works. Upon failure to correct, the Department of Public Works shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

**CC Maintenance.** All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

**DD Construction Standards.** All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works

shall have the option to require a review by the City Engineer. If the City Engineer finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

**EE Appeal procedures.** Any person aggrieved by a decision of the Department of Public Works relative to **dimensional** provisions of this section may appeal such decision by applying for a variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance. The City Planning and Development Committee shall review and issue recommendations to the Zoning Board of Appeals regarding variances for signs within the Central Commercial (C-3) District.

**FF. Substitution Clause.** The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

**GG. Severability Clause.** Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.

Changes **highlighted in yellow**  
Deletions designated by ~~strikeout~~  
Additions designated in **bold type**

Definitions.

190-3 B Sign-

9) Freestanding Sign- A self-supporting sign not attached to any building, wall or fence, but in a fixed location; includes pole signs, pylon signs, and masonry wall type signs, monument signs, but does not include **drive-through menu boards and** portable trailer-type signs.

**Drive-through menu board sign-** A sign located outside of a building, on a route to a point of service, with or without built-in communication devices, which displays a listing of items offered. A drive-through menu board sign may be designed as a pole sign, monument sign, wall sign, projecting sign or Iconic sign.

\* \* \*

**#24-2019**

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

**Motion of Councilperson Viele**

**WHEREAS**, General Municipal Law §104-b (4) requires the governing body of every municipality annually review and adopt a procurement policy for all goods and services; and

**WHEREAS**, the City Council last adopted its Purchasing Manual on March 12, 2018; and

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

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

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

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

\* \* \*

**#25-2019**

**A RESOLUTION ADOPTING THE CITY OF BATAVIA STRATEGIC PLAN FOR  
FISCAL YEAR 2019-2020**

**Motion of Councilperson Pacino**

**WHEREAS**, the City Council has been engaged in the development of a City of Batavia Strategic Plan in recognition of the changing needs and challenges of the City of Batavia; and

**WHEREAS**, the intent of developing a Strategic Plan is to allocate our available resources to best meet the needs of our residents, while balancing the fiscal, infrastructure and environmental factors that may affect the community in the future; and

**WHEREAS**, on February 11, 2019 the City Council was presented with the proposed updated City of Batavia Strategic Plan for fiscal year 2017-2022 which contained ongoing and new initiatives for the upcoming fiscal year; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia:

1. The Strategic Plan identifies initiatives and projects that allocate staff resources to ensure alignment with the adopted strategic priorities of City Council; and
2. The Strategic Plan is a working document, it is non-binding, but is the first of many steps toward improving rational, long-range planning for the City of Batavia.

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

\* \* \*

**#26-2019**

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY  
FOR THE CITY OF BATAVIA, NEW YORK**

**Motion of Councilperson Christian**

**WHEREAS**, the City of Batavia is the custodian of moneys and is authorized to invest such money; and

**WHEREAS**, the City's independent auditor has recommended an investment policy be updated and reviewed annually by Council; and

**WHEREAS**, the Council of the City of Batavia originally adopted the Investment Policy April 11, 2011 and has subsequently revised and adopted it each year thereafter; and

**WHEREAS**, such policy is in compliance with the current legal requirements under New York State General Municipal Law Sections 10 and 11 and is in the required format mandated by the State Comptroller; and

**WHEREAS**, said policy has been reviewed and approved by both the City's Fiscal Advisor and the City's Independent Auditor;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia, New York hereby authorizes the adoption of the attached Investment Policy effective immediately.

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

\* \* \*

**#27-2019**

**A RESOLUTION TRANSFERRING \$4,075 TO THE PARKING LOT CAPITAL  
RESERVE FUND**

**Motion of Councilperson Viele**

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

**WHEREAS**, the City of Batavia, through January 31, 2019, received parking and dumpster permit revenue in the amount of \$4,075 and is desirous of transferring said \$4,075 to the Parking Lot Capital Reserve Fund to assist with future replacement and improvements of City parking lots.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby transfer \$4,075 of parking and dumpster permit revenue to the Parking Lot Capital Reserve Fund.

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

\* \* \*

**#28-2019**

**A RESOLUTION TRANSFERRING FROM THE EMPLOYEE BENEFIT ACCRUED  
LIABILITY RESERVE AND TO AMEND THE BUDGET**

**Motion of Councilperson Canale**

**WHEREAS**, pursuant to General Municipal Law 6-p, the City of Batavia has an established Employee Benefit Accrued Liability Reserve fund for payment of accrued benefits due to employees upon termination of the employees' service; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2019 has approximately \$140,363.80 of Employee Benefit Accrued Liability Reserve; and

**WHEREAS**, the City of Batavia for the fiscal year ending March 31, 2019 will have had 7 employees retire/terminate from General Fund employment with payable accrued employee benefits totaling approximately \$135,353.95.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$135,353.95 of Employee Benefit Accrued Liability Reserve to make the following budget transfers:

Effective March 31, 2019, the following transfers are hereby approved:

Increasing expenditure accounts:

Police Department	001.3120.0100.2109	\$ 6,269.66
Police Department	001.3120.0101.2109	\$ 720.00
Police Department	001.3120.0102.2109	\$ 970.11
Police Department	001.3120.0103.2109	\$ 143.84
Fire Department	001.3410.0100.2109	\$95,444.18
Fire Department	001.3410.0101.2109	\$ 448.15
Fire Department	001.3410.0102.2109	\$ 5,419.37
Fire Department	001.3410.0103.2109	\$ 4,219.17
Fire Department	001.3410.0104.2109	\$ 262.70
Street Maintenance	001.5110.0100.2109	\$ 4,992.00
Street Maintenance	001.5110.0103.2109	\$ 253.18
Snow Removal	001.5142.0103.2109	\$ 138.10
Summer Recreation	001.7140.0100.2109	\$ 3,000.93
Summer Recreation	001.7140.0103.2109	\$ 91.78
Youth Service	001.7310.0100.2109	\$12,003.74
Youth Service	001.7310.0103.2109	\$ 367.12
Parks	001.7110.0103.2109	\$ 379.76
Community Celebrations	001.7550.0103.2109	\$ 5.75
Storm Sewer	001.8140.0103.2106	\$ 126.59
Street Cleaning	001.8170.0103.2106	\$ 97.82

Increasing revenue account:

Appropriated Employee Benefit

Accrued Liability Reserve

001.0001.0511.2109 \$135,353.95

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

\* \* \*

**#29-2019**

**A RESOLUTION ADOPTING VARIOUS CAPITAL IMPROVEMENT PLANS  
OUTLINED IN THE 2019-2020 BUDGET**

**Motion of Councilperson Pacino**

**WHEREAS**, the City Council of the City of Batavia recognizes that the financing, replacement and maintenance of infrastructure and equipment is a crucial aspect of providing excellent services to residents, businesses, visitors and property owners in the City of Batavia; and

**WHEREAS**, the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan and Facility Capital Plan are financial and planning tools designated to assist the City in defining infrastructure and equipment needs, establish priorities and pursue concrete actions and strategies for funding projects in future budget years; and

**WHEREAS**, the City Council of the City of Batavia was presented on February 11, 2019, with staff recommendations for the Water and Wastewater Infrastructure Capital Improvement Plan (CIP), Equipment Replacement Plan (ERP), Parking Lot/Sport Surface Management Plan and Facility Capital Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Batavia hereby adopts the proposed Capital Improvement Plans; and

**BE IT FUTRHER RESOLVED**, that the Capital Improvement Plans are working documents toward improving rational, long-range capital planning and budgeting for the City of Batavia's infrastructure and equipment; and

**BE IT FURTHER RESOLVED**, that the adoption of the Capital Improvement Plans are consistent with the City's Strategic Plan.

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

\* \* \*

**#30-2019**

**A RESOLUTION TO ESTABLISH AND UPDATE CURRENT CAPITAL PROJECTS  
AND TRANSFER FUNDS FOR CAPITAL PROJECT BUDGETS**

**Motion of Councilperson Tabelski**

**WHEREAS**, the City of Batavia has included funds in its budget for capital projects; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following capital projects be established and budget be adjusted as follows; and

**BE IT FURTHER RESOLVED**, the following projects are authorized to be completed for no more than the said estimated amount and may extend no later than March 31, 2021.

<b><u>PROJECT</u></b>	<b><u>PROJECT COST</u></b>	<b><u>FUNDING SOURCE</u></b>	<b><u>FISCAL YEAR</u></b>
<b><u>General Fund</u></b>			
Healthy Schools	\$ 57,600.00	DOT	2015/16
Corridor-Transportation	\$ 14,400.00	Sidewalk Reserve	2015/16
Alternatives Program (TAP)	\$ 38,400.00	DOT	2016/17
	\$ 9,600.00	Sidewalk Reserve	2016/17
	\$ 672,800.00	DOT	2017/18/19/20
	\$ 216,219.00	Sidewalk Reserve	2017/18/19/20
Highway PM-Transportation Improvement Program (TIP)	\$ 2,040,370.00	Federal Grant	2018/19/20
	\$ 382,569.00	Marchiselli	
	\$ 127,523.00	CHIPs	
Pedestrian Way - TAP	\$ 868,500.00	Federal Grant	2018/19/2020
	\$ 150,000.00	CHIPs	
	\$ 139,500.00	Sidewalk Reserve	
Facilities Capital Plan – Bureau of Maintenance /Fire Department	\$ 1,100,000.00	Facilities Reserve	2018/19/2020
Enterprise Information Management Solution	\$ 750,000.00	Admin. Reserves/Finance	2019-2021
Redfield Pillars	\$ 70,000.00	Facilities Reserve	2019-2021

**Water Fund**

Union Street Water Improvements	\$ 1,157,500.00	Finance	2018/19/20
	\$ 48,000.00	Filtration Reserve	
S. Main St. & Brooklyn Ave. Water Improvements	\$ 732,800.00	Finance/CDBG Grant	2018/19/20
	\$ 32,000.00	Filtration Reserve	



**Sewer Fund**

Central Pump Station Pump	\$ 85,000.00	Sewer Equipment Reserves	2018/2019/20
Franklin Street Sanitary Sewer Replacement	\$ 1,048,596.00	Finance	2018/19/20
Maple Street & Mill Street Sanitary Sewer Realignment	\$ 409,803.00	Finance	2018/19/20

**City Centre Fund**

Facility Improvements - Roof, Silos & Skylights	\$ 650,000.00	Facility Reserve	2018/19/20/21
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**Second by Councilperson McGinnis and on roll call approved 9-0.**

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**#31-2019**

**A RESOLUTION TO CLOSE OUT CAPITAL PROJECTS**

**Motion of Councilperson McGinnis**

**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:

- #1505 Summit Street Water Main
- #1602 Sanitary & Lehigh Lift Electrical Improvement
- #1603 Vine, Elm & Chase Water Main and Sewer Replacement
- #1701 Mechanical Fine Screen & Grit Cyclone Classifier
- #1801 Caterpillar 938

**WHEREAS,** the City Council authorizes the City Manager to make the recommended transfers and close out the specified capital projects effective March 31, 2019; and

**WHEREAS,** in order to close the Sanitary & Lehigh Lift Electrical Improvement project, the City will need to transfer approximately \$24,435 from the Capital Projects Fund to Facilities Reserve.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the City of Batavia that the capital projects, Summit Street Water Main; Vine, Elm & Chase Water Main and Sewer

Replacement; Sanitary & Lehigh Lift Electrical Improvement; Caterpillar 938; and Mechanical Fine Screen & Grit Cyclone Classifier be closed effective March 31, 2019.

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

\* \* \*

**#33-2019**

**A RESOLUTION FOR THE CITY OF BATAVIA TO APPLY FOR THE NATIONAL GRID URBAN CENTER/ COMMERCIAL DISTRICT REVITALIZATION GRANT PROGRAM**

**Motion of Councilperson Bialkowski**

**WHEREAS**, the City of Batavia will complete a \$1.89 million Batavia City Centre Urban Renovation capital improvement project that will begin this spring. The city is eligible to apply to National Grid for a grant of up to \$250,000 for the Batavia City Center Urban Renovation/ Urban Corridor Project located in the City Centre; and

**WHEREAS**, the project will consist of a feasibility study (structural integrity and utility planning), architectural services, concourse roof replacement, silo roofs, repair and painting, door repair, floor remodel and repair, energy efficiency lighting indoor (overhead and low-level on poles), painting of interior concourse walls, addition of micro-retail kiosks as part of the City's Master and Brownfield Opportunity Plan; and

**WHEREAS**, the City of Batavia will undertake major transformative improvements to the City Centre enabled by several sources of funding including the City's \$627,000 contribution to the City Centre Roof and Silo project, the \$1,000,000 Downtown Revitalization Initiative (DRI) funding, the \$20,000 Empire State Development Feasibility Study Grant, the Genesee County Economic Development Centre (GCEDC) \$10,000 Feasibility Study Matching Funds and the City's \$10,000 Feasibility Study Matching Funds; and

**WHEREAS**, the City of Batavia received confirmation from National Grid that the City is eligible to apply for a \$250,000 grant, and use the existing project sources as a match; and

**WHEREAS**, in addition to rising demand for urban living spawned by "empty nesters" and Millennials the accelerated commercial district improvements in have required communities to look at sustainable growth opportunities; and

**WHEREAS**, the National Grid Urban Center/ Commercial District Revitalization Program is designed for urban centers that are experiencing growth opportunities and enhancements to the downtown core that present a unique opportunity to utilize excess utility infrastructure and create new employment and capital investment; and

**WHEREAS**, the program is designed to assist metro centers in the National Grid territory achieve revitalization goals, increase property tax base, and promote "smart growth" and sustainable investment in central business district and commercial corridors.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia Council hereby authorizes the City Manager to prepare and submit an application for the National Grid Urban Center/ Commercial District Revitalization Grant Program.

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

\* \* \*

**#34-2019**

**A RESOLUTION FOR THE CITY OF BATAVIA TO APPLY FOR THE  
NATIONAL GRID MAIN STREET GRANT PROGRAM**

**Motion of Councilperson Briggs**

**WHEREAS**, the City of Batavia is “All In” to reshape its urban core by embracing and celebrating its rich entrepreneurial history, fostering cultural appreciation and creating vibrant places for all to enjoy. In alignment with the Batavia Downtown Revitalization Initiative (DRI) Investment Strategy the city will seek to foster more arts, culture & entertainment, healthy living & wellness, and prosperity for all; and

**WHEREAS**, The Batavia Players will invest up to \$900,000 of grant and local funds to occupy a vacant and underutilized space in the City Centre currently owned by the City; and

**WHEREAS**, filling vacant and underutilized structures has been a common goal across many of Batavia’s planning efforts including the Brownfield Opportunity Area (2015), The City’s Comprehensive Plan (2016), and the DRI Investment Strategy (2018); and

**WHEREAS**, the Batavia Players have committed to bringing live theater to downtown, revitalize a blighted space, and will bring between 50 to 150 people into the space on a daily basis. The rehabilitation will enable all aspects of the theater to be housed in one location including a state-of-the-art performing space, educational facilities, dance, and set development; and

**WHEREAS**, the Batavia Players are excited to bring the theater into downtown and City Centre and are hopeful that the increased public activity in the Centre will have positive impact on established retail and service businesses currently in the Centre. The Players also hope to spur new development of vacant spaces and ancillary businesses; and

**WHEREAS**, the project will rehabilitate 11,052 Sq. Ft. of worn-out space into the state-of-the-art performing arts center with a main street entrance at 35 Batavia City Centre. The space was constructed during the time period known as Urban Renewal in the 1970’s and has housed a stationary store, drug store, shoe store and medical offices over the last few decades; and

**WHEREAS**, the Batavia Players will make all leasehold improvements within the space that are anticipated to include: structural, electrical, mechanical, plumbing, HVAC, façade, interior build-out, and finishing work through their DRI grant funding; and

**WHEREAS**, the Batavia Players will work with the City of Batavia to finalize a lease agreement. The City will maintain the responsibility and is seeking grant funds to undertake improvements to the “shell” of the space including the roof; and

**WHEREAS**, the City of Batavia received confirmation from National Grid that the City is eligible to apply for a \$100,000 grant, and use the existing project sources as a match; and

**WHEREAS**, the National Grid Main Street Grant Program is designed to assist communities in realizing their goals and promote "smart growth" investment in central business districts and commercial corridors.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Batavia Council hereby authorizes the City Manager to prepare and submit an application for the National Grid Main Street Grant Program.

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

\* \* \*

**#35-2019**

**A RESOLUTION FOR AMENDMENT TO THE COMMUNITY GARDEN  
COMMITTEE BY-LAWS**

**Motion of Councilperson Bialkowski**

**WHEREAS**, The Community Garden Committee conducted a review of the current constitution and by-laws, and

**WHEREAS**, The Community Garden Committee has recommended revisions to this document pertaining to membership, and

**WHEREAS**, The City of Batavia Council does recommend the changes be made at this time.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Batavia Council does hereby approve the changes to the Community Garden By-Laws, as recommended by the Community Garden Committee.

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

\* \* \*

**#36-2019**

**A RESOLUTION AWARDDING THE CONTRACT FOR  
HARVESTING FAT HEAD MINNOWS**

**Motion of Councilperson Tabelski**

**WHEREAS**, the City has advertised for competitive, sealed bids for the harvesting of Fat Head Minnows at the Wastewater Treatment facility located at 5 Tredeasy Avenue for a one year term with options to renew for two more years; and

**WHEREAS**, a competitive bid was submitted by Daniels Farm for the harvesting of Fat Head Minnows;

**WHEREAS**, Daniels Farm (12699 Platten Road, Waterport, NY) is the highest responsible bidder with a bid paying the City \$34,000 in 2019, with the option of two additional years; paying the City \$35,000 in year two (2020) and \$35,000 in year three (2021);

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that a purchase contract for harvesting Fat Head Minnows be awarded to Daniels Farm the highest responsible bidder.

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

\* \* \*

**#37-2019**

**A RESOLUTION AWARDING PURCHASE CONTRACTS FOR CHEMICALS**

**Motion of Councilperson Canale**

**WHEREAS**, the City has advertised for competitive, sealed bids for the purchase of various chemicals used for the operation of the Water and Wastewater Treatment facilities; and

**WHEREAS**, Fifteen (15) companies submitted bids, and seven (7) low bidders were identified for the seven (7) chemicals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that one (1) year purchase contracts for various chemicals be awarded to the lowest responsible bidder hereinafter identified.

<b>Company Name</b>	<b>Chemical</b>	<b>Bid Amount</b>
Carmeuse Lime	Quicklime	\$ 164.51/Ton
Faesy & Bestoff	Ferric Sulfate	\$ 870.00/Ton
Shannon Chemical	Fluosilicic Acid	\$ 568.44/Ton
Irish Welding	Carbon Dioxide	\$ 355.80/Ton
Thatcher Corp.	Liquid Alum	\$ 245.00/Ton
Coyne Chemical	Liquid Phosphate	\$336.89/Drum
Bison Laboratories	Sodium Hypochlorite	\$ .76/gallon

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

\* \* \*

**#38-2019**

**A RESOLUTION TO AWARD A CONTRACT FOR REMOVAL, TRANSPORTATION  
AND DISPOSAL OF LIQUID LIME SLUDGE**

### **Motion of Councilperson Pacino**

**WHEREAS**, the City has solicited bids for removal, transportation, and disposal of liquid lime sludge from the Water Treatment Plant for a two year term (4/1/19-3/31/21); and

**WHEREAS**, Three (3) bids were received on February 22, 2019, and A.D. Call & Sons Excavating & Trucking, Inc. was the lowest responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that a contract is hereby awarded to A.D. Call & Sons Excavating & Trucking, Inc. in the amount of Six Thousand Eight Hundred Fifty dollars (\$6,850.00) per event for removal, transportation, and disposal of lime liquid sludge at the Water Treatment Plant.

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

Councilperson Bialkowski noted that the cost of the two previous resolutions is why the water rates continue to increase.

\* \* \*

### **#39-2019**

### **A RESOLUTION TO ENTER INTO A SHARED SERVICES AGREEMENT BETWEEN NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CITY OF BATAVIA**

### **Motion of Councilperson Christian**

**WHEREAS**, Pursuant to Section 99-r of the General Municipal Law, the State of New York and City of Batavia wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways; and

**WHEREAS**, these shared services will provide a cost savings by maximizing the effective utilization of both parties' resources; and

**WHEREAS**, the Provider's employees shall remain under the full supervision and control of the Provider; and

**WHEREAS**, if the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipients use, the Recipient shall be responsible for such repairs; and

**WHEREAS**, the City agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement; and

**WHEREAS**, the State of New York shall hold the City of Batavia harmless from and indemnify it for any final judgement attributable to the negligence of the State or their officers or employees when acting in the course and scope of their employment; and

**WHEREAS**, the term of this Agreement shall be for four years, not to exceed \$10,000 for any given shared service event.

**NOW, THEREFORE BE IT RESOLVED**, that the Council President be and is hereby authorized to execute the necessary agreement on behalf of City Council with New York State Department of Transportation in connection with the Shared Services Agreement;

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

\* \* \*

### **MOTION TO ENTER EXECUTIVE SESSION**

#### **Motion of Councilperson Pacino**

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

**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 Canale and on roll call approved 9-0.**

\* \* \*

**Meeting adjourned at 7:32 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**