

BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, April 24, 2017 at 7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Councilperson Christian
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Care-A-Van Cookouts
 - b. GLOW YMCA 5K Run
 - c. Living Waters Community Outreach
 - d. Batavia Concert Band
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, May 8, 2017 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. Public Hearing
 - a. To Adopt an Ordinance Amending Chapter 190 Entitled “Zoning” of the City of Batavia Municipal Code to Amend the Zoning Map of the City of Batavia
- IX. Amendment of the Zoning Map to Rezone Premises from an I-1 District and R-2 District to a C-2 District
- X. Tree Management Plan Presentation
- XI. MEGA Community Choice Aggregation (CCA) Presentation
- XII. Vehicle Trade-in Request from Police Department
- XIII. Request for Residency Waiver per City of Batavia Municipal Code Chapter 22-9
- XIV. 2017 Infrastructure Improvements Vine Street Water Main and Elm Street Sanitary Sewer Infrastructure Improvement Project

- XV. Healthy Schools Corridor Sidewalk Project
- XVI. CDBG Stormwater Capital Plan Environmental Review
- XVII. USDA Grant – Downtown Healthy Living Campus
- XVIII. Executive Session...Litigation Matters
- XIX. Adjournment

CARE-A-VAN COOKOUTS

Estimated OT/material cost from the police department is up to \$2,609.60 based on need. There are no other OT or material costs from other departments.

GLOW YMCA 5K RUN

Estimated OT/material cost from the police department is \$460. There are no other OT or material costs from other departments.

LIVING WATERS COMMUNITY OUTREACH

There are no OT or material costs from any of the departments.

BATAVIA CONCERT BAND

Estimated OT/material cost from the BOM is \$1,287.83. There are no other OT or material costs from other departments.

Fee rec'd
1/6/17
Amc



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

Official Use Only:

2017-2

Event Application #:

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

CARE-A-VAN MINISTRIES INC.

Name of Renter / Sponsor / Organization:

COOKOUTS - 14 TOTAL

Type / Name of Event:

EVERY THURSDAY

6/1 - 8/21

Date(s) & Time(s) of Event

Profit ☐

Non-Profit ☒

CONTACT INFORMATION:

PAUL OHLSON

Primary Contact Name

4 LEWIS AVENUE

Primary Contact Address

343-0328

Home Phone #

Cell Phone #

Other #

E-Mail Address

BECKET OHLSON

Secondary Contact Name

343-0328

Home Phone #

Cell Phone #

Other #

E-Mail Address

Secondary Contact Address

EVENT DAY CONTACT INFORMATION:

PAUL OHLSON

Contact Name

343-0328

Home Phone #

Cell Phone #

Other #

Location of your event:

AUSTIN PARK

Please provide details of your event: COOKOUT EVERY THURSDAY FROM 5-8 PM

TO INCLUDE LIVE MUSIC, MEAL, 10 MINUTE SERMON - GRILLS ARE
NORMAL HOUSEHOLD GRILLS - HAVE PERMITS FROM HEALTH DEPT.

Will there be alcohol at your event?

Yes ☐

No ☒

If yes, complete the following:

Type of alcoholic beverage to be served:

Liquor ☐

Wine ☐

Beer ☐

Will you be providing alcohol to your group?

Yes ☐

No ☐

Will you be selling alcohol to your group?

Yes ☐

No ☐

Insurance certificate WILL BE required
with Liquor Legal.

Will people be allowed to bring alcohol to
the event?

Yes ☐

No ☒

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

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

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

EVENT INFORMATION (required):

6/1-8/31 5:00 same 8:00
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

6/1 5:00 8:00 200+ 6-12
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays
8/31 5:00 8:00 200+ 6-12
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

WILL THE EVENT INCLUDE:

Parade: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Run or Walk: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Music: Yes ☒ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
 Street Closure(s): Yes ☐ No ☒ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
 Other: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes ☐ No ☐ Carnival or Amusement Rides? Yes ☐ No ☐

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

Address, Street City Zip Code

Music: Live Group ☒ Recorded/DJ ☐

CARL-A-WAN WORSHIP BAND PAUL OLSON (585) 343-0328
Name of Company Providing Above: Company Contact/Representative Phone #

4 LEWIS AVENUE RIAMIA N.Y. 14020
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? BAND EQUIPMENT

Will generators be used? Yes ☐ No ☐

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

SIZE OF GENERATOR(S) 5,000 WATT FUEL SOURCE - GAS - ☒ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?

Yes ☒ No ☐

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

Yes ☐ No ☐

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

10x10 & 10x20 IF RAINING - ALL POP UP

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

_____, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the _____ (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

1/6/17

Date:

CARE-A-VAN MINISTRIES

Name/Event Sponsor:

PAUL OHLSON

[Signature]

PRESIDENT

Authorized Signature, Title

PAUL OHLSON

Name - Printed or Typed

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

1/6/17

Date:

[Signature]
Signature of Applicant:

Please forward this application to:

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

fee rec'd 2/16/17
Aunc



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

Official Use Only:

2017-4
Event Application #:

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

Event Sponsor GLOW YMCA 5K Run

Type of Event GLOW Corporate Cup

Date of Event Thursday, August 3, 2017

Time of Event (don't include set up time here - just actual event time) 6 pm

Location of Event Centennial Park

Details of Event (be as specific as possible!) 5K Run/walk beginning and ending at Centennial Park. Corporate teams from the GLOW region will participate to raise funds for the GLOW YMCA.

Contact Information:

Primary contact:

Name Steve Tufts
Phone # 344-3329
E-mail address steven_tufts@ml.com

Secondary contact:

John Riter
344-3325
john_riter@ml.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: glowcorporatecup.org

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

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

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

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: 8/1/17 Set up time: Morning
Tear down date: 8/4/17 Tear down time: Morning

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/3/17 Start time: 12:00 pm End time: 10:00 pm
Estimated crowd size: 1,200 # of Vendors/Displays 50 Tents

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 ☒
T.B.D. handled locally by Merrill Lynch (585) 344-3321
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? Music stage plus a few tents request power for temporary lighting.
Will generators be used? Yes ☐ No ☒

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

SIZE OF GENERATOR(S) _____ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?
Will a bounce house or other air supported structures be erected at event?

Yes ☒ No ☐
Yes ☐ No ☒

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

Main "stage"
Similar to Picnic in the Park, plus dozens of tents
of various sizes.

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

Ease of congestion
during setup, safety of participants before the start.

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

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

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

Will traffic cones be requested from the City? Yes ☒ No ☐ How Many? 10

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

4 - Ellicott/Washington
2 - Ellicott/Park
4 - Ellicott/Richmond
Ellicott/Park

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

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

POLICE

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

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

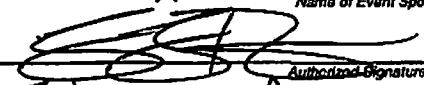
PLEASE NOTE:

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

Hold Harmless Agreement

GLOW Run Committee, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the GLOW Run Committee (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

2/6/17
Date:

GLOW YMCA Run Committee
Name of Event Sponsor:

Authorized Signature, Title
John J. Riter
Name - Printed or Typed

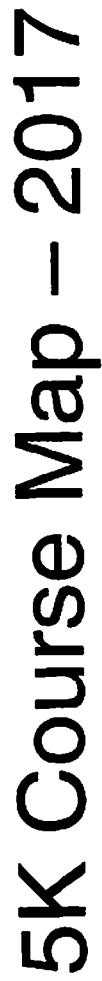
The rules and information contained within this application have been read and will be adhered to.

2/6/17
Date:

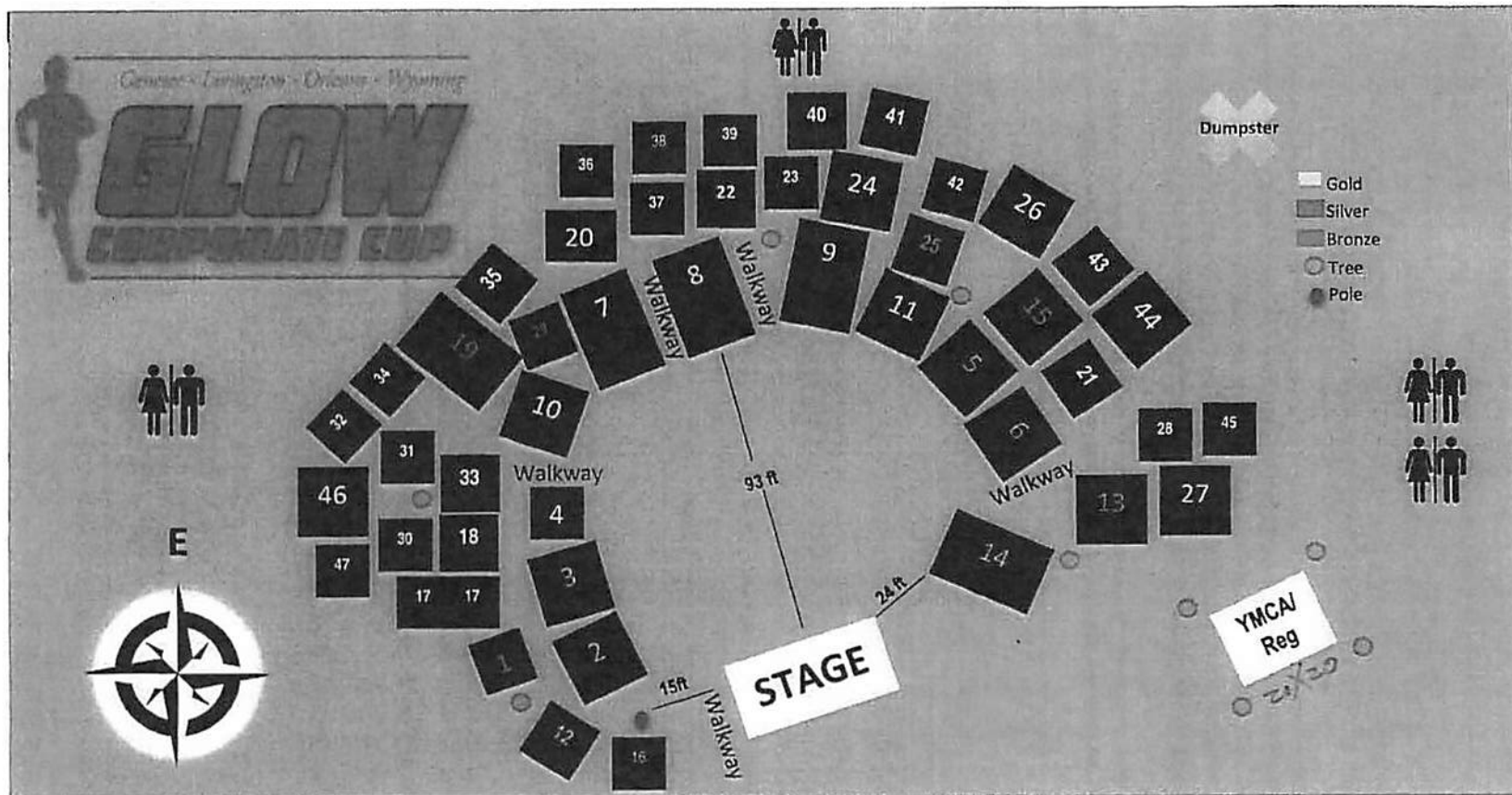

Signature of Applicant:

Please forward this application to:

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



RICHMOND AVENUE



PARK AVENUE

ELLICOTT AVENUE

1 First Niagara Bank 10x10 B	13 ARC of Genesee Orleans 20x20 S	25 M&T Bank 12x12 B	37 Town of Batavia Fire 8x10
2 Toyota 20x20 S	14 Crickler 20x30 S	26 City of Batavia 20x20	38 Genesee Patrons 10x10
3 Batavia Downs 20x20 S	15 Oatka 20x20 B	27 Navient-Pioneer 20x20?	39 Amada Tool America 10x10
4 Five Star Bank 10x10 G	16 WBTA 10x10 S	28 GCASA 10x10	40 Willow 12x12
5 Genesee Lumber 20x20 S	17 ABS 2-10x10	29 ESL 10x10 B	41 Ashley Furniture 12x12
6 UMMC 20x20 S	18 Town of Batavia 12x12	30 Leadership Genesee 10x10	42 McDonalds 10x10
7 Tompkins 20x30 G	19 Liberty Pumps 20x30 B	31 Linwood 10x10	43 Culligan Water 12x12
8 Merrill Lynch 20x30	20 Oxbo 10x20	32 MASSive 10x10	44 Intergrow 20x20
9 Freed Maxick 20x30 G	21 Summit PT/OT 12x12	33 GCC 12x12	45 Batavia Restaurant Supply 10x10
10 Graham 20x20 G	22 Agri-Bus. Child Dev. 12x12	34 Salmon Orthodontics 10x10	46 Upstate Milk 20x20
11 Lawley/TVFCU 20x20 G	23 GCEDC 10x10	35 Farm Credit East 12x12	47 Morton Salt 10x10
12 National Grid 12x12 S	24 Genesee County 20x20	36 St. Josephs 10x10	

fee pd. 3/6/17



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

Official Use Only:

2017-7
Event Application #

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

Living Waters Apostolic Ministries Inc.
Name of Renter / Sponsor / Organization: Dawn-Dusk 12-5:00 P.M.
Charitable/Religious Type / Name of Event: July 30, 2017: Dusk Dawn Profit Non-Profit
Sunday Date(s) & Time(s) of Event ☐ ☒

CONTACT INFORMATION:
Pastor Timothy Young Primary Contact Name 8831 Hopkins Rd. Batavia, N.Y. 14020
lwa.ministries@yahoo.com E-Mail Address 585-973-8400 Home Phone # 585-305-6578 Cell Phone # Other #
Paul Olson Secondary Contact Name 4 Lewis Ave. Batavia, N.Y. 14020
E-Mail Address 585-343-0095 Home Phone # Cell Phone # Other #

EVENT DAY CONTACT INFORMATION:
Pastor Timothy Young Contact Name 585-305-6578 Home Phone # Cell Phone # Other #

Location of your event: Austin Park

Please provide details of your event: Community Outreach with games, food, music, sermons, prayer, showing love to the community

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? NO

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

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

EVENT INFORMATION (required):

July 30, 2017 8:00 a.m. July 30, 2017 5:00 p.m.
Set-Up Date: Set-Up Time: Tear Down Date: Tear Down Time:

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

July 30, 2017 12:00 5:00 100-1000 10-15
Date: Start Time: End Time: Estimated Crowd Size: # of Vendors / Displays

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

WILL THE EVENT INCLUDE:

Parade: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Run or Walk: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 Music: Yes ☒ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
 Street Closure(s): Yes ☐ No ☒ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
 Other: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

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

Address, Street City Zip Code

Music: Live Group ☒ Recorded/DJ ☐

Various Church groups 585 305-6518
Name of Company Providing Above: Company Contact/Representative Phone #

8831 Hopkins Rd. Batavia, N.Y. 14020
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? Audio / PA Equipment

Will generators be used? Yes ☒ No ☐

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

SIZE OF GENERATOR(S) 600 watt + 5000 watt FUEL SOURCE - GAS - ☒ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?
Will a bounce house or other air supported structures be erected at event?

Yes ☒ No ☐
Yes ☒ No ☐

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

Canopy's

10'x10' + 10'x20'

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)

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

POLICE

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

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

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City.
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3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. A Valid Health Department Permit Must Be Displayed.
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Any overtime and/or material costs in excess of \$500, as determined by City Departments, must be paid by the event sponsor or other party
11. The application fee is due at time of submission of the application and is non-refundable.
12. If the event is approved, a Certificate of Liability Insurance naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

Living Waters Apostolic Ministries Inc. 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 *Living Waters Apostolic Ministries Inc.* (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.

3/6/17
Date:

Name of Event Sponsor:

Authorized Signature, Title

Name - Printed or Typed

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

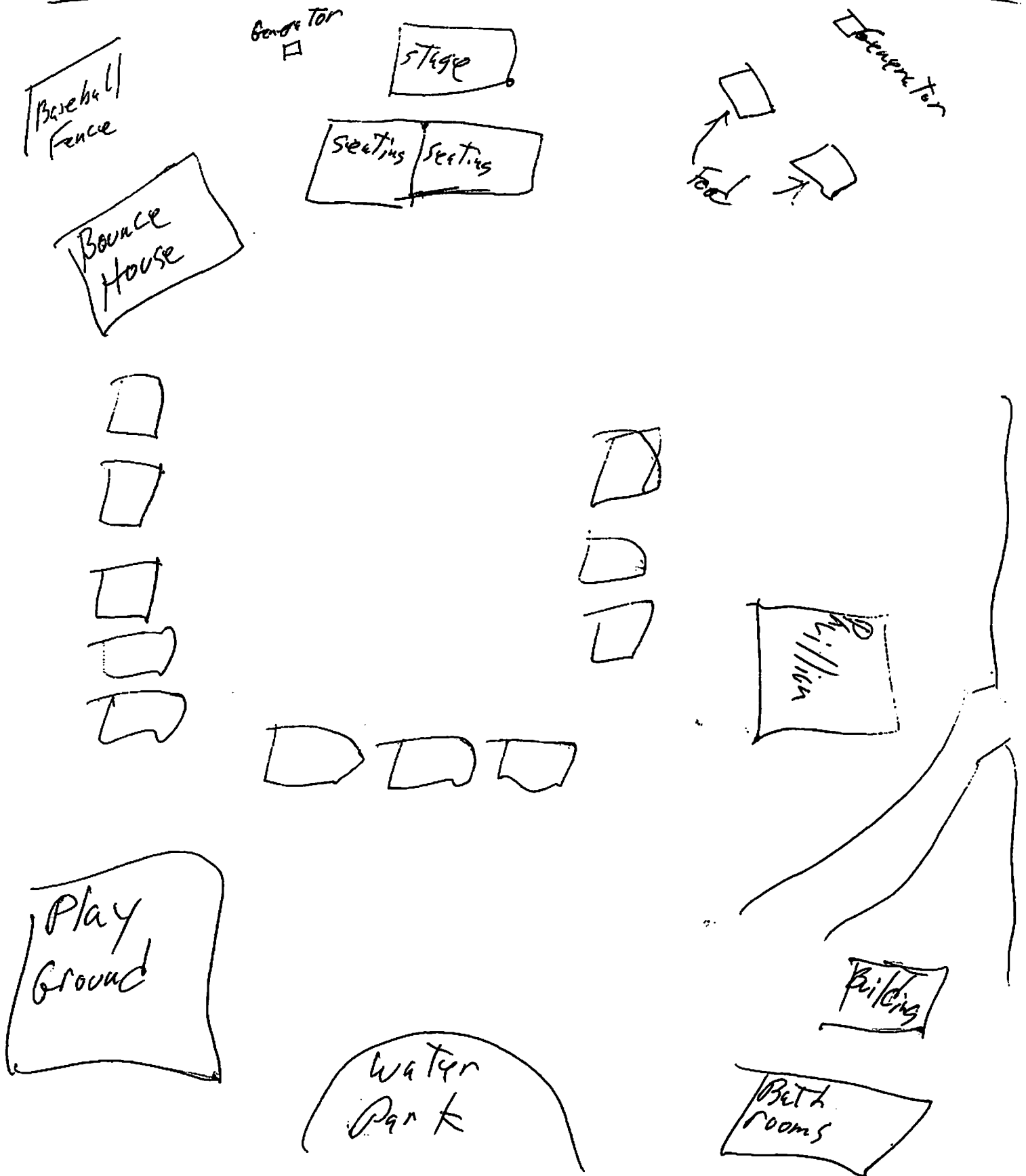
3/6/17

Pastor Timothy
Signature of Applicant

Please forward this application to:

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

Parkins lot



fee pd \$25.
3/7/17



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

Official Use Only:

2017-8

Event Application #:

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

Event Sponsor Batavia Concert Band
Type of Event Concerts in Centennial Park
Date of Event Wednesdays in July and August (see attached)
Time of Event (don't include set up time here - just actual event time) 7:00
Location of Event Centennial Park (south side between Lincoln & Lewis Avenues)
Details of Event (be as specific as possible) We are requesting to use Centennial Park, as well as the city's transport of chairs, for our 2017 summer concert season. Our rain location is ACC. The city will be notified by 5:30 in the event of rain. Requested dates are attached.
Contact Information:
Primary contact: Danielle Perry
Name Danielle Perry
Phone # 585-300-9009
E-mail address dperry13@gmail.com
Secondary contact: Bob Knipe
Name Bob Knipe
Phone # 343-1599
E-mail address bobknipe@hotmail.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: bataviacconcertband.net

Will there be alcohol at your event? Yes ☐ No ☒ If yes, complete the following:
Type of alcoholic beverage to be served: Liquor ☐ Wine ☐ Beer ☐
Will you be providing alcohol to your group? Yes ☐ No ☒
Will you be selling alcohol to your group? Yes ☐ No ☒ Insurance certificate WILL BE required with Liquor Legal.
Will people be allowed to bring alcohol to the event? Yes ☐ No ☒

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

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

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

EVENT INFORMATION (required):

Set up date: See attached list Set up time: 6:20 pm
Tear down date: _____ Tear down time: 8:45 pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: _____ Start time: _____ End time: _____

Estimated crowd size: 100 musicians, 100+ public # of Vendors/Displays _____

WILL THE EVENT INCLUDE:

Parade: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Run or Walk: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)
Music: Yes ☒ No ☐ (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
Street Closure(s): Yes ☐ No ☒ (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
Other: Yes ☐ No ☒ (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes ☐ No ☒ Carnival or Amusement Rides? Yes ☐ No ☒

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group ☐ Recorded/DJ ☐

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2

The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

ELECTRIC:

Will electric be needed for the event? Yes ☒ No ☐

What will you be providing electric to? Microphone and two speakers

Will generators be used? Yes ☐ No ☒

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

SIZE OF GENERATOR(S) _____ FUEL SOURCE - GAS - ☐ - DIESEL - ☐ - PROPANE - ☐

TENTS/CANOPIES:

Will Tents/Canopies or other membrane structures be erected at event?
Will a bounce house or other air supported structures be erected at event?

Yes ☐ No ☒
Yes ☐ No ☒

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

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)

Chairs for 120 musicians needed by 6:20 pm.

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

Batavia Concert Band, 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 Concert Band (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.

3/7/17
Date:

Batavia Concert Band
Name of Event Sponsor:
[Signature] Operations Manager
Authorized Signature, Title
Danielle Perry
Name - Printed or Typed

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

3/7/17
Date:

[Signature]
Signature of Applicant:

Please forward this application to:

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

Batavia Concert Band Proposed Event Dates:

Wednesday, June 28

Wednesday, July 5

Wednesday, July 12

Wednesday, July 19—DSP Trio benefit concert, number of chairs needed TBD

Wednesday, July 26

Wednesday, August 2

Wednesday, August 9

Concerts start Wednesday evenings promptly at 7:00 and are normally finished by 8:45. Chair delivery is essential by 6:20 to allow for arrangement. Rain venue is Genesee Community College. A Batavia Concert Band board member will be in contact with your office by 5:30 on concert days if rain looks likely. We will post signs notifying the public of venue changes.

The band would like to use a location to the south side of the park, in the flat area between Lincoln and Lewis Avenues. There is a power outlet on a pole at that site. The band will face north. Parking and access posed no problems last year.

We need chairs for 60 musicians, unless we otherwise notify you. Band members are responsible for their own music stands, conductor's podium, sound system, etc. We will also need access to the City-maintained grounded 115v AC outlet at that location.



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager

Date: April 18, 2017

Subject: Rezone of 661, 665 and 679 East Main Street

Per City Council request, attached please find a memo outlining the current zoning as well as an explanation as to the proposed zoning change for the aforementioned properties.

As a standard course of procedure following a re-zoning public hearing, it is recommended the May 8th City Council meeting include a resolution to consider the adoption of Ordinance #002-2017.

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


**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 13, 2017

Subject: Re-zone of 661, 665 and 679 East Main Street

Background: It has been requested that the proposed rezoning for 661, 665 and 679 East Main St. in the City of Batavia be reviewed and explained with respect to the differences in the current zoning when compared to the proposed rezoning. Both 661 and 665 East Main St. are located in an I-1 Industrial District ("I-1") and 679 East Main St. is in the R-2 Residential District ("R-2"), see attached zoning map. The original petition for rezoning was for 661 and 665 East Main St. to be re-zoned from I-1 to R-3 Residential District ("R-3"). After further review, the City added 679 East Main St. to the request as it is an apartment complex zoned R-2 which is a non-conforming use. City records indicate that this apartment complex was constructed in the early 1960's under a B-3 Business Use District. B-3 zoning districts were eliminated shortly after the project was completed. 679 East Main St. was added to the rezone request because the property may be restricted from doing future improvements, sale or refinancing due to the non-conforming use.

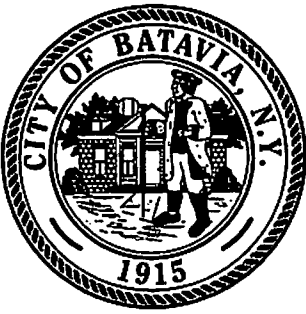
The current I-1 district continues westward along East Main St. and ends just prior to reaching Cedar Street. The zoning then becomes General Commercial District ("C-2") heading westerly into the City's downtown. Attached is a copy of the zoning code for I-1 and C-2 districts. The zoning code outlines potential uses and development tracts. Authorized uses in C-2 districts also include all Limited Commercial Districts ("C-1") and all Residential Districts.

Review of Current Uses: Build out of the City has happened over different decades and no zoning district in the City has all properties as conforming uses. However the general intent is to make most uses as conforming as possible, as well as prevent more properties from becoming non-conforming uses. When reviewing the existing uses in the I-1 district along East Main St. much of the current uses are

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City of Batavia

consistent with commercial districts rather than with industrial districts. 679 East Main St. parcel is zoned as R-2, and is a non-conforming use. As shown in the attached "Land Use" map, the majority of the uses along the East Main St. I-1 district are more comparable to commercial land use types (circled on the map), with some low density residential, than with industrial uses. The only property with large industrial use is the former Trojan campus. Nearby uses include a combination of retail store, wholesale, service operations and some residential properties closer to the eastern edge of the City. This mix of uses is consistent with the area's history from when the area was originally developed, as this East Main St. strip was formerly zoned B-3 Business Use District. While B-3 district does not exist in the current zoning code, it explains why the majority of existing uses are more similar to commercial uses rather than industrial uses. This East Main St. area was changed from B-3 to I-1 in the early 1960's.

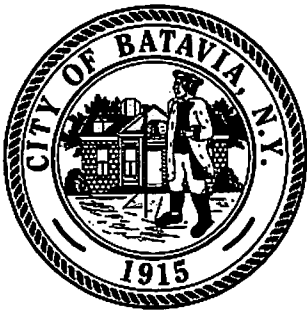
While the intentions of the initial zoning change to I-1 are not exactly known, virtually no industrial development has taken place in that area following the zoning change in the 1960's. It is important to note is that current industrial districts in the City are consistent with where most industrial development took place along the former railroad lines such as the Lehigh Railroad, New York Central Railroad (including the Tonawanda Branch) and the Erie Railroad. While there are additional industrial districts throughout the City, nearly all of the City's industrial growth over the past 20 years taken place in only a few specific areas. The vast majority of the industrial growth has evolved along Cedar Street (Graham's Manufacturing), Ellicott Street (OATKA/Chapin), Industrial Boulevard/Treadeasy Avenue (Batavia Industrial Park) and to a lesser degree Harvester Avenue (Harvester Center). In addition, new industrial growth over the past decade has taken place just outside the City limits in the Town, specifically the Genesee Valley Agri-Business Park. The decrease in railroad relevance in the City over the past 50 years may provide some explanation as to why this part of East Main St. was never developed with industrial uses.

The City is currently updating its comprehensive plan. This process has included discussions about current land use patterns and will include recommendations for an updates zoning code based on a preferred Future Land Use map. The Future Land Use map will be the foundation for a revised zoning code. The aforementioned parcels are included in an area that has been recommended for a zoning change on the Future Land Use map. As mentioned, the majority of current uses in the immediate area are similar to commercial uses that provide daily goods and services for nearby neighborhoods and on a sub-regional basis, as well as providing local employment opportunities. A "Commercial

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City of Batavia

Neighborhood” district is being recommended for this area that best fits the above criteria. Attached is a draft “Future Land Use Plan” that has been proposed by the Comprehensive Plan Steering Committee and will be forthcoming as part of the Comprehensive Plan update recommendations. As can be seen from the draft map, the “Commercial Neighborhood” area does not include the former Trojan campus, which would rightfully remain industrial zoned, but does include the remainder of the commercial properties.

Conclusion: While the initial petition for rezoning was for R-3, the City Planning and Development Committee has recommended the proposed parcels be rezoned as C-2 (see attached recommendation). This was further supported by the Genesee County Planning Board on April 13th (see attached referral). The primary reasons for this zoning change request is that it best positions the parcels to be developed consistent with commercial uses that already exist in that area. Also, from an urban design perspective, commercial uses provide a better transition buffer into the downtown corridor to the east and residential properties to the west, than industrial uses.

In summary, the majority of uses in the current East Main St. I-1 district are consistent with commercial uses; the primary exception being the former Trojan campus. Current uses along this segment of the East Main St. corridor would be conforming to a C-2 district, more so than an I-1 district, which it is currently zoned. This has also been recognized by the Comprehensive Plan Steering Committee.

Based the above referenced information, rezoning the proposed parcels to C-2 would be more consistent with the surrounding uses, as well as provide greater opportunity for similar growth in the future.

If you have any questions please feel free to contact me.

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City of Batavia, NY
Thursday, April 13, 2017

Chapter 190. Zoning

Article V. Industrial Districts

§ 190-15. I-1 Industrial Districts.

In I-1 Industrial Districts, no building or structure shall be erected, altered or extended, and no land, building or structure or part thereof, shall be used for other than the following permitted uses, subject to the performance standards set forth in § 190-38:

A. Permitted principal uses.

- (1) Retail store, including storage, wholesale, and service operations customarily incidental thereto.
- (2) Any legal use of a light industrial nature which involves the processing, fabrication, assembly or packaging of previously prepared or refined materials, including uses providing repair or general services to industrial uses except:
 - (a) Those uses which, because of danger to the general public due to hazards of fire and explosion, including those uses where explosives, combustible bases or flammable liquids are manufactured or stored, shall be permitted only by a special use permit authorized by the Council according to the provisions of § 190-37 and only in conformance with the State Building Construction Code^[1] and Labor Law of the State of New York.
[1] *Editor's Note: See Ch. 51, Building Construction.*
 - (b) Uses of an extractive nature, including but not limited to the operation of sand and gravel mines, topsoil removal and mineral removal work.
- (3) Industrial office buildings for executive, engineering and administrative purposes.
- (4) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
- (5) Any use permitted in § 190-24B(2), except that retail stores shall be governed by Subsection A(1) of this section.
- (6) Art gallery.
[Added 8-14-2000]

B. Permitted accessory uses.

- (1) Such accessory uses as are customarily incidental to any of the above uses, subject to the provisions of § 190-35.
- (2) Off-street parking subject to the provisions of § 190-39.
- (3) Signs subject to the provisions of § 190-43.

C. Uses permitted by special use permit.

[Amended 8-14-2000]

- (1) Junkyards, salvage and scrap processing, outside storage.

- (2) Uses which may cause a danger to the public due to the hazards of fire and explosion.
- (3) Automobile service stations.
- (4) Live/work units. Live/work units must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
- (5) Brew pub, micro brewery. Brew pubs and micro breweries must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."

Chapter 190. Zoning

Article IV. Commercial Districts

§ 190-13. C-2 General Commercial Districts.

In C-2 General Commercial Districts, no building or structure shall be erected, altered, or extended and no land, building, or structure, or part thereof, shall be used for other than one or more of the following uses:

A. Permitted principal uses.

- (1) Any use permitted in C-1 Limited Commercial Districts.
[Amended 8-14-2000]
- (2) Retail store.
- (3) Restaurant or other place for the serving of food or beverages.
- (4) Hotel or motel.
- (5) Theater, bowling alley, skating rink, or other place of amusement or assembly.
- (6) Offices of veterinarians and small animal hospitals.
- (7) Barbershops, beauty shops and florists.
- (8) Shopping center.

B. Permitted accessory uses.

- (1) Such accessory uses as are customarily incidental to any of the above uses, subject to the provisions of § 190-35.
- (2) Off-street parking subject to the provisions of § 190-39.
- (3) Signs subject to the provisions of § 190-43.

C. Uses permitted with special use permits.

- (1) Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.
- (2) High-rise apartments.
- (3) Large-scale multifamily apartments.
- (4) Cleaning establishments.
- (5) Automobile service stations and/or garages for the storage, adjustment or repair of motor vehicles, drive-in restaurants, and other similar uses.
- (6) Food and beverage processing, warehousing and distribution business.
[Added 7-11-1988]

City of Batavia, NY
Monday, April 17, 2017

Chapter 190. Zoning

Article IV. Commercial Districts

§ 190-12. C-1 Limited Commercial Districts.

In C-1 Limited Commercial Districts, no building or structure shall be erected, altered, or extended and no land, building, or structure, or part thereof, shall be used for other than one or more of the following uses:

A. Permitted principal uses.

[Amended 8-14-2000]

- (1) Any use permitted in the C-1 Limited Commercial Districts, regardless of the size of the new building or expansion, must be reviewed pursuant to § 190-44, Site plan review, prior to receiving a building permit.
- (2) Any principal use permitted in R-3 Residential Districts.
- (3) Banks or monetary institutions.
- (4) Business or professional offices.
- (5) Mortuary.
- (6) Bed-and-breakfast.
- (7) Restaurants.
- (8) Retail shops, excepting automobile service stations; automobile dealers, automobile rental stores and drive-in or drive-through facilities.
[Amended 10-22-2001]

B. Permitted accessory uses.

- (1) Such accessory uses as are customarily incidental to the above uses, subject to the provisions of § 190-35.
- (2) Off-street parking, subject to provisions of § 190-39.
- (3) Signs subject to the provisions of § 190-43.

C. Uses permitted with special use permits. Any use permitted with special use permits in the R-3 Residential Districts, except professional offices, which are permitted uses in the C-1 Limited Commercial Districts.



City of Batavia

City of Batavia Planning and Development Committee Batavia, New York

March 24, 2017

Planning and Development Committee Report to the City of Batavia City Council

City of Batavia
One City Centre
Batavia, NY 14020

Reference: 661, 665, and 679 East Main Street
Zoning Use District: I-1 (661 and 665 East Main), and R-2 (679 East Main)
Applicants: DePaul Properties Inc. (purchaser of 661 and 665 East Main); petition by the City of Batavia for 679 East Main
Action: Proposed Zoning Use District Change to R-3 Residential Use District

Proposed Zoning Use Change Description

The applicant, DePaul Properties Inc., has petitioned the Batavia City Council to amend the zoning of the two parcels located at 661 and 665 East Main St. from I-1 industrial to R-3 residential.

The City of Batavia is recommending to amend the zoning of 679 East Main St. from R-2 residential to R-3 residential to match the proposed neighboring properties and establish a conforming use for this existing non-conforming use property.

Review and Recommendation to City Council

The PDC serves as the Steering Committee for the Comprehensive Plan update. The board discussed the proposal in the context of the recommendations for the proposed Land Use Map. Based upon the current development and the proposed zoning in the Land Use Map, the City of Batavia Planning and Development Committee unanimously voted on March 21, 2017 to recommend that the City of Batavia City Council re-zone the properties located at 661, 665, and 679 East Main St. to incorporate them into the C-2 Commercial Use District. The Depaul project would be allowed in the C-2 district with a Special Use Permit.

Should the City Council have any questions regarding the City of Batavia Planning and Development Committee's recommendation to re-zone the property at 661, 665, and 679 East Main St. C-2 please feel free to contact me.

Regards,

Duane Preston
Chairman, City of Batavia Planning and Development Committee

Bureau of Inspection
One Batavia City Centre
Batavia, New York 14020

Phone: 585-345-6345
Fax: 585-343-1385
www.batavianewyork.com



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID **C-09-BAT-4-17**

Review Date **4/13/2017**

Municipality
Board Name
Applicant's Name

BATAVIA, C.
BATAVIA CITY COUNCIL
DePaul Properties, Inc.

Referral Type
Variance(s)

Zoning Map Change

Description:

Zoning Map Change to rezone two parcels from Residential (R-2) and Industrial (I) to General Commercial (C-2).

Location
Zoning District

661 and 665 E. Main St. (NYS Rt. 5), Batavia
Industrial (I-1) and Residential (R-2) Districts

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

Although not fully in conformance with the current (1997) City of Batavia Comprehensive Plan, the proposed rezoning should not be considered an illegal spot zoning because recent public comprehensive planning efforts call for this area to be "Neighborhood Commercial" which supports commercial uses as well as higher density residential. The current plan's Land Use Concept Map (Figure III-1) identifies this area as Industrial and calls for the City to "clarify and focus Industrial areas" on the eastern side of the City. This vision, proposed over 20 years ago, was not implemented, and has been supplanted with a gateway commercial area that supports nearby neighborhoods. Community support for this vision was recorded at the February 28, 2017 Comprehensive Plan Update Open House.

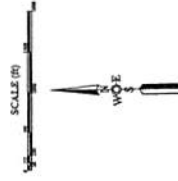
Director

April 13, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

- C-1 LIMITED COMMERCIAL DISTRICT
 C-2 GENERAL COMMERCIAL DISTRICT
 C-3 CENTRAL COMMERCIAL DISTRICT
 H-0 HISTORIC OVERLAY DISTRICT
 I-1 INDUSTRIAL DISTRICT
 I-2 INDUSTRIAL DISTRICT
 I-3 INDUSTRIAL DISTRICT
 L LAND CONSERVATION DISTRICT
 P-1 PLANNED DEVELOPMENT INDUSTRIAL
 P-2 PLANNED DEVELOPMENT-MEDICAL
 P-3 PLANNED DEVELOPMENT-SERV. COMM.
 P-4 PLANNED DEVELOPMENT-RESIDENTIAL
 R-1 RESIDENTIAL DISTRICT
 R-1A RESIDENTIAL DISTRICT
 R-2 RESIDENTIAL DISTRICT
 R-3 RESIDENTIAL DISTRICT



OFFICIAL ZONING MAP OF THE CITY OF BATAVIA GENESSEE COUNTY, NY

Updated
 April 15, 2008
 Adopted by the Board of
 Aldermen 11/11/2008



City of Batavia Comprehensive Plan

Land Use

DRAFT
NOT FOR DISTRIBUTION

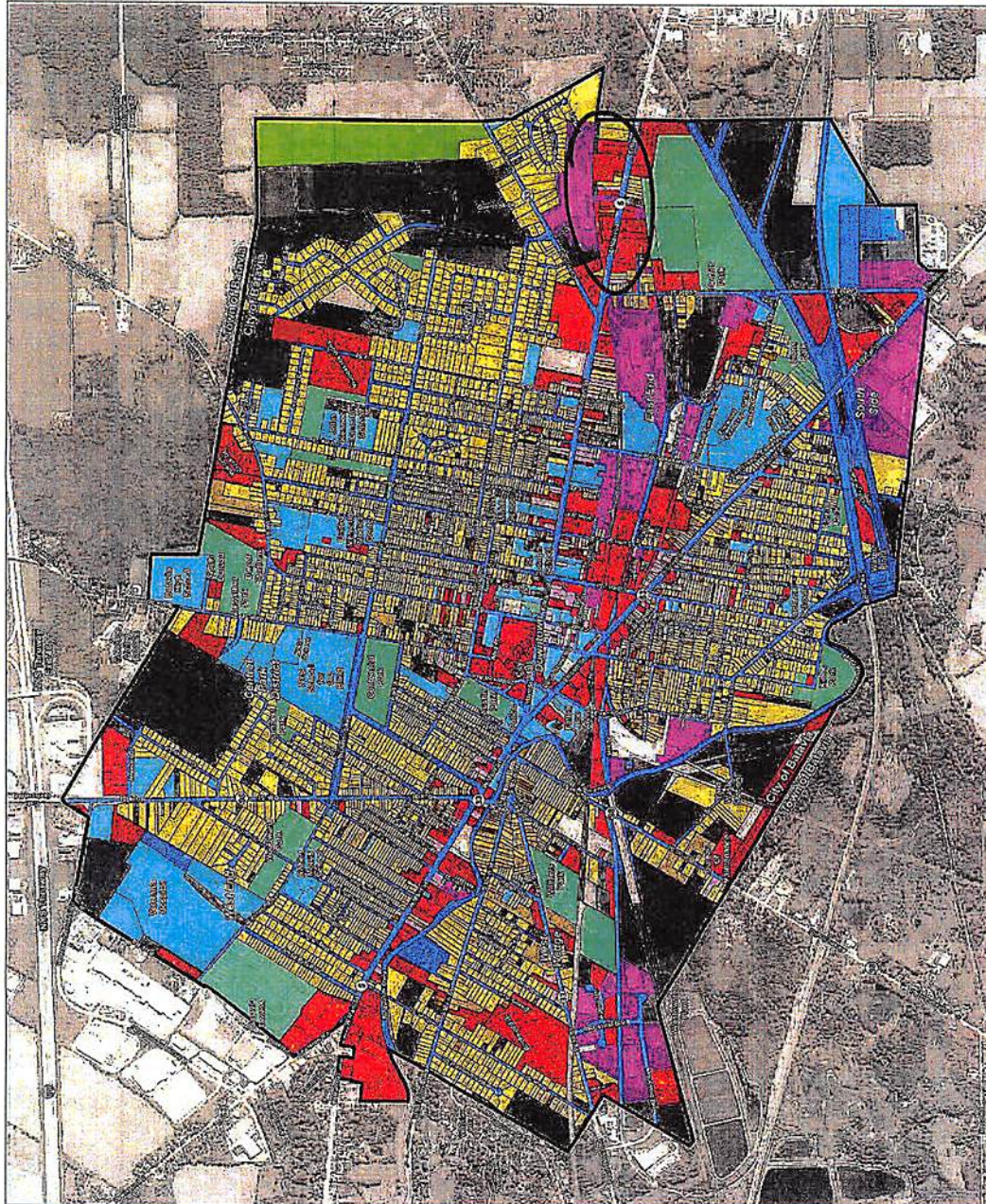
- Legend**
- City Boundary
 - Land Use Type
 - Agricultural
 - Commercial
 - Community Services
 - Industrial
 - Mixed Use
 - Parks, Recreation & Conservation Lands
 - Public Services
 - Residential - Low Density
 - Residential - Medium Density
 - Residential - High Density
 - Vacant Land
 - Undeveloped



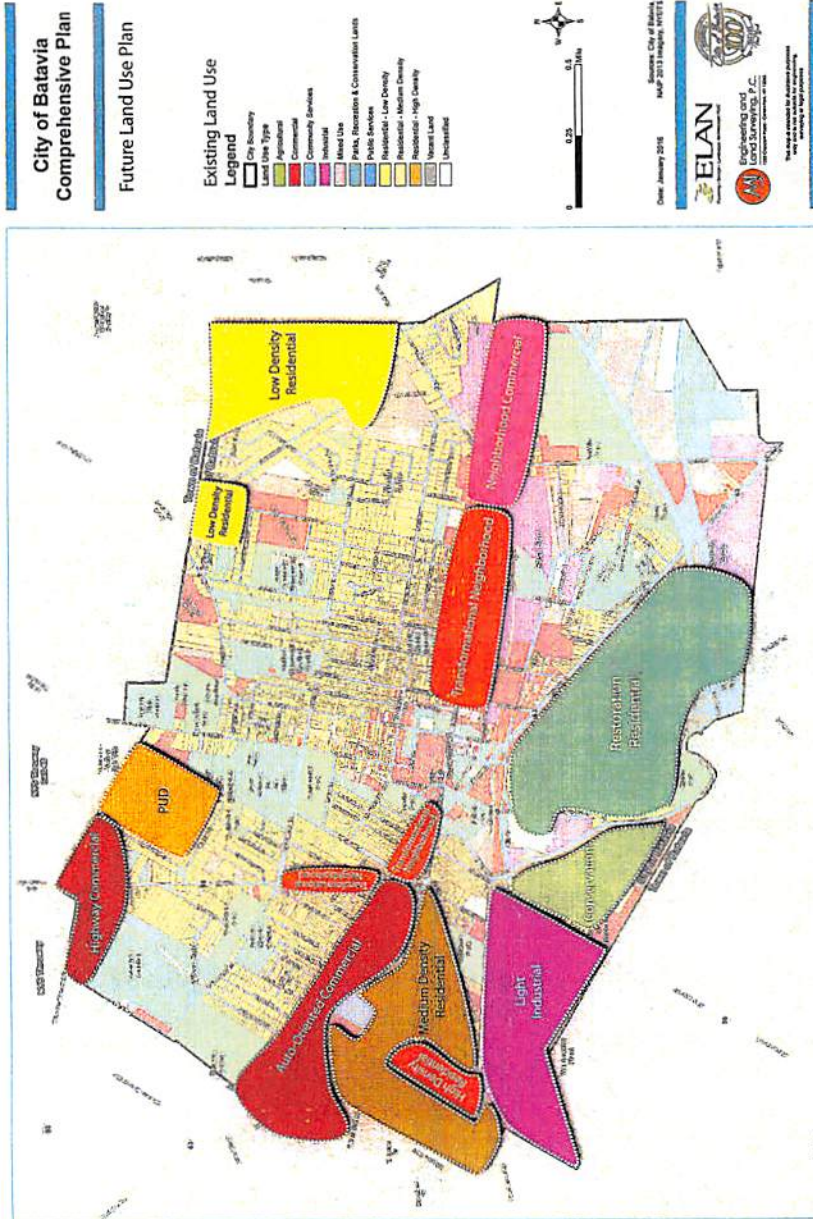
Date: January 2015
Source: City of Batavia, N.Y.
N.Y.P. 2013 Map, N.Y.S.D.



This map is not to be used for any purpose other than the one for which it was prepared. Any use for any other purpose is at the user's risk.



4.B Future Land Use Map



#-2017

**A RESOLUTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 190
ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO
AMEND THE ZONING MAP OF THE CITY OF BATAVIA**

Motion of Councilperson

WHEREAS, an Ordinance entitled **"AN ORDINANCE AMENDING
CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA
MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF
BATAVIA"** is introduced before the City Council of the City of Batavia, New York; and

WHEREAS, City Council held a public hearing on said proposed Ordinance on Monday, April 24, 2017 pursuant to Public Notice duly published in the Batavia Daily News;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Batavia that said proposed Ordinance #002-2017 be and the same is hereby adopted.

**Seconded by Councilperson
and roll call**

ORDINANCE #002-2017

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING MAP OF THE CITY OF BATAVIA

SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA TO REZONE PREMISES FROM A I-1 DISTRICT AND R-2 DISTRICT TO A C-2 DISTRICT.

PREMISES BEING MORE RECENTLY DESCRIBED AS ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York and is more particularly described as follows:

BEGINING at a point in the north right-of-way line of East Main Street (NYS Rte #5) said point being the southeast corner of lands conveyed to PR & D Automotive Wholesalers of Genesee County, by Deed recorded in the G.C.C.O. Liber 498 of Deeds, page 277, Said point also being the intersection formed by the aforesaid north right-of-way of E. Main Street and the westerly line of lands conveyed to Batavia Gardens Association,

- 1) Westerly, along the north line of East Main Street a distance of 366.30 feet to a point in the southwest corner of lands conveyed to William Moore by deed recorded in the G.C.C.O., Liber 901 of Deeds, Page 420,
- 2) Northerly at right angles to the north line of East Main Street, a distance of 121.77 feet to a point,
- 3) Westerly at right angle to the previous course and parallel to East Main Street, a distance of 104.98 feet to a point in the east line of lands conveyed to Michael Boorum by deed recorded in the G.C.C.O., Liber 60 of Deeds, Page 307,
- 4) Northerly along the aforesaid east line of Broomon, a distance of 246.60 feet to a point in the south line of the Consolidated Rail Corporation – Attica Branch, and continuing north an additional 66+/- feet to a point in the north line of said Rail Corporation lands, which forms a combined distance of 312.6+/-,
- 5) Easterly along the north line of lands of belong to the Consolidated Rail, a distance of 450+/- feet to a point,
- 6) Southerly through lands of the Consolidated Rail and continuing southerly and along the west line of lands of the Batavia Gardens Association, a distance of 518.73 feet to the point and place of beginning. and

PREMISES BEING MORE RECENTLY DESCRIBED AS ALL THAT TRACT OF PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Lot 8, Section 8, Township 12, Range 1 of the Holland Land Company's land, bounded and described as follows:

COMMENCING at a point on the northerly line of East Main Street at the southeasterly corner of land conveyed to PR & D Automotive Wholesalers of Genesee County, Inc., by deed recorded in the Genesee County Clerk's Office in Liber 498 of Deeds, at page 277, said point also being the southeasterly corner of land formerly owned by the State of New York Police Barracks; thence northerly at an interior angle of $93^{\circ} 55' 49''$ with the northerly line of East Main Street, and along the easterly line of said PR & D Automotive Wholesalers of Genesee County, Inc.'s land, a distance of 452.56 feet to a point on the southerly line of land formerly owned by Consolidated Rail Corporation, being the northeasterly corner of said PR & D Automotive Wholesalers of Genesee County, Inc.'s land, and the southeasterly corner of land conveyed to Richard E. Donk and Patti Donk by deed recorded in the Genesee County Clerk's Office in Liber 642 of Deeds, at page 209, said point also being the true point and place of beginning for the parcel to be described; thence

1) Northerly along the easterly line of said Donk's land, a distance of 66.17 feet to the northeasterly corner of the aforementioned Donk's land; thence

2) Easterly at an interior angle of $88^{\circ} 58' 00''$ with the last described course, a distance of 29.51 feet to a point; thence

3) Easterly at an interior angle of $177^{\circ} 50' 05''$ with the last described course, a distance of 199.23 feet to a point, said point being the northwesterly corner of land conveyed to Charles J. Pero by deed recorded in the Genesee County Clerk's Office in Liber 623 of Deeds, at page 103; thence

4) Southerly at an interior angle of $89^{\circ} 17' 28''$ with the last described course, and along the westerly line of said Pero's land, a distance of 66.00 feet to the southerly line of Consolidated Rail Corporation's land as aforementioned, said point also being the northwesterly corner of land conveyed to Joseph Heale and Helen C. Heale by deed recorded in the Genesee County Clerk's Office in Liber 401 of Deeds, at page 658; thence

5) Westerly at an interior angle of $90^{\circ} 42' 37''$ with the last described course, and also along the said Consolidated Rail Corporation's land, a distance of 198.62 feet to a point; thence

6) Westerly at an interior angle of $182^{\circ} 38' 30''$ with the last described course and continuing along the southerly line of said Consolidated Rail Corporation's land, a distance of 25.63 feet to the point and place of beginning. Course (6) forming an interior angle of $90^{\circ} 33' 20''$ with Course (1).

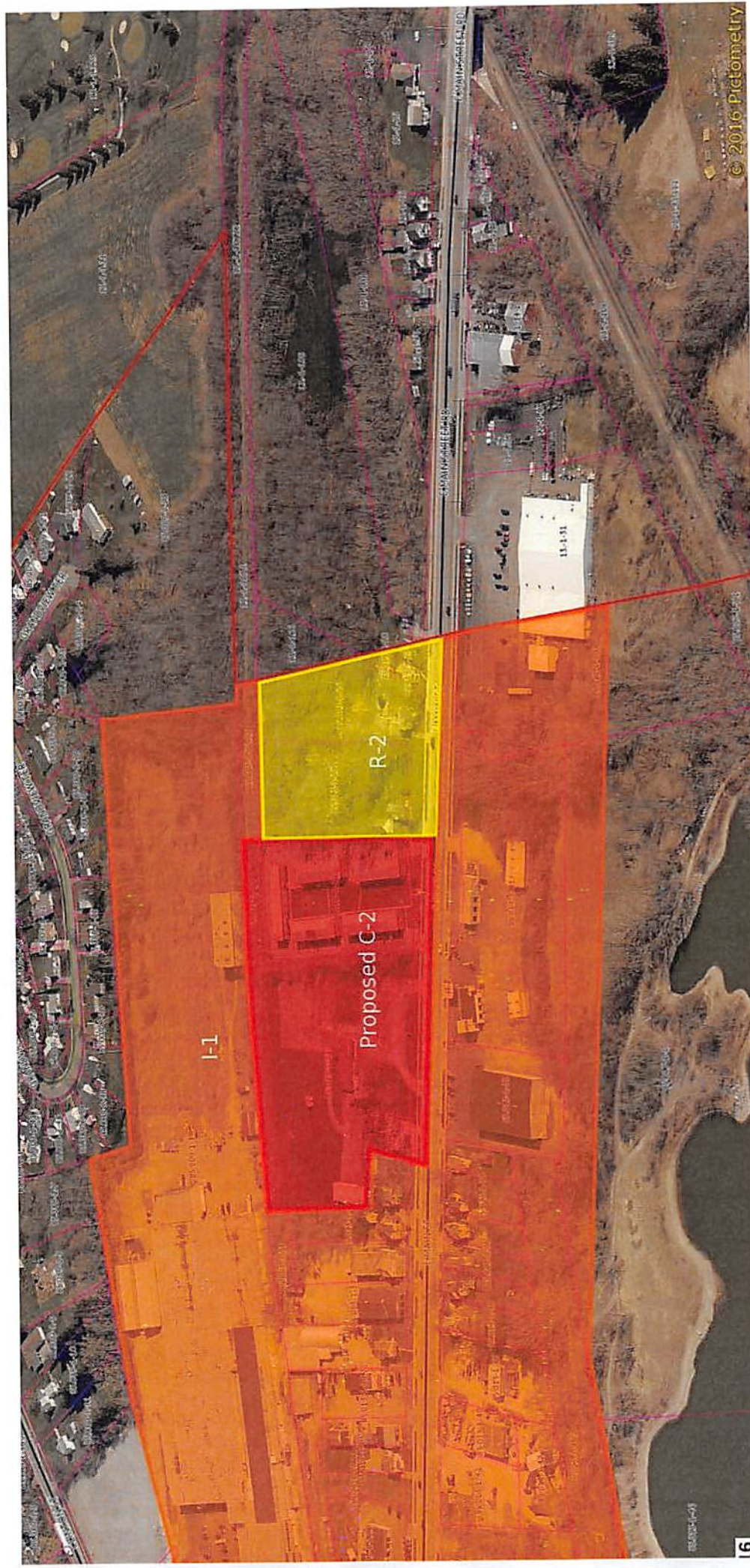
INTENDING to describe parcels of land designated as #661 East Main Street, #665 East Main Street and #679 East Main Street, City of Batavia, being further identified as SBL #085.013-01-22, SBL #085.013-01-23.1, and SBL #085.013-1-24.

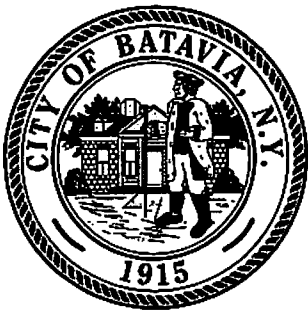
The Zoning Ordinance of the City of Batavia, New York, dated and adopted July 25, 1973, and the Zoning Map of the City of Batavia, New York, dated and adopted September 24, 1973 (Said map being part of said Ordinance), as amended, are hereby further amended for the purpose of re-zoning the premises described above from an I-1 District and R-2 District to a C-2 District:

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

DRAFT





City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works

Date: April 13, 2017

Subject: Tree Management Plan

The Tree Management Plan has been completed, and public presentation was given on March 22, 2017 which was well received. I have scheduled Jerry Bond from Urban Forest Analytics to attend the April 24th Council Meeting to give the same presentation, in addition to my comments, so that Council is fully informed in anticipation of formal adoption at the May 8th Council Business Meeting.

The Management Plan has several aspects, some of which has included additional training for the crew involved with City trees. The crews have received training on how to do basic tree assessments as well as tree trimming techniques. The administrative and supervisory staff has also received training on utilizing the tree database, and how to keep it current. Many of the strategies identified are being implemented, including some of the decision making during the last wind storm.

As we move forward in managing the City forest, we will continue to look for additional funding opportunities to make the program as affordable as possible. I look forward to having this discussion with the Council on the 24th.

Supporting Documentation:

Draft Resolution

Tree Management Plan (previously distributed)

#-2017

A RESOLUTION ADOPTING THE TREE MANAGEMENT PLAN

Motion of Councilperson

WHEREAS, the City Council of the City of Batavia recognizes that the City needs a Tree Management plan and received an Urban and Forestry Grant for a City-wide Tree Management Plan; and

WHEREAS, the Council of the City of Batavia was presented on April 24, 2017, with the Tree Management Plan; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Batavia hereby adopts the proposed Tree Management Plan; and

BE IT FUTRHER RESOLVED, that the Tree Management Plan is a document working towards improving the City of Batavia by managing the forestry on public lands, primarily the street right-of-way and park lands in the City of Batavia; and

BE IT FURTHER RESOLVED, that the adoption of the Tree Management Plan are consistent with the City's comprehensive plan for the management of City forestry.

**Seconded by Councilperson
and on roll call**

City of Batavia

Tree Management Plan

Final

<http://bit.ly/2locX5V>



Jerry Bond

Urban Forest Analytics LLC

©Urban Forest Analytics LLC

February, 2017

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Credits. Figures 1, 6, 7, 11: Genesee Citizens for the Environment;¹ other photos by author.

Batavia Tree Management Plan

1. Introduction

1.1 Batavia's Urban Forest

The word “urban forest” refers to all publicly and privately owned trees within an urban area—including individual trees along streets and in backyards, as well as stands of remnant forest.² This Tree Management Plan is restricted to the public portion of that forest, yet it hopes to persuade owners and managers of other portions to join in a common effort to improve the quality of life in the City of Batavia. It documents the steps necessary to increase the canopy cover of Batavia's urban forest to a sustainable level that will expand its benefits and assure they are available to all city dwellers. The development of this Plan is supported by a 2015 grant (Rnd12-CMP-58) from the NYS Urban and Community Forestry Council.



Figure 1. Rejuvenation: challenges and opportunities. Note the second tree on the right in very poor condition, and the available planting sites in the background.

1.2 Public Forest Inventory Results

What do we actually know about this public urban forest? Over the last five years, a number of complementary inventories of the public trees have been made:

- Street trees
 - Full Inventory 2011-2014 by Cornell University's Student Weekend Arborist Team (SWAT) under the local direction of Fred Cowett and the general oversight of Prof. Nina L. Bassuk.³
 - Sampled in October 2016 by Jerry Bond of Urban Forest Analytics LLC in order to estimate maintenance needs of a large number of trees left unrated by SWAT, and of the street tree resource more generally.⁴
- Park trees: Full Inventory by Bond in June 2016.⁵

The data from this work provides a solid understanding of what is out there, what kind of work it needs and where we want to take it. Here are important findings from those inventories.

- **Tree population**
 - Streets: 3,623.
 - Parks: 697.
 - Significance: provides an index of quantity of work, though absolute number are less significant than distribution and stocking rate.
- **Species distribution**
 - Streets: about $\frac{1}{3}$ are Norway maples, and a full 60% are maples of some kind.
 - Parks: about $\frac{1}{4}$ are silver maples, with a total 45% maples of some kind.
 - Significance: the reliance upon a single genus such as maple (*Acer*) leaves the City more vulnerable to catastrophic loss due to storms, pests and other disturbances. Most common species are shown in Figure 2.

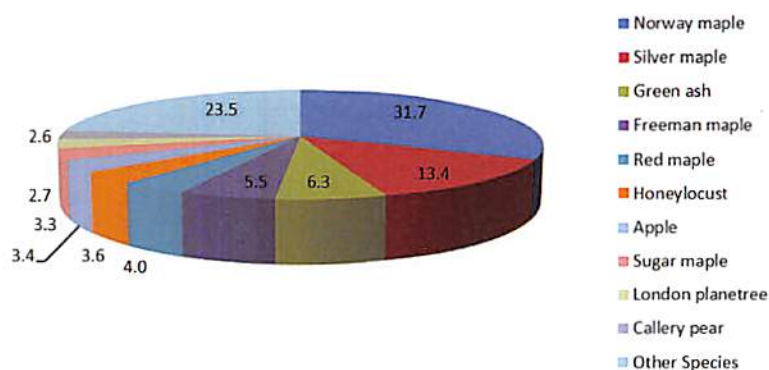


Figure 2: Species distribution of public trees in Batavia

- **Pests** (focus on the Emerald Ash Borer, with active core centers moving in from Erie and Monroe Counties⁶).
 - Streets: about 7% of the trees are ashes (250 trees).
 - Parks: close to 8% of the trees are ashes (54 trees).
 - Significance: the City will need to develop a response to this threat in the near future.

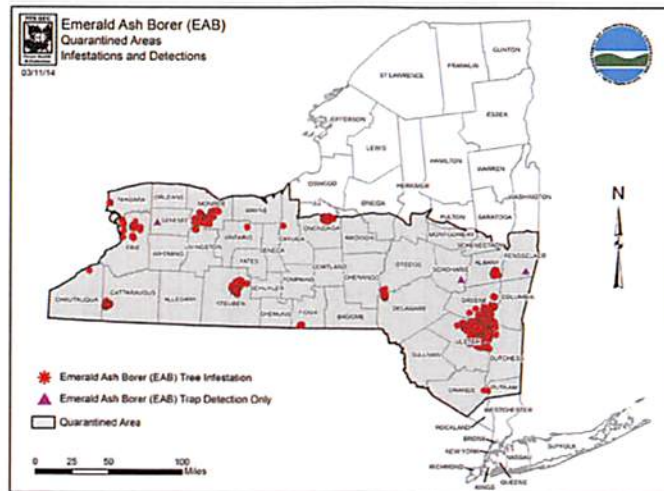


Figure 4: Emerald ash borer: infestations and detections, showing its establishment E and W of Batavia. (Source: DEC)

- **Pruning** (except young tree training)
 - Streets: best estimate is that 195 +/- 40 trees need priority pruning
 - Parks: 16 trees were designated for priority pruning.
 - Significance: provides good indication of required work and budget
- **Removals**
 - Streets: best current estimate is that something over 350 trees need priority removal.
 - Parks: about 100 trees, a bit less than half of which are tagged as priority.
 - Significance: provides good indication of required work and budget

1.3 Ecosystem Services

People have appreciated the aesthetic and social benefits of tree-covered public spaces for millennia, but the rapid development over the last century of large cities and populations has raised the stakes. Furthermore, it has only been within the last two decades that the monetary value of what are now called “ecosystem services” (the benefits people obtain from ecosystems of all kinds) has been calculated using the best available science. They are commonly divided into four broad categories:⁷

- Supporting—e.g., the products of photosynthesis that make life possible, starting with oxygen.
- Provisioning—e.g., minerals, food and raw materials.
- Regulating—e.g., water and air purification.
- Cultural—e.g., spiritual, emotional and recreational enrichment.

In urban environments these services depend primarily on tree canopy cover. The amount of canopy cover can be calculated for our purposes as the percentage of the ground surface covered directly overhead by foliage. This number can vary greatly within a city, where it is often low in the downtown business district and much higher in residential areas. Canopy cover also varies over time due to changing natural and human forces. National canopy cover percentages range widely: from 10 to 54% for large cities, with higher values often found for smaller communities, especially in the Northeast. Citywide, Batavia enjoys an average canopy cover of about 38%.⁸ It may be helpful for planning purposes to recognize how commonly recommended canopy targets vary across an urban area:

- average for the entire city: 40%
- suburban residential zones: 50%
- urban residential zones: 25%
- central business districts: 15%

Also important is leaf condition, which can be estimated from observing crown parameters such as the density of the foliage, the greenness of the leaves, etc.--parameters significantly affected by urban forestry activities such as species selection, maintenance and protection.

Quantitative ecosystem benefits. Based on the monetary value of the services provided by urban trees, the i-Tree software suite developed by the USDA Forest Service can calculate such benefits. The results being reported here were obtained using an application in that suite called i-Tree Streets, into which Batavia street and park tree inventory data were imported.⁹

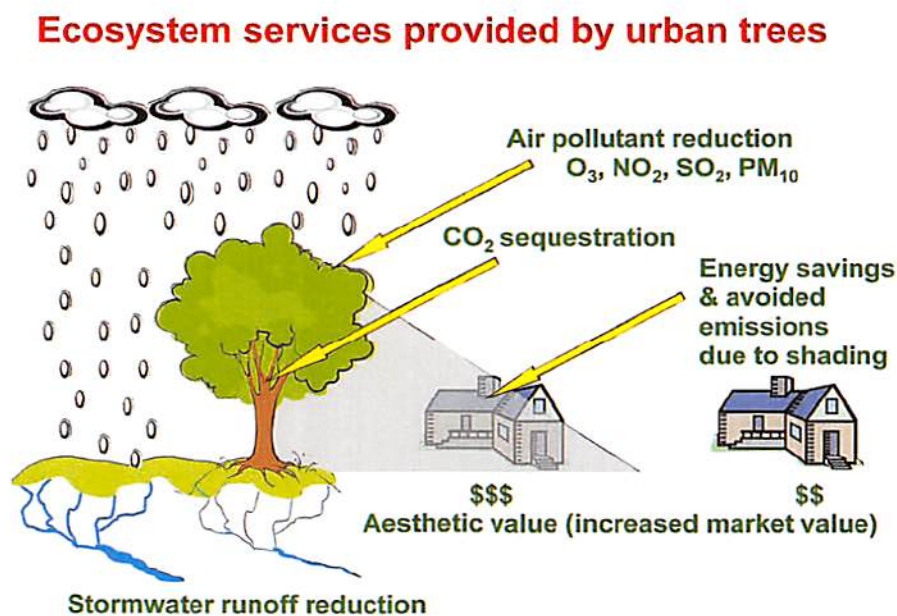


Figure 5: Representation of ecosystem services (Source: urbantreealliance.org)

- Benefit types²
 - Energy: modify climate and conserve building heating/cooling
 - CO2: remove and store the greenhouse gas carbon dioxide
 - Air Quality: filter particle pollution and reduce ozone formation¹⁰
 - Stormwater: reduce the amount of runoff and the pollutant loading it brings
 - Aesthetic/Other: provide a host of esthetic, social, economic, and health benefits
- Summary of quantifiable benefits from Batavia public trees.¹¹

Table 1: Annual public tree benefits

Location	Energy	CO2	Air Quality	Stormwater	Aesthetic/Other	Totals
<i>Streets</i>	\$161,935	\$5,601	\$41,262	\$1,381	\$44,266	\$254,444
<i>Parks</i>	\$36,223	\$1,169	\$9,588	\$349	\$0	\$47,329
<i>Citywide</i>	\$198,157	\$6,770	\$50,850	\$1,729	\$44,266	\$301,772

- When costs are removed, **net benefits are about \$78,800, a benefit-cost ratio of 1.34 for public trees** (calculations by i-Tree Streets).

Qualitative ecosystem benefits. Benefits such as social effects or the aesthetic value of Parks resist a scientific assignment of dollar value, but are equally important. In Table 1 there is no calculable Aesthetic/Other benefit for Park trees since i-Tree Streets restricts those benefits to the effect on property value. As a result, it is necessary to explore other avenues to appreciate qualitative benefits.

Because they are centered on daily experience, these benefits should form an integral component of the promotion of urban forestry and the tree management plan behind it. In the example above, for example, it is unquestionable that Parks have a significant if incalculable impact on community members. Some of the most significant benefits supported by research include the following:¹²

- Reduce road rage
- Improve worker productivity
- Attract business investment and shoppers
- Increase social ties & neighboring
- Increase perceptions of safety
- Reduce domestic violence
- Enhance children's play
- Improve physical and mental health
- Create wildlife habitat
- Increase community pride
- Improve consumer behavior
- Increase recreational opportunities

With strong research now supporting the economic and social value of this wide range of ecosystem services, communities have a renewed sense of the importance of tree canopy cover.



Figure 6. Trees in the median near City Hall add significant social benefits

1.4 Principles and Goals

The following principles and goals for Batavia's Tree Management Plan are founded on the data and research that have been reviewed, and have been adopted for this Tree Management Plan.

Principles

1. Trees should be treated by all City departments and citizens as a standard municipal service that is shared and valued.
2. Tree benefits are to be spread as equitably as possible across the population.
3. Tree diversity is critical to a healthy and sustainable urban forest.
4. A program of tree protection or replacement for healthy and stable public trees should be integrated into the evaluation of construction and development plans, both private and public.

Goals

1. Establish a substantially enlarged and more robust tree population within 20 years whose larger canopy cover at maturity will supply a significant increase in benefits.
2. Increase awareness about the benefits and services provided by the urban forest among municipal and private stakeholders.
3. Create a web-based resource archive of urban tree management documents easily accessible for any user, from municipal employee to private citizen.
4. Put in place a more efficient tree management system that responds to present needs and anticipates future ones.



Figure 7. An important option is to consider “setback planting” of public trees on private property where ROW planting is not possible or favorable.

- **Size** (Diameter at Breast Height, a proxy for age)
 - Streets: about 70% lie between 6-30" in diameter, though Norway maples average about 16" while silver maples are twice that. Most common species shown in Figure 3.
 - Parks: about 75% of the trees lie between 6-30" in diameter.
 - Significance: DBH varies significantly among species, because of both different planting times and different genetic growth patterns. But the striking dominance of the failure-prone silver maples in the larger DBH classes (Figure 3) indicates a substantial maintenance load in the future.

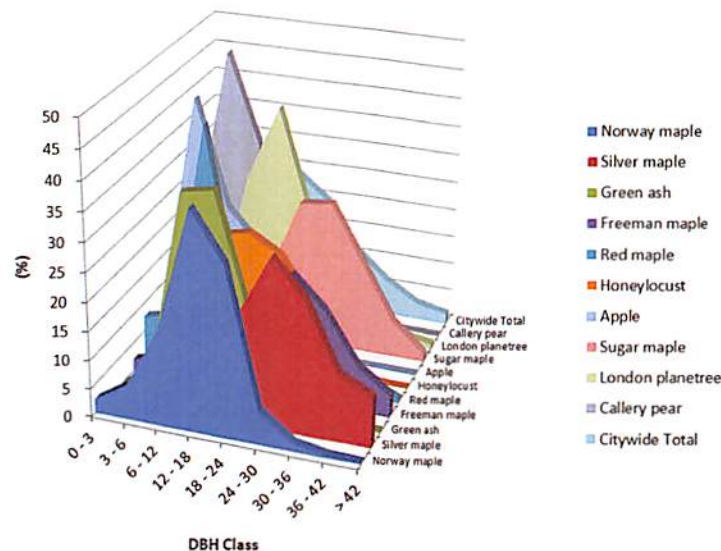


Figure 3: Diameter class of public trees in Batavia

- **Stocking rate** (% of available planting sites occupied by a tree)
 - Streets: 67%.
 - Parks: N/A, since specific sites are lacking.
 - Significance: indicates that the number of street trees could potentially be increased by as much as 50%.
- **Condition**
 - Ability to live (judged from canopy traits)
 - Streets: over 90% of the trees were found to be in "Good" condition, with less than 1% determined to be "Poor" or "Dead/Dying." This result of the SWAT inventory excluded over 500 large trees whose condition was deemed to need expert consultation. The short-term estimate (Ftn 4) indicated that many of those 500 are in "Poor" condition.
 - Parks: about 50% are in "Good" condition, about 15% "Poor" or "Dead/Dying." These results imply substantial maintenance needs in the near future.
 - Ability to stand (judged from visible defects)
 - Streets: almost 95% of the trees were found to be in "Good" or "Fair" condition. SWAT results, with same exclusion as above. The short-term estimate indicated many of the excluded trees have "Poor" ability to stand.
 - Parks: about 75% are in "Good" or "Fair" condition, but about 20% were "Poor."

2. Short-term Phase 1 management

2.1 Scope of work

A good over-arching term for the proposals in this Plan is **Rejuvenation**, i.e., the creation of a younger urban forest. In the short term Phase 1 (years 1-7), Batavia's public tree management should concentrate on stabilization. The current situation, as described in the Introduction, is unstable because of a high number of large older trees in poor condition and a tree-management system that needs upgrading.



Figure 8. The Two Tasks. In the foreground is a new planting that will require maintenance during establishment; in the background an old and declining tree will need to be removed soon.

The following overview is intended to serve as an introduction and rationalization of the detailed recommendations for short-term action at the end of this section.

2.2 Personnel

Over the next 5 years the primary need in terms of tree management personnel is to provide training to the field crew in order to give them a review of basic procedures and to brief them on current industry standards.

Important topics include planting, post-planting care, small tree pruning, and "Level 1" risk assessment.¹³

Initial steps in raising the efficiency of office procedures should be taken as well.

2.3 Field work

Field work will be the big area for the short-term Phase 1. It possesses two aspects that are tightly linked:

- The removal of large defective trees, which will require significant resources in terms of budget, scheduling and public relations.
- The planting of replacement trees, which should begin at the same time and be highlighted in announcements, publications and meetings.

Citizens often don't like to see many removals in a short period of time, so the emphasis throughout should be on the concept of **rejuvenation** and the need for replanting a future forest.

2.4 Administration

Policies and procedures are critical to efficient urban forestry management. Policies are clear, simple statements of how the City intends to conduct its services and actions. Procedures are the specific methods employed to express those policies.

Batavia currently has only a small number of standard policies regarding management of the public urban forest, and its foundation document in City Code is out of date. Procedures for office and field staff are similarly minimal, and need to be standardized during this stabilization period.

Tree Service Call Topics
May 2015 to September 2016

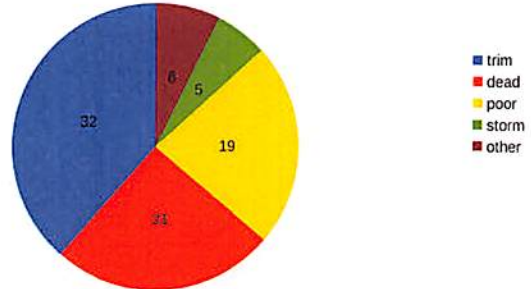


Figure 9: Almost half of the (mostly accurate) service calls report the need to trim, and another quarter a dead tree.

2.5 Canopy

It is important not to lose sight of the long-term goal during this first period: the expansion of tree cover. With a significant loss of large trees and their canopy, there will be a net drop until new plantings begin to have a measurable effect.

2.6 Evaluation

At the completion of Phase 1, an evaluation can be conducted through the use of a small random sample of the population of large trees (> 24"), using the original 2016 Working Database. The goal would be to estimate the residual priority pruning and removal needs and compare them against the results from seven years earlier.

2.7 Cost projections

Projected costs over the short-term Phase 1 (years 1-7).

Table 2: Short-term Phase 1 cost projections (costs provided by City of Batavia). Quantities: Pruning (priority): 200 from sampling + 30/yr; Removals: 50/yr; Planting: 75/yr.

	Unit cost	Quantity	Estimated Cost
<i>Pruning</i>	310	410	\$127,100
<i>Removal</i>	1,022	350	\$357,700
<i>Planting</i>	287	525	\$150,675
TOTAL			\$635,475

2.8 Recommendations and priorities – Phase 1

Table 3: Short-term Phase 1 recommendations and priorities

Area	Recommendation	Priority
<i>Personnel</i>		
	Provide in-house training on industry-standard tree care techniques.	1
	Consider using an electronic Tree Complaint form that would reduce time and paper, and increase accuracy and facilitate review. Associate TreeID from Working Database.	2
	Review and summarize service requests and their resolution on an annual basis.	3
<i>Field Work</i>		
	Set up a windshield survey for 1 ward per year for pruning and risk assessment.	1
	Assemble a <i>Specifications for Public Tree Care</i>	1
	Begin program of routine structural pruning (“training”) for newly planted trees approximately 3 years after planting.	3
	Consider implementing systematic management that cycles through the City in a standard fashion.	2
	Carry out aggressive removal of large, old and defective silver maples identified in the SWAT inventory and by DPW personnel.	1
	Monitor ash trees for signs of EAB presence on annual basis	1
<i>Administration</i>		
	Improve and standardize QAQC procedures.	2
	Collect 3-yr survival data when training is done on new plantings	1
	Learn to work with and maintain the Working Database	1
	Review the tree management section of the Batavia City Code for restructuring, changes and additions.	2
	Develop a policy for dealing with the imminent arrival of Emerald Ash Borer, especially for street trees. ¹⁴	1
	Become a Tree City USA ¹⁵ to promote interest in public trees.	3
<i>Canopy</i>		
	Maintain stocking level by continuing planting	1
	Strive for a 2:1 replacement ratio for removals to account for 30-year mortality rate of 50% for new trees.	2
	Explore the possibility of using setback planting where sufficient room above or below ground is unavailable. ¹⁶	2

3. Long-term Phase 2 management

3.1 Scope of work

At the end of the short term (years 1-7), Batavia's public tree management should have been stabilized with the successful conclusion of a recommended set of actions and procedures. That achievement will enable long-term Phase 2 (years 8-20) planners to concentrate on **sustainability**: the conditions under which the City of Batavia and its public forest can exist in productive harmony to support present and future generations.

Table 4. Urban tree canopy long-term threats and strategies

Threat	Strategies
Root damage	Improved standard of care
Development	Agreements and regulations
Ignorance and Apathy	Education, promotion
Weather	Selection, preparedness
Old age	Appropriate replanting
Insects and Diseases	Species diversity

3.2 Personnel

In terms of personnel, the pursuit of sustainability means to train and hire people who will become self-motivated and self-sufficient in urban forestry. The all-important first step will be to get an International Society of Arboriculture Certified Arborist associated with the program, through training of existing individuals, hiring to the job from the outside or engaging a contract forester. Though only about one-third of American cities in the same population group have a Certified Arborist associated with their urban forestry program,¹⁷ it would be highly desirable for Batavia given the scope of its canopy project to bring professionalism, knowledge and skills in key areas:

- Ability to advocate for urban forestry in front of any audience
- Experience in creating and applying QAQC methods
- Understanding of principles and goals of the urban forest program
- Background in species and stock selection, tree risk assessment, interaction with citizens, etc.
- Availability for field inspection and oversight based on Best Management Practices

3.3 Field work

This long-term drive for sustainability should witness fundamental changes in the type and quality of urban forestry field work. Some important examples:

- Training. This form of pruning is carried out on young trees to improve structure, reduce future problems from storms, pests, etc. , and to create longer-lived and lower-maintenance trees.
- Best Management Practices. The long-term goal is to bring industry best management practices into everyday tree care in Batavia that will raise professionalism and promote tree longevity.
- Pest management. A decision needs to be developed and executed for the impending arrival of Emerald Ash Borer. A few larger street-trees in good condition might be treated and retained, but the majority will likely be removed.

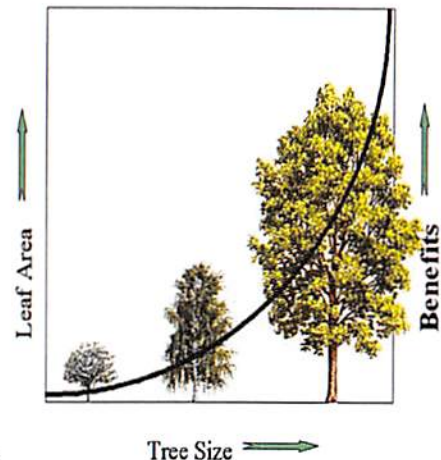


Figure 10: Benefits increase with size, as do maintenance costs. (Source: urbantreealliance.org)

3.4 Administration

Administrative procedures should be reviewed, and improvements introduced. Examples include:

- Ward-based management. A shift from a work plan based primarily on “putting out fires” to one that proceeds in a systematic and predictable manner will bring many advantages.
- Effective communication and cooperation among departments. Actions that affect city trees should be collectively planned out with Maintenance, Streets and Building Inspection.
- Efficient information flow. Internally, moving to electronic tools will make sharing information faster, cleaner and more secure. Externally, increased and improved public relations will be important.
- Routine use of the Working Database. All existing street and park trees have a unique ID, and new ones should receive one. Those numbers should be referenced in all communications.

3.5 Canopy

The most important activity for canopy development during the long-term planning period lies in the area of replacement planting. Great care should be taken with its components:

- species and stock selection; planting and post-planting techniques
- community and business support; protection during development

All hopes of improved and enlarged canopy cover and of the increase in its benefits will rest on the survival and condition of the newly planted trees.



Figure 11: Protect and promote. An important aspect of the drive for canopy will be the protection during construction of existing trees in good condition. Note how the all-important root zone of the tree on the right lacks adequate protection.

3.6 Evaluation

At the end of Phase 2, an evaluation can be conducted by using a random sample of small trees (< 6") that will provide the future urban canopy and provide its benefits to the City. Trees planted during Phases 1-2 can be measured for annual diameter increase and condition.

3.7 Cost projections

Projected costs over the long-term (Phase 2) period (8-20 years) along with the grand totals for the 20-yr planning period (CPI adjustments included).

Table 5: Phase 2 and Total cost projections for recommended actions (costs provided by City of Batavia).
Quantities: Pruning (priority): 30/yr; Removals: 20/yr; Planting: 75/yr

	Unit cost	Quantity	Estimated Phase 2 Costs	Estimated Phase 1 Costs (Table 2)	20-yr costs
<i>Pruning</i>	\$365	390	\$142,350	\$127,100	\$269,450
<i>Removal</i>	\$1,191	260	\$309,660	\$357,700	\$667,360
<i>Planting</i>	\$334	975	\$325,650	\$150,675	\$476,325
TOTAL					\$1,413,135

3.8 Recommendations and priorities – Phase 2

Table 6: Long-term Phase 2 recommendations and priorities

Area	Recommendation	Priority
<i>Personnel</i>		
	Identify a Field Crew member for Certified Arborist training, ¹⁸ and provide release time and funding.	1
	Find areas where the Supervisor's load can be reduced with volunteers or technology.	1
	Recruit volunteer groups to get involved in their local park planning and maintenance.	2
<i>Field Work</i>		
	Create a multi-year equipment replacement and update schedule and budget costs.	2
	Adopt the suitable tree care standards from ANSI and other organizations (Appendix B), and use them to produce work and bid specifications.	1
	Develop a recommended species planting list by tree size at maturity (Appendix D)	1
	Add tree emergency response procedures to municipal emergency protocol.	3
<i>Administration</i>		
	Invite volunteer groups to form an advisory Tree Board with responsibility for specific areas such as tree selection or Arbor Day.	3
	Create a <i>Public Tree Administration and Policy Manual</i>	2
	Set minimal training needed for anyone doing risk assessment.	2
	Greatly reduce planting of maple (<i>Acer</i>) species in public areas.	1
	Develop a proactive public relations program (Appendix C)	2
	Explore funding possibilities for activities such as a spike in removals, total street renovation or park management.	3
<i>Canopy</i>		
	Increase stocking rate in the downtown business district by 10%, using medium-large trees wherever possible. Plan for higher mortality rate.	1
	Identify low-canopy-cover areas in the urban residential zone for improving stocking rate by 20%.	1
	Monitor every 10 years or so the status of the urban forest using a random sample.	1

4. Conclusion

This Tree Management Plan poses some imperatives important to its success:

- Think in terms of decades and generations
- Seek a common vision for the forest
- Create a core group of advocates
- Establish a public education program
- Assert best management practices

The job before us now is to respond to these imperatives for the sake of the City of Batavia and its citizens.



Figure 11. The promise of parks: trees and space. Early Spring in Farrell Park

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Appendices

Appendix A: Electronic resources

Resource	Description
Full Public Tree Inventory	Static: some of the data are now 6 years old.
Working database	Dynamic, kept current by the Department of Maintenance.
i-Tree project file	A planning tool to be opened with i-Tree Streets. Not for day-to-maintenance.
Google Earth files	Localization and visualization tools.

Appendix B: Standards, specifications and BMPs

Official standards

ANSI A300. Mission: to develop consensus performance standards based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

Contractors should receive task-appropriate specifications that are based on this standard. Topics especially relevant to municipal tree care include:

- ANSI A300 (Part1) - 2008: Pruning (R2014)
- ANSI A300 (Part 2) - 2011: Soil Management (Fertilization)
- ANSI A300 (Part 6) - 2012: Planting and Transplanting
- ANSI A300 (Part 8) - 2013: Root Management
- ANSI A300 (Part 9) - 2011: Tree Risk Assessment
- ANSI Standard Z133.1 2012 - Safety Requirements

ANSI Z133. Safety standards. The 2012 revision of the ANSI Z133 Safety Standard provides the most current criteria in the United States for arborists and other workers engaged in arboricultural operations. Topics include;

- General safety
- Electrical hazard
- Use of vehicles and mobile equipment
- Portable power hand tools
- Hand tools and ladders
- Work procedures

ANSI Z60.1. American Standard for Nursery Stock. Important that buyers provide growers or distributors with specifications that conform to the terms of the Standard. Topics include:

- Specifications
- Minimum requirements
- Root ball requirements

Other standards

Tree City USA. A nationwide movement that provides the framework necessary for communities to manage and expand their public trees. It requires four core standards of sound urban forestry management: maintaining a tree board or department, having a community tree ordinance, spending at least \$2 per capita on urban forestry and celebrating Arbor Day.

ISA, Best Management Practices. A series of Best Management Practices (BMPs) for the purpose of interpreting tree care standards and providing guidelines of practice for arborists, tree workers, and the people who employ their services. Among the many topics covered are these:

- Best Management Practices - Tree Inventories
- Best Management Practices - Tree Planting
- Best Management Practices - Tree Pruning – English
- Best Management Practices - Tree Risk Assessment
- Best Management Practices Managing Trees During Construction

Specifications

Recommended specs for inclusion in a new Manual for use by Bureau of Maintenance personnel.

- Site selection
- Stock
- Planting, including Root and Structural Pruning
- Post-planting Care
- Trimming
- Removal
- Preservation
- Pests

Useful regional resources

- Rochester NY, Master Plan
 - <<http://nysufc.org/wp-content/uploads/2015/09/Rochester-Master-Plan.pdf>>
- Syracuse NY, Master Plan:
 - <<http://www.syracuse.ny.us/parks/forestry.html>>
- Buffalo, NY, Forestry page
<https://www.ci.buffalo.ny.us/Home/City_Departments/Public_Works_Parks_Streets/ParksDepartment/Forestry>

Appendix C: Outreach methods and materials

Door hangers

Effective with a ward-based management system to announce plantings, pruning, removals and public meetings. Provides quick description of what is happening and why, and supplies contact information.

Posters

Good graphics make for a persuasive poster for all ages, and many are available on the web (search “urban forestry posters”) for free download and use. Examples:

- Trees need People series <<http://bit.ly/2krqeNg>>
- We all need Trees <<http://bit.ly/2k2ROSk>>

Fliers and brochures

Good response when image-driven (i.e., minimal text) and interesting. Most easily distributed by bulk to relevant locations such as libraries, tourist centers, government buildings, etc. Possibilities:

- Volunteer projects: “Big trees in Batavia” or “Unusual trees in Batavia”
- Trees Pay us Back <<http://bit.ly/2lnWwGR>>

Videos

Can be used effectively on the website, especially with an embedded viewer, and in public meetings. More: web search on “urban forestry videos,” but be careful to use only recent and qualified sources.

Examples

- Benefits of Urban Forests <<http://bit.ly/1A23gLt>>
- Instructional videos <<http://bit.ly/2kSA4bO>>
- i-Tree Streets videos <<http://www.itreetools.org/resources/videos.php>>

Presentations, webinars, webcasts

Many good slide sets on urban forestry topics of all kinds are available for free download and use, with and without voice-over. Examples:

- Urban Forestry South presentations <<http://bit.ly/2krD9yP>>
- Collaboration & Consensus: Managing Volunteers & the Urban Forest <<http://bit.ly/2k31egK>>

Appendix D: Species diversity

Background

The history of urban forest catastrophes in America has demonstrated unequivocally the advantages of maintaining a high level of species diversity. Recent examples in the Northeast include:

- Elm species by Dutch Elm Disease in 1950s onward
- Maple (and other) species by Asian Longhorn Beetle in 1990s onward
- Ash species by Emerald Ash Borer 2000s onward

A general guideline proposed in 1979 by a Forest Service researcher (Santamour) is often suggested: the 10-20-30 rule. That means:

- no more than 10% of the species in a single species (e.g., silver maple)
- no more than 20% in a single genus (e.g., maples)
- no more than 30% in a single family (e.g., *Aceraceae*, the maple family)

Though not really a hard and fast RULE, it is a good place to start. In practical terms, such diversity should be the overall result of new planting, but need not govern a given annual stock order. Ordering something like 2 small, 2 medium and 2 large species for a year's planting reduces the workload and will result in a well diversified forest over time.

Regional resources

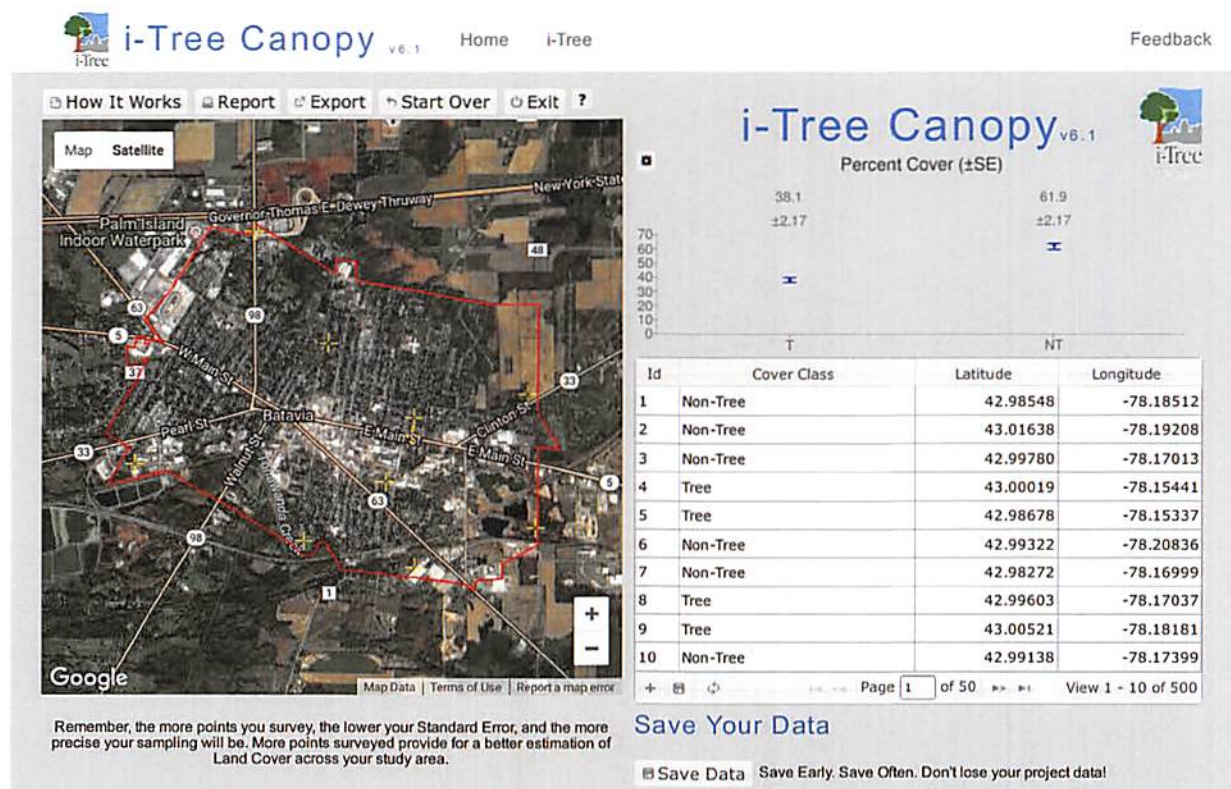
- Syracuse planting list
 - <<http://www.syracuse.ny.us/parks/treeSpeciesPlanted.html>>
- Rochester Master Plan, including a planting list
 - <<http://nysufc.org/wp-content/uploads/2015/09/Rochester-Master-Plan.pdf>>
- Buffalo planting lists
 - <https://www.ci.buffalo.ny.us/files/1_2_1/city_departments/public_works_and_streets/parks/pdfs/SpeciesList.pdf>
 - <<http://www.buffalogreenfund.org/wp-content/uploads/2014/09/Updated-Species-List.pdf>>
- Cornell University, Urban Horticulture Institute
 - <<http://www.hort.cornell.edu/uhi/outreach/recurbtrees/>>

Appendix E: Benefits of all Batavia trees

These estimates were produced by i-Tree Canopy based on the interpretation of 500 random points dropped within Batavia's city limits (see Footnote 8).

Tree Benefit Estimates

Abbr.	Benefit Description	Value	Amount
CO	Carbon Monoxide removed annually	\$49.11	1,158.58 lb
NO2	Nitrogen Dioxide removed annually	\$84.55	3.16 T
O3	Ozone removed annually	\$4,403.39	31.46 T
PM2.5	Particulate Matter less than 2.5 microns removed annually	\$9,102.61	1.53 T
SO2	Sulfur Dioxide removed annually	\$14.78	1.99 T
PM10*	Particulate Matter 2.5-10 microns removed annually	\$3,196.75	10.54 T
CO2seq	Carbon Dioxide sequestered annually in trees	\$231,626.30	6,405.71 T
CO2stor	Carbon Dioxide stored in trees	\$5,840,020.58	161,507.85 T
TOTAL		\$6,088,498.07	






City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 18, 2017

Subject: Community Choice Aggregation (CCA)

As outlined in the City's Strategic Plan for the New Year, an initiative under the Clean Energy Communities Program is to investigate Community Choice Aggregation (CCA) to determine if the City's participation may provide energy savings for City residents through bulk energy purchasing.

The purpose of CCA is to allow participating local governments to procure lower cost energy for eligible energy customers in the community, predominantly residential and small business users. CCA allows local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by eligible customers within the jurisdictional boundaries of participating municipalities. Eligible customers will have the opportunity to have more control to lower their overall energy costs, to improve customer choice and value and to protect the environment.

Attached is a fact sheet put out by the New York State Energy Research and Development Authority (NYSERDA) explaining the CCA opportunities and how the program works. There is currently one established aggregation in the State, Westchester Power (www.westchesterpower.org) that includes 20 municipalities in Westchester County. While municipalities can approach the CCA process individually as its own administrator of the process, there is extensive administrative work that goes into the process of bulk energy purchasing. Most municipalities that are considering participating in a CCA are working cooperatively with an administrator to assist and manage all aspects of the bulk energy purchasing process.

Currently the City uses MEGA Energy to assist with municipal electric and gas purchasing. MEGA also has extensive experience with CCA's in other states, as New York has just recently adopted this

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City of Batavia

legislation within the past year. Louise Gava from MEGA will be present to explain the CCA process, potential benefits for residents and their role as an administrator in the program. Attached please find the presentation for your review.

Recommendation:

After reviewing the CCA process and having several discussions with MEGA Energy, it is recommended that the City Council move to the next two steps in developing a CCA program. The next two steps would include the selecting MEGA as our CCA administrator followed by the development of a public education program to begin to educate residents, as well as other municipalities to the potential benefits of bulk energy purchasing. These initial steps require no financial commitment from the City and minimal staff time other than developing a public information plan. This would require a team to be assembled to work cooperatively with MEGA staff to develop the right public education approach for our City. MEGA would then execute public engagement initiatives based on our recommendations.

While this does require City Council action by entering into a CCA administration agreement, it does not commit the City or City residents/businesses to bulk energy purchasing; it simply provides the City with the ability to investigate future opportunities with a CCA.

Please feel free to contact me if you have any questions.

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FACT SHEET - FREQUENTLY ASKED QUESTIONS COMMUNITY CHOICE AGGREGATION



NYSERDA

What is Community Choice Aggregation?

Community Choice Aggregation is a strategy that puts control of choosing energy supply in local hands. It is a municipal model for procuring energy that replaces the utility as the default supplier of electricity and/or natural gas for virtually all homes and businesses within a jurisdiction. By pooling demand, communities build the clout necessary to negotiate a fixed-rate, potentially lower pricing with private suppliers. Communities are also able to choose cleaner energy while developing distributed energy resources including local renewable energy projects and shared renewables such as community solar, energy efficiency, demand response, energy management, and microgrid projects. More than five million customers nationwide are served by Community Choice Aggregation programs in seven states: New York, California, Illinois, Massachusetts, Ohio, New Jersey, and Rhode Island.

Which communities can participate in Community Choice Aggregation in New York State?

All towns, cities, and villages are eligible to participate. If a community chooses to pursue Community Choice Aggregation, local government officials must hold a public hearing to discuss the opportunity, pass a local law authorizing the municipality's participation, and communicate the details to their residents and small businesses.

Who does the legwork for aggregating the customers and finding the right energy service providers?

Community Choice Aggregation will often start with a local group, local nonprofit, or elected official(s) building interest within their communities. The next step is to select a Community Choice Aggregation Administrator to oversee and administer the aggregation program. The Administrator may be a municipality, local development corporation, nonprofit organization, private firm, or other third party.

What is the role of the Community Choice Aggregation Administrator?

The Administrator is the entity authorized to bid the total amount of electricity and/or natural gas being purchased by participating consumers. The Administrator is responsible for program organization, administration, procurement, and communications, unless otherwise specified. They also play a critical role in developing and implementing a strategy for incorporating distributed energy resources, including renewable energy and energy efficiency, into the

Community Choice Aggregation program. Each participating municipality may sign an agreement with the Administrator for that Community Choice Aggregation.

What types of customers may participate in Community Choice Aggregation?

All customers of electricity and natural gas utilities are able to participate. However, depending on the utility provider, some commercial and industrial customers will have to opt-in rather than being included on an opt-out basis. The service classes that are eligible to be included on an opt-out basis are listed by utility in [Appendix C of the New York Public Service Commission \(PSC\) Order on Community Choice Aggregation](#).

Do any Community Choice Aggregation programs already exist in New York State?

Yes. As of May 2016, more than 110,000 households and small businesses receive their electricity supply through Westchester Power, a Community Choice Aggregation consisting of 20 municipalities in Westchester County. Fourteen of the 20 participating municipalities have set the 100 percent renewable energy supply option as their default option for residents and small businesses. The rates they are paying for this green option are lower than their default rates were prior to Community Choice Aggregation.

What about the local utility provider? Where do they fit in?

The existing utilities continue to deliver reliable power, maintain power lines, and respond to service outages. They are required by law to provide the same customer service to all residents regardless of whether or not they are in the Community Choice Aggregation program. Customers will still receive only one bill each month, directly from the utility, that will reflect the change in supplier.

What is the financial responsibility for participating municipalities?

Administration and operation costs incurred by the Community Choice Aggregation program may be covered through an administration fee paid by customers per kilowatt-hour (kWh) or therm. This fee is negotiated with the energy service provider that will be selected during the Community Choice Aggregation Administrator's competitive procurement process. The utility may charge additional fees for customer-related data.

Is Community Choice Aggregation considered “green”?

Depending on local needs and priorities, communities may elect to provide a 100 percent renewable energy product as the default supply mix. This choice will significantly increase the environmental benefits of the Community Choice Aggregation program, but may cost somewhat more than a nonrenewable product. Other Community Choice Aggregation programs may provide customers with power supply mix options. For example, a Community Choice Aggregation program may offer a basic option, a green option, or something in between. In this case, individual customers are given full discretion over which option they choose. In either case, the Community Choice Aggregation Administrator may seek prices for a range of product types and then decide which option is best to meet local needs.

What are distributed energy resources and how can they be integrated into a Community Choice Aggregation program?

Distributed energy resources are local renewable energy projects including shared renewables such as community solar, energy efficiency, demand response, energy management, and microgrid projects. These and other innovative initiatives under Reforming the Energy Vision (REV) optimize system benefits, target and address load pockets/profiles within the Community Choice Aggregation zone, and reduce cost of service for participating customers. The Community Choice Aggregation Administrator may seek a proposal that demonstrates a compelling plan to market and develop financed distributed energy resources to a wide segment of Community Choice Aggregation customers. Energy service companies (ESCOs) may form partnerships to provide a turnkey capacity to design, finance, build, operate, and maintain distributed energy resources facilities within the term of a proposed supply agreement, and plan to transition meaningful levels of Community Choice Aggregation to distributed energy resources within that time period.

What is needed before implementing a Community Choice Aggregation program?

The PSC Order on Community Choice Aggregation sets forth the requirements, terms, and conditions under which Community Choice Aggregation programs can proceed through implementation. The Order requires that a Community Choice Aggregation Implementation Plan, Data Protection Plan, and Local Law authorizations be filed with and approved by the PSC. Once these documents have been filed, the PSC will determine whether they comply with the requirements and issue an approval. A template for a Community Choice Aggregation Implementation Plan is included in NYSERDA's [Community Choice Aggregation Toolkit](#).

Does my community need to pass a local law to enable Community Choice Aggregation?

Yes. Each municipality intending to implement a Community Choice Aggregation program must pass legislation to exercise its Municipal Home Rule Law authority after holding a public hearing. A template for a Local Law is included in NYSERDA's [Community Choice Aggregation Toolkit](#).

What is the purpose of a Community Choice Aggregation Implementation Plan?

The Implementation Plan helps municipal officials, Community Choice Aggregation teams, NYSERDA, and the PSC clearly understand the goals, milestones, and deliverables. It also defines the roles and responsibilities of project partners as well as the Community Choice Aggregation's approach to public engagement, outreach, and education.

What is a Data Protection Plan?

The Data Protection Plan describes how the Community Choice Aggregation Administrator will ensure the same level of consumer protections, including low-income customers, as currently provided by utilities and ESCOs. Utilities are developing a model Data Security Agreement to be approved by the PSC that will form the basis for these requirements. The Data Security Agreement is the standard agreement that all Community Choice Aggregations will have to sign with the distribution utility. Community Choice Aggregations must also file a Data Protection Plan, which will explain what steps will be taken to implement the agreement and otherwise protect personal data.

How will account numbers and related information be kept confidential?

The agreement between the participating municipalities, Community Choice Aggregation Administrator, and ESCOs will contain data security provisions for all parties to protect the privacy of account level data.

How can communities join together to form a Community Choice Aggregation program?

Cities, towns, and villages may wish to join together to pool demand and build market clout. In Community Choice Aggregation programs where one local government serves as the Administrator, other participating local governments may wish to enter into an Inter-Municipal Agreement with the municipal Administrator to create a Community Choice Aggregation program. Where the Administrator is a third party such as a nonprofit organization, private company, or local development corporation, municipalities may enter into a Memorandum of Understanding, contract, or other agreement with the Administrator to commit to participate in the program subject to certain terms and conditions. Templates for Memorandum of Understandings and

Inter-Municipal Agreements are included in NYSEDA's Community Choice Aggregation Toolkit. These documents are not required, but may be useful.

How can Community Choice Aggregation Administrators procure the energy supply bid?

Electricity and natural gas suppliers should be selected through a competitive procurement process, using an energy procurement request for proposals or bids. Each municipality participating in Community Choice Aggregation should designate a liaison who will review the draft request for proposals and provide input to the Community Choice Aggregation Administrator prior to publication.

How are Community Choice Aggregation programs funded?

The PSC authorized Community Choice Aggregation programs to collect a rate-based administration fee, which covers organization's expenses for communications and outreach assistance, customer service, support to municipalities, and legal fees associated with managing the program.

Will the same ESCO be used for both electric and natural gas procurement?

Possibly. ESCOs may have the opportunity to submit bids for either or both, and the Community Choice Aggregation Administrator has the freedom to choose the same ESCO. However, the Administrator is not required to choose any ESCO if responses to request for proposals are not satisfactory.

How much will I save?

Even though Community Choice Aggregation programs are well positioned to achieve lower, fixed-rate electricity prices for participating consumers, savings are not guaranteed. That being said, the program may be designed so that it will not go forward unless the supplier's price is less than last year's utility price. However, there is no guarantee that the utility price will be lower than the Community Choice Aggregation price for the entire term of the Community Choice Aggregation's supply contract.

What if I don't want to participate?

Participation is up to you. Every customer that currently receives energy from their utility will be given full advanced notice of the program's initiation and clear instructions on how they can opt-out. There will be online, phone, and mail (pre-paid postcard) options. Customers will have 30 days from the time they receive the opt-out notification. After that point, those customers that did not opt-out will be automatically migrated to the Community Choice Aggregation program.

Will my taxes go up?

No. Taxpayer or public funding is not needed to run a Community Choice Aggregation program. In fact, the New York State sales tax you pay on your monthly electric and gas bill should go down if you are participating.

How will customers currently getting net metering credits be affected?

Customers with rooftop solar will not be affected.

If customers opt out after the contract has commenced, how will that affect their service?

Service will not be interrupted. The account will be transferred back to the utility at the end of the following billing period.

Will customers be informed at the end of the first contract that they may be switched to a new supplier, and then be given another chance to opt-out?

Yes. All participating customers will receive notification of the change along with the new price and all of the opt-out methods.

Is my community eligible for technical assistance and grant funding through NYSEDA's Clean Energy Communities Program?

In addition to providing tools, resources, and technical assistance, NYSEDA's Clean Energy Communities Program provides recognition and grants of up to \$250,000 to communities that complete four out of the 10 High Impact Actions. Community Choice Aggregation is one of the High Impact Actions. To demonstrate completion of this action, the applying jurisdiction must submit a copy of the adopted legislation authorizing the municipality's participation in an opt-out Community Choice Aggregation program. In addition, the applying jurisdiction must submit a copy of an executed electric service agreement between the applying jurisdiction and an ESCO to supply electricity to participating customers on an opt-out basis that is a 100 percent renewable clean energy product mix produced in North America and certified by Green-e. Visit nyserda.ny.gov/cec for more information. For technical assistance to support the implementation of Community Choice Aggregation, municipal officials can email cec@nyserda.ny.gov with questions.

The Power of Partnership



Community Choice Aggregation (CCA)

The Power to Choose

What We Do

MEGA as an AGGREGATOR for MUNICIPAL GOVERNMENTS

- Not-for-profit local development corporation
- Started in 1998
- Helps municipalities control their energy costs and save money
 - Competitive bidding process
 - Complies with NYS General Municipal Law
- Grown to 275 participants
 - Expanded to include renewables – hydro, solar



Energy Supply Only

National Grid

CCA



JOHN DOE
Account Number: 0000-0000-000
Statement Date: February 21, 2014

Service Address: 123 MAIN STREET, ANYTOWN, NY 12345
NYSEG DETAILED ACCOUNT ACTIVITY

Page 3 of 5

Electricity Service - Residential
Electricity Rate - 12001 NYSEG Supply Service
Service from: 01/18/14 - 02/18/14
PoD ID: N010000000000000

Meter Number	Current Meter Read Date	Current Meter Read Reading	Previous Meter Read Date	Previous Meter Read Reading	Reading Difference	Billed Usage	Billing Period
00000000	02/18/14	40000 A	01/18/14	39802 E	708	708 kwh	32 days

Type of read: A - Actual, E - Estimate, C - Customer, R - Remote and N - No read

Electricity Delivery Charges				
Basic service charge	708 kwh	@	0.0333	15.11
Delivery charge	708 kwh	@	0.01043563	23.58
Transition charge	708 kwh	@	-0.002816	-7.39
Revenue decoupling mech	708 kwh	@	0.001934	-1.37
Reliability support svcs. chg	708 kwh	@	0.001418	1.50
NY state assessment	708 kwh	@	0.005891	4.17
SBC/RPS charge	708 kwh	@		
Subtotal Electricity Delivery				\$35.85

Electricity Supply Charges				
Supply charge	708 kwh	@	0.06276665	44.44
Merchant function charge - Jan	309 kwh	@	0.003089	1.14
Merchant function charge - Feb	399 kwh	@	0.003413	1.36
Subtotal Electricity Supply				\$46.94

National Grid will still be responsible for delivery, power outages & maintenance

Supply from Energy Services Company (ESCO)

3

Background History

NYS Public Service Commission (NYSPSC)

- Part of NY REV (Reforming the Energy Vision)
- Plan to modernize NY's energy system --- reliability, resiliency, affordability
- Empower & engage consumers: more choices

Community Choice Aggregation (CCA)

- CCA Proceeding Issued in December 2014 (Case: 14-M-0224)
- Final Order April 2016



What is CCA?

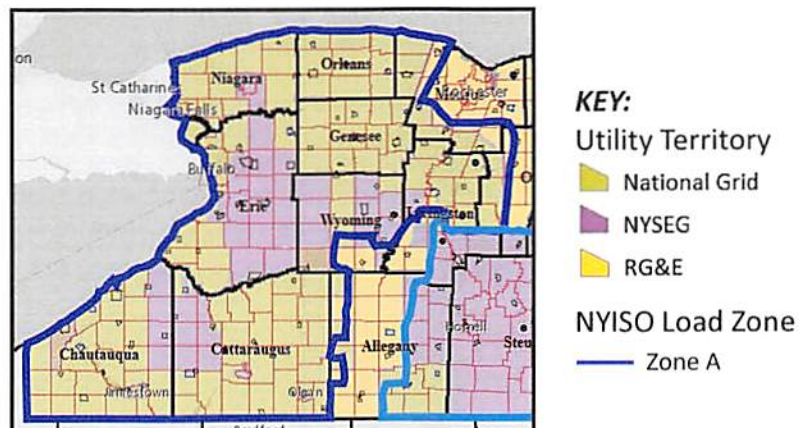
Community Choice Aggregation allows local governments to aggregate the electricity and/or natural gas accounts of residential and small commercial customers within their jurisdiction

- Cities, towns, and villages
- Counties can have a supervisory/facilitator role
- Local governments can work together to form larger aggregations



Inter-municipal Cooperation

Geographic extent of aggregation potential



Benefits of CCA

Better rates for consumers

- Bulk energy purchasing
- Competition

Consumer Protection

- Reduces door to door and telephone solicitations
 - Protects consumers from predatory marketers
- Experts evaluate bids and contracts from ESCOs

Tailored to a community's needs and future plans

- Supply: renewable option
- Platform for energy efficiency, distributed generation, microgrids



CCA Program Details

Authorization Subject to NYSPSC Approval

- Implementation Plan
- Data Protection Plan
- Local Law

Participation

- Opt-out: all residential & other small customers, with no ESCO
 - 30 day opt-out period
 - No cancellation fee to return to the utility
- Opt-in: other larger customers, as decided by municipality

Minimum Outreach and Education

- 60 days
- Multiple methods



Where Has This Been Done Before?

- California, Illinois, Massachusetts, New Jersey, Ohio and Rhode Island have implemented CCAs
- Illinois
 - Over 700 communities adopted CCA programs
 - 93% of all residents participated in CCA
- New York: Westchester County
 - 20 municipalities: 91,000 customers
 - Supply from CCA started in May



Seven EASY Steps to Develop a CCA Program

1



Choose MEGA as CCA administrator

2



Educate the public

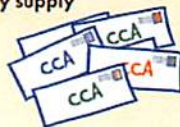
3



Adopt local law to authorize CCA

4

Competitive bid for energy supply



5



Select low-bid supplier

6



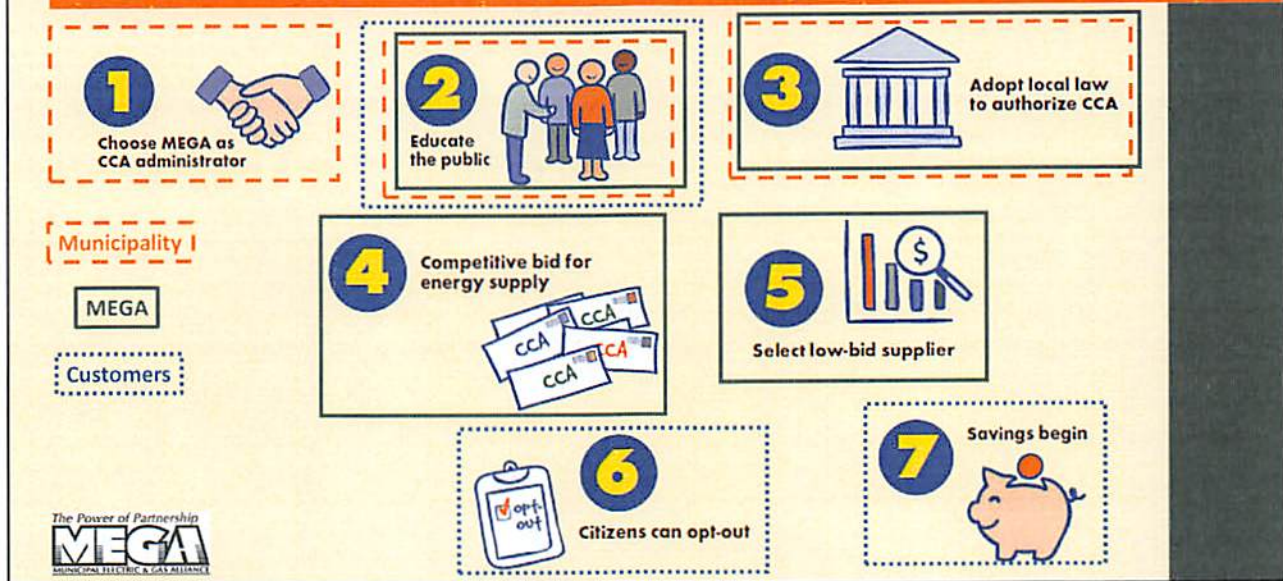
Citizens can opt-out

7

Savings begin



Who Does What?



MEGA and CCA: A Natural Fit

MEGA and CCA

- MEGA's partner has CCA experience in Illinois
 - CCA Administrator since 2012
 - 40 municipalities
- MEGA's efforts helped shaped the final NYSPSC order
 - Initial comments to NYSPSC
 - Petitioned for MEGA pilot program
 - Presented and contributed to technical conferences on data and privacy
 - CCA program design supported by NYS
- Education and outreach = CCA support letters from 33 NYS municipalities
- Continued collaboration of MEGA participants

Next Steps

Begin education within your local government and community

Sign CCA Administration Agreement

- Defines MEGA's role as your CCA Administrator
- Defines supportive role of municipality

Implementation Plan

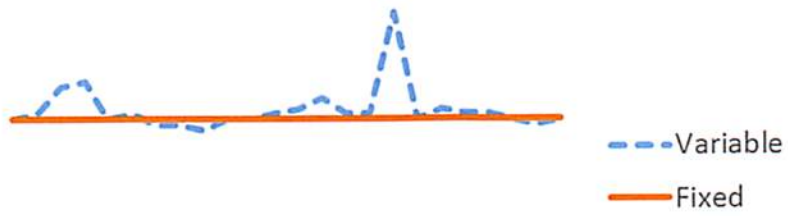
- Process and timeline to develop your CCA Program
- Education and outreach: customized for your community



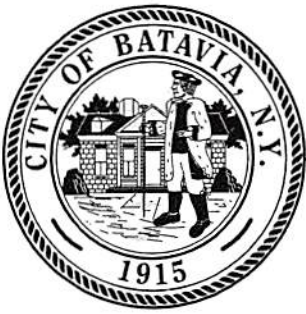
Questions?

Louise Gava
CCA Project Leader
315-714-9695
lgava@megaenergy.org





Conceptual difference between CCA
fixed rate and utility variable rate



City of Batavia

Memorandum

To: City Manager Jason Molino

From: Chief Shawn Heubusch *SH*

Date: April 11, 2017

Subject: Vehicle Trade In request

The Police Department is requesting to trade in two vehicles to Cappellino Chevrolet in Boston, NY, in coordination with the purchase of two vehicles pursuant to the department's fleet vehicle replacement schedule. The following vehicles are requested to be traded in:

Vehicle # 131 2009 Dodge Durango VIN # 1DH8B38P19F712755

Vehicle # 122 2013 Ford Police Interceptor VIN # 1FAHP2MK3DG227157

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

#-2017

**RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR THE
PURPOSE OF DISPOSAL**

Motion of Councilperson

WHEREAS, The Police Department has declared the equipment listed below surplus;
and

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

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

- 2009 Dodge Durango VIN - 1DH8B38P19F712755
- 2013 Ford Police Interceptor VIN - 1FAHP2MK3DG227157


**Seconded by Councilperson
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 18, 2017

Subject: Residency Waiver Request

Attached please find a request for a residency waiver from Chief Heubusch for Police Officer Nicole McGinnis. The request is being made as Mrs. McGinnis is recent married and her spouse is a Wyoming County Sheriff's deputy requiring residency in Wyoming County. Pursuant to the Batavia Municipal Code Chapter 22-9, the City Council can grant a residency waiver should it be in the best interest of the City. Attached is the section of the BMC regarding residency and residency waivers. Considering Mrs. McGinnis current circumstance, it is recommended a residency wavier be granted.

Also, as mentioned in Chief Heubusch's memo, the City has experienced hiring and retention challenges in all departments with respect to the current residency requirements. As a result, staff is currently reviewing the current residency requirements to assess if any changes to the code may be recommended to enhance the City's ability to recruit and retain the best qualified staff. Once completed, should any changes be recommended, further analysis and discussion will be brought to the City Council.

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

**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Shawn Heubusch, Police Chief

Date: April 11, 2017

Subject: Request for Residency Waivers per City of Batavia Municipal Code 22-9

I am writing to request residency waivers in accordance with section 22-9 of the City of Batavia Municipal Code for a current police officers based on the following information;

Officer Nicole (Salamone) McGinnis was hired on September 11, 2016; shortly after being hired she became engaged and was recently married. She married a Wyoming County Sheriff's deputy whose residency requirement is within the borders of Wyoming County. Prior to their marriage he approached his Sheriff and requested a waiver, but was denied this waiver for a variety of reasons. At this time Officer (Salamone) McGinnis then approached me requesting a waiver of residency. Pursuant to section 22-9 (1) of the BMC I am requesting that she be granted the waiver of residency for the entirety of her career.

Officer McGinnis has displayed a true commitment to the City of Batavia and has quickly become an asset to the Police Department and City as a whole. It would truly be a loss to the Department to have this officer leave our ranks and to then work to try to replace her.

It should further noted that during the last few rounds of hiring the department found it extremely difficult to find and hire good quality candidates based upon a variety of issues. These roadblocks to hiring further exasperate the situation of the possible loss of any current employees that are dedicated to the department and the community.

If you have any questions regarding his request do not hesitate to contact me.

Thank you for your consideration.

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

City of Batavia, NY
Tuesday, April 18, 2017

Chapter 22. Officers and Employees

Article II. Residency Requirements

§ 22-3. Intent.

The City Council recognizes that emergency situations arise which require employees of the City of Batavia to be near their place of employment and to assume the continuation of public services to protect the health, safety and general welfare of the people. Through adoption of this article, the City Council makes a legislative determination that those who are residents of the City or the County of Genesee take a greater interest in promoting the public safety and health in the future of this community than do nonresidents who reside in areas unaffected by City services. The City Council further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the City or county will assure continuation of essential public services. The City Council determines that the public need is sufficient to require that employees hired or promoted after the effective date of this article be residents of either the City or the county as hereinafter stated.

§ 22-4. Residency.

Residency shall mean, for the purpose of this article, the actual principal domicile of an individual, where he or she normally sleeps and maintains usual personal and household effects.

§ 22-5. Residency for new municipal employees.

[Amended 6-25-2001 by L.L. No. 1-2001; 9-13-2004 by L.L. No. 2-2004]

Except as otherwise provided by law, the City Council hereby establishes a residency requirement for all prospective employees. Every person initially employed by the City of Batavia on or after the effective date of this article in the positions of City Manager, Assistant City Manager and Clerk-Treasurer shall, as a qualification of employment, become a resident of the City of Batavia within six months of the date of initial service for the City. Every person initially employed for a position not previously named herein by the City of Batavia on or after the effective date of this article shall, as a qualification of employment, become a resident of the County of Genesee within six months of the date of initial service for the City. During the time of service of such an employee, no individual shall cease to be a resident of the County of Genesee or of the City of Batavia, depending upon the residency requirements as aforesaid.

§ 22-6. Residency upon promotion.

[Amended 9-13-2004 by L.L. No. 2-2004]

Notwithstanding § 22-5, all existing and prospective employees promoted by the City to the positions of City Manager, Assistant City Manager or Clerk-Treasurer on or after the effective date of this article shall be or within one year of such promotion, shall become a resident of the City of Batavia.

§ 22-7. Notice and posting.

A copy of this article shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this article to any employee appointed or promoted after its effective date. A copy of this article shall also be posted on all notice boards normally used for employee communications.

§ 22-8. Investigation of residency.

- A. Should it be alleged that an employee is not in compliance with § 22-5 or § 22-6 of this article, as the case may be, the City Council may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City Council, the response is not sufficient to satisfy the requirements of this article, the City Council shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee establish residency to the satisfaction of the City Council prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.
- B. To conduct the hearing, the City Council may in writing designate an individual who for the purpose of the hearing shall be vested with all the powers of the City Council and who shall refer the hearing record and his or her recommendations to the City Council for review and decision. Should the City Council determine that an employee is a nonresident in violation of this article, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

§ 22-9. Waiver of requirements.

- A. In the event that the City Council determines that it is in the best interest of the City of Batavia to do so, the provisions of § 22-5 or § 22-6 may be waived with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:
 - (1) Lack of applicants. The requirement of residency may be waived in those instances where the City has difficulty hiring or promoting the most qualified person because of its residency requirement.
 - (2) Necessity for nonresidence. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interest of the municipality.
- B. Such a waiver shall not in any way affect the application of § 22-5 or § 22-6 of this article with respect to any other title or titles.

#-2017

A RESOLUTION TO WAIVE RESIDENCY REQUIREMENT

Motion of Councilperson

WHEREAS, City Council of the City of Batavia has the authority to waive the residency requirement as established in the Batavia Code, Article II, § 22-9 if it is so determined that waiving of such requirement is in the best interest of the City of Batavia; and

WHEREAS, it has been determined that it is in the best interest of the City of Batavia that the residency requirement for current employee Nicole McGinnis be waived; and

NOW, THEREFORE, BE IT RESOVLED, by the Council of the City of Batavia that said waiver be granted for the above named employee.

**Seconded by
and on roll call**



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works

Date: April 17, 2017

Subject: 2017 Infrastructure Project

The water and wastewater capital improvement plan calls for an infrastructure improvement project primarily in the Elm-Chase-Vine Sts. Area this year. The project consists of three main components, described as follows:

New 8" Water Main

Vine St (East Main to East Ave)

Chase Pk (Vine St to Elm St)

Elm St (Chase Pk to East Ave)

New 8" Sanitary Sewer with Mill and Pavement overlay

Elm St (East Ave to North St)

Water Valve Replacements

Vine St @ Northern Blvd

Vine St @ Evergreen Dr

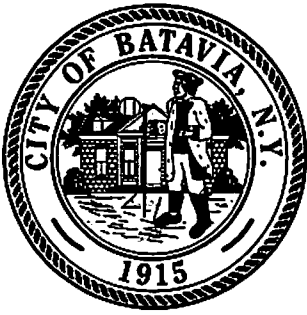
Harvester Ave @ Colorado Ave (old water main through Elmwood Cemetery to be abandoned)

Webster Ave @ Buell St (old water main through Elmwood Cemetery to be abandoned)

Otis St @ Sumner St

The project has a construction budget of \$1,535,000 and was publicly advertised on April 10th, with a bid opening date of April 28th, and expected presentation to Council for award on May 8th, 2017


Supporting Documentation:
Draft Resolution



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works 

Date: April 12, 2017

Subject: Healthy Schools Corridor Sidewalk Project

As this sidewalk project progressed and went through the design and survey phase, it became apparent that there are three properties that would require easements/takings to allow for the construction of the sidewalks. These properties are the Presbyterian Church along the Liberty Street side, Classy Chassis Car Wash, and the Ficarella's Pizza properties along Liberty Street and School Street sides.

While the amount of property typically only impacts a foot or two along the back side of the sidewalk, the procedures for obtaining these easements/takings is quite involved when done in accordance with the rules of the Federal Highway Administration, and NYSDOT. In addition, the Presbyterian Church is a historically designated property which adds additional layers of review and approvals. The process of obtaining these agreements was begun this past summer, and progressed to the point where we can now forecast a more definitive schedule that projects for final ROW approval to be completed in late July 2017. As this timetable translates into a best case scenario of late fall construction, it is my recommendation that we amend our schedule to allow for construction during the 2018 season.

Proposed Schedule


Request ROW Clearance	07/21/2017
ROW Clearance Certification	08/01/2017
PS+E Submittal	08/01/2017
FHA Construction Authorization	08/23/2017
Bid Advertisement within 90 days	11/15/2017
Bid Opening	12/06/2017
Construction	Spring 2018



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Matt Worth, Director of Public Works 

Date: April 18, 2017

Subject: Healthy Schools Corridor Project Supplemental Agreement

New York State Department of Transportation has issued Supplemental Agreement to the City of Batavia that confirms and authorizes funding for PE/Design and Right-of-Way (ROW) aspects of the Healthy Schools Corridor Project. The Supplemental Agreement is the formal contract authorizing reimbursement of funds for this project between the City and NYSDOT to continue the project.

The Healthy Schools Corridor Project is a Federal Highway Pass Thru Project administered through the New York State Department of Transportation under the heading of the Transportation Alternatives Program (TAP). This supplemental agreement offers additional funds for the Final Design and ROW incidentals of this project.

Supporting Documentation:

Supplemental Agreement
Draft Resolution

#-2017

**A RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION FOR PE/DESIGN, AND R.O.W.
INCIDENTALS FOR THE CITY OF BATAVIA HEALTHY SCHOOLS CORRIDOR**

Motion of Councilperson

WHEREAS, a project for the Reconstruction of Sidewalks for Liberty Street from East Main Street (Route 5) to Morton Avenue, and Washington Avenue from Ross Street to Bank Street, City of Batavia, Genesee County, P.I.N. 4755.93 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Batavia desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of PE/Design and R.O.W. Incidentals; and

NOW THEREFORE, the City Council, duly convened does hereby resolve that the above-referenced Project is approved; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the payment in the first instance 100% of the Federal and non-Federal share of the cost of PE/Design and R.O.W. Incidentals for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$135,016 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and

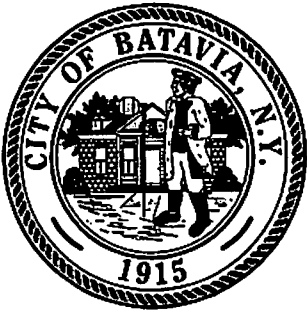
BE IT FURTHER RESOLVED, that in the event the full Federal and non-Federal share of the Project costs exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Council President be and is hereby authorized to execute all necessary agreements, and the Director of Public Works is authorized to execute certifications or reimbursement requests for Federal aid on behalf of the City Council with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.


Seconded by Councilperson



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 18, 2017

Subject: Batavia Stormwater Capital Plan

In December the City was awarded \$50,000 from the CDBG program to complete a stormwater capital plan. The total project cost is \$100,000, and the City Council has appropriated \$50,000 for the local match to complete the project.

To move forward with consultant selection, an environmental review of the project must first be completed and a Certifying Officer be appointed. The City Manager has been appointed the Certifying Officer with past CDBG grants to ensure the environmental review and the project is completed.

Attached are the required environmental review forms for City Council to review as well as a draft resolution appointing the City Manager as the Certifying Officer and determining that the project requires no further environment review. Please note the City's grant writer did assist with the preparation and review of the attached documents for accuracy and compliance with the CDBG program.

It is recommended the environment review be accepted by City Council at the May 8th Council meeting to move the project forward to consultant selection.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

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

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##-2017

**A RESOLUTION DESIGNATING THE CITY MANAGER AS THE CERTIFYING
OFFICER FOR THE NYS CDBG STORMWATER CAPITAL PLANNING GRANT
#82CP127-16**

WHEREAS, that in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFP Part 58, the City Council of the City of Batavia announces its intent to conduct an environmental review of Citywide Stormwater Capital Improvement Planning project; and

NOW THEREFORE BE IT RESOLVED, that the City Council designates Jason Molino, City Manager as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 82CP127-16; and

BE IT FURTHER RESOLVED, that the City Council hereby determines that the Stormwater Capital Improvement Planning project is an Exempt Action under NEPA (24CFR58.34a) and is a Type II Action under SEQRA (6NYCRR Section 617.5) and no further review will be required.

(Dare)

(Name of OCR Community/Economic Developer)

Albany, New York 12207

Dear Ms. Reyes _____:

1

**FORM 2-3A
CERTIFICATION OF SEQRA CLASSIFICATION**

CDBG Project Number: 82CP127-16 Date _____

Name and Title of Certifying Officer: Jason Molino Title City Manager

Name of Responsible Entity: City of Batavia

Address (e.g., Street No. or P.O. Box): One Batavia City Centre

Co/C/T/V, State, Zip Code+4: Batavia, New York NY 14020-2050

Telephone Number of Responsible Entity: (585) 345-6330

It is the finding of the City of Batavia that the activity(ies) proposed in its 2016 NYS CDBG
Name of CDBG Grant Recipient *Funding Year*
project, Batavia Stormwater Capital Plan are:
Project Name

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
 - ☐ Identify the Lead Agency _____
 - ☐ Evidence of Lead Agency Declaration and Consent attached
 - ☐ Copy of Environmental Notices Bulletin attached
- ☒ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)
 - ☐ Identify the Lead Agency _____
 - ☐ Evidence of Lead Agency Declaration and Consent attached

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
 - ☐ Draft EIS
 - ☐ Final EIS

Signature of Certifying Officer

Form 2-4
NEPA Classification Checklist

CDBG Project Number: 82CP127-16 Date

Name and Title of Certifying Officer: Jason Molino Title City Manager

Name of Responsible Entity: City of Batavia

Address (e.g., Street No. or P.O. Box): One Batavia City Centre

Co/C/T/V, State, Zip Code+4: Batavia, New York NY 14020-2050

Telephone Number of Responsible Entity: (585) 345-6330

Exempt Activities (24CFR58.34)
Select only one or more of the following that apply:

- ☒ Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- ☒ Information and financial services [58.34(a)(2)].
- ☒ Administration and management activities [58.34(a)(3)].
- ☐ Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- ☐ Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- ☐ Purchase of insurance [58.34(a)(6)].
- ☐ Purchase of tools [58.34(a)(7)].
- ☐ Engineering or design costs [58.34(a)(8)].
- ☐ Technical assistance and training [58.34(a)(9)].
- ☐ Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- ☐ Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- ☐ Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

Signature of Certifying Officer

Form 2-4
NEPA Classification Checklist

CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(a)]

Activities in this section require compliance with related laws and authorities at 24 CFR 58.5 and 58.6

Select only one of the following:

- ☐ Acquisition, repair, construction, reconstruction, rehabilitation or installation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of curbs and sidewalks, street repaving [58.35(a)(1)].
- ☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)].
- ☐ Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or in a wetland [58.35(a)(3)(i)].
- ☐ Rehabilitation of multifamily residential buildings (with five or more units), when the following conditions are met: a) unit density is not changed more than 20 percent, b) the project does not involve changes in land use from residential to non-residential; and c) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation [58.35(a)(3)(ii)].
- ☐ Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: a) the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and b) the activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial or from one industrial use to another [58.35(a)(3)(iii)].
- ☐ An individual action on up to four dwelling units [not including rehabilitation (see 58.35(a)(3)(i) above)] where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between [58.35(a)(4)(i)].
- ☐ Acquisition (including leasing) or disposition of an existing structure, equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed or disposed of will be retained for the same use [58.35(a)(5)].
- ☐ Any combination of the above activities [58.35(a)(6)].

Signature of Certifying Officer

Form 2-4
NEPA Classification Checklist

CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(b)]

*Activities in this section require compliance with related laws and authorities at 24 CFR 58.6 only**

Select only one of the following:

- ☐ Tenant-based rental assistance [58.35(b)(1)].
- ☐ Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and federal government benefits and services [58.35(b)(2)].
- ☐ Operating costs including maintenance, equipment, supplies, staff training, staff recruitment, security, operation, utilities, furnishings and other incidental costs [58.35(b)(3)].
- ☐ Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations [58.35(b)(4)].
- ☐ Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction**, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title [58.35(b)(5)].
- ☐ Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact [58.35(b)(6)].
- ☐ Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental finding is not required under 58.47 [58.35(b)(7)].

*If a responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions at or affecting the location of the activity or project may have a significant environmental effect, an environmental assessment must be prepared and a determination of significance made.

**This exclusion applies only to financial assistance for purchase of existing for-sale homes or homes under construction. Homebuyer assistance for units not under construction is classified as Categorically Excluded. In all cases, for this exclusion to apply, the prospective buyer must have discretion regarding selection of properties within the target area.

Signature of Certifying Officer

Form 2-5A Statutory Checklist
Environmental Review for Activity/Project that is
Exempt or Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

Project Information

Project Name & CDBG No.: Batavia Stormwater Capital Plan - 82CP127-16

Responsible Entity: City of Batavia

Grant Recipient: City of Batavia

State/Local Identifier: CDBG No. 82CP127-16

Preparer: Jason Molino

Certifying Officer Name and Title: Jason Molino, City Manager

Consultant (if applicable): _____

Direct Comments to: Jason Molino

Project Location:

The City of Batavia, Genesee County, New York (city-wide stormwater collection system).

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The City will prepare a Citywide Stormwater Capital Improvement Plan to identify projects that may be funded by multiple grant programs. A key task in the plan will be to identify stormwater improvement projects in neighborhoods where a majority of the population resides in low to moderate income households. The City's poorest neighborhoods - Census Tracts 9707 and 9710 (63%, 65% LMI) are in the 100 year floodplain.

Level of Environmental Review Determination:

☒ Activity/Project is Exempt per 24 CFR 58.34(a): (1), (a)(2) and (a)(3)

☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b): _____

Funding Information

This project anticipates the use of funds or assistance from another State or Federal agency in addition to HUD in the form of (if applicable):

Grant Number	Federal/State/Other Program	Funding Amount
82CP127-16	CDBG funds	\$50,000.00
	City funds (local share)	\$50,000.00

Estimated Total HUD Funded Amount: \$50,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$100,000.00

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Batavia is not located in a coastal area. See map.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning.

STATE OR LOCAL STATUTES (to be added by Responsible Entity)		
State Historic Preservation Office (SHPO) Section 14.09 of the New York State Historic Preservation Act	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SHPO review is not required for study/capital planning.
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The capital planning project is a Type II action under SEQRA.
Coastal Zone Management Act (CZMA) 19 NYCRR Part 600	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Batavia is not located in a Coastal Zone Management Area.
	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Preparer Signature: _____ Date: _____

Name/Title/Organization: Jason Molino, City Manager, City of Batavia

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: Jason Molino, City Manager

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).





Zoom History



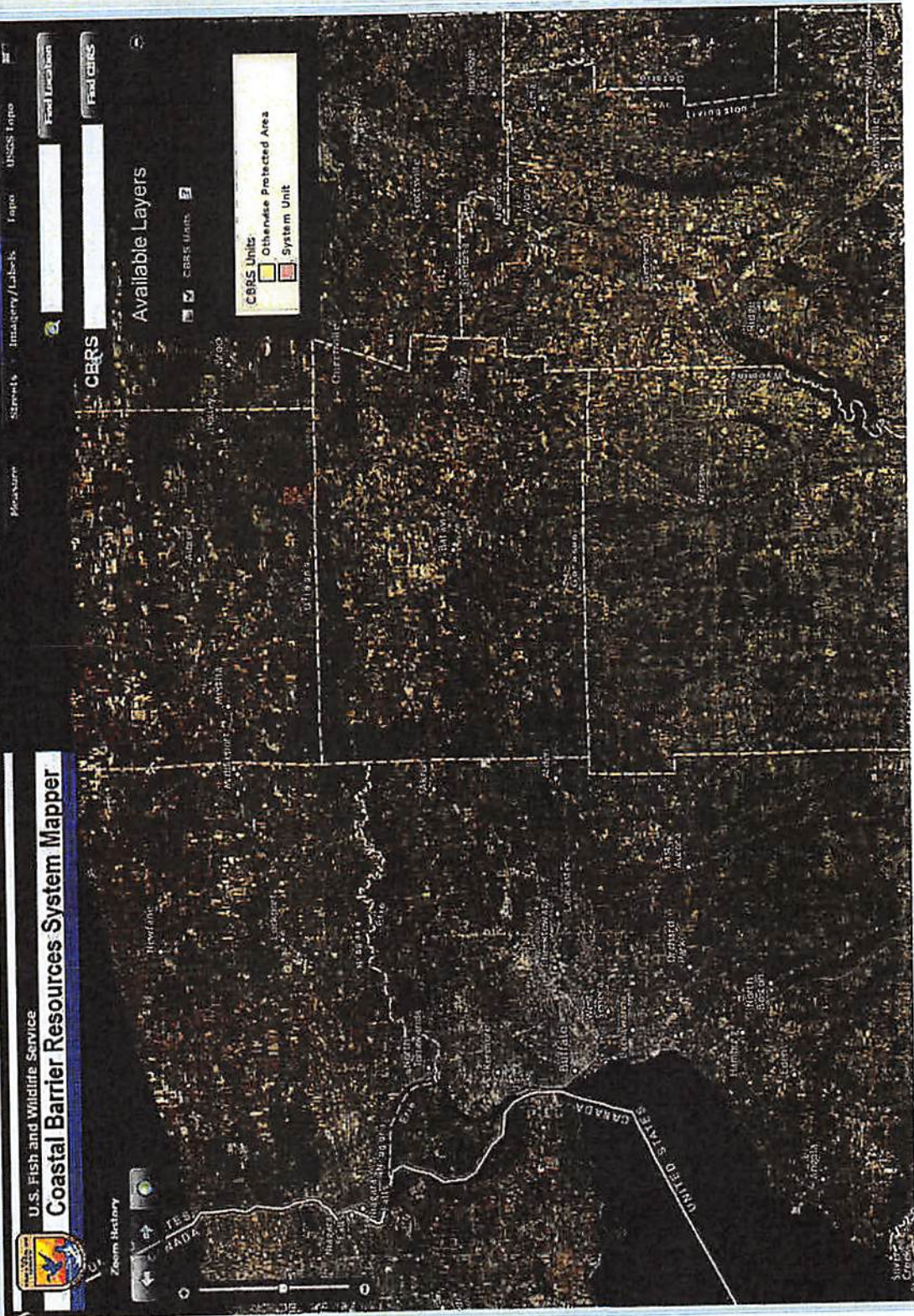
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CBSR Find CBSR

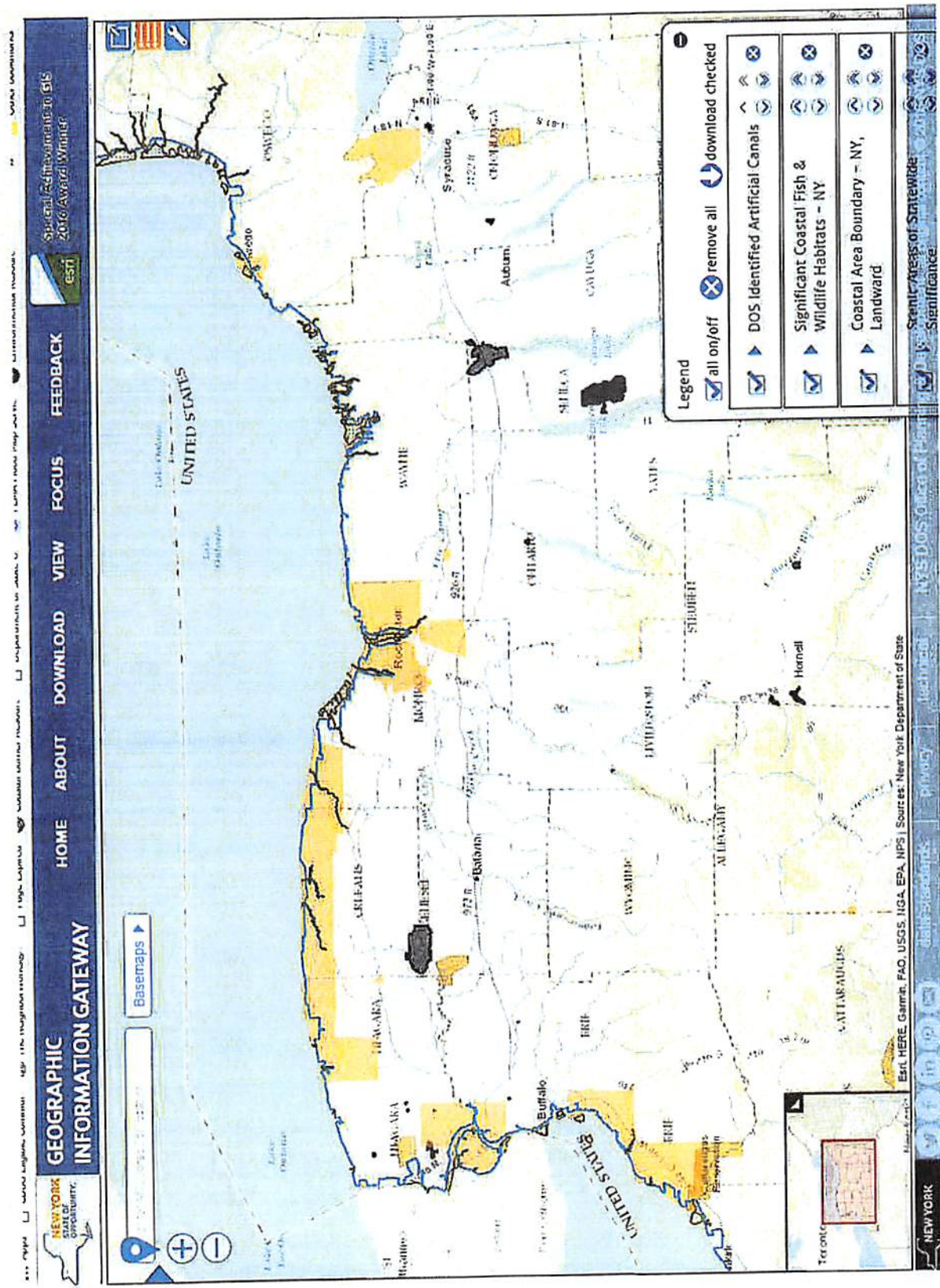
Available Layers

☒ CBSR Units ☐ CBSR Units

CBSR Units
☐ Otherwise Protected Area
☐ System Unit



Coastal Zone Management Area



map1.msc.fema.gov/idms/IntraView.cgi?KEY=94312961&IFIT=1

Apps CDBG Eligible Communi The NeighborWorks® Page Expired Coastal Barrier Resourc Department of



FEMA



Help



Zoom In



Zoom Out



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Zoom In

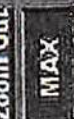
Zoom Out



Pan



MAX



Zoom In

Zoom Out

Make a FIRMette



Info

Scale: 4



LOMC: 1



FORM 1-3**REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for the Community Development Block Grant Program, as identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and states. (Form 1-3 cannot be authorized or dated by the Certifying Officer until the end of the comment period)

Part 1. Program Description and Request for Release of Funds

1. Name of Recipient City of Batavia	2. Project Number 82CP127-16
3. Recipient's Address One Batavia City Centre, Batavia NY 14020	4. Name and Address of Responsible Party (If different than Recipient)
5. For information about this request, contact (name & phone number) Jason Molino 585-345-6330	6. OMB Catalog Number 14.228
7. Date of Request/Certification Cannot be dated before the end of the comment period	OFFICE USE ONLY 8. Release of Funds Date

The Recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following:

9. Program Activity(ies)/Project Name(s) Batavia Stormwater Capital Plan	10. Location (street address, city, county, state) City of Batavia (city-wide), Genesee County, NY
---	---

11. Program Activity/Project Description

The City will prepare a Citywide Stormwater Capital Improvement Plan to identify projects that may be funded by multiple grant programs. A key task in the plan will be to identify stormwater improvement projects in neighborhoods where a majority of the population resides in low to moderate income households. The City's poorest neighborhoods - Census Tracts 9707 and 9710 (63%, 65% LMI) are in the 100 year floodplain.

Part 2. Environmental Certification (to be completed by responsible party)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedure, permit requirements and statutory obligations of the laws cited in 25CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable state and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part I of this request, I have found that the proposal
☐ did ☒ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a *notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedures.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the Recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Responsible Federal Official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA related authorities insofar as the provisions of these laws apply to the State's responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

8. I am authorized to and do accept, on behalf of the Recipient personality, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as Certifying Officer of the Responsible Entity.

Signature of Certifying Officer of the Responsible Entity

One Batavia City Centre, Batavia, NY 14020

Address of Certifying Officer

City Manager

Title of Certifying Officer

Date signed

Cannot be dated before the end of
the comment period

Part 3. To be completed when the Recipient is not the Responsible Entity

The Recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the Responsible Entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date Signed

Form 2-5 Statutory Checklist
Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)

Project Information

Project Name & CDBG No.: Batavia Stormwater Capital Plan - 82CP127-16

Responsible Entity: City of Batavia

Grant Recipient: City of Batavia

State/Local Identifier: CDBG No. 82CP127-16

Preparer: Jason Molino

Certifying Officer Name and Title: Jason Molino, City Manager

Consultant (if applicable): _____

Direct Comments to: Jason Molino

Project Location:

The City of Batavia, Genesee County, New York (city-wide stormwater collection system)

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The City will prepare a City-wide Stormwater Capital Improvement Plan to identify projects that may be funded by multiple grant programs. A key task in the plan will be to identify stormwater improvement projects in neighborhoods where a majority of the population resides in low to moderate income households. The City's poorest neighborhoods - Census Tracts 9707 and 9710 (63%, 65% LMI) are in the 100 year floodplain.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:
 (a)(1), (a)(2), and (a)(3)

Funding Information

Grant Number	Federal/State/Other Program	Funding Amount
82CP127-16	CDBG funds	\$50,000.00
	City funds (local share)	\$50,000.00

\$50,000.00

Estimated Total HUD Funded Amount: _____

\$100,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: _____

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Batavia is not located in a coastal area. See map attached to Form 2-5A.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Batavia is not located in a coastal area. See map attached to Form 2-5A.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning

Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project will be consistent with the principles of EO12898 & the related HUD initiatives.

STATE OR LOCAL STATUTES (to be added by Responsible Entity)		
State Historic Preservation Office (SHPO) Section 14.09 of the New York State Historic Preservation Act	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable for engineering studies/capital planning
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project is a Type II Action under SEQRA.
Coastal Zone Management Act (CZMA) 19NYCRR Part 600	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Batavia is not located in a coastal area. See map attached to Form 2-5A.
	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Field Inspection (Date and completed by): March 2017, Jason Molino

Summary of Findings and Conclusions:

The project involves the evaluation of the stormwater collection system in the City of Batavia to identify improvements to alleviate adverse stormwater impacts on residents and businesses. The completion of the study will have no impact on environmental factors.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Determination:



This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project;**

OR



This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RRF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds;

OR



This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: _____ Date: _____

Name/Title/Organization: Jason Molino, City Manager, City of Batavia

Responsible Entity Agency Official Signature: _____

_____ Date: _____

Name/Title: Jason Molino, City Manager


This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: April 18, 2017

Subject: USDA Grant – Healthy Living Campus

In May 2016 the City received a \$26,500 grant from USDA to assist with a feasibility study for the Downtown Healthy Living Campus which was inspired from a UMMC/YMCA partnership. In addition, in December the City received an additional \$25,000 from ESDC to further contribute to different study and planning elements of a Downtown Healthy Living Campus.

As the grant recipient the City is required to follow its procurement procedures when obtaining professional services in completing phases of the feasibility study. While a joint committee of community leaders and the professional staff from UMMC and YMCA are the predominant staff working on the project, the City's procurement procedures must be followed, to ensure the City receives reimbursement for grant funds expended.

Over the past two months the YMCA has solicited and received five submittals and scopes of work from consultants to complete a Campaign Goal Feasibility and Planning Study. This study will include advanced feasibility research, case development and messaging and campaign structuring and launch. The YMCA staff has interviewed potential consultants and has recommended Donor By Design Group LLC as the preferred consultant. The cost of this study is \$25,000.

After reviewing the YMCA's process for receiving, reviewing and selecting consultants for this feasibility study, it is consistent with the City's procurement process, and it is recommended that the City execute an agreement with Donor By Design Group LLC for the completion of a Campaign Goal Feasibility and Planning Study. This grant is a reimbursement grant, in which the City will be reimbursed following the completion of the project.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

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

**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**

#-2017

A RESOLUTION AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN AN AGREEMENT WITH DONOR BY DESIGN GROUP LLC TO PROVIDE CONSULTING SERVICES TO PREPARE CAPITAL CAMPAIGN FEASIBILITY STUDY FOR THE DOWNTOWN HEALTHY LIVING CAMPUS

Motion of Councilperson

WHEREAS, Over the past year the Genesee Area YMCA and United Memorial Medical Center (UMMC) have developed a partnership with community leaders including the City of Batavia, to evaluate the feasibility of a comprehensive, multi-purpose health campus on a 10 acre site in the center of Downtown Batavia, and

WHEREAS, the proposed healthy living campus has the potential to have a transformative impact on the revitalization of Downtown Batavia and will provide Genesee County with a first class facility offering holistic, multi-generational health services that address disease prevention, wellness, nutrition, rehabilitation and therapy for the mind and body.; and

WHEREAS, the City has received grant funds from the USDA Rural Development agency to complete a feasibility study of a multi-purpose health campus; and

WHEREAS, the Genesee Area YMCA, received and reviewed five submittals for a Capital Campaign Feasibility Study and interviewed planning firms to lead the planning process; and

WHEREAS, Donor By Design Group LLC has been recommended by Genesee Area YMCA for the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia hereby authorizes the City Council President to execute a Consulting Services Agreement with Donor By Design Group LLC, for consulting services not exceed \$25,000.

**Seconded by Councilperson
and on roll call**



DonorByDesign Group LLC

AGREEMENT FOR SERVICES – CONSULTING SERVICES – Campaign by Design – FEASIBILITY CONTRACT –

April 5, 2017

BETWEEN:

DONOR BY DESIGN GROUP, LLC

725 W. Gilbert Road
Palatine, IL 60067

AND:

GLOW YMCA (Genesee, Livingston, Orleans, Wyoming)

c/o City of Batavia
1 City Center
Batavia, NY 14020

ENGAGEMENT PERIOD:
(Monthly thereafter if needed)

April 15, 2017 – September 30, 2017

LEAD DBD STAFF:

Michele Goodrich, Senior Consultant
Jon Simons, Vice President
Sara Luke, Vice President (Case Development)
Kim Hinrichs, Senior Consultant

STATEMENT OF PURPOSE:

Donor By Design Group, LLC will conduct a Feasibility Study for the GLOW YMCA in order to test the viability of their proposed Capital Campaign.

**Donor By Design will serve as counsel only, and will not at any time, solicit, or have control or custody of contributions.*

**The GLOW YMCA exercises control and approval over the content and volume of any solicitation.*

A. SERVICES TO BE RENDERED

It is mutually understood that the services to be rendered are outlined below.
Specific deliverables include:

➤ Pre-study planning and data gathering (onsite/offsite)

- Develop and design the case for support to use as discussion guide during interviews.
- Review study process and criteria for the selection of interviewees.
- Review questionnaires, establish interviews and report delivery schedule.

➤ **6 days onsite days to conduct 25-30 face-to-face interviews**

- The GLOW will schedule all interviews and coordinate all communications and meetings.
- While in-person interviews are ideal, interviews can also be conducted over the phone when necessary.

➤ **Online Survey (optional)**

- Develop an online survey to be electronically sent to the next 50 prospects.
- Incorporate results into the final study report.

➤ **Onsite delivery of study results**

- Summary of study findings
- Recommendations
 - Organizational readiness
 - Leadership potential
 - Goal
 - Timing
 - Acceptance of case
- Campaign structure
- Model showing financial impact of a capital expansion, as part of the larger strategic plan, as well as any other financial implications for the organization

➤ **Key findings report**

Develop a four-page key findings report for use by staff and/or volunteers to report back to those interviewed regarding study results and next steps.

➤ **Grants/Foundation Quick Start**

Donor By Design will work with GLOW YMCA leadership, using DBD's Quick Start program, to execute a foundation research scan identifying 10-15 potential foundation prospects to meet its programmatic and capital improvement fund development needs and to develop an initial grant proposal.

B. TOTAL FEES: \$25,000*

*Total fee represents a \$2,500.00 reduction in standard study fee to accommodate Grants Quick Start.

C. PAYMENTS FOR SERVICES

It is mutually understood and agreed that in consideration of the performance of the services outlined above, The GLOW YMCA agrees to pay to Donor By Design Group, LLC as follows:

(1) Schedule of Payments

Assessment / Feasibility Study

\$12,500 is due upon receipt of a signed contract.

\$12,500 will be due upon report delivery.

(2) Travel / Other Expenses

The GLOW will be responsible for associated expenses (airfare, ground transportation, mileage @ .50/mile, hotel etc.) as related to the above project. Per our agreement, total expense reimbursement will not exceed \$3,000.00.

All payments are due 30 days net.

Payments past due over 45 days will be assessed a 5% late fee

D. TERMINATION

It is understood by the parties that the charity has the right under New York State law to cancel this contract and that the charity is not required to give any reason for cancellation.

This contract can at any time be cancelled up to and including the fifteenth day after this contract was filed by Donor by Design Group with the Attorney General's Charities Bureau, regardless of the execution date of the contract.

To cancel this contract the charity must give written notice of cancellation to Donor by Design Group. This notice may be in the form of a letter stating that the charity does not intend to be bound to the contract and be sent to Donor by Design Group, 725 W. Gilbert Road, Palatine, IL 60067 and also sent to the Attorney General's Charities Bureau, The Capitol, Albany, NY 12224. The cancellation is effective immediately upon placement in a mailbox.

Upon receipt by Donor by Design Group of such notice, Donor by Design shall be compensated for all work performed, and expenses incurred, up to the date of termination.

Respectfully submitted by:
Bruce L. Berglund CARE



For:
Donor by Design Group, LLC

Date: April 5, 2017

Accepted by (1):
(Please print & sign.)

For the:
GLOW YMCA

Date:

Accepted by (2):
(Please print & sign.)

For the:
City of Batavia

Date:

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending or current litigation...".

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**