



## **BATAVIA CITY COUNCIL CONFERENCE MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, July 10, 2017 at 7:00 PM**


### **AGENDA**

- I. Call to Order
- II. Stormwater Capital Plan
- III. Draft Comprehensive Plan
- IV. NYS Division of Homeland Security and Emergency Services Grant
- V. City Manager Compensation
- VI. City Council Time Sheets
- VII. Title VI Plan
- VIII. Adjournment



# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: July 5, 2017

Subject: Stormwater Capital Plan

**Background:** In December the City was awarded \$50,000 of grant funding from the New York State Community Development Block Grant (CDBG) through the 2016 Consolidated Funding Application to complete a Stormwater Capital Plan.

The Stormwater Capital Plan will inventory and evaluate the existing stormwater system and provide recommended alternatives for improvements to the system. An expected outcome of this study will be a report which will allow the City to implement maintenance or improvements, to gain ownership/control of the system, and to improve resiliency planning and flood hazard mitigation. A priority of this project will involve a review of the "Big Ditch" stormwater system which collects runoff in the northern portion of the City. Deliverables include general study-related, mapping designed to allow the City to pursue access easements and recommendations for implementable improvements.

The City will work with an engineering consultant to develop the Stormwater Capital Plan. Staff is currently reviewing the City's preferred engineering list to select a consultant and develop a scope of work for the project with the expectation of recommending a consultant for engagement for the August Council meeting. The grant requires a \$50,000 local match for a total project cost of \$100,000 and on March 13, 2017 the City Council committed the City's local match from VLT aid to complete the project.

**Recommendation:** The staff will recommend an engineering consultant for engagement at the August Council meeting. Project timeline is estimated to be 12 months.

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# City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: July 5, 2017

Subject: Comprehensive Plan Update

**Background:** In September 2015 the City Council appointed Elan Planning, Design & Landscape Architecture PLLC, a planning consulting firm to assist the City with the comprehensive plan update. Over the past 18 months the City Council appointed Steering Committee has worked diligently with Elan to update the City's Comprehensive Plan. The committee and consultants have met with businesses, residents and staff members, to understand challenges faced within the City and possible solutions moving forward. Also there has been an extensive community outreach and engagement process, including two public meetings and multiple public surveys, to gain community input and consensus.

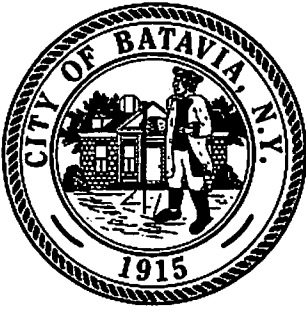
As a result of their efforts, the comprehensive plan update includes goals, objectives and implementation strategies for the community moving forward. In addition, the update includes a plan that provides clear rationale for land use decisions. The relationship between the comprehensive plan, the zoning law and the local boards that implement the land use system are all interrelated. Most importantly, the future land use map sets the foundation for the City's zoning based on feedback and input from businesses and residents on what they would like the Batavia of tomorrow to look like.

This process has taken approximately 18 months to complete and provides the City with a plan and strategy, developed with significant community participation, outlining the City's vision for the next 10 years. The City's current award winning Strategic Plan is currently being updated to be used as a blue print to attain the community's objectives, explain what actions are to be taken, who will undertake those actions, by what time the actions should be accomplished, and how the individual actions are interrelated. Most importantly, the Strategic Plan ties all City objectives together in how they relate to the City's 5-year \$100 Million I'm All In! initiative.

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# City of Batavia

Next steps for adopting the Comprehensive Plan include the City Planning and Development Committee to conduct a public hearing regarding the Comprehensive Plan update and recommend adoption to the City Council. The City Council would then have follow with its own public hearing prior to considering adoption.

Currently the Planning and Development Committee has scheduled a public hearing for July 18<sup>th</sup>. It is recommended that the City Council schedule its public hearing for August 14<sup>th</sup>. The update would then be considered for adoption at the September 11<sup>th</sup> Council meeting.

Once adopted, the Comprehensive Plan will require zoning code updates consistent with the new plan. The City does have designated funding in Committed Fund Balance to support zoning code updates.

**Recommendation:** It is recommended that the City Council at a Special Business Meeting on July 10<sup>th</sup> adopt the SEQRA resolution declaring the City lead agency as well as setting the City public hearing for August 14<sup>th</sup>.

#### **Attachments:**

1. Draft Comprehensive Plan
2. Environmental Assessment Form

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# COMPREHENSIVE PLAN UPDATE

City of Batavia, New York



**DRAFT - July 2017**

*For Community Review*

## ACKNOWLEDGEMENTS

### City of Batavia

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Paul Viele, First Ward/Pres. Pro Temp.  
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Al McGinnis, Fourth Ward  
Kathy Briggs, Fifth Ward  
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Bob Bialkowski, Councilperson-At-Large

Jason Molino, City Manager

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1

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# 1. Introduction

## Understanding the Project and Process

### Purpose & Overview

The 2017 City of Batavia Comprehensive Plan Update (the “Plan”) provides a roadmap for the city to guide growth and enhance the vibrancy and quality of life throughout the city. The plan is based on a detailed examination of current conditions and trends in the city and input from residents and stakeholders. The resulting plan includes key recommendations and steps to achieve a shared vision for the future of Batavia.

A future land use plan is included in the plan to highlight areas of the city for future land use changes that will accommodate new growth responsibly, enhance economic development, respond to natural constraints, and create dynamic neighborhoods. The Plan also includes detailed implementation strategies including the specific actions and projects that must be undertaken along with timeframes and priority levels.

The 2017 Comprehensive Plan Update is funded, in part, by a NYSERDA Cleaner, Greener Communities Phase II (Implementation) grant.

### Previous Comprehensive Plan

The city’s Comprehensive Master Plan was adopted in 1997. Much has changed in Batavia since then, including numerous projects such as the redevelopment of the downtown area, formation of a Business Improvement District, changes to the zoning code, reconstruction of several major roads, and completion of a variety of economic development projects.

Additionally, there have been several recent and ongoing development initiatives including Brownfield Opportunity Area Strategic Site redevelopment, construction of the Ellicott Pedestrian/Bicycle Trail, various neighborhood improvement efforts, and the Science, Technology and Advanced Manufacturing Project (STAMP) in Genesee County, among others.

This update was prepared to ensure that the city’s policies and actions are aligned with a vision that is grounded in current information and accounts for changing demographic patterns, shifting market dynamics, community desires, and other local and regional forces.



## Plan Organization

The 2017 Comprehensive Plan Update is organized into the following chapters:

1. **Introduction:** An overview of the planning background and process including public engagement efforts.
2. **Existing Conditions:** A review of demographics, housing, economic, and physical characteristics and trends within the city.
3. **A Guide to Batavia's Future:** A Comprehensive Plan value statement and three over-arching organizing principles along with the goals, recommendations, and actions consistent with the City's mission and vision.
4. **Future Land Use Plan:** A map that highlights areas of the city for future land use changes, which will accommodate new growth responsibly, enhance economic development, respond to natural constraints, and foster the evolution of dynamic neighborhoods.
5. **Implementation:** A detailed implementation matrix that, for each action, identifies potential partners, priority level, timeframe, and potential funding sources.

## Planning Process & Public Engagement

The 2017 Comprehensive Plan Update was developed with extensive stakeholder and public input. A team of planning, design, engineering, and economic repositioning specialists, led by Elan Planning, Design & Landscape Architecture (Elan), worked closely with the city's designated Steering Committee to facilitate the creation of this plan.

### Steering Committee

The City of Batavia appointed key city officials and other stakeholders to a Project Steering Committee that met regularly with the Consulting Team. The Steering Committee included the following members:

- Bob Knipe
- Duane Preston
- Ed Flynn
- Rachel Tabelski
- Matt Gray
- Laurie Oltramari
- Marc Staley

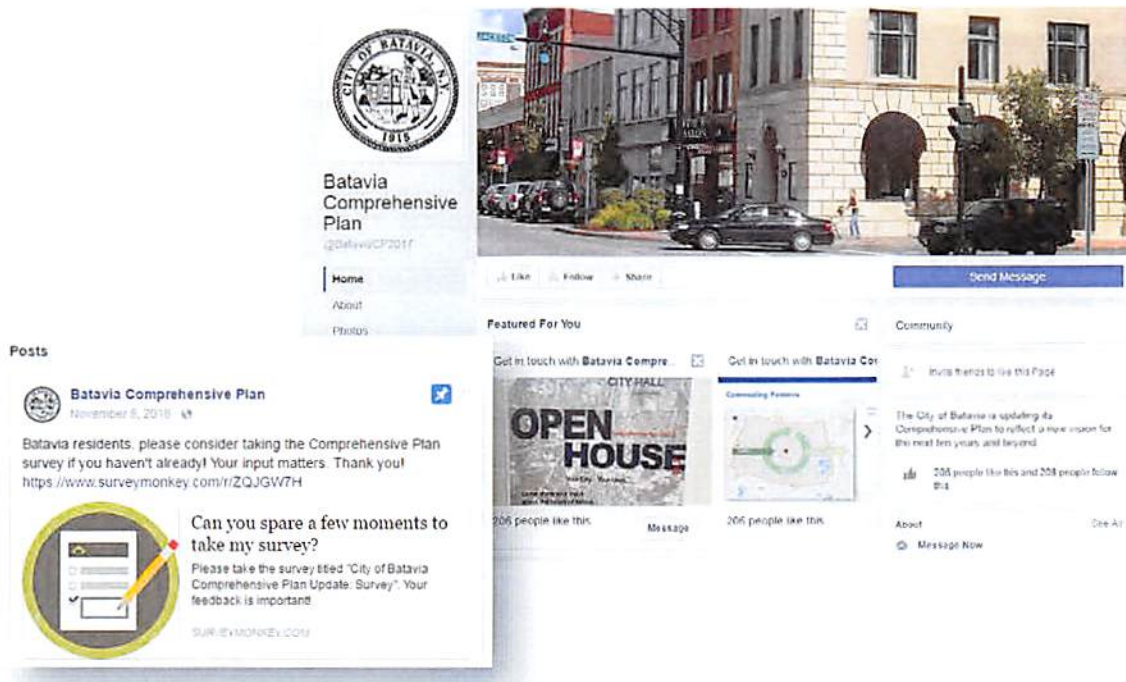
## Stakeholder Interviews & Focus Groups

The Consulting Team facilitated focus groups with local experts and stakeholders to better understand the issues and opportunities facing the City of Batavia. The focus groups were conducted on March 28<sup>th</sup>, 2016. Covered topics included business, housing and neighborhood development, quality of life, and schools. A total of 21 individuals representing a wide variety of organizations and constituencies participated in the focus groups.

In addition to the stakeholder focus groups, other key stakeholders were interviewed individually to collect additional insights for the planning process.

## Facebook Page & Survey

A Facebook page, shown in the image below, was set up to provide information and updates on the plan. The page was used to raise awareness of the project and public meetings, as well as to gather public feedback through informal survey questions posted periodically to the Facebook page.



## Public Open Houses

Over the course of the planning process, two public open houses were held that allowed residents to learn about the project and provide input on a casual drop-in basis. The details of the open house are below:

### Open House #1

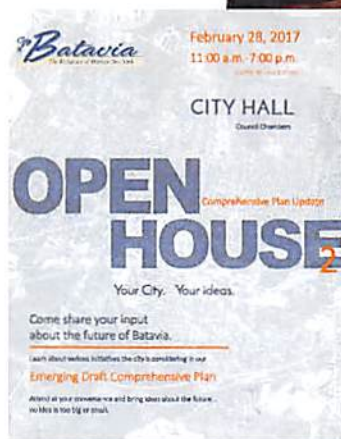
April 20, 2016 | 11:00 AM – 7:00 PM | 52 signed-in participants

The first open house was held early in the process to solicit input on (1) local strengths, weaknesses, opportunities, and threats; (2) developing value statements; (3) ideas around specific topic areas such as housing, recreation, arts, etc.; and (4) thoughts on improving specific places in the City.

### Open House #2

February 28, 2017 | 11:00 AM – 7:00 PM | 23 signed-in participants

The second open house was designed to collect feedback on draft value statements, draft recommendations and actions, and a proposed future land use map. The results of the public open house were used to revise and finalize these elements of the plan.





## Review of Existing Documents

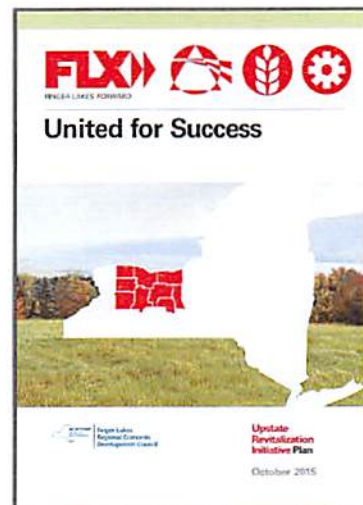
The Consulting Team reviewed numerous plans and documents relevant to the Comprehensive Plan Update, including:

- The City of Batavia Comprehensive Plan (1997)
- Batavia Walkability Action Plan (2015)
- City of Batavia Tree Management Plan (draft 2017)
- Batavia Opportunity Area Nomination Study (2014)
- Batavia Strategic Plan (2015)
- Batavia Business Plan (2015)
- Batavia Community Improvement Plan (2012)
- Genesee County Central Corridor Plan (2011)
- Genesee County Smart Growth Plan (2013)
- Genesee County Cultural Plan (2013)
- Ellicott Trail Design Report (2015)
- Genesee Region EV Charging Station Plan (2016)
- GHD Parking Study (2015)
- Finger Lakes Regional Sustainability Plan (2013)
- Genesee County Multi-Jurisdictional All-Hazard Mitigation Plan (2008)

## Alignment with Implementation of Strategic Planning Efforts

### Finger Lakes Regional Economic Development Council (FLREDC)

The Regional Economic Development Council Initiative was established in 2011 to develop long-term strategic plans for economic growth for each region of the state. Through the New York Upstate Revitalization Initiative (URI), the Regions are awarded state funds to distribute to priority economic development projects that are selected on a competitive basis. The City of Batavia Comprehensive Plan Update was designed to align with the overarching goals, priorities, and recommendations in the Finger Lakes Region URI Plan.



The URI Plan stresses the quality of life as a competitive advantage for the region as an attractive place to invest, live, work, visit, and play. The plan also emphasizes the importance of maintaining and attracting a skilled



workforce, which depends largely on the local quality of life. The Comprehensive Plan is designed to enhance the quality of life for its residents, and those of the surrounding region, by making the city pedestrian and bicycle friendly, strengthening neighborhoods, improving transit, protecting the natural environment, and supporting and growing business opportunities .

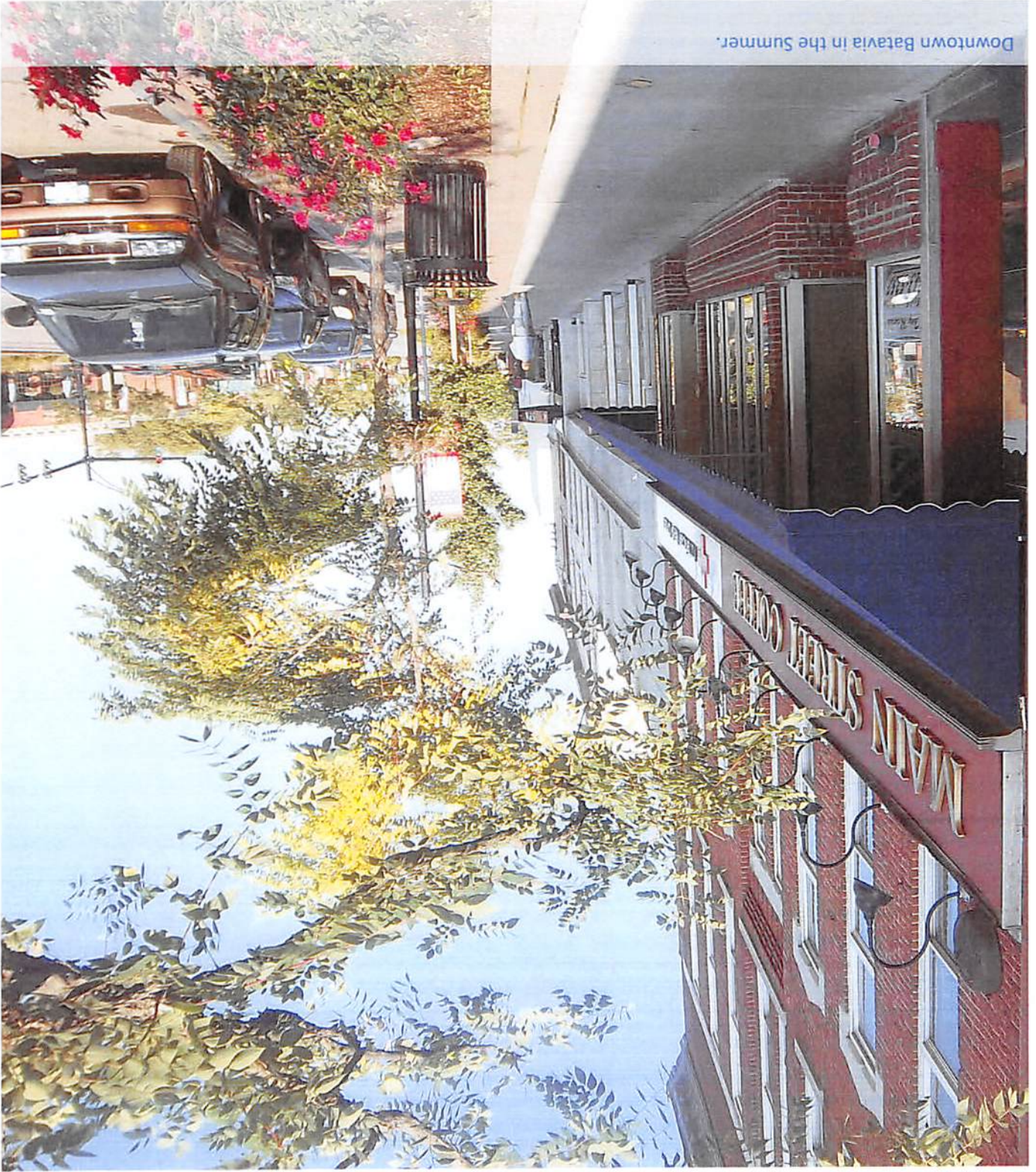
Enhancing quality of life is also essential to supporting key industries and projects that are priorities in the URI Plan. For example, the Genesee Valley Agri-Business Park in the Town of Batavia was identified as a key regional asset. If the City of Batavia is able to offer a premier high quality of life, variety of housing options, and other amenities, it will help attract businesses to the Agri-Business Park because those companies know they can attract a high-quality workforce. Therefore, the Comprehensive Plan not only supports the REDCs focus on attracting a skilled workforce, but it also supports growing the Agriculture and Food Production Industry, a priority of the URI plan.

### **Batavia Opportunity Area (BOA)**

The Department of State's Brownfield Opportunity Areas Program provided Batavia with guidance, expertise and financial assistance to complete BOA Nomination Plans. The BOA is a revitalization strategy for neighborhoods and areas affected by brownfields or economic distress. In 2014 the City of Batavia completed a Nomination Study for the Batavia Opportunity Area.

The Batavia Opportunity Area is located at the core of the City and generally includes the area between East Main Street and Ellicott Street to Harvester Avenue. Unlike many planning projects, the Batavia Opportunity Area plan is strategic in nature. The plan focuses specifically on redevelopment of underutilized strategic sites that are hindering redevelopment within the area and, if redeveloped, will act as catalysts for area redevelopment. The strategic sites chosen by the BOA Steering Committee include City Centre, the Downtown Medical Corridor, the Harvester Center, the former Della Penna Site and the Creek Park Area, all of which are currently underutilized. The adjacent Downtown and Harvester residential neighborhoods were also added as secondary strategic areas for analysis and to recognize the synergy between economic development and neighborhood revitalization.

The vision for the Batavia Opportunity Area is to “strive to be a sustainable, mixed use urban center that will embrace and celebrate its history and natural resources by creatively revitalizing properties for new uses in a new economy.” This is consistent with the Comprehensive Plan to make Batavia a resilient, dynamic and prosperous community. Key strategic areas identified in the BOA are now moving forward to realize the recommendations set forth in the BOA. The Comprehensive Plan also recognizes the importance of redeveloping these sites and the positive impacts it will have on the community as a whole, particularly downtown.







## 2. Existing Conditions

### Building an Understanding of the City Batavia Today

The Existing Conditions Inventory and Analysis documents the demographic, housing, economic, and physical characteristics and trends within the City of Batavia and provides insights into what those findings mean for planning the city's future. The inventory and analysis was used, along with public input, to create recommendations and strategies for the city.

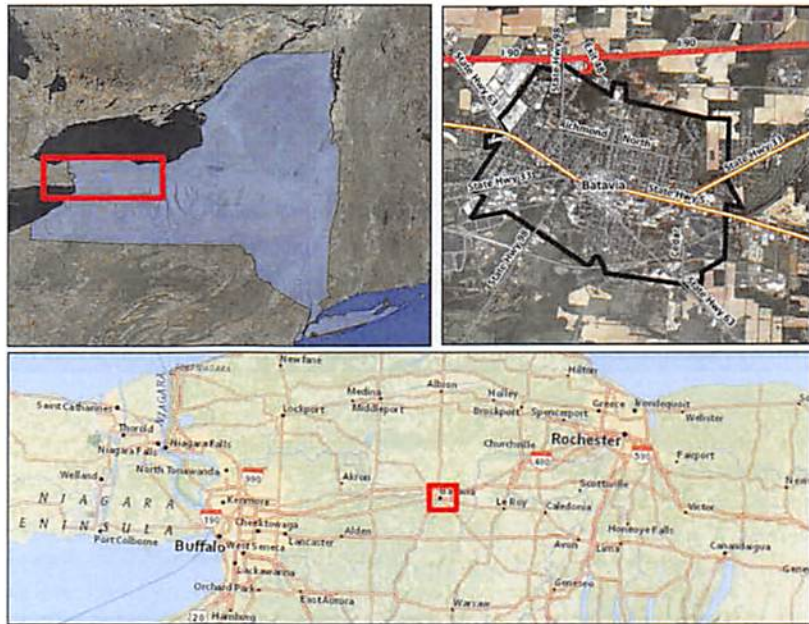
#### 2.A LOCATION

##### Location

*Genesee County designated the City of Batavia as a Priority Development Area to Reduce Urban Sprawl*

The City of Batavia is located in central Genesee County between Buffalo and Rochester. The City is 5.2 square miles in size and is surrounded by the Town of Batavia.

Regional Location



With a population of approximately 15,400 residents, Batavia is a small city that functions as the urban center of Genesee County. The New York State Thruway (I-90) connects Batavia with the cities of Buffalo and Rochester within a 40-minute car trip.



### City of Batavia: Basic Characteristics

County	Genesee
New York State Dept. of Labor Market Region	Finger Lakes
2014 Population	15,077
Total Area	5.2 sq. mi.
Distance to Rochester	30 minutes
Distance to Buffalo	30 minutes
Distance to Genesee County Airport	5 minutes
Distance to Niagara International Airport	40 minutes
Distance to Toronto International Airport	2 hours
Transportation Network	Road: I-90, NYS 5, NYS 33, NYS 63, NYS 98

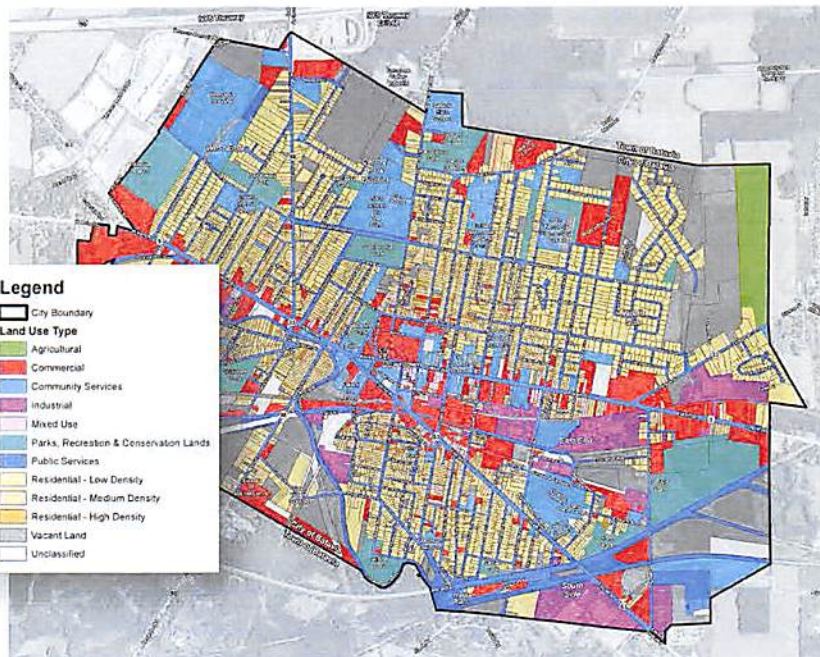
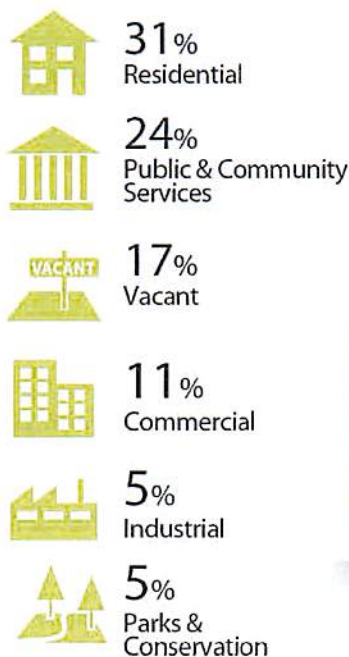
Source: Google Maps, U.S. Census 2014 Population Estimates.

## 2.B LAND USE

### Land Use

Land use in the City of Batavia is primarily residential (31% of land area) with most of that land being low-density residential (26% of land area). Land classified as either Public or Community Services accounts for nearly a quarter of total land use in the city. Vacant land represents a significant 17% of all land uses.

Land Use Map





3,639

Single family homes



\$335 M

Assessed Value

City of Batavia NY, Land Use by Area			
Type of Land Use	Acres	Square Miles	Percentage
Residential - Low Density	882	1.38	26%
Vacant Land	556	0.87	17%
Public Services	526	0.82	16%
Commercial	382	0.6	11%
Community Services	293	0.46	9%
Industrial	169	0.26	5%
Parks & Conservation Lands	165	0.26	5%
Residential - Medium Density	157	0.25	5%
Unclassified	82	0.13	2%
Recreation & Entertainment	55	0.09	2%
Agricultural	50	0.08	2%
Mixed Use	28	0.04	0.8%
Residential - High Density	16	0.02	0.5%
<b>Total</b>	<b>3,361</b>	<b>5.25</b>	<b>100</b>

Source: City of Batavia

The dominant land use, 'Residential-low density,' consists of single-family homes. There are 3,639 single family parcels in the city valued at a total of \$335.4 million, approximately 60% of the city's total taxable valuation of \$555.9 million (2013).

## 2.C ZONING

### Zoning

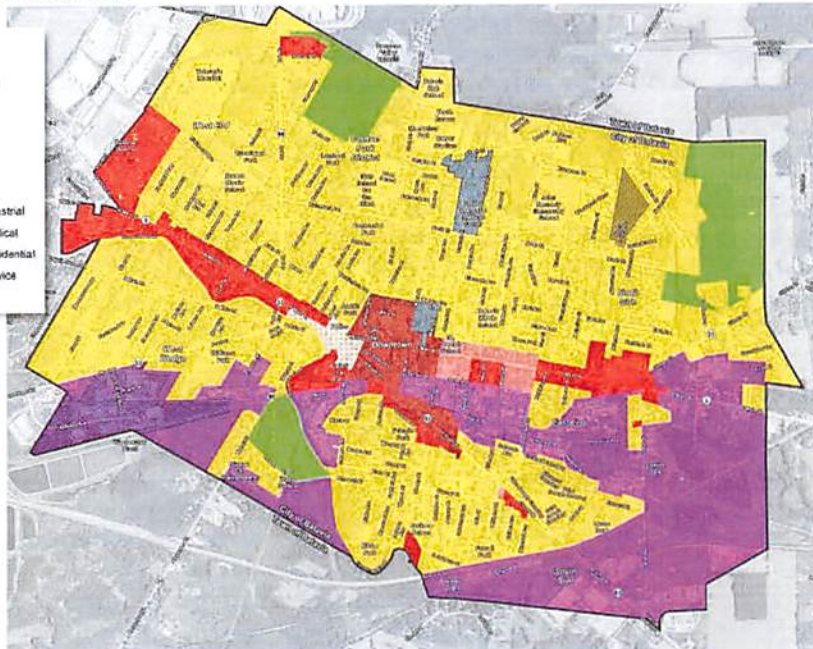
*"PDDs allow for flexible zoning of large lot developments as long as they meet the criteria established in the zoning code"*

Approximately 59% of the city's total area is zoned for residential districts, which are primarily located north of downtown and the Tonawanda Creek. Commercially zoned land is mainly located along West Main Street, East Main Street and Ellicott Street. The industrially zoned land in the city is all to the south of Main Street, primarily along the east-west rail lines traversing the city.



## Zoning Map

- Zoning Districts**
- Central Commercial District
  - General Commercial District
  - Limited Commercial District
  - Historic Overlay District
  - Industrial District
  - Land Conservation District
  - Residential District
  - Planned Development - Industrial
  - Planned Development - Medical
  - Planned Development - Residential
  - Planned Development - Service



City of Batavia Zoning by Area

Zoning District	Acres	Square Miles	Percentage
Residential District	1,970	3.08	59%
Industrial District	682	1.07	20%
Land Conservation District	221	0.35	7%
General Commercial District	223	0.35	7%
Planned Development - Industrial	86	0.13	3%
Central Commercial District	75	0.12	2.2%
Limited Commercial District	32	0.05	1.0%
Planned Development - Medical	32	0.05	1.0%
Historic Overlay District	16	0.03	0.5%
Planned Development - Residential	16	0.02	0.5%
Planned Development - Service	6	0.01	0.2%
<b>Total</b>	<b>3,360</b>	<b>5.25</b>	<b>100%</b>

Source: City of Batavia

## Design Guidelines

The City asks that any development in Downtown Batavia consider a set of "Design Guidelines." The guidelines are not mandatory but are intended to ensure that development in the central business district contributes to the existing community fabric and streetscape appropriately.

### Planned Development Districts

The City's zoning includes planned development districts (PDDs). PDDs allow for flexible zoning of large lot developments (5 acre minimum lots) as long as they meet the criteria established in the zoning code and fall within the classifications of Industrial, Medical, Residential, and Service.

### Empire Zones

Businesses located within New York State designated Empire Zones are eligible for tax incentives and technical support from the state. Batavia's Empire Zones cover a large portion of the City's industrial- and commercial- zoned land south of Main Street adjacent to the railroad lines. While the program is being phased out, several local Empire Zone participants remain eligible for tax breaks and other incentives. This program has been supplemented by local efforts including the Batavia Pathway to Prosperity (BP<sup>2</sup>), a PILOT Increment Financing (PIF) initiative that redirects local investment dollars into an Investment Fund for future brownfield redevelopment. BP<sup>2</sup> has the support and participation of all taxing jurisdictions, the city, county and school district, and is the first of its kind in the State of New York.

### Historic District Overlay

Batavia's Historic District Overlay zone is intended to provide for the preservation of historic sites, areas, buildings, and landmarks and to promote the economic, cultural, educational, and general welfare of the public. The Historic Preservation Commission is responsible for advising the City Planning and Development Committee on development activity within the district.

## 2.D DEMOGRAPHICS & HOUSEHOLDS

This section describes Batavia's population characteristics such as age, educational attainment, and median household income.

### Population Count

Figure 1 below shows Census population counts for Batavia from 1900 through 2014. Since its peak population of 18,210 in 1960, Batavia's population has declined slowly—corresponding to the loss of local manufacturing jobs in the 1970s, 80s, and 90s—to its present number of 15,077. The current population represents a 7.2 percent decrease from the 2000 population of 16,256. While population in the City of Batavia decreased, the respective population numbers in the Town of Batavia increased.

## Demographics & Households

*"Since its peak population in 1960, Batavia's population has declined slowly – corresponding to the loss of local manufacturing jobs"*



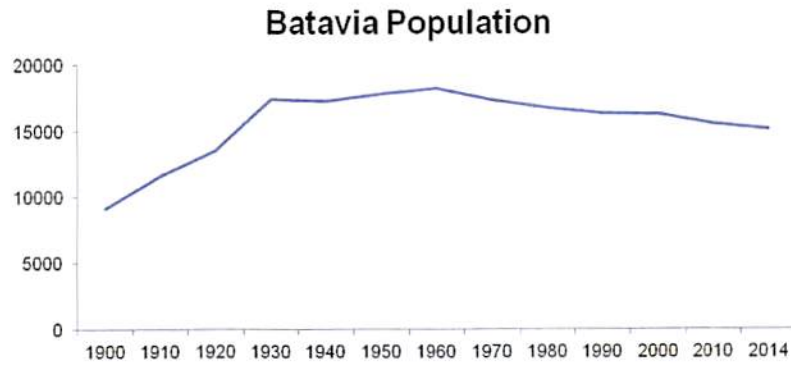
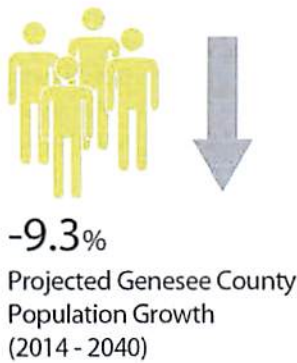


Figure 1. Source: U.S. Decennial Census & 2014 Population Estimates

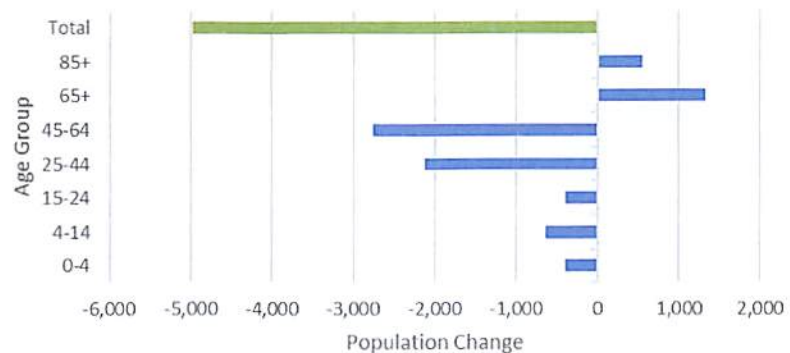
Taken together, the population of the City and the Town of Batavia has remained stable since 1960. Therefore, it is possible that some of the population loss from the City has been redistributed to the Town. Despite the population loss, Batavia has done relatively well in population compared to Geneva, Lackawanna, Lockport, or Tonawanda.



#### Projected Population Change

Genesee County's population is expected to decline from its current population of 59,702 to 54,153 by 2040, which represents a 9.3% decrease. Looking forward, only the 65-plus and 85-plus age segments are expected to see growth from 2020 to 2040. This is what could happen if city leadership does not proactively champion growth. In addition, as interest in walkable communities, aging in place living opportunities, and the mobility needs of an elderly population become more pressing, the City of Batavia may be able to reverse or at least stem its population decline.

#### Genesee County Population Change by Age Group (2020 to 2040)



#### Race

Batavia residents predominantly identify as white (85.6 percent), 7.7 percent are Black or African American, 0.3 percent American Indian or Alaska Native, 0.9 percent Asian, and 1.2 percent as belonging to another race not

included in these categories. 4.3 percent identify as multi-racial and 4.5 percent are of Hispanic origin.

### Age

The median age in Batavia is 39.7 years, up from 37.9 years in 2000. While younger than Genesee County as a whole, which has a median age of 42, Batavia's population is older than that of New York State as a whole (median age 38.1) and the United States as whole (median age 37.3).

Between 2000 and 2010 the age groups that saw significant increases in population were the 85+ cohort and the 45-64 cohort. During this time, Batavia experienced a 17 percent loss in its school-age population. This decrease is a concern, as in combination with the loss in the 24-44 cohort it signifies a decrease in the number of young families.

#### Age Group Changes 2000-2010

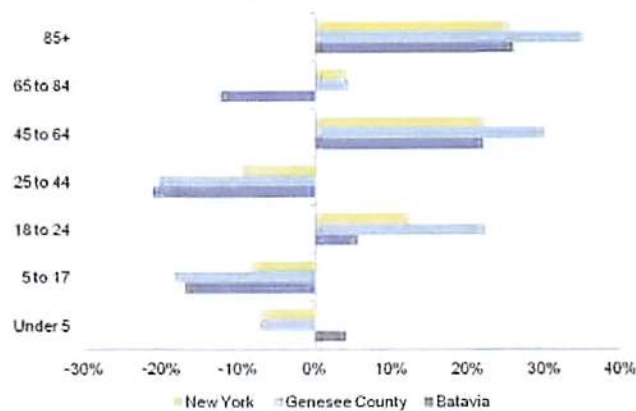


Figure 2. Source: 2010 U.S. Census.



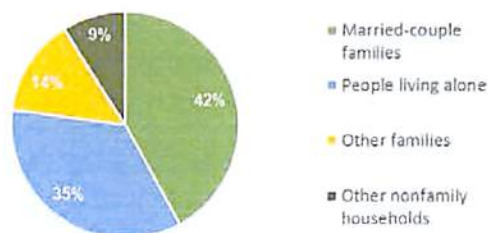
4 out of 10

Households are married-couple families

### Households and Families

In 2014, the City of Batavia contained 6,432 households. Households refer to the person or group of people living in any one housing unit. Generally, households that do not contain a family are made up unrelated people living together. Of the 6,423 households in Batavia, 3,572 were family households.

#### Household Composition



Source: American Community Survey (2014)

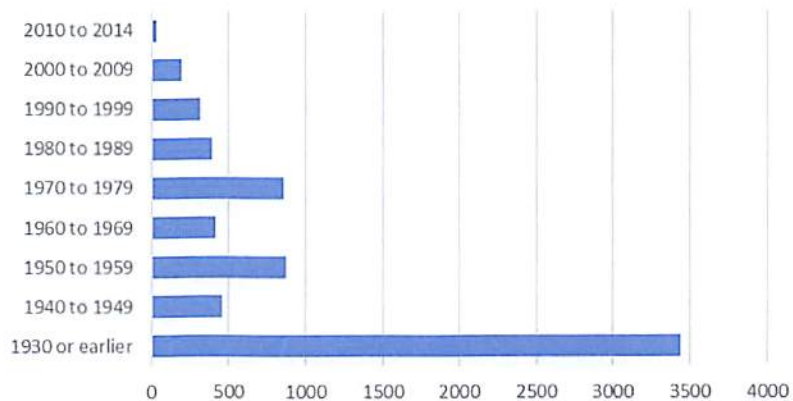
## 2.E Housing

As of 2014, Batavia has 6,960 total housing units. The largest portion of dwelling units (50 percent) was built in 1939 or earlier indicating a relatively old housing supply. Another development spike occurred in the 1970s, when 11 percent of dwelling units were built. Since then, the number of new units decreased every decade. As a result, middle class households looking to purchase a newer home that does not require major upgrades have better chances to find a place in the other parts of Genesee County, where the housing stock is relatively newer, or in Erie or Monroe Counties.



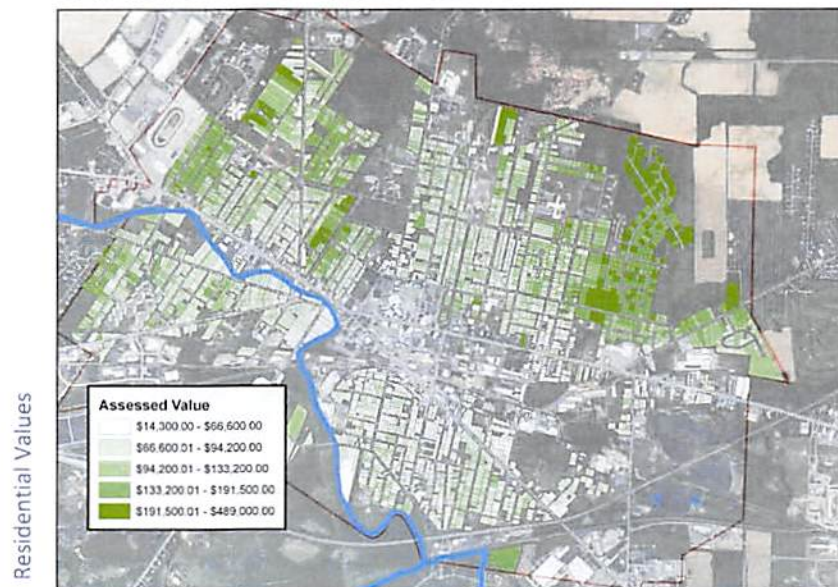
1 out of 2  
Housing Units Built in  
1939 or earlier

Housing Unit Construction Date - City of Batavia



Source: American Community Survey (2014)

**Home Values by Area:** Review of tax parcel data from the Genesee County Tax Assessment rolls reveal that neighborhoods to the south of the Tonawanda River show clusters of some of the lowest value homes. These





neighborhoods are typically within FEMA Flood Hazard Zones and built before 1940. Newer residential developments, north of Main Street to the east and west of downtown fetch higher sale values.

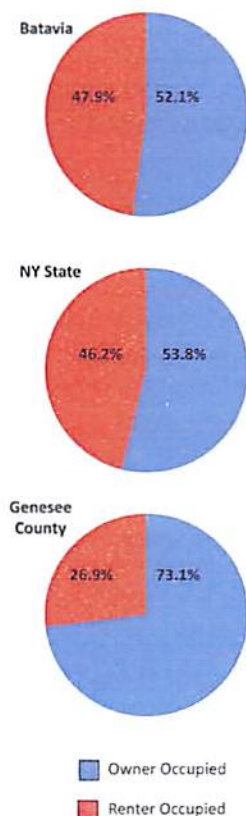
### Housing Costs

Housing affordability in the city is on par with the county. The US Census Bureau uses the American Community Survey to measure household affordability for regions. Selected monthly owner costs as a percentage of household income (SMOCAPI) is a useful metric to determine whether or not home-owners are cost burdened by their mortgages. In the City of Batavia housing costs are on par with the overall SMOCAPI rates in Genesee County. In over 50% of homes with a mortgage, housing costs account for less than 20% of the median household income.

### Gross Rent as a Percentage of Income (GRAPI)

Gross rent as a percentage of household income (GRAPI) helps to understand how housing costs relate to the median household income. In the City of Batavia, the median gross rent is just under the Genesee County average. The GRAPI index shows that Genesee County and the City of Batavia have lower rents as compared to the state. The price differential between the City of Batavia and the rest of Genesee County is almost negligible (\$722 median rent in the county versus \$718 median rent in the city). This may indicate that the City of Batavia is not necessarily losing population to the Town of Batavia due to affordability issues but instead better quality.

Housing Tenure



GROSS RENT			
	Batavia	Genesee County	NYS
<b>Occupied units paying rent</b>	2,999	5,898	3,233,100
Less than \$200	2.70%	1.40%	1.10%
\$200 to \$299	4.90%	4.10%	4.20%
\$300 to \$499	10.90%	10.40%	6.40%
\$500 to \$749	39.90%	39.60%	13.40%
\$750 to \$999	28.60%	29.10%	16.70%
\$1,000 to \$1,499	11.20%	12.50%	30.50%
\$1,500 or more	1.80%	3.00%	27.60%
Median (dollars)	\$718	\$722	\$1,117

Source: American Community Survey (2014)

### Tenure and Ownership

Of Batavia's 6,960 housing units, 6,432 are occupied and 528 (or 7.6 percent) are vacant. In Genesee County outside of the City of Batavia, the vacancy rate is 6.5 percent. Batavia's housing market includes 52 percent of occupied units being owner-occupied and 48 percent of occupied units being rentals. The average household size of the owner-occupied units is 2.51, while the average rental unit holds a household of 2.00 residents. For a small city this is a good rate of owner to renter occupancy. In NYS the

percentage of owners to renters is 54% owner occupied to 46% renter occupied. In Genesee County there are 73% owners to 27% renters.

### Housing Vacancy

The City of Batavia has about a 7.6% overall vacancy rate including all housing units (apartments, condos, single-family homes, etc.). It is important to note that this vacancy rate includes properties that were sold but the new owners have not yet moved in (91 units)<sup>1</sup> and vacant housing that is for “seasonal” or “occasional” use (40 units)<sup>2</sup>. When these units are omitted from the vacancy rate calculation, the overall housing vacancy rate is 5.7% (2014) or 6.6% (2015).

Generally, a “healthy” rental market generally has vacancy rates of 5% to 7%, a figure widely accepted by experts.<sup>3</sup> This rate reflects the natural “churning” of the market related to people moving, units that aren’t appropriately priced, and other factors. When rates dip below 5%, it indicates that demand is outstripping supply. When the rental market has rates in the 5% to 7% range, the market is providing adequate housing choices. Low rental vacancy rates are generally bad for communities because it can lead to unjustified rent increases, provide a disincentive to property owners to maintain facilities, and reduce the choice and opportunity for renters. When rental vacancy rates are below 5%, it is typically followed by rising rents.

According to 2015 U.S. Census Bureau data, the rental unit vacancy rate in the City of Batavia is an estimated 4.7%, including units that are “for rent” and those “rented not occupied.” When only “Vacant for Rent” units are considered, the vacancy rate drops to 2.0%. Both measures indicate a tight market with vacancy rates below what would be considered healthy. As shown in the following graph, the overall housing vacancy rate has been relatively stable in the City of Batavia; however, the vacancy rate for owner-occupied units has been steadily climbing while the rental vacancy rate has been falling. This indicates a shift in demand for more rental units in the City.

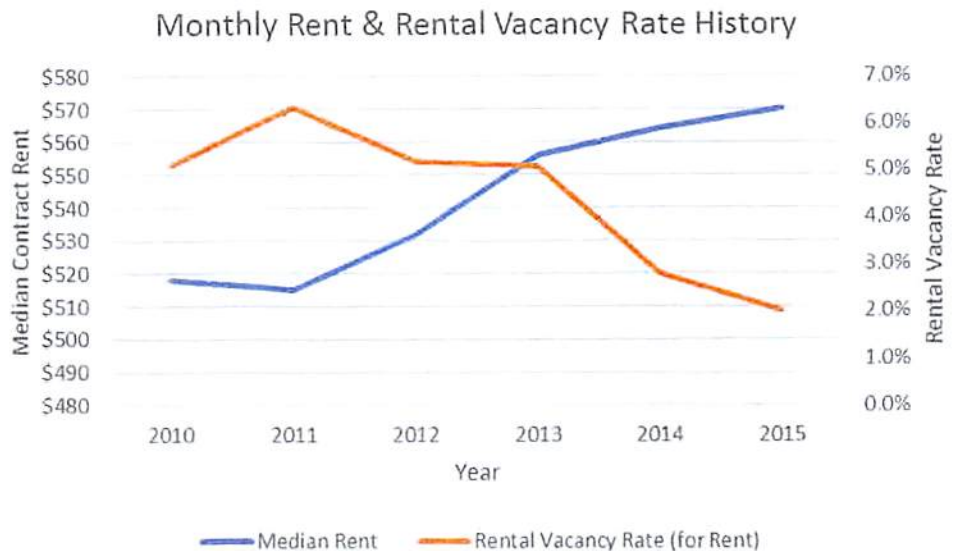


<sup>1</sup> U.S. Census Bureau, American Community Survey

<sup>2</sup> U.S. Census Bureau, American Community Survey

<sup>3</sup> <http://www.mylongview.com/modules/showdocument.aspx?documentid=1339>

In recent years the rental vacancy rate has been declining, and rental rates in the city have been rising, as would be expected with a tightening rental market.



Source: U.S. Census Bureau, American Community Survey. Vacancy Rate calculated using "Vacant For Rent" Figures.

## 2.F WORKFORCE & EMPLOYMENT

### Workforce & Employment

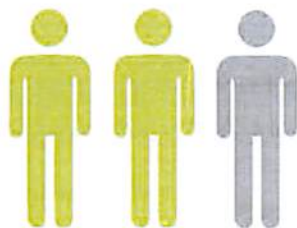
*"The composition of the workforce partially explains Batavia's relatively low income levels"*

Approximately 60 percent of the working age population are active participants in the labor force, while the unemployment rate is approximately 8.9 percent (2013). In terms of commuting to work, the majority (81.0 percent) drive alone although 7% either walk or ride their bikes to work, indicating the importance of pedestrian and bicycle amenities. The mean travel time to work is 17 minutes.

Batavia is an employment center for the county and the surrounding region. In 2013, 9,269 people were employed within the Batavia city limits. Of these jobs, approximately 2,300 are filled by City of Batavia residents while about 7,000 employees commute into the city.

Approximately 4,500 Batavia residents commute to jobs outside the city, indicating that more residents leave the city for work than stay in the city to work. Batavia residents working outside the city are most likely to commute to other municipalities in Genesee County (49.6 percent).





**2 out of 3**  
Employed residents  
commute to jobs outside  
of City

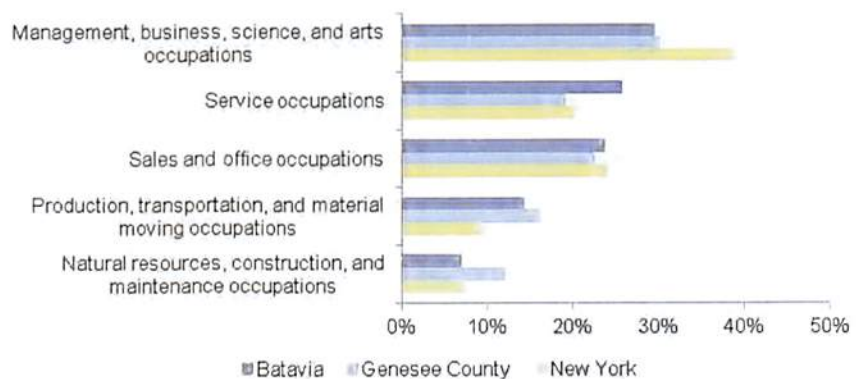
City of Batavia Commuting Patterns



Source: U.S. Census Bureau OnTheMap

Slightly less than 30% of Batavia's working population is employed in management, business, science, and arts occupations. While this employment category has the highest share in Batavia, the New York State average is substantially higher at 39%. Service occupations (26%) and Sales and Office occupations (24%) are the next largest employment categories.

Workforce Characteristics – City of Batavia



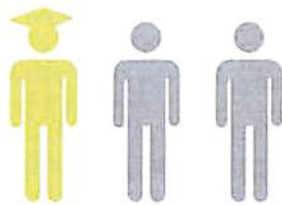
Source: American Community Survey (2014)

The composition of the workforce partially explains Batavia's relatively low income levels. If Batavia's composition was closer to the state average, the median household income would be 7.9% higher at over \$44,000 compared to the current median household income in the city of \$40,882.

## Household Income

*"The median household income in Batavia is \$40,882, which is significantly below the median for Genesee County and New York State"*

## Educational Attainment



**1 out of 3**  
Adults has a College Degree

## Parks & Recreation

*"Most residents in the City of Batavia are within a short distance of a park, but the distribution of parkland is uneven."*

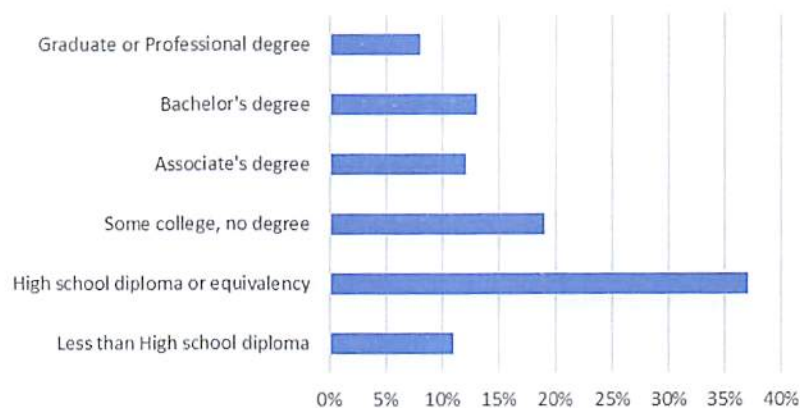
### Household Income

The City of Batavia median household income reflects many factors, including office and retail employment, the educational attainment of its residents, the presence of dual income households, and a population consisting largely of residents in their peak earning years. The median household income in Batavia is \$40,882, which is significantly below the median for Genesee County (\$50,573) and below that of New York State (\$58,687).

### Educational Attainment

A community's overall education levels strongly influence the economic success of a community. In addition, an understanding of them is important as they are indicative of the types of jobs and industries a municipality can hope and strive to attract. Nearly 11% of Batavia residents 25 years and over did not complete high school, while the statewide average is nearly 15%. Batavia's high school graduation rate is slightly below the Genesee County average and similar to the comparison communities.

Educational Attainment: City of Batavia NY



Source: American Community Survey (2014)

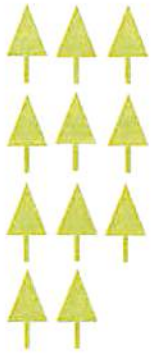
## 2.G PUBLIC INFRASTRUCTURE & COMMUNITY FACILITIES

### Parks and Recreation:

Parks and recreational facilities are a vital part of quality of life. The residents of Batavia are currently well served by parkland. The National Recreation and Park Association (NRPA) established best practice standards for number of acres of parkland per 1,000 residents and adjusts the number to account for population density.<sup>4</sup>

<sup>4</sup> "NRPA's 2015 Field Report" A Parks and Recreation National Database Analysis. National Recreation and Park Association.





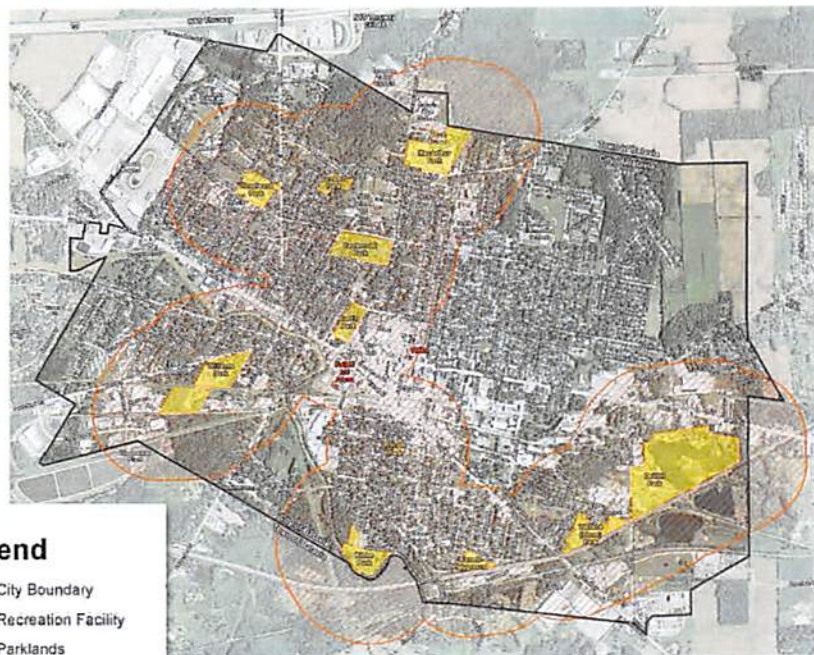
**11 Acres** of Parkland  
per Resident

With Batavia's population density of 4.49 residents per acres, a rate of 10 acres of parkland for 1,000 residents is preferred. Within the City of Batavia there are 10.8 acres of parkland per 1,000 residents. While these standards indicate that Batavia has sufficient parkland, the land is not well distributed throughout the community, particularly in the north-east portion of the city.

Most residents in of the City of Batavia are within a short distance of a park, but the distribution of parkland is uneven. (See map: "Parks and Recreation"). Most residents in the north-east quadrant of the city are not within the preferred 1,500' distance from a park/recreational facility. As the City of Batavia plans for the future, it may want to consider expanding the amount and distribution of parkland available to future residents.

The National Recreation and Park Association recommends 10 acres of parkland per resident. In the City of Batavia there are 10.8 acres per person.

Parks & Recreation Map



#### Legend

- City Boundary
- ★ Recreation Facility
- Parklands
- Parklands 1500' Buffer

#### Bridges in Batavia

The Tonawanda Creek runs through the city and is crossed by automobile routes at five different points. The most travelled bridge is just north of the central intersection of State Route 98 and South Main and Pearl streets. According to the Highway Performance Monitoring System, it is crossed by

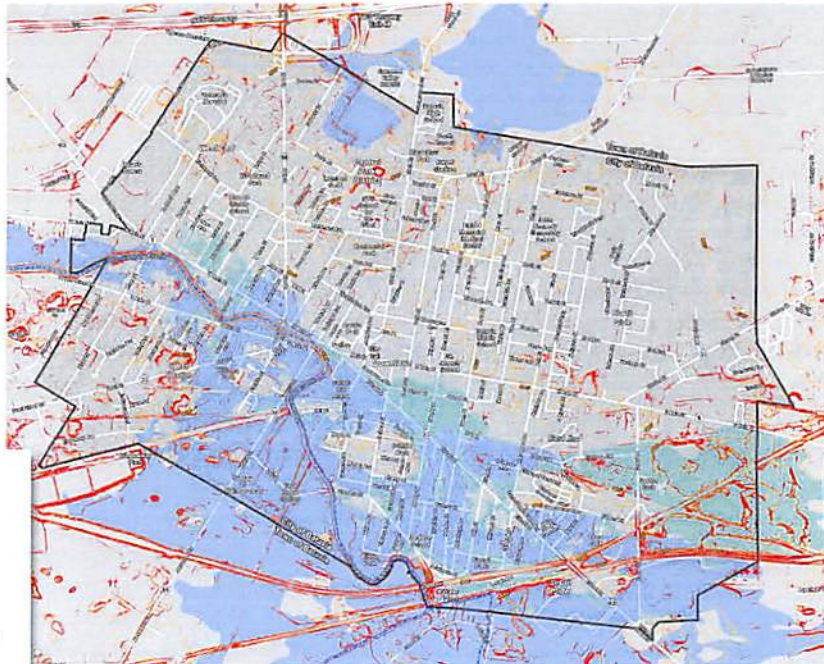


## Environmental Features

*"Today, much of the southern area of the city lies within the 100-year flood zone."*

### Legend

-  City Boundary
-  Roads
-  Rivers
- FEMA Floodzones**
  -  100-Year Zone
  -  500-Year Zone
-  20' Topographic Contours
-  Steep Slopes (>15%)



an average of 16,000 vehicles a day. The NYS Department of Transportation last inspected the bridge in 2014 and gave it a rating of 4.65. The NYSDOT condition rating scale ranges from 1 to 7, with 7 being in new condition and a rating of 5 or greater considered as good condition.

Auto Bridges in the City of Batavia, NY		
Name/ Location	Year Built/ Replaced	NYS Condition Rating
@ junction of Route 98	1952	4.65
Law Street	1975	5.95
River Street	1975	4.25
South Lyon Street	1910	4.63

Source: NYSDOT

It should be noted that Genesee County is responsible for maintaining and repairing all of the bridges in the city. Currently, the River Street Bridge is scheduled for replacement in 2017. There is no timeline for work to be completed on the South Lyons Street bridge.

## 2.H ENVIRONMENTAL FEATURES

### Flood Zones:

Batavia's relationship with the Tonawanda Creek has not always been easy, with major flooding occurring multiple times in the city's history. Today, much of the southern area of the city lies within the 100-year flood zone.

City of Batavia Flood Zones

## Transportation & Circulation

*“Batavia has an extensive network of sidewalks to serve pedestrians”*

Currently there are 1,113 acres (1.74 square miles) of Federal Emergency Management Administration (FEMA) flood zones within the City of Batavia, making up roughly 20 percent of the city’s total area. Of the 1,113 acres, 68 percent (754.5 acres) are part of the designated “100-year flood zone,” and 32 percent (358.6 acres) are part of the “500-year flood zone.”

The city has special zoning district overlays that mandate more stringent flood proofing efforts for structures built within the flood plain. (See Chapter 87 of the City of Batavia Code “Flood Damage Prevention” adopted in 2002).

A 2013 GIS analysis revealed that 1,030 single- and two-family homes are within the 100-year floodplain. The average assessed values of these properties was \$69,739 with a median year built of 1900. These are relatively older and lower value homes compared to other neighborhoods in the city.

### Wetlands:

The City of Batavia contains few acres of wetlands (Refer to map Water Resources and Wetlands), with two NYS Department of Environmental Conservation-classified wetlands in the city limits. Both wetlands within the city are parts of a larger wetlands system across the city boundary.

### Topography:

Batavia is roughly 900 feet above sea level. The terrain of the city is mostly flat (particularly those areas within the floodplain) with some small knolls. The NYS School for the Blind is located on one such knoll.

## 2.I TRANSPORTATION & CIRCULATION

The City of Batavia has a functional network of local roads and pedestrian facilities. The city has freight rail access, but does not have any passenger rail facilities.

### Roadways

As the County Seat of Genesee County, the City of Batavia is located at the confluence of several major highways--NY-63, NY-98, NY-5 and NY-33-- and is just south of Interstate 90 via Exit 48. Exit 48 is located approximately one mile from downtown Batavia. Together, these roadways generate a substantial amount of through traffic. All local residential roads have a posted speed limit of 30 mph and are fairly well connected as part of a traditional grid system. There are a few suburban style cul-de-sacs in the residential areas surrounding the Central Business District.

### Pedestrian Network

Batavia has an extensive network of sidewalks to serve pedestrians. The “Genesee-Finger Lakes Regional Walkability Improvement Plan,” (2016) highlights some of the opportunities and deficiencies in the existing pedestrian network.



## Utilities & Infrastructure

*“The City of Batavia is capable of providing 6 million gallons per day to city residents.”*

### Planned Capital Project

The City and Town of Batavia are currently engaged in developing the Ellicott Trail spanning from Pearl Street in the City and Seven Springs Road in the Town.

### System Deficiencies

As previously discussed, two vehicular bridges are classified as “functionally obsolete” with a third classified as “structurally deficient,” meaning that they will likely require maintenance in the near term.

### Public Transportation

Batavia is served by a small bus fleet with declining ridership trends. Transit is managed by the Rochester-Genesee Transit Authority.

### City Initiatives

Pedestrian Enhancements: Some of the initiatives in this realm include enhancements and a raised median on Main Street and Route 5, and in late 2015, the City of Batavia Healthy Schools Corridor. The Healthy Schools Corridor Initiative is part of the Safe Routes to School program and aims to increase pedestrian safety in the areas surrounding schools.

Bike Racks: Recently Vibrant Batavia and the Downtown Business Improvement District (BID) spearheaded a successful effort to install bike racks downtown.

Parking Audit: The City of Batavia hired a consultant to conduct a parking audit in the downtown area surrounding the Batavia City Centre. The audit revealed that the amount of parking downtown far exceeded demand. The results of this parking audit may result in more bike and pedestrian friendly design considerations in the future.

## 2.J UTILITIES & INFRASTRUCTURE

Overall, the City’s water and sewer infrastructure is aging and will need close monitoring, maintenance, and potential replacement as elements of the infrastructure approach the end of their life cycle.

### Water

The City of Batavia is capable of providing 6 million gallons of water per day to city residents. Water comes from the Tonawanda Valley Watershed via a series of wells drilled in the city and from surface water withdrawals from the Tonawanda Creek. According to water meter sales data, water consumption levels have decreased on an almost annual basis.

The specifications of the water system are:

- 60 miles of pipe
- 2.8 MGD average plant flow



- 4.2 MGD peak daily flow
- 6.0 MGD plant max design
- Water sources: Tonawanda Creek – 3.0 MGD & 2 wells – 2.9 MGD

### **Sewer and Wastewater System**

The City of Batavia treats the wastewater produced by its residents at a treatment facility in the southwest quadrant of the city. The plant is bounded by Route 33 to the north, Donahue Road to the west, Route 98 to the east and Rose Road to the south.

The system is a large lagoon-style facility that relies on natural processes to process its wastewater. The facility has created multiple wetlands and provides important habitat for native flora and fauna. A walking trail has been installed on the southwestern edge of the facility for public use.

The specifications of the sewer system are:

- 50 miles of gravity pipe
- Predominant material is vitrified clay pipe (VCP)
- Installed between 1960 and 1990
- Many deep sewer lines greater than 12-feet deep
- 5.5 MGD daily capacity; 7.5 MGD max design

### **Electricity and Natural Gas**

National Grid provides Electricity and Natural Gas. A vast majority of homes in Batavia used natural gas to heat their homes. Unlike New York State as a whole, fuel oil is used exponentially less to heat homes in the city.

The city has two internet providers, Time Warner Cable and Empire Access, the latter being a relatively new option for local internet, cable and digital phone.

### **Solid Waste Management**

Garbage is collected by a variety of private hauling companies in Batavia, all of which provide recycling services for free. The city also operates a yard waste collection facility to compost organic yard waste.

## **2.K HISTORIC RESOURCES**

Batavia has been an established settlement for over 200 years. Its primary claim to historical significance is the **Holland Land Office** on West Main Street. Built in 1815 by the City's founder Joseph Ellicott, the limestone structure was the headquarters for innumerable speculative land sales in the

## Historic Resources

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*"The City of Batavia has an adopted Historic Preservation Ordinance that provides an additional level of review to projects in the historic downtown."*

early years of American westward expansion. The structure is listed on the National Register of Historical Places and serves as a museum.<sup>5</sup>

**The Batavia Club** on Main and Bank Streets was built in 1831 and was one of the first banks ever built west of the Genesee River. It marks the edge of an area that fell victim to extensive urban renewal clearing.

The **Genesee County Courthouse** on Main and Ellicott Streets, completed in 1843, "is an architectural focal point in downtown Batavia and has played an integral part in the areas history since its construction in 1841," (NRHP Nomination Documents. 1973). The building now houses county administrative offices.

The City of Batavia has an adopted Historic Preservation Ordinance that provides an additional level of review to projects in the historic Downtown.

The City of Batavia has 45 properties identified as historic landmark designations. The list of these properties is provided in the appendices. These sites have been identified because they are places that might be of interest to tourists due to notable physical features or historical significance.



Holland Land Office – 131 W. Main Street

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<sup>5</sup> National Register of Historic Places Nomination Documents 1979.





### 3. A Guide to Batavia's Future

#### SETTING A DIRECTION for BATAVIA

##### City of Batavia **Mission**

“Our mission is to create and sustain a vibrant, affordable, safe community where people choose to live and work and where, through a supportive environment, businesses continuously flourish.”

##### City of Batavia **Vision**

We consider our community to include its citizens, its business owners and employees and all those with whom we interact.

- We will continuously build upon our rich entrepreneurial history providing an infrastructure and support for businesses of all types to grow and flourish.
- We will lead and facilitate collaborative partnerships that support and enhance our vision and mission.
- We will encourage and provide opportunities for the physical, mental, emotional and cultural learning and enrichment for all our community members at every life stage.
- Our community members will be actively involved in the decisions we make and active in bringing our plans to life.
- Our thriving downtown will serve as a focal point, bringing community members together to engage in numerous and diverse activities.
- Our community members will enjoy the feeling of safety as they live, work and interact in our City.
- Our children, at all ages, will have choices to grow, learn, live, play and work in our community.
- We will continuously promote a healthy and active lifestyle for all individuals in ways that bring our community members together.
- We will be careful stewards of our environment recognizing its limited resources and continuously striving towards sustainability.
- We will proactively consider our financial picture and how we might best use our finances to help us achieve our mission.
- Our city will serve as a model for other small cities in its approach to an overall positive quality of life for all its community members.



The Comprehensive Plan Value Statement and Organizing Principles reflect community input collected throughout the planning process, as well as previous plans and existing policies that help shape the community and its surrounding context. Steered by this Value Statement and Organizing Principles, the remainder of the Batavia Comprehensive Plan outlines a range of strategies and concepts. Further, the Value Statement and Organizing Principles should be used by local public and private decision makers when evaluating policies, programs and projects in the City of Batavia.

## Comprehensive Plan Value Statement

**“Batavia is a place of opportunity and prosperity; a proud community of families and neighbors planning for a resilient future.”**

### Comprehensive Plan Organizing Principles

**Resilient** Batavia’s prosperity is intimately linked to creating a walkable, bikeable, transit supported community connected with vibrant open spaces that celebrates and safeguards our community.



**Dynamic** Batavia’s success is a reflection of the pride, friendliness and creativity expressed by its most valued asset, its residents: families and singles, boomers and millennials, artists and business leaders, alike.



**Prosperous** Batavia’s policy framework and philosophy propel its prosperity, encouraging appropriate growth and adaptation to changing conditions.







Batavia's prosperity is intimately linked to creating a walkable, bikeable, transit supported community connected with vibrant open spaces that celebrate and safeguard our community.

A Resilient Batavia is a city that is environmentally healthy, economically prosperous, and socially responsible. These three pillars are essential for creating a vibrant and enduring community. In this section, goals and strategies for maintaining an environmentally healthy city are discussed, with economic and social strategies discussed in following sections.

Environmentally healthy means the city proactively addresses issues of air and water quality as well as contaminated land when necessary. Resilient environmental practices are far ranging and include creating and maintaining parks and open space, planting street trees, managing stormwater through natural vegetation, and encouraging alternative transportation such as walking, biking, and public transit.

Batavia has already taken many positive steps towards being a resilient city including creating a tree management plan, participating in a walkability plan, and maintaining quality parks. The following recommendations will continue to move Batavia as a healthy community.



### RECOMMENDATIONS

- R-1 Adopt a Complete Streets Policy
- R-2 Create a Bikeable Batavia
- R-3 Foster a Safe, Convenient and Comfortable Transit Network
- R-4 Implement Low-Impact Development (LID) Techniques in Parks and Open Spaces
- R-5 Manage Trees as an Important Part of the Urban Environment
- R-6 Create a City Parks & Recreation Master Plan
- R-7 Develop a *Welcome to the South Side* Corridor Revitalization Strategy for Ellicott Street/Route 63
- R-8 Re-Imagine the Areas of the City That Lie Within the 100- and 500-year Floodplains
- R-9 Develop and Adopt a Resiliency Policy Statement
- R-10 Support Renewable Energy Projects

## recommendation **Develop and Adopt a Complete Streets Policy**

### goal

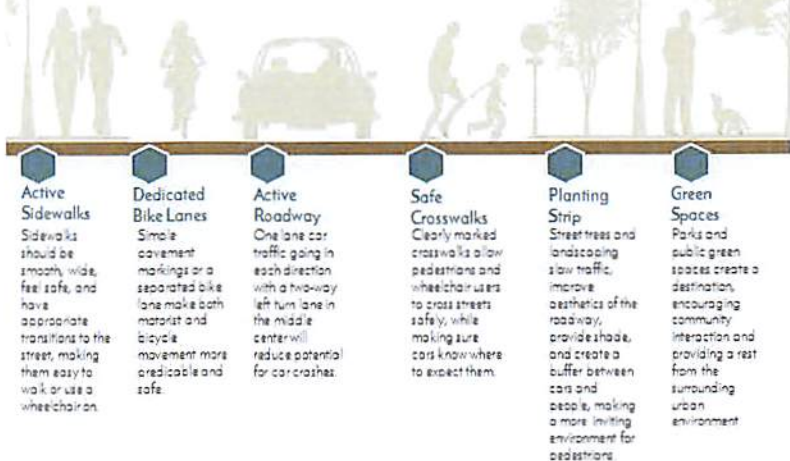
*Enhance key street corridors to improve the city's image and boost economic activity*

Complete streets, according to Smart Growth America, are “streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work.” Thinking about streets as “complete streets” is a major transition from past thinking of streets as only transportation corridors for vehicles. A wide variety of elements can go into creating complete streets including sidewalks, bike lanes, bioswales and rain gardens, street trees, street furniture, lighting, transit stops, and more.

A complete streets policy will help ensure that future street planning and construction in Batavia considers the full set of potential users and should reflect the city's needs and desire. Once a policy is developed, public officials and other relevant professionals (such as engineers) should be trained to understand the policy and become familiar with the complete streets framework.



### WHAT IS A COMPLETE STREET?



### Key Corridors Include:

- Oak Street
- West Main Street
- South Main Street
- Pearl Street
- Walnut Street
- Ellicott Street
- East Main Street
- North Street
- State Street
- Bank Street
- Richmond Avenue
- Washington Avenue



## recommendation

## Create a bikable Batavia

### goal

*Ensure safe multi-modal mobility access throughout the community*

Bicycling provides a healthy, low-cost, and environmentally friendly alternative form of transportation. Creating a bicycle-friendly city also increases the quality of life for local residents by providing new opportunities for recreation. A bike-friendly Batavia starts with thinking differently about roads as more than conduits for vehicle transportation. It also means making the city welcoming for those traveling by bicycle, including having safe and convenient bike parking. By making investments in a bikeable Batavia, like the Ellicott Trail, the city will help create safe pathways for families and children to bike to local parks and provide options for local residents to commute to jobs on their bicycles. This can also open doors to greater connectivity opportunity for students and faculty at Genesee Community College (GCC) just outside the city.



#### Develop Dedicated Bicycle Lanes Along Key Corridors Throughout the City

The city should identify the key routes for current and future bicycle traffic and add dedicated bike lanes along these corridors. Key corridors include those between residential areas and parks and recreation points, as well as local employment centers and shopping areas. Bike lanes should be clearly marked and separated from traffic to the extent possible. Safety barriers can be added between bike lanes and automobile traffic in targeted areas that may be dangerous for cyclists.



#### Provide Bicycle Racks Located Outside All Public Facilities

The city should take a leadership role in creating a bikeable Batavia by adding bicycle racks outside of public buildings and publicly-owned facilities. These racks encourage public employees to commute to work and local residents to ride their bikes around the community. This approach is also an opportunity to lead by example, encouraging private business and property owners to follow suit.



#### Develop Wayfinding Signage for Bicyclists

Wayfinding for bicyclists should direct them toward existing bike paths and dedicated bike routes. Key destinations should be shown on signs along with approximate distances. Signage should also indicate where bike racks are located. Bicyclist wayfinding signage can be incorporated into a city-wide wayfinding system discussed separately.

## recommendation

## Foster a safe, convenient and comfortable transit network

### goal

*Ensure safe multi-modal mobility access throughout the community*

Batavia is served by a small bus fleet with declining ridership trends. The city should be proactive in supporting and growing the existing transit system, currently managed by the Genesee Finger Lakes Regional Transportation Council. Transit systems are critical infrastructure for communities as they offer access to education, employment, and other opportunities to those who do not have access to an automobile. They also enhance environmental sustainability as bus systems are more environmentally friendly compared to auto-only transportation.



### Provide Appropriate Lighting and Bus Shelters at Bus Stops

Most of the city's bus stops do not provide shelter or decent lighting. The city should help increase utilization of existing transit by providing appropriate lighting and covered bus shelters at bus stops to increase safety and protect riders from weather elements. The city should conduct regular maintenance checks to ensure the condition of bus shelters remains up to appropriate standards.



### Integrate Public Art into Bus Shelters

Bus shelters are an opportunity to incorporate public art into the city. The city could commission art for shelters or work with the local arts and cultural community and student groups. Public art integrated into bus shelters can also help give Batavia's different neighborhoods unique identities.

## recommendation

## Implement low-impact development (LID) techniques in parks & open spaces

### goal

*Create a functional and healthy open space network*

According to the U.S. Environmental Protection Agency (EPA), Low-Impact Development (LID) refers to “systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.” In short, it is a more sustainable approach to handling stormwater than the traditional “drains and pipes” approach. The city should think of LID as being best practices and “standard operating procedure” when planning and constructing street and sidewalk infrastructure. LID techniques have the added benefit of making communities more attractive by replacing unappealing concrete expanses with attractive vegetation. The city is currently developing the Batavia Stormwater Capital Plan that will consider incorporating these concepts, as well as mitigating potential flood hazards furthering the city’s participation in FEMA’s National Flood Insurance Program (NFIP) Community Rating System (CRS).



**Redirect stormwater away from existing storm drains and toward natural or constructed planted areas, where it can infiltrate into the ground or be taken up by plants**

When possible, the city should add natural (or “green”) infrastructure including rain gardens and bioswales (planted areas along roads and sidewalks that collected stormwater runoff). Stormwater runoff should be directed towards new and existing natural areas where it can infiltrate into the ground or be absorbed by vegetation. This approach may involve curb cuts to allow water to flow into these areas. This could alleviate stress on the city’s stormwater infrastructure and prevents contaminated runoff from reaching natural waterbodies.



**Integrate LID into designs for bike and pedestrian network improvements**

Pedestrian and bike improvements are ideal opportunities to integrate LID designs such as bioswales, shown in the image to the left. The city should consider developing LID guidelines and integrating them into the planning and development process.



## recommendation

## Manage trees as an important part of the urban environment

### goal

*Create a functional and healthy open space network*



Urban and community trees provide immense benefits including lowering temperatures in hot summer months, improving air quality, providing habitat for birds and other wildlife, and making neighborhoods more attractive and desirable to live in. The City of Batavia has approximately 4,300 trees along its streets and in its parks. By maintaining and growing the city's "urban forest," the city will become a more attractive and environmentally friendly community.

### Implement recommendations made in the 2017 Tree Management Plan

The management plan includes goals to substantially increasing the city's tree canopy as well as implementing an efficient tree management system. Specific actions include removing defective trees and replanting new trees, among others. The city can engage neighborhood groups and volunteers to support efforts and enhance neighborhood pride. A healthy tree canopy from a well developed urban ecosystem benefits the community by improving conservation of building heating/cooling, removal of greenhouse gas carbon dioxide, improved air quality by filtering particle pollution, reduce the amount of stormwater runoff and provide a host of esthetic, social, economic, and health benefits.



## recommendation

## Create a City Parks & Recreation Master Plan

### goal

*Create a functional and healthy open space network*

This plan will provide guidance and policy direction for the Batavia Parks and Recreation network and will shape the delivery of parks and recreation services in a manner that is consistent with city goals and meets the community's level of service standards.



## recommendation

### Develop a *Welcome to the South Side* Corridor Revitalization Strategy for Ellicott Street/Route 63

#### goal

*Enhance key street corridors to improve the city's image and boost economic activity*

The Ellicott Street corridor connects downtown Batavia with the Southside neighborhoods and into the surrounding Towns of Batavia, Bethany, and Pavilion. The corridor is a varied mix of residential, commercial/retail, restaurants, professional and light industrial uses. The businesses along the corridor serve a mix of both local and regional needs. The corridor is an important gateway into both the city and the downtown.

The Ellicott Street Corridor plays a major role in the everyday activity of the City of Batavia, as it serves a dual role as both a major commercial district and major transportation corridor. This corridor is unique in that its length has led to the development of varying characteristics throughout. Its visibility and access presents many opportunities and challenges for businesses that choose to locate along the corridor.

Commercial development has been attracted to Ellicott Street because of its high visibility and easy access. Over time, however, the commercial frontage along the road has become fragmented and is in need of aesthetic modifications and structural improvements to meet current market demand. A redevelopment strategy for the Ellicott Street Corridor will seek to improve the economic vitality and market position of the corridor by developing a long-term vision based on a unified approach to improve business viability, visual image, and transportation and pedestrian safety. Elements of this strategy may include Southside branding/waypoint finding, zoning and land use revisions, façade enhancement programs, gateway/signage additions and infrastructure improvements, ranging from streetscape enhancements to relocating utilities underground.





## recommendation

## Re-imagine the areas of the City that lie within the 100- and 500-year floodplains

### goal

*Preserve and protect the natural environment*

A significant portion of the city falls within regulatory floodplains, much of which is currently residential. These Special Flood Hazard Areas (SFHAs) are susceptible to destructive and potentially dangerous flooding from the Tonawanda Creek. The creek has reached flood conditions 24 times in the 65 years that the National Weather Service has been measuring levels. The image below shows flooding on Walnut Street in 2014. It is important to plan ahead to mitigate the devastating economic, environmental and social impacts of flooding.



### Examine re-investment options for homes located within floodplains.



The city should evaluate different approaches for addressing residential areas located in flood hazard areas. One approach may be adjustments in the physical design of the built environment, such as relocating residents and removing homes. Other options include investing in flood mitigation measures to reduce the impact on existing residences. It is also possible to incorporate a combination of approaches such as selectively relocating residents in the most flood-prone areas and invest in flood mitigation infrastructure.



## recommendation

### Develop and adopt a resiliency policy statement

#### goal

*Preserve and protect the natural environment*

Being a resilient community means being a city that is prepared and able to recover effectively from environmental, economic, and other hardships – whether from local hardships such as flood events, or larger external factors such as regional, state, or national economic downturns. A resilient city has the policies, infrastructure, and tools to react, respond, and recover from such events. A resiliency policy statement provides a foundational framework to incorporate resiliency measures into a variety of existing city plans, policies, and practices.

#### Consider the following draft statement for adoption:

“The City of Batavia recognizes that municipal decision-making influences the viability of our businesses, the well-being of our residents, and the health of our environment. The City further recognizes that public sector leadership can both inform and inspire the public. The world is an ever-changing place, and we have a responsibility to constantly strive to improve our community.

The leadership of the City of Batavia has the duty to its citizens to provide the means to be a resilient community. We have an opportunity to adopt best-management practices to save money and build a livable, energy-independent and secure community with an innovative economy, healthy schools and a strong infrastructure. To this end, municipal decision-making and operations will pursue low-impact technologies and policies while integrating best management practices to the greatest extent possible. This will reflect our effort to be a resilient community in all aspects of the economy, the environment and society.”

## recommendation

### Support Renewable Energy Projects

#### goal

*Preserve and protect the natural environment*

With the foreseen build-out of the Western New York Science and Technology Advanced Manufacturing Park (WNY STAMP) (Alabama, New York) with semiconductor, energy and high-tech manufacturing companies over 10,000 green jobs are anticipated on site, with 30,000 more around the region.

The City of Batavia should continue to support renewable energy projects at all levels including municipal, community, residential and business projects. Potential opportunities for individuals, groups or businesses to participate in the green economy present themselves in many ways including energy performance audits, micro-grids, community solar projects, rooftop solar, green roofs, geothermal and electric vehicle charging stations, to name a few. Renovations and new-builds will incorporate greener standards as new building materials and technologies continue to advance. These collective efforts will reduce green-houses gases overtime and lead to a more resilient and prosperous Batavia.



Batavia's success is a reflection of the pride, friendliness and creativity expressed by its most valued asset, its residents: families and singles, boomers and millennials, artists and business leaders.

A "Dynamic Batavia" is a city in which residents are active and engaged in community events and civic life. Dynamic communities are rich in street life and artistic expression. It also means a well-designed built environment that is responsive to pedestrian needs and not only automobile convenience.

A Dynamic Batavia means creating and maintaining attractive public spaces suitable for a variety of formal and informal activities, such as spaces for street performers. It also means creating a city that is pedestrian friendly and easy to navigate.



### RECOMMENDATIONS

- D-1 Develop a Historic Resources Inventory
- D-2 Celebrate Public Space
- D-3 Create a Local Online Social Network to Share Community Activities
- D-4 Activate Downtown Storefronts



## recommendation Develop a Historic Resources Inventory

### goal

*Create public spaces throughout the City that are expressions of particular places or events*

The City of Batavia has a rich history expressed in its many buildings scattered throughout the City. A survey of existing resources will provide a strong foundation for planning while creating an economic development opportunity to put vacant and underutilized buildings back into productive use. The project will also consolidate all existing survey data into a single digital repository to make it more accessible to City staff, property owners, and the public.

## recommendation Celebrate Public Space

### goal

*Create public spaces throughout the City that are expressions of particular places or events*

Vibrant, safe, accessible, and practical public spaces are integral to the vitality of Batavia. Typical public spaces in the city include parks, plazas, sidewalks, and streets. Places where private development meets public spaces are also opportunities to celebrate public space, even if those spaces are technically on private property. For example, courtyard areas in front of private buildings or street café seating areas are “quasi-public” spaces. These spaces are often overlooked, but should be actively planned for to enhance the experience of being in the City of Batavia.



**Create Community Gathering Spaces:** designate flexible, active public spaces for short-term performances and/or displays (e.g., designated “busker” space)

The City should identify appropriate community gathering spaces that can be used to create an active and vibrant streetlife. One example is to provide space for “buskers” or street performers. Other examples of potential users of flexible public spaces include food trucks, outdoor theater, fairs, and public art exhibits.



**Develop preferred design elements and cultural identity for consideration and voluntary application into private development projects.**

Private development projects can be opportunities to enhance public spaces through the provision of unique design or public art elements where private properties meet public areas (such as along sidewalks). By developing guidelines for design and cultural identity elements, Batavia can help bolster a unique sense of place for the city and its different neighborhoods. Some communities, as an example, incentivize private businesses and developers to provide public art amenities that use the same “blank canvas” to create an artistic piece, as illustrated by the heart image to the left – a public art element found throughout the Town of Bel Air, MD.



**Create a city-wide wayfinding system to help guide residents and visitors to points of interest.**

By developing a wayfinding system, Batavia can make itself more attractive and friendly to visitors, while also supporting pedestrian activity. Wayfinding systems include signs, maps, banners, and other elements to help pedestrians navigate the city environment and find key points of interest. A wayfinding system can also be used to help create a unique sense of identity for the city's different neighborhoods through things such as color-coded banners.

## recommendation

### Create a local online social network to share community activities

#### goal

*Create public spaces throughout the City that are expressions of particular places of events*



Many communities around the country are turning to social media to connect with residents and tell community stories. It has proven to be an effective tool in engaging residents in civic life and marketing special events and programs. A social media strategy is best used in conjunction with an official community calendar of events.

#### Create Facebook, Instagram and/or Twitter Accounts for the City of Batavia

As the most popular platforms, these three social media platforms will allow the City to reach the majority of social media-using residents. There are also methods for duplicating posts on one platform to the others to increase efficiency and maximize the audience reached. This strategy represents minimal investment, requiring only staff time or potentially volunteers and interns.

## recommendation

### Develop a Strategy to Encourage Active Storefront Displays Downtown

#### goal

---

*Create public spaces throughout the City that are expressions of particular places or events*

Active storefronts enliven the street for pedestrians, attract more customers to existing businesses, market available commercial properties, and promote Batavia to prospective businesses. Eye-catching, creative displays in storefront windows generate awareness and draw from the products/services by the business, helping to market the business in a unique way. Regardless of theme, activating storefront windows will also be helpful in positioning downtown Batavia as an entertainment and dining hub.



## A Prosperous Batavia

**Batavia's policy framework and philosophy propel its prosperity, encouraging appropriate growth and adaptation to changing conditions.**

A Prosperous Batavia is a city with a strong and diversified economy, quality buildings, a variety of housing options, engaged residents, and unique neighborhoods.

Achieving a more Prosperous City requires the right mix of policies to catalyze and accommodate appropriate business growth and new development. This means aligning guidelines and regulations with the goals and vision of the comprehensive plan. It also requires the city to be engaged in economic development activities to grow local businesses and help create quality jobs for residents.

Housing for all income levels is a key ingredient to a prosperous city. Supporting a mix of housing ensures that there is housing for all types of workers in the city and therefore helps maintain a diversified workforce, while being socially responsible in addressing issues of poverty and income segregation.



### RECOMMENDATIONS

- P-1 Continue to Redevelop the Batavia Opportunity Area Strategic Sites
- P-2 Update Zoning Ordinance to Reflect Goals of the Comprehensive Plan
- P-3 Support Small Locally-Owned Businesses, Employment, and Job Training
- P-4 Elevate the Role of Residents in Improving the Quality and Stability of our Neighborhoods
- P-5 Redevelop Vacant and Underutilized Buildings and Parcels Downtown
- P-6 Investments in Housing Should Strive to Include a Diverse Range of Housing Types, Creating a Seamless Integration of Low Income, Workforce, and Market Rate Housing Options Throughout the City.
- P-7 Strengthen Interagency Coordination and Maximize Resource Allocation

## Recommendation

## Continue to Redevelop the Batavia Opportunity Area Strategic Sites

### goal

*Redevelop the BOA sites*



The city's Batavia Opportunity Area (BOA) plan identified 5 Strategic Sites, that if developed, can be catalytic components of city-wide revitalization that reinvigorates the city's core. In 2016 the city and BDC announced the first redevelopment of one of the Strategic Sites, **Ellicott Station** (formerly the Della Penna site). Propelled forward in 2017 the project has financing commitments from the NYS Brownfield Cleanup Program, the Empire State Development Corporation, the RESTORE NY program, National Grid and the city's BP<sup>2</sup> fund. The \$18 million redevelopment project sits on a 4-acre contaminated brownfield site, and is a strategic mix of market rate housing, entertainment, commercial office space and agriculture manufacturing, with the partnership of a regional micro-brewery. While this is the first BOA site to be targeted for redevelopment, the remaining sites must not be ignored as the benefits of brownfield redevelopment extend beyond removal of contaminants, in that it brings a site back to active use – returning it to the tax rolls, leveraging private investment, and creating businesses and jobs.

### City Centre/Medical Corridor

Break up "super block" between Bank and Jefferson Avenue by extending Jackson Street north through the site. Re-establish "street wall" on Main Street and Bank Street by introducing multi-story, well designed structures up to the sidewalk. Continue the process of turning the mall "inside out" started on Main Street by introducing facades on all storefronts. Tie City Centre together with the Medical Campus via alignment of parking lot entrances and traffic calming of Bank Street. Maximize use of City Centre property by re-organizing parking layout and minimizing concourse space. Improve Circulation and Parking to support Medical redevelopment plans.

### Creek Park

Reclaim access to the Tonawanda Creek by implementing a modified Creek Park Plan that includes trails connected to the Ellicott Trail and a great lawn for passive recreation. Regain lost space by reorganizing parking, utilizing vacant properties and re-aligning a formal Rectory Drive between Ellicott and Evans Street. Provide shared parking to support Genesee County offices, the Ice Rink and new development. Provide opportunities for new housing or mixed use development along the creek.

### Harvester Center

Improve circulation and parking with the introduction of additional internal streets and parking areas. Right Size the facility by demolishing select buildings to provide space for parking, green space, circulation and new development. Create a mixed use Campus with loft housing, offices and retail on the north side of the site; move heavier industrial uses to the south side of the building over time. A new Erie Boulevard Complete Street on the former Erie Railroad ROW that includes sidewalks, streetscape elements, enhanced pedestrian crossings and parallel parking. Formalize Masse Place as a Gateway by introducing additional landscaping and streetscape elements and upgrading properties. Re-purpose Ward Plow Site on Swan Street for new commercial development; save historic structures if feasible.



## recommendation

## Update zoning ordinance to reflect goals of the Comprehensive Plan

### goal

*Promote and support a business-friendly environment*

Zoning is the primary implementation tool to achieve the desired future land use in Batavia (discussed in further detail in Chapter 4). Zoning regulations dictate the form and use of properties within the city and therefore shape how and where future private development and redevelopment occurs within the city. The city's zoning regulations should be updated to reflect the Future Land Use Map (see Chapter 4).

### **Incorporate Form-Based code elements in the commercial, retail, business, and industrial areas**

Form-based codes represents “best practices” in zoning regulations. Conventional zoning provides general massing limitations, primarily through density, setback, and building height restrictions. Conventional zoning is traditionally very limited in terms of use and tends to discourage the mixing of uses. Form-based codes emphasize the design of development and tend to be more encouraging of a mix of appropriate uses. Typical form-based code regulations include street and building types, build-to-lines, and number of floors. The city should also look to build on its current relationship with the town in creating a seamless zoning approach to residential development in the northeast quadrant of the city that overlaps into the town.

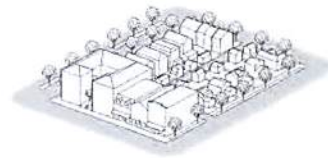
#### **Conventional Zoning**

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



#### **Form-Based Codes**

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.





## recommendation

## Support small locally-owned businesses, employment and job training

### goal

*Promote and support a business-friendly environment*

BATAVIA DEVELOPMENT CORPORATION



Locally owned businesses are important to support for a variety of reasons. They help make Batavia a unique place with retail and restaurant options not found in every other community. Locally owned businesses also have important economic development benefits. Profits earned by locally owned businesses stay in the community and are spent by local owners at other local businesses and service providers, thereby generating additional economic “spin-off” benefits.

**Collaborate with regional communities, planning organizations and business and economic development entities to strengthen the economic environment for the City.**

Partnerships are key to economic development. By collaborating with local and regional partners, the city can enhance its capacity to carry out economic development projects and programs. Coordination is also important to ensure that partners’ efforts are complementary and not redundant. The city should continue to support the Batavia Development Corporation (BDC), the Business Improvement District (BID) and the Genesee County Economic Development Corporation (GCEDC).

**Support and foster incubators as a means to grow existing businesses and create new start-up opportunities.**



Incubators are shared work spaces offered to small business owners and entrepreneurs at little or no cost. The facilities are designed to get businesses off the ground by providing needed resources before businesses have a sustainable cash flow. Incubators don’t necessarily provide office space only. Many also offer business assistance services, training, and access to equipment. As businesses grow and expand they move on to permanent locations. The formal concept of business incubation began in the USA in 1959 when Joseph Mancuso opened the Batavia Industrial Center in a Batavia, New York, warehouse. The USDA Rural Development sponsored freshLAB is the first restaurant incubator of its kind in the Finger Lakes region to include a micro-brewery, the Batavia Brewing Company.



**Install public parking signage downtown to help guide the public to available parking.**

Downtown has adequate public parking but needs better signage to direct residents and visitors to public lots. Attractive signage should be installed at key intersections and other locations – especially where on-street parking is limited or frequently occupied. Parking signage should be integrated with the recommended city-wide wayfinding system.

## recommendation

## Elevate the role of residents in improving the quality and stability of our neighborhoods

### goal

*Create pride and ownership within existing neighborhoods*

Assist local residents to deal with neighborhood-scale issues is an effective way to increase capacity and improve the quality of life throughout the city. Batavia's neighborhoods are unique and the residents of each neighborhood are uniquely positioned to understand and deal with local issues such as necessary public improvements and safety concerns. By getting residents involved in improving their neighborhoods, the city can also elevate community and neighborhood pride.



**Neighbors should initiate the organization of neighborhood associations for all neighborhoods throughout the City**

Neighborhood associations are groups of neighbors who work cooperatively to make their neighborhoods better places to live. They typically focus on issues of land use, neighborhood improvements (such as signs or sidewalk repairs), dealing with safety concerns, and other similar topics. The city should support the creation of organizations, but not directly lead or run them.



**Work with neighborhood associations to sponsor neighborhood-based events and festivals**

Neighborhood events, such as block parties, are great ways to increase the quality of life for residents and boost neighborhood pride and sense of community. This, in turn, encourages local residents to maintain and improve their local neighborhoods. Other examples of neighborhood-based events include: yard sales, book exchange, art show, kids performance, karaoke party, outdoor movie screening, charity bake sale or food drive, spaghetti suppers, cocktail parties, barbecues, and others. Other efforts include starting community gardens, tree plantings, clean-up days, painting murals, and other neighborhood beautification projects.



**Create unique neighborhood signage celebrating the history and heritage of each neighborhood**

Unique neighborhood signage is a relatively simple way to create a unique sense of identity and pride for residents in each of the city's neighborhoods. A city-wide neighborhood signage effort could serve as an effective momentum-building first project for new neighborhood associations. Neighborhood signage can also be incorporated into the proposed city-wide wayfinding system.



## recommendation

## Redevelop vacant and underutilized buildings and parcels downtown

### goal

*Create pride and ownership within existing neighborhoods*

Downtown's in small- to medium-scaled urban communities across the country have been experiencing investment and growth, particularly in residential development. Leading the charge have been young professionals and empty nesters. Studies have found that college-educated professionals between the ages of 25 and 34, tend to want to live in tight-knit urban neighborhoods that are close to work and have dining, entertainment, and shopping options within an easy walk. "The cities that capture the mobile, college-educated 'young and restless' are the ones who are most likely to revitalize their downtowns and accelerate economic progress in their cities," says Lee Fisher, President, CEO for Cities.

A focused strategy to redevelop vacant and underutilized buildings in the downtown, in tandem with the BOA implementation process, complements the recommendation to develop a Historic Resources Inventory: owners of buildings with historic significance can pursue historic designations that will, in turn, open the door for tax credits for building restorations and improvements. Very often these historic tax credits and other incentives make investments in vacant and underutilized urban buildings a profitable venture for investors. This strategy should include exploring the possibility with Genesee Community College (GCC) of bringing some of its classes (particularly Creative Arts classes) and resident opportunities into downtown, mixed use and upper floor redevelopment, façade improvements, upper floor accessibility and storefront activation.





## recommendation

Investments in housing should strive to include a diverse range of housing types, creating a seamless integration of low income, workforce, and market rate housing options throughout the city

## goal

*Create pride and ownership within existing neighborhoods*

The city should actively plan to create mixed-income neighborhoods that are inclusionary of households of a wide range of income levels. Economic integration of neighborhoods is important to creating a dynamic city. The social benefits of such policies have been proven to help reduce poverty and specifically to help eliminate generational cycles of poverty. The City has representation on the steering committee for the Genesee County Housing Needs Assessment and Market Analysis.

### **Target distressed and vacant properties for investment and redevelopment of neighborhoods**

The city is the only community in the State of New York to have a property exemption (485-r RPTL) encouraging the investment in vacant, “Zombie”, homes providing for up to 25 years of exemption, for investments in Zombie homes that become owner-occupied single family homes. However, there are also a significant number of distressed single-family homeowner houses in trouble because of the owner’s age, health, disability or economic concerns. These houses would benefit from weatherization, health and safety repairs, and improvements to the exteriors so that houses again support the neighborhood. Investment strategies targeted at improving the market value of the city’s housing stock will result in providing safer and higher quality housing and neighborhoods for, both current and new residents.

## recommendation

Strengthen interagency coordination and maximize resource allocation

## goal

*Create a unified voice*

Improving interagency coordination improves efficiency and builds capacity to get more done to improve the City of Batavia. Interagency coordination refers to the different groups and organizations within the city. Increasing coordination between these groups will help to reduce redundancies in activities and foster collaboration where visions, projects, and initiatives overlap to achieve more than is possible with each organization working alone.

### **Collaborate with the Town of Batavia to strengthen the City’s downtown businesses while supporting appropriate growth within the Town.**

The city should work closely with the town to ensure that economic development efforts are complementary and not competitive. This means identifying the types of businesses appropriate for downtown and those appropriate for the Town and tailoring business retention and attraction strategies accordingly.

**Evaluate need for staff capacity augmentation in planning, community development and economic development.**

Evaluating the need to expand staff capacity is a necessary first step to ensuring the city is able to effectively execute its planning and economic development goals and objectives. One approach the city can undertake is regular strategic planning re-evaluation that builds off of the implementation matrix of the comprehensive plan. The City should identify tasks that need to be completed and analyze the staff time to achieve those tasks. That time should be evaluated against current staff capacity to identify any gaps.







## 4. Future Land Use Plan

### Planning for Land Use Changes

The **Future Land Use Plan** is a technique used to illustrate preferred future land use patterns. It is a reflection of the stated goals, objectives, and recommendations of the Comprehensive Plan. Most importantly, the Future Land Use Plan sets the foundation for the City's zoning. In essence, the Future Land Use Plan is a statement of what residents would like the Batavia of tomorrow to look like. The Future Land Use Plan presented here only highlights areas of proposed change from existing land use patterns.

It is important to state that the Plan is focused on the future – it does not imply that existing houses or businesses must “convert” to the future desired land use.

#### 4.A Future Land Use Definitions

**Low-Density Residential:** designation is intended to apply to lands that are not appropriate for urban levels of development and/or land that is appropriate for low-intensity larger-lot residential development.

**Medium-Density Residential:** designation is intended to create the opportunity for neighborhoods that offer a variety of lot sizes, housing, and ownership options. Residential Medium Density neighborhoods should include a variety of unit types designed to incorporate features from both single-family and multi-family developments, support cost-efficient housing, facilitate infill development, encourage use of transit service, and promote the efficient use of urban services and infrastructure.

**High-Density Residential:** designation is to encourage a variety of high quality multi-family living environments for people in differing living situations, from all income levels, and in all stages of life. Should be limited to where there is adequate infrastructure to accommodate higher densities with direct access to an arterial and adequate buffering from lower intensity land uses.

**Restoration Residential:** intended to enhance residential development on land that is significantly constrained by environmental factors, i.e. located within the floodplain.

**PUD:** designation to allow greater flexibility in development standards (lot coverage, setbacks, building heights, lot sizes, etc.) to facilitate adaptation of development to the unique conditions while permitting a mixture of uses which, with proper design and planning, will be compatible with each other and with surrounding uses or zoning districts all to permit a response to market demand.

**Light Industrial:** designated to establish and protect industrial areas for the use of light manufacturing operations and for the distribution of products at wholesale. The standards will be established to promote sound

light industrial development, and to protect nearby areas from undesirable aspects of industrial development.

**Auto-oriented Commercial:** designation is to encourage the redevelopment of strip commercial areas into vibrant business districts that are physically connected to the surrounding community by pedestrian pathways as well as major arterials.

**Highway Commercial:** designation is to encourage development of uses that cater to the needs of highway travelers.

**Neighborhood Commercial:** designation is to allow for commercial areas that provide daily goods and services for nearby neighborhoods and on a sub-regional basis, as well as providing local employment opportunities and incorporates opportunities for dense housing. Policies should call for the enhancement of these areas as redevelopment occurs, with coordinated site planning and design, pedestrian access and amenities, development of coordinated parking, and the efficient infill and intensification of commercial use.

**Transformational Neighborhood:** designated for a compatible mix of residential, office and limited specialty retail uses in close proximity to downtown and the surrounding residential development. The designation recognizes the need to protect adjacent residential uses, thus the basic character of the designation encourages a compatible mixture of residential and office types of land uses. Review of building design, uses, buffers, landscaping, lighting and parking are recognized as essential for the establishment and maintenance of the character of this designation. This designation is not intended for moderate-to-large office centers.

**Downtown:** designation features a mix of private and public uses designed to create a compact, friendly small-town feel, with an emphasis on a strong pedestrian network and public realm. Public places, sidewalks, extensive landscaping, transit orientation, shared or structured parking, protection of environmentally sensitive areas, and high-quality design and signage are key features. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental, offices, medical, small-scale commercial and retail, and locally oriented professional and personal services.

**Conservation:** located within the floodplain, this area experiences repeated loss from flooding waters. Future regulations will be developed to alleviate these losses without adversely impacting natural resources.



## City of Batavia Comprehensive Plan

### Future Land Use Plan

#### Existing Land Use 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
- Unclassified



Date: January 2016 Sources: City of Batavia  
NAIP 2013 Imagery, NYSDOTS

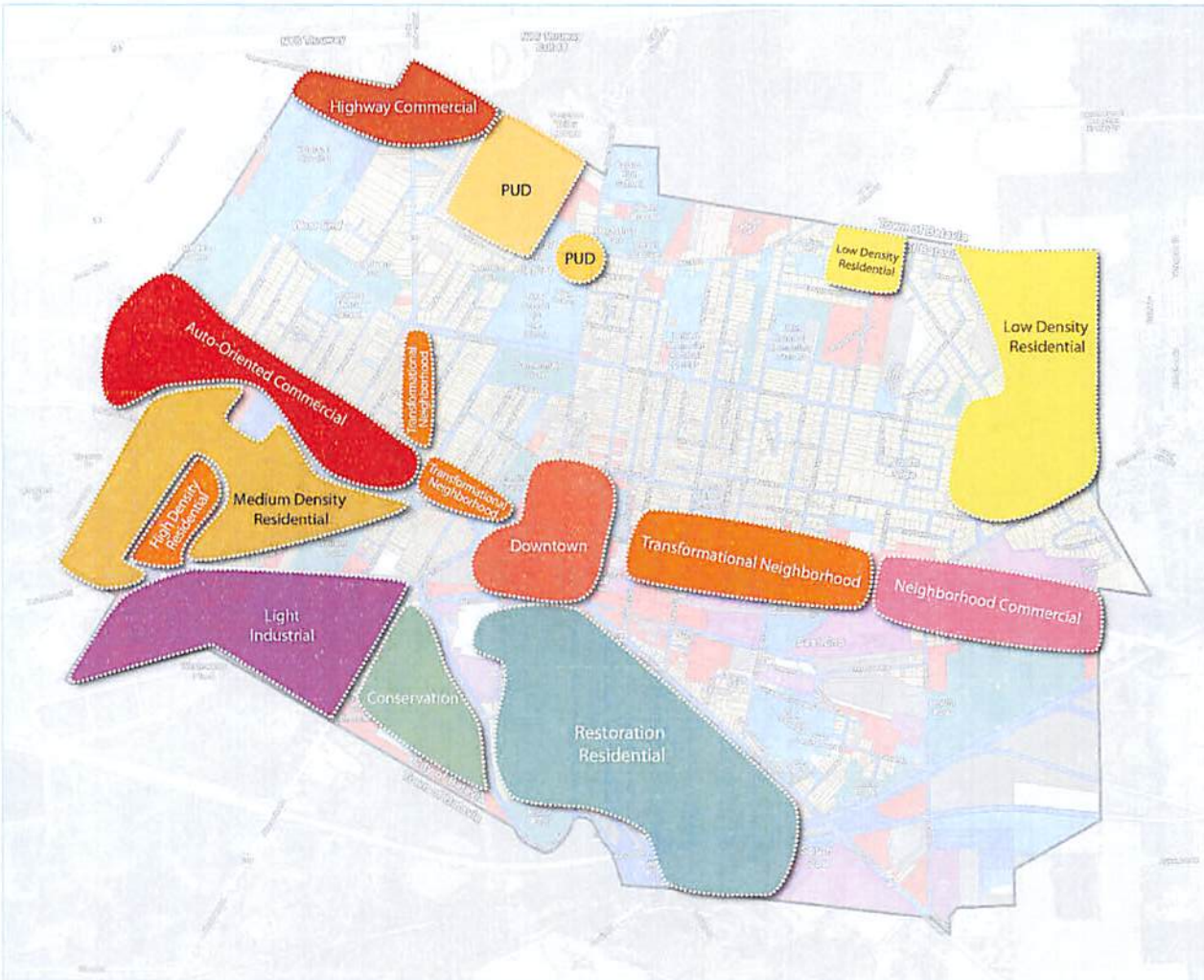
**ELAN**  
Engineering and Land Surveying, P.C.



Engineering and  
Land Surveying, P.C.  
1000 South Street, Suite 100  
Batavia, NY 14020



This map is intended for informational purposes  
only and is not suitable for engineering  
surveying or legal purposes.





## 5. Creating a Roadmap for Implementation Success

The recommendations and actions included in the Comprehensive Plan Update cover a wide range of activities that will require the engagement of numerous agencies, staff, stakeholders, and others to successfully implement. This section is designed to help the City manage the implementation of the plan by identifying priorities, timelines, partners, and potential funding for each action.

Seven (7) priority projects are identified for the city to focus its efforts on due to their importance and potential to positively improve the City. An implementation matrix is also included to summarize the key implementation details for each identified task.

### 5.A Priority Projects

#### Overview

##### Timeframe:

1-5 Years

##### Lead:

City Manager

##### Potential Partners:

City Council; Mall Owners; BDC; GCEDC

##### Potential Funding:

Private Funding Sources; ESD

#### 1. Reinvest in the Mall as a Mixed-Use, Multi-Story Complex



The mall is a tremendous opportunity to transform the underutilized and auto-oriented suburban-style into a pedestrian-friendly mixed-use area of the City. The current mall is surrounded by large expanses of surface parking areas. The buildings do not face Main Street, resulting in an uninviting pedestrian environment and overall lack of site organization.

Redevelopment of the mall will help create a vibrant Main Street with opportunities for new businesses within walking distance of many residential neighborhoods. It will also help raise the City's tax base and property tax revenues, which will help support city services to residents.

The mall has already been the focus of intensive planning efforts through the New York State Brownfield Opportunity Area (BOA) Program. The BOA Step 2 study included a real estate market analysis that identified a variety of redevelopment options for the site. The City should prioritize moving from the planning phases into implementation and redevelopment of the Mall.



#### Tasks to Complete:

- **Gain site control over the mall property.** The City should explore options for site control, which could include an offer letter from the owner, a letter of intent to sell, or an option agreement. The option agreement is the preferable form of site control as it is a legally binding document that would give the city the right to purchase the property at an agreed upon price, but would not bind the city to do so. This would give the City the opportunity to solicit developer interest and proposals.
- **Develop high-quality marketing materials** to help solicit developer interest. A brief brochure or one-sheet should be developed, at a minimum, and should include positive trends and activities in the city as well as the key positive findings of the market analysis.
- **Engage local and regional developers** personally to discuss development opportunities. Use the marketing materials to follow up with developers that are potentially interested.
- **Consider creating a developer Request for Proposals (RFP).** The RFP will provide a summary of the characteristics of the mall property, the City's vision for the property, results of the market analysis, and other pertinent pieces of information.
- **Identify Incentives.** Discussions with developers and evaluating developer proposals may reveal the need for incentives to induce a developer to invest or the need for some form of public-private partnership.
- **Recruit Businesses.** Further along in the process, the City should work with the developer and economic development organizations to recruit businesses for the new commercial space.

Overview
<b><u>Timeframe:</u></b> 1-2 Years
<b><u>Lead:</u></b> City Manager
<b><u>Potential Partners:</u></b> Consultant Team; Stakeholders from CP Process
<b><u>Potential Funding:</u></b> General Fund-

## 2. Update Zoning to Incorporate Form-Based Codes

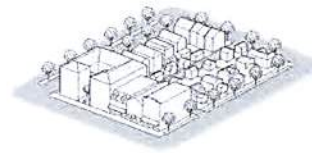
### Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



### Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified



The City currently has traditional zoning laws that should be updated to reflect the Future Land Use Map and incorporate form based code elements. Zoning regulations are the primary implementation tool to shape how and where future private development occurs. Form based elements emphasize high quality design compared to traditional zoning that includes only basic site placement and massing restrictions.

Form based elements should ensure that future development allows for an appropriate mixing of uses, emphasizes a mix of housing and building types that are complementary and of appropriate scale, requires well-designed buildings with proper architectural elements and facades, and create a pedestrian-friendly and walkable environment.

Form based codes should be based on recommendations of the Comprehensive Plan but also include opportunities for public input and engagement.

### Tasks to Complete:

- **Identify Key Corridors and Districts within the City that would benefit from form-based code elements.** This would include Main Street and other major commercial corridors. The mall area would also be an ideal candidate for form based code elements.
- **Solicit Consultant Assistance.** The city should engage with a planning consultant to develop the codes, and coordinate with key city officials, staff and stakeholders.
- **Assess Existing Conditions.** The assessment will ensure that the code will build upon the unique characteristics of the City's distinct districts, corridors, and neighborhoods. The assessment will largely focus on the existing urban form at the neighborhood scale down the architectural details of buildings.
- **Engage the Community and Stakeholders.** The engagement process should focus on the community vision for the specific areas that the form based codes will apply to. Visualizations should be used to help community members understand the implications of different code elements. Use the community input to finalize the codes and adopt into law.

## Overview

### Timeframe:

1-3 Years

### Lead:

Public Works

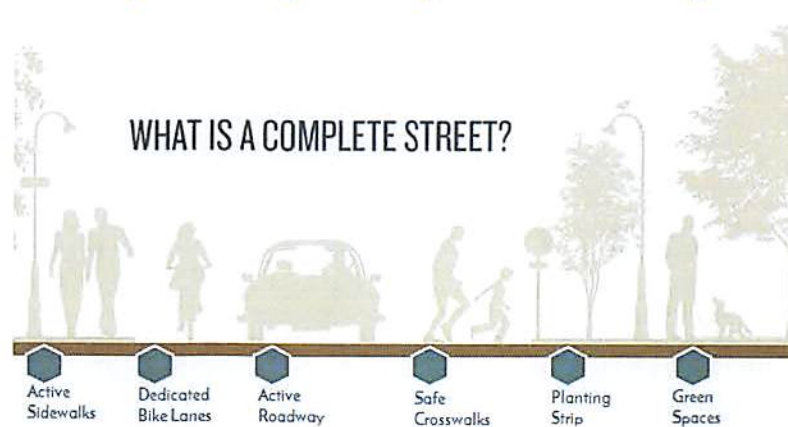
### Potential Partners:

NYS DOT; GC Highway

### Potential Funding:

Grant funding

## 3. Develop and Adopt a Complete Streets Policy



A Complete Streets Policy will formalize Batavia's intent to create a more vibrant and dynamic city by ensuring streets are not just for automobiles, but also include amenities that make these public areas accessible and friendly for a variety of users including cyclists and pedestrians. Successful Complete Streets include things such as sidewalks, bike lanes, rain gardens, street trees, benches and seating, pedestrian-scale lighting, transit stops, and other elements.

A policy statement is incorporated into a variety of policies and plans including: ordinances and resolutions; rewrites of design manuals; inclusion in comprehensive plans; internal memos; policies adopted by the city; executive orders; and others.

### Tasks to Complete:

- **Formulate a City of Batavia Complete Streets Policy** using best practices case studies and existing guides that addresses the ten elements of a comprehensive Complete Streets (see Smart Growth America website):<sup>1</sup> Examples of adopted policies of New York State communities can be found on the New York State DOT website. This may require the assistance of an engineering/planning consultant to best utilize staff time and achieve the best outcome.
- **Plan for Implementation.** Conduct an assessment of how transportation and streetscape decisions and projects are currently implemented in the city. Identify areas in the process where rules, procedures, and habits can be modified to reflect the policy statement.
- **Work with the Genesee Highway Department and New York State DOT.** Both agencies have jurisdiction of key roads in the City, including Main Street, Walnut Street, Ellicott Street and others. Note that New York State passed a Complete Streets Act requiring state, county and local agencies to consider all users when developing transportation projects that receive state and federal funding.
- **Consider Developing a Street Design Manual.** A street design manual would be the guiding document for designing new street projects.

<sup>1</sup> <https://smartgrowthamerica.org/resources/the-ten-elements-of-a-complete-streets-policy/>



Overview
<b><u>Timeframe:</u></b> 1-2 Years
<b><u>Lead:</u></b> City Council -
<b><u>Potential Partners:</u></b> Residents; City Staff
<b><u>Potential Funding:</u></b> N/A

## 4. Initiate the Organization of Neighborhood Associations



The City can support neighborhood improvement by helping to establish neighborhood associations for each of the city's distinct neighborhoods. Associations serve to create pride, which translates into neighborhoods where residents help maintain public areas creating places where others want to live and invest. Neighborhood associations also improve home ownership rates, which generally corresponds to greater maintenance of properties.

### Tasks to Complete:

- **Identify Existing Community Leaders.** Utilize existing community leaders and groups to help form neighborhood associations that already have neighborhood social networks.
- **Convene a Public Forum.** Invite the public to a public presentation to kick-off the City's neighborhood associations initiative. Use the event to discuss the purpose of associations, how they will interact with the city, and what resources the city is providing. Provide a map of the different neighborhoods or use the event to delineate what the different city areas should be. Consider breaking into small groups by neighborhood to help forge connections. Utilize sign-in sheets by neighborhood with contact information to distribute to residents of each neighborhood area.
- **Provide Resources.** Explore what resources the City is able and willing to provide to associations. Resources may include meeting space. The City could also provide a mailing list for all addresses within each neighborhood for communications.
- **Coordinate with Associations.** Once neighborhood associations are established, coordinate directly with groups on clean-up projects, community events, and related neighborhood needs. Consider convening a quarterly meeting with representatives from each neighborhood association.

## Overview

### Timeframe:

6-10 Years (Initiate within 1-2 Years)

### Lead:

Assistant City Manager;  
Public Works

### Potential Partners:

City Council; NYS DEC

### Potential Funding:

NYS Climate Smart  
Communities; LWRP

## 5. Re-imagine the Areas of the City that lie within Floodplains



The City should study options for how to address existing development, including many homes, that are located in flood prone areas. Many of these areas have already seen damage from floods and the city should identify ways to mitigate future flood damage.

Potential strategies include relocating residents out of the floodplain, constructing flood infrastructure, developing a program to “floodproof” existing structures, converting areas into parks and natural areas, and others. There is no simple solution to the flooding problem and a combination of approaches may be needed. A thorough study will identify the range of possibilities, address the pros and cons of each, and recommend strategies for future land use in the floodplain.

### Tasks to Complete:

- **Hold Public Input Sessions:** Work closely with community members and businesses with properties in the floodplains to involve them in the planning process for the future of the floodplains and to identify preferred options.
- **Identify Potential Strategies:** Identify potential strategies based on best practices and case study research. The City may wish to utilize an outside specialist for this task. The strategies should be examined for their feasibility from a public and financial perspective.

## Overview

### Timeframe:

2-4 Years

### Lead:

Business Improvement  
District

### Potential Partners:

City; BDC; NYS DOT

### Potential Funding:

Grant sources

## 6. Develop a Revitalization Strategy for Ellicott Street



A revitalization strategy for this key corridor will help spur economic development and enhance the character of Ellicott Street. The plan should include detailed recommendations on how to improve the corridor, which may include design guidelines, business attraction strategies, a façade program, infrastructure investments, zoning changes, development incentives, site and corridor marketing, and others.

### Tasks to Complete:

- **Secure Funding and Solicit Consultant.** The BID should explore outside grant funding such as the opportunities presented in the Consolidated Funding Application (CFA). After securing funding, the BID should solicit a developer through an RFP process.
- **Convene an Advisory Committee.** The Advisory Committee will guide the consultant efforts and provide input on the development of the revitalization plan. The Committee should include key City staff and stakeholders.
- **Convene a Business Stakeholder Group.** The Stakeholder Group will be utilized for focus groups in preparing revitalization strategies. Forming a special stakeholder/focus group will ensure the plan is sensitive to the needs of the business community and will ultimately be implementable.
- **Assist in Community Engagement Efforts.** The BID should actively engage area residents and stakeholders in the planning process. This may include publishing meeting notices, hosting online surveys, and other efforts.
- **Commit to a Strategy and Implement.** Following consensus of the strategy, the BID should officially publicize it, and initiate the implementation recommendations. The strategy can be used for securing funding for implementation projects and initiatives.



## Overview

### Timeframe:

3-5 Years

### Lead:

Public Works & Youth  
Bureau

### Potential Partners:

County Parks

### Potential Funding:

General Fund; Grant  
Sources

## 7. Create a City Parks and Recreation Master Plan



A Parks and Recreation Master Plan is necessary to ensure that the City's parks and recreation offerings continue to meet the needs of residents and address any existing shortcomings. The Master Plan will inventory existing offerings including number of parks, acreage, and amenities (tennis courts, playgrounds, etc.) as well as the location and distribution of facilities. Through the process, existing amenities will be evaluated for their condition. The plan will also include an analysis of the needs and preferences of city residents.

The final plan will identify any gaps or needs for additional parks and recreational offerings as well as any specific maintenance or replacement recommendations for existing facilities.

### Tasks to Complete:

- **Secure Funding & Solicit Consultant.** The City should explore potential funding sources to conduct the plan including the grants offered through the CFA.
- **Review Existing Conditions:** The existing conditions analysis should examine population and demographic trends, feature site inventories, inventory and analyze current park facilities and recreation programs, map current and potential parks, and review facilities for accessibility to persons with disabilities. The City's role will be to provide existing documentation and other materials to the consultant.
- **Analyze Needs and Preferences:** This task will assess community needs and preferences for recreation. Note that while there are national standards for parks and recreation facilities, it is important to also tailor the City's offerings based on the community's input. Therefore, community involvement is important in addition to benchmarking the city's offering against established standards. The City's role will be the help convene public meetings and work sessions.
- **Develop Prioritized Plan:** The Plan should include prioritized recommendations for facilities, recreation programs, and management and operations. The City should work closely with the consultant to formulate recommendations.
- **Adopt and Implement Plan:** The final plan should be adopted by the City and made public. The City should focus on implementing the identified priority recommendations.

## 5.B Implementation Matrix

The following implementation matrix includes the full set of recommendations and actions included in the Comprehensive Plan Update. For each action, the timeframe, priority level, probable lead implementer, potential partners, and potential funding sources are indicated. The Priority Projects, discussed in the previous section, are highlighted in light green.

### Legend

Short-term (1-2 years)					medium priority
Medium-term (3-5 years)					high priority
Long-term (6-10 years)					top priority
* Priority Project					

Sustainable Batavia										
Recommendation	Actions	Timeframe			Priority			Lead	Potential Partners	Potential Funding Sources
Develop and adopt a Complete Streets Policy*	Develop a Complete Streets policy that aligns with NYS DOT policy*							Public Works	City Manager, NYS DOT	CFA
	Design decorative crosswalks at appropriate locations							BID	Public Works, Batavia City School District, GO ART!, BDC	Arts or private funding sources, General fund
	Integrate traffic calming techniques at appropriate locations							Public Works	NYS DOT, BDC	NYS DOT
	Provide pedestrian-scale lighting							BDC	Public Works, BID	NYSERDA

Recommendation	Actions	Timeframe	Priority	Lead	Potential Partners	Potential Funding Sources
Create a Bikeable Batavia	Implement high priority actions from the 2015 Batavia Walkability Action Plan			City Council	Public Works, Batavia City School District, BID, BDC	NYS DOT
	Develop bicycle lanes along key corridors			City Council	Public Works, BDC	NYS DOT
	Install bicycle racks outside all public facilities			BID	Public Works, GO ART!, BDC	General Fund, sponsorships
Foster a safe, convenient and comfortable transit network	Develop wayfinding signage for bicyclists			Public Works	City Council, BID, BDC	General Fund, sponsorships
	Provide appropriate lighting and bus shelters at bus stops			RTS Genesee	City Council, Public Works	
Implement low-impact development (LID) techniques in parks & open spaces	Integrate public art into bus shelters			RTS Genesee	GO ART!, Batavia City School District	private funding sources
	Redirect stormwater toward natural or constructed planted areas			Site Plan Applicants	Public Works, City Council	n/a
	Integrate LID into designs for bike and pedestrian network improvement			City Manager	NYS DOT, Public Works, BID	n/a
Manage trees as an important part of the urban environment	Implement recommendations made in the 2017 Tree Management Plan			City Manager	Public Works, BID	



Recommendation	Actions	Timeframe			Priority	Lead	Potential Partners	Potential Funding Sources
Create a City Parks & Recreation Master Plan*	Develop capital spending and maintenance priorities for open spaces					City Manager	Youth Bureau, County Parks, Public Works	General Fund, OPRHP, CFA
Develop "Welcome to the Southside" Corridor Plan for Rt. 63*	Enhance the Route 63 corridor from the gateway into Batavia to the BOA					BID	BDC, Public Works, NYS DOT, City Manager	ESD,
Re-imagine areas of the City that lie within floodplains*	Examine re-investment options for homes located within floodplains					Assistant City Manager, Public Works	City Council, NYS DEC	NYS Climate Smart Communities
Develop and adopt a resiliency policy statement	Create a policy statement reflecting the City's climate resiliency goals					City Manager	City Council	n/a
Support renewable energy projects						All municipal departments	City Council, NYSEDA	n/a

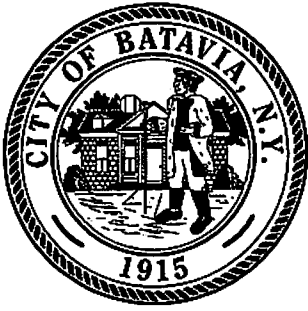
Dynamic Batavia											
Recommendation	Actions	Timeframe			Priority			Lead	Potential Partners	Potential Funding Sources	
Develop a Historic Resources Inventory*	Create database of historic buildings and potential historic resources							City Council	BID, BDC	NYS OPRHP	
Celebrate public space	Create community gathering spaces							BID	City Manager, BDC, Public Works	BID	
	Develop design and cultural elements for private development projects							BID	GO ART!, BDC	NYSCA	
	Create a city-wide wayfinding system							BID	City Council, Public Works, BDC	General Fund, sponsorships	
Create a local online social network to share community activities	Expand social network and communication opportunities							City Manager/ Asst.City Mgr.	Other City Agencies	n/a	
Activate downtown storefronts	Make all storefronts active, even if the space is vacant							BID	GO ART!, BDC	n/a	

## Prosperous Batavia

Recommendation	Actions	Timeframe	Priority	Lead	Potential Partners	Potential Funding Sources
Continue to redevelop the Batavia Opportunity Area strategic sites	Implement City Centre/Medical Corridor strategy			City Manager	Consultant Team, stakeholders from CP process	General Fund
	Reclaim access to Tonawanda Park			Public Works	City Manager Consultant Team	NYS OPRHP, NYS DOS
	Continued investment in Harvester Center			BDC	City Manager, GCEDC, ESDC	NYS ESD, NYS DOT, EDA
Update zoning ordinance to reflect goals of the Comprehensive Plan*	Incorporate Form-Based code elements in non-residential areas			City Manager	Consultant Team, stakeholders from CP process	General Fund
Support small locally-owned businesses, employment and job training	Collaborate to strengthen the economic environment for the Town and City			City Manager	Town Supervisor, City Council, Town Board, BDC	n/a
	Install public parking signage			BDC	City Council	General Fund
	Support and foster incubators			BDC	BID, GCC	NYS funding
Elevate the role of residents in improving the quality and stability of our neighborhoods*	Initiate the organization of neighborhood associations			City Council	City Manager, Public Works	n/a
	Work with neighborhood associations to sponsor events			City Council	City Manager, Public Works	General Fund
	Create unique neighborhood signage			Neighborhood Associations	City Council	private funding sources



Recommendation	Actions	Timeframe			Priority	Lead	Potential Partners	Potential Funding Sources
Redevelop vacant and underutilized buildings and parcels downtown	Focus policies, initiatives, and resources to utilize upper level floors for residential uses (especially the Carr's Building)					City Manager, BDC	City Council, BID	n/a
Include a diverse range of housing types throughout the city	Work with developers and homeowners to construct and maintain a spectrum of quality housing					City Manager	City Council, BDC	private funding sources
Strengthen interagency coordination	Collaborate with the Town of Batavia					City Manager	Asst. City Manager, City Council, Town Board, Town Supervisor	n/a
	Evaluate the need for staff capacity					City Manager	Asst. City Manager, City Council, City Agencies	n/a



# City of Batavia

## ***Memorandum***

**To:** Jason Molino, City Manager  
**From:** Shawn Heubusch, Police Chief  
**Date:** 06/27/2017  
**Subject:** NYS Division of Homeland Security and Emergency Services Grant

On June 1, 2017 the City Police were awarded \$3,800.00 from the NYS Division of Homeland Security and Emergency Services for Operation Safeguard – Red Team Exercise CTZ10.

Counter Terrorism Zone (CTZ) 10, encompassing Genesee, Orleans, and Wyoming Counties, will conduct an exercise to test and evaluate the effectiveness of New York State's suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public.

The funding received will be used to cover personnel expenses incurred during the grant period by the City of Batavia Police Department personnel.

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

**Attachments:** Award Contract  
Grant Information Form  
Draft Resolution

**Cc:** Lisa Neary, Deputy Director of Finance

**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](http://www.batavianewyork.com)**

#-2017

**A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO  
REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND  
EMERGENCY SERVICES GRANT**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia Police Department has received a grant in the amount of \$3,800 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise will test various locations to evaluate the effectiveness of New York State's suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

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

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget effective July 10, 2017 to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:

001.3120.0101.1165                      \$     3,800.00

Increase revenue accounts:

001.0001.4389.1165                      \$     3,800.00

**Seconded by Councilperson  
and on roll call**



**Award Contract****SHSP****Project No.****Grantee Name**

SH15-1125-D00

Batavia, City of

08/16/2017

---

**Work Plan****Goal**

Prevent terrorist attacks; Respond to terrorist attacks; Minimize the danger and recover from terrorist attacks.

**Objective #1**

G & T Workplan Code - 19. Establish/enhance public-private emergency preparedness program.

Investment Justification - Strength Counter-Terrorism and Law Enforcement Capabilities

**Target Capability**

Primary-- Information Gathering and Recognition of Indicators and Warnings

Secondary - Critical Infrastructure Protection

To enhance Safeguard NY Program (4.6, 2.1).

**Task #1 for Objective #1**

Conduct red team exercise to test effectiveness of Operation Safeguard.

**# Performance Measure**

- 1 Exercise conducted. Provide brief narrative and report number of personnel involved and how the project enhanced the Safeguard NY program.

**Award Contract****SHSP****Project No.****Grantee Name**

SH15-1125-D00

Batavia, City of

06/16/2017

**Budget Summary by Participant**

Batavia, City of  
Batavia Police Department - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Overtime/Backfill for Red Team exercise	1	\$3,800.00	\$3,800.00	\$3,800.00	\$0.00
Total				\$3,800.00	\$3,800.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$3,800.00	\$3,800.00	\$0.00

Total Contract Costs	Total Cost	Grant Funds	Matching Funds
	\$3,800.00	\$3,800.00	\$0.00

**#-2017**

**A RESOLUTION TO AUTHORIZE WAGE ADJUSTMENT FOR THE  
CITY MANAGER**

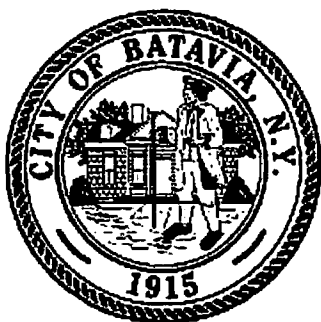
**Motion of Councilperson**

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

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the wage of the City Manager is increased by 2.75%, which will bring him to \$96,361 per year and hereby is enacted and retroactive to April 1, 2017.

**Seconded by Councilperson  
and on roll call**





# City of Batavia

**TO:** Jason Molino, City Manager  
**FROM:** Dawn Fairbanks, Human Resource Specialist  
**DATE:** July 3, 2017  
**SUBJECT:** Standard Work Day and Reporting Resolution for Elected and Appointed Officials

As part of Section 315.4 of the New York Codes, Rules and Regulations, elected and appointed officials who are participating in the NYS Local Retirement System, are required to prepare a log of their work-related activities for three consecutive months.

These log sheets will assist in determining the number of days worked in a reporting period, which in turn, will ensure that elected and appointed officials receive accurate benefits at the time of retirement. Section 315.4 stipulates that the governing board shall establish, by resolution, a standard work day for each elective or appointed official using the standard work day and reporting resolution as per the attached.

**Budget Impact:** None

**Supporting Document(s):**

1. Resolution

**#-2017**

**A RESOLUTION ESTABLISHING A STANDARD WORK DAY AND  
REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

**Motion of councilperson**

**WHEREAS**, the City Council of the City of Batavia wishes to establish a standard work day and reporting for elected and appointed officials as outlined in section 315.4 of the New York State and Local Retirement System Regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Batavia, that the attached is hereby established and approved.

**Seconded by Councilperson  
and on roll call**



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

## Standard Work Day and Reporting Resolution for Elected and Appointed Officials

**RS 2417-A**

(Rev. 8/15)

BE IT RESOLVED, that the City of Batavia / 20004 hereby establishes the following standard work days for these titles and  
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy- mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>								
City Council	6	Rose Mary Christian	0474	36833721	<input type="checkbox"/>	01/01/2016-12/31/19	3 095	<input type="checkbox"/>
City Council	6	Adam Tabeiski	1992	40657482	<input type="checkbox"/>	01/01/2016-12/31/20		<input checked="" type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
<b>Appointed Officials</b>								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, \_\_\_\_\_, secretary/clerk of the governing board of the \_\_\_\_\_, of the State of New York,  
(Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the \_\_\_\_\_ on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.  
(Signature of the secretary or clerk) (Name of Employer)

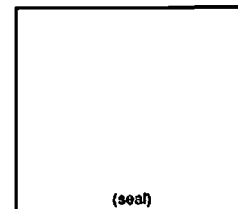
Affidavit of Posting: I, \_\_\_\_\_, being duly sworn, deposes and says that the posting of the  
(Name of secretary or clerk)

Resolution began on \_\_\_\_\_ and continued for at least 30 days. That the Resolution was available to the public on the  
(Date)

☐ Employer's website at \_\_\_\_\_

☐ Official sign board at \_\_\_\_\_

☐ Main entrance secretary or clerk's office at \_\_\_\_\_



Page \_\_\_\_ of \_\_\_\_ (for additional rows, attach a RS2417-B form).



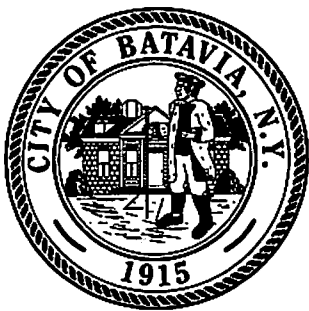
## Instructions for completing the Standard Work Day and Reporting Resolution

A.	B.	C.	D.	E.	F.	G.	H.	I.
<b>Title</b>	<b>Standard Work Day</b> (Hrs/day) Min. 6 hrs Max. 8 hrs	<b>Name</b> (First and Last)	<b>Social Security Number</b> (Last 4 digits)	<b>Registration Number</b>	<b>Tier 1</b> (Check only if member is in Tier 1)	<b>Current Term Begin &amp; End Dates</b> (mm/dd/yy-mm/dd/yy)	<b>Record of Activities Result*</b>	<b>Not Submitted</b> (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>								
Highway Superintendent	8.00	John Smith	0000	0101010-1		1/1/2010-12/31/2013	32.79	
Receiver of Taxes	6.00	Michelle Jones	1111	0202020-2	X	1/1/2010-12/31/2014	NA	
Town Justice	6.25	Michael Hall	2222	0303030-3		1/1/2010-12/31/2011		X
<b>Appointed Officials</b>								
Planning Board Member	7.00	Joseph Gray	3333	0404040-4		1/1/2010-12/31/2010	17.54	

- A. Title:** All paid elected and appointed officials (who are active members of the Retirement System) and are not paid hourly and do not participate in a employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals must be listed. For the purpose of the regulation, an "appointed official" is someone who is appointed by an elected official, an appointed official or governing board. They hold an office in an organization or government and participate in the exercise of authority. This also includes appointees of elected and appointed officials such as deputies, assistants or confidential secretaries.
- B. Standard Work Day:** The minimum number of hours that can be established for a standard work day (SWD) is six, while the maximum is eight. A SWD is the denominator to be used for the days worked calculation; it is not necessarily always the number of hours a person works. For example, if a board member only attends one three-hour board meeting per month, you must still establish a SWD between six and eight hours as the denominator for their record of activities (ROA) calculation.
- C. Name:** The official's complete first and last name must be included for identification purposes.
- D. Social Security Number:** The last four digits of the official's Social Security Number must be included for identification purposes. For security purposes, the last four digits of the Social Security Number can be omitted from the publicly posted version.
- E. Registration Number:** The official's Registration Number must be included for identification purposes. For security purposes, the Registration Number can be omitted from the publicly posted version.
- F. Tier 1:** If the official is a Tier 1 member, this box should be checked. Tier 1 members are not required to keep a ROA.
- G. Current Term Begin & End Dates:** All officials listed on the Resolution must have a specified Term End date. Leaving this column blank or listing 'Tenure/At Pleasure' is not acceptable. If the official does not have a designated term, the current term for the official who appointed them to the position should be used. If they are appointed by the governing board, the chairman of the board's term should be used.
- H. Record of Activities Result\*:** This column must be left blank if an official does not submit their required sample three-month ROA. To determine the average number of days worked per month, you must divide the total number of hours documented on the three-month ROA by three months to get a one-month average number of hours worked. Then, the one-month average number of hours worked must be divided by the SWD to get the average number of days worked per month.
- I. Not Submitted:** This column must be checked if an official has not submitted the required sample three-month ROA within the 150 day requirement, regardless of whether they are being reported by another employer for the same period. If the Retirement System receives such a Resolution, it will contact the official to notify them of the consequences of not submitting the ROA.

Once passed, the Resolution must be posted on your public website for a minimum of 30 days or, if a website isn't available to the public, on the official sign-board or at the main entrance to the clerk's office. A certified copy of the Resolution and Affidavit of Posting must be filed with the Office of the State Comptroller within 45 days of the adoption. The Resolution and Affidavit can be submitted online via the Elected and Appointed Officials Reporting (EAOR) program.

\*To determine the number of days worked to include on the monthly report for the various payroll frequencies, please refer to the Calculating Days Worked instructions available in the 'Reporting Elected & Appointed Officials' section of our website: [http://www.osc.state.ny.us/retire/employers/elected\\_appointed\\_officials/index.php](http://www.osc.state.ny.us/retire/employers/elected_appointed_officials/index.php)



# City of Batavia

## *Memorandum*

To: Jason Molino, City Manager

From: Gretchen DiFante, Assistant City Manager

Date: 7/5/2017

Subject: Title VI Draft Plan

Pursuant to the Title VI of the Civil Rights Act 1964, the New York State Department of Transportation Office of Civil Rights requires all local governments to submit a plan outlining how the City will adhere to all laws, regulations and administrative orders regarding our adherence to Title VI.

Attached please find a draft of the City of Batavia's Title VI Plan which names the City of Batavia Assistant City Manager as the Title VI Coordinator for the City. City Council will need to officially appoint the Assistant City Manager to this position as well as, by resolution, adopt the plan; therefore a draft resolution is also attached.

**#-2017**

**A RESOLUTION ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF  
1964 PLAN FOR THE CITY OF BATAVIA**

**Motion of Councilperson**

**WHEREAS**, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age, disability or national origin;

**WHEREAS**, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI; and

**WHEREAS**, it is a requirement of the New York State Department of Transportation and the US Department of Transportation that communities receiving federal financial assistance adopt a Title VI Plan.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia that it hereby adopts the attached Title VI Program and Implementation Plan.

**Seconded by Councilperson  
and on roll call**



City of Batavia, NY

**TITLE VI PLAN** (REVIEWED BY NYSDOT ON 7/6/17)

**July 10, 2017**

## **Title VI Plan**

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## **Title VI Nondiscrimination Policy Statement**

It is the policy of the City of Batavia to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of the City of Batavia operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders. These orders and laws are outlined below in the section entitled, "Title VI Related Policy and Authoritative Sources."

City of Batavia is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all City of Batavia's bulletin boards and made available to all organizations and entities doing business with the City of Batavia. Any complaints involving allegations of discrimination should be sent to:

The City of Batavia Title VI Coordinator, City Hall, One Batavia City Centre, Batavia NY 14020.

### **TITLE VI RELATED POLICY AND AUTHORITATIVE SOURCES**

#### **New York State Laws**

**New York State Human Rights Law Article 15 (1945)** – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

**New York State Law Article 15-A (1988)** - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

**New York State Law Article 17-B (2014)** – An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

**Sexual Orientation Non-Discrimination Act (2003)** – This Act amends the Executive Law to include sexual orientation.



## **New York State Executive Orders**

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

**Executive Order No. 6 (Governor Cuomo, 1983)** – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor’s Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

## **Federal Laws and Executive Orders**

**Civil Rights Act of 1964** – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. **Title VI** – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. **Title VII** as amended by the **Equal Employment Opportunity Act of 1972** – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

**Section 503 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

**Age Discrimination Act of 1975** – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

**Civil Rights Restoration Act of 1988** – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

**Americans with Disabilities Act (ADA) of 1990** – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

**Civil Rights Act of 1991** – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”, confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act

provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

**Executive Order No. 11246** – Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.

---

Chief Executive Officer

---

Date

## **Title VI Reporting Relationships**

The City of Batavia is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer and as such has appointed Gretchen DiFante, Assistant City Manager, as the City of Batavia Title VI Coordinator.

The contact information for the City of Batavia's Title VI Coordinator is as follows:

### **Name**

Gretchen DiFante  
One City Centre, Batavia, NY 14020  
585-345-6330  
gdifante@batavianewyork.com

### **Special Emphasis Program Areas**

#### ***Appointment of Title VI Program Specialists***

In addition to appointing a Title VI Coordinator, the City of Batavia has proactively appointed a Title VI Program Specialists to annually monitor the City's emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research.

The personal contact information for each Title VI Specialist for the areas of Planning, Construction, Environmental Services, Maintenance, Design, Traffic Safety, Right of Way and Research is:

#### **Matt Worth, Director of the Department of Public Works**

One City Centre, Batavia, NY 14020  
585-345-6325  
mworth@batavianewyork.com



### **Limited English Proficiency (LEP) Plan**

Title VI and its implementing regulations require subrecipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations include both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

A copy of the City of Batavia's Limited English Proficiency (LEP) Plan is attached as Appendix E.

### **Employee Training**

The Title VI Coordinator and the City Manager shall be responsible for advising City of Batavia staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to City of Batavia staff. All employees are encouraged to participate in professional development training within and outside of the City of Batavia. A complete copy of the Title VI Employee Training Plan can be accessed through the Bureau of Personnel.

### **Public Participation Plan**

All applicants applying to receive any Federal financial assistance from the U.S. Department of Transportation (DOT), through the NYSDOT are required to ensure their programs, policies and activities comply with the USDOT Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, the City of Batavia must develop and submit to the New York State Department of Transportation (NYSDOT) a Public Participation Plan which includes information about outreach efforts to engage minority and Limited English Proficient Populations (LEP).

The goal of the Public Participation Plan is to offer early, often and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. A copy of the City of Batavia's Public Participation Plan is attached as Appendix G.

### **Contractor Compliance**

All contractors and subcontractors for the City of Batavia are responsible for complying with the Title VI Program of the City. The City of Batavia shall be responsible for ensuring that contractors

are aware of and comply with Title VI requirements. Appropriate language requiring compliance shall be included in each contract with the City.

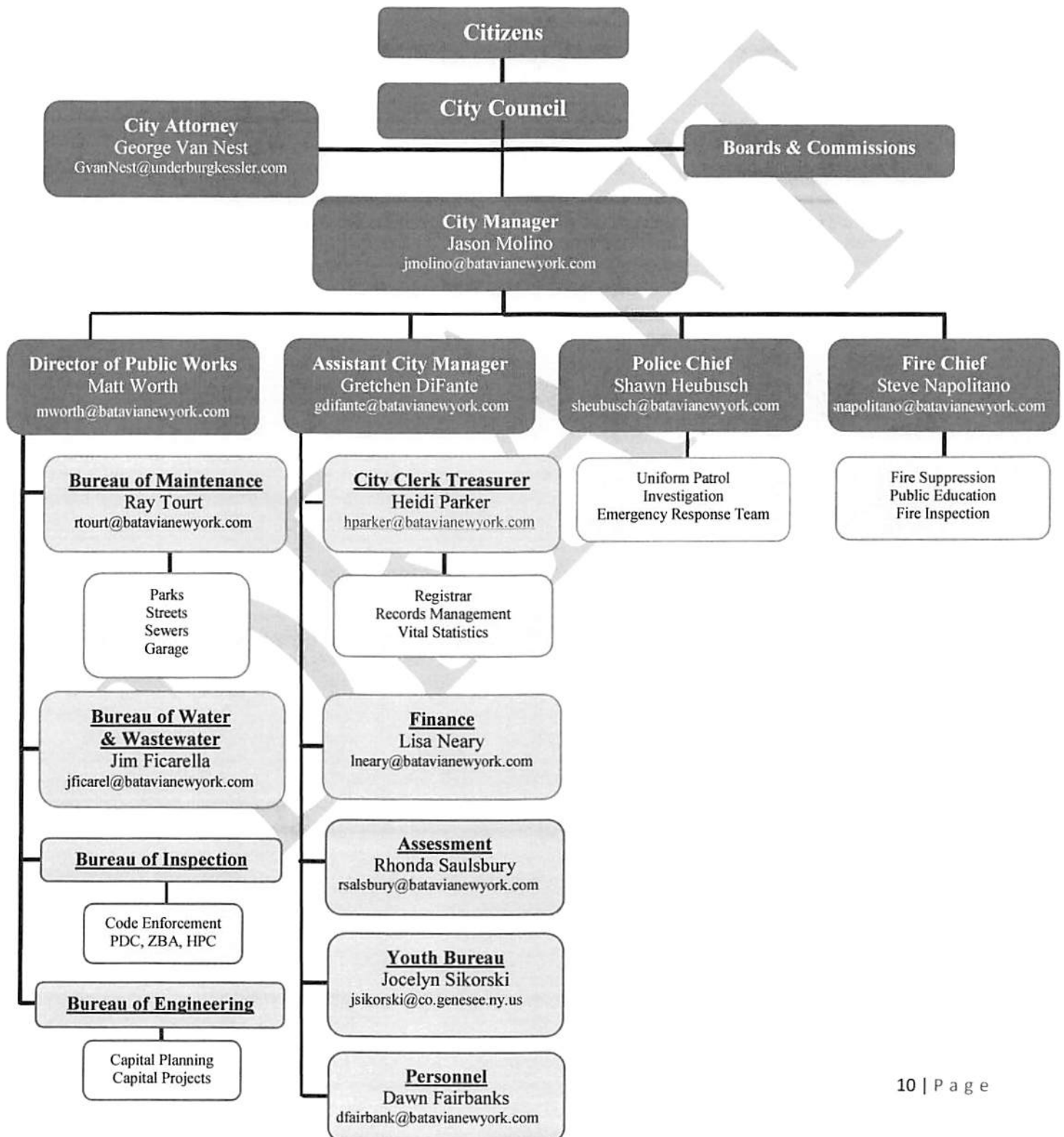
### **Notification to Beneficiaries**

Under Title VI the City of Batavia is required to provide information to the public regarding the City's obligations under Title VI regulations and apprise the general public of the protections against discrimination afforded to them by Title VI. The City of Batavia shall disseminate this information to the general public by posting the policy notice on the City's website and in public areas of the City offices, included the City Centre lobby and public bulletin boards. A copy of the Public Notice is attached as Attachment 1.

### **Monitoring/Reporting**

The City of Batavia is responsible for complying with Title VI regulations and also ensuring that any contractors to the City are in compliance. Accordingly, the City of Batavia shall regularly monitor contractors for compliance and shall prepare annually a Title VI Program outlining the efforts of the City of Batavia to comply with Title VI.

# CITY ORGANIZATIONAL CHART



## **Title VI Coordinator's Responsibilities And Program Administration**

As authorized by the City Manager, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the City of Batavia's compliance with Title VI requirements as follows:

The City of Batavia has designated the City of Batavia Assistant City Manager as the Title VI Coordinator for the City of Batavia by Resolution No. xxxxx. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Batavia's compliance with Title VI requirements as follows:

- Ensure that the City's Title VI Policy is posted according to the procedures outlined in this Program so that appropriate notice is provided to the general public.

To review the City's Title VI Program annually to determine that it is up-to-date, and to make any recommendations for changes to the document to the Batavia City Council to ensure that it remains up-to-date.

- To keep such records and timely file such reports as required to comply with Title VI requirements.
- To process, review and investigate Title VI complaints received by the City in accordance with the complaint procedures established in this document.
- To collect statistical data necessary to comply with Title VI requirements.
- To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from the City of Batavia.
- To serve as a resource for technical assistance to other City Departments and employees for guidance on complying with Title VI.
- To respond to inquiries of the City's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

On the following page is an Organization Chart depicting the hierarchy of employees and reporting protocols involving the Assistant City Manager (the City's designated Title VI Coordinator.)



## **The City of Batavia**

### **Title VI Complaint Procedures**

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

#### *What is discrimination under Title VI?*

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, is an act (action or inaction), whether intentional or unintentional, through which a person, solely because of race, color, national origin, creed, sex, age or disability, has been otherwise subjected to unequal treatment or impact under any program or activity receiving Federal financial assistance from the United States Department of Transportation.

#### *Who may file a Title VI complaint?*

A complaint may be filed by any person who believes they or any specific class of persons has been subjected to discrimination.

#### **Title VI Complaint Procedures**

49 CFR 21.1, provides that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation."

In order to comply with Title VI and all of the regulations of 49 CFR Part 21, the City of Batavia, acting by and through its Office of the City Manager provides the following complaint procedures for those persons who believe that they have been subjected to discrimination under any program or activity receiving Federal financial assistance from the United States Department of Transportation. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

#### *Who do these Title VI procedures apply to?*

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance

includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance

*How and where is a discrimination complaint filed?*

A complaint must be in writing, signed by the person(s) or their representative(s) and must include the complainant(s) name, address and telephone number. Attached is a Discrimination Complaint Form that may be used, however, a complaint may also be filed by sending the complaint by facsimile or electronic mail.

*How long will it take for my complaint to be resolved?*

The complaint will be reviewed by the Title VI Coordinator. Where practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

A signed written complaint must be filed within 180 days of the date of the alleged discrimination. The signed complaint must be sent to:

Title VI Coordinator

City of Batavia

One Batavia City Centre

Batavia, NY 14020

**City of Batavia**  
**Title VI Complaint Form**

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

**Basis of Complaint**

Race ☐

Color ☐

Sex ☐

National Origin ☐

Age ☐

Disability (ADA) ☐

Low-Income ☐

Limited English Proficiency ☐

**Who allegedly discriminated against you?**

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

**If an organization, what is its name?**

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Name of Contact \_\_\_\_\_

**How were you discriminated against?**

---

---

**Where did the alleged discrimination occur?**

---

---

---

**Date/s and times discrimination occurred?**

**First time** \_\_\_\_\_

**Second time** \_\_\_\_\_

**Third time** \_\_\_\_\_

**Were there any other witnesses to the discrimination?**

Name	Title	Work Telephone	Home Telephone

**What can the City do to resolve the complaint?**

---

---

---



---

**Have you filed your complaint with anyone else?**

**Who** \_\_\_\_\_

**When** \_\_\_\_\_

**Complaint number, if known** \_\_\_\_\_

**Do you have an Attorney in this matter?**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_

**When did you acquire?** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Mail to:**      **Title VI Coordinator**  
                 **City Hall**  
                 **City of Batavia**  
                 **One Batavia City Centre**  
                 **Batavia, NY 14020**  
                 **(585) 345-6300**

The United States Department of Transportation (USDOT)  
Standard Title VI/Nondiscrimination Assurances  
DOT Order No. 1050.2A

The City of Batavia (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the New York State Department of Transportation (NYSDOT), is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs of The Department Of Transportation-Effectuation of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act Of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from US DOT, including the NYSDOT.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted University Transportation Centers Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The City of Batavia, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal



financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Batavia also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the NYSDOT access to records, accounts, documents, information, facilities, and staff. The City of Batavia also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the NYSDOT and will keep records, reports, and submit the material for review upon request to the NYSDOT, or its designee in a timely, complete, and accurate way. Additionally, the City of Batavia will comply with all other reporting, data, collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Batavia gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the University Transportation Centers Program This ASSURANCE is binding the City of Batavia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants by the NYSDOT. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

*(Name of Recipient)* City of Batavia

by \_\_\_\_\_ Dated \_\_\_\_\_

*(Signature of Authorized Official)*

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

**Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, and NYSDOT, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**2. Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

**3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

**4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the NYSDOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the NYSDOT, as appropriate, and will set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the NYSDOT may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or

b. cancelling, terminating, or suspending a contract, in whole or in part.

**6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the NYSDOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B**

### **CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Batavia will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the Regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Batavia all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the City of Batavia and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Batavia, its successors and assignees.

The City of Batavia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the City of Batavia will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the



event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

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## **APPENDIX C**

### **CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Batavia pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, NYSDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Batavia will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Batavia and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX D**

### **CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Batavia pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the City of Batavia will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Batavia will there upon revert to and vest in and become the absolute property of the City of Batavia and its assigns.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by



discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

## **TITLE VI DATA COLLECTION**

The City of Batavia collects data to ensure impacted communities and interested persons are provided equal access to public involvement. Federal regulation 23 CFR 200.9 (b)(4) requires that State Department of Transportations and their subrecipients develop procedures for the collection of statistical data of participants in and beneficiaries of State transportation programs, impacted citizens and affected communities.

Data collection is used to show that those who are affected by a project or have an interest in the project have an opportunity to provide input throughout the planning process.

### **Purpose of data collection:**

- a. To ensure affected communities and interested persons are provided equal access to public involvement.
- b. To ensure compliance with 23 CFR 200.9 (b)(4).
- c. To evaluate the impact of its programs and activities to ensure nondiscrimination.
- d. The collection and analysis of data helps to:
  - f. Identify and prioritize potential problem areas affected by transportation decisions;
  - g. Evaluate the effectiveness of policies and programs to develop nondiscrimination strategies;
  - h. Assess specific programs and beneficiaries to develop nondiscrimination strategies (i.e., public meetings)
  - i. Provides awareness of resources to resolve issues and problems.
  - j. Demonstrates a need for or the elimination or revision for a program.
  - k. Provides justification for funding continuation or the need for additional funding

### **1. Data Collection**

NYSDOT, subrecipients, rural and urban transits, airports, contractors, consultants and any entity that receives Federal financial assistance through the NYSDOT. As a subrecipient, an agency is required to abide by Title VI of the civil Rights Act of 1964. The City of Batavia collects demographic information data in the Office of the City Manager and in the Office of the Director of Public Works. Any benefits paid or made available to beneficiaries are tracked in the Office of the Administrative Services Office and all transportation-related programs results are tracked in the Office of the Director of the Department Public Works.

### **2. Data Collected**

- a. Demographic information on program participants and beneficiaries;
- b. Benefits paid to or made available to beneficiaries;
- c. Results of a program or service.

**3. Resources From Which Data is Collected.** The City of Batavia collects its data from the following locations/resources:

- a. Stakeholders. i.e., Lifetime Assistance Committee**
- b. Geographic Information Systems (GIS) from Genesee County Planning**
- c. Citizen advisory groups and community surveys as well as internal employee surveys as it relates to contact as outlined in the LEP.**
- d. U.S. Census Bureau**
- e. Genesee County Department of Public Health**
- f. Local churches and non-profits**
- g. Ridership data from the Monroe County Regional Transit Authority**
- h. Batavia City School District and Genesee Community College**

**4. Timing of Data Collected**

The City of Batavia's data collection depends with regard to transportation projects and occurs each at the time a project is sourced and at the end of a project.

**5. How much Data does the City of Batavia collect?**

It is not always necessary to collect data from the entire population. If the population is large, it is sufficient to collect data from just a portion as long as it is done in a manner what gathers the same information as with the entire population.

**Technical assistance:** The City of Batavia uses the following process for collecting technical data.

- a. Assigns the individual in each area who has responsibility for the collection of data.**
- b. Sets up protocol for who has access to the data.**
- c. As data is received, checks for thoroughness.**
- d. Pilot tests selected survey questions.**
- e. Has a tracking system (spreadsheet) in place.**
- f. Stores collected data electronically in a shared file.**
- g. Frequently monitor the data collection process.**
- h. Checks for errors in samplings.**

## **PROGRAM REVIEW AND MONITORING**

The following data is collected and reviewed annually, as it relates to Title VI Compliance:

- Public notification and outreach efforts, to include: minority media used (if applicable) LEP efforts, projects websites, web blog for public comments.
- Demographics of potential affected populations of targeted project area.
- LEP efforts, to include, data on the use of translation services and bilingual employees.
- Surveys from potentially affected population.
- Any efforts made to mitigate adverse effects on the minority or low-income populations in affected communities.
- The racial ethnic composition of transportation-related decision making advisory boards or committees.
- Environmental analysis, if applicable, for new construction and major rehabilitation projects.
- Documentation of all Title VI complaints, lawsuits and investigations on a Title VI complaint log.
- Maintenance and capturing of the race and gender of contractors and the ability to provide an analysis of the selection process.



## Attachment 1

### Title VI Notice to Public

*The City of Batavia assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987{P.L. 100.259} be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Batavia further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that the City of Batavia distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.*

#### Additional Information:

Individuals and/or organizations who would like more information concerning the City of Batavia's non-discrimination obligations under Title VI should contact:

Assistant City Manager (also Title VI Coordinator)

One City Centre

Batavia, NY 14020

585-345-6330

#### Complaint Procedures:

Individuals or a group of individuals who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with the City of Batavia under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing a Title VI complaint form, which can be obtained at the address listed above or on line at [www.batavianewyork.com/government/pages/title-vi-compliance](http://www.batavianewyork.com/government/pages/title-vi-compliance)

Complaints are required be signed by the complainant or their representative and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with the City of Batavia under Title VI. If assistance is needed to complete the Title VI Complaint Form, please contact the City's Title VI Coordinator using the contact information listed above.

**Notice To The Public:**

The following notice shall be posted in the first floor lobby of the Batavia City Centre, One City Centre, Batavia, NY 14020 and in the Department of Public Works at the same address.

**CITY OF BATAVIA'S TITLE VI NONDISCRIMINATION  
NOTICE TO THE PUBLIC**

The City of Batavia hereby gives public notice that it is the ~~Agency's~~ policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all programs and activities.

The City of Batavia's Title VI Program requires that no person shall, on the grounds of race, color, national origin, age, disability, income status or limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person, who believes their Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the City of Batavia, within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about the City of Batavia's Civil Rights programs and the procedures to file a Title VI Discrimination Complaint contact the City of Batavia's Title VI Coordinator at the address listed below:

Gretchen DiFante

One City Centre, Batavia, NY 14020

585-345-6330

gdifante@batavianewyork.com

## **APPENDIX F**

### **TITLE VI LIMITED ENGLISH PROFICIENCY PLAN**

#### **INTRODUCTION**

Consistent with Title VI of the Civil Rights Act of 1964, U.S. Department of Transportation's implementing regulations, and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), The City of Batavia is required to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). The City of Batavia has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance for persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan identifies how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

#### **MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS**

In order to prepare this plan, the City of Batavia used the Federal Highway Administration *Four- Factor LEP Analysis*:

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by the City of Batavia.
2. The frequency with which LEP persons come into contact with City services.
3. The nature and importance of services provided by the City of Batavia to the LEP population.
4. The interpretation services available to the City of Batavia and overall cost to provide LEP assistance.

A summary of the results of the Four-Factor LEP Analysis is found on the next page.

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by the City of Batavia

The City of Batavia staff reviewed the American Community Survey 5-Year Estimates (2010 - 2015) for the City and determined that:

573 of a total population of 14,162 persons five years and over in the City's service area, comprising 4.0% of the population, speak a language other than English.

Of those, 203 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.4% of the overall population in the service area over the age of 5.

In the City of Batavia's service area the following represents populations with Limited English Proficiency:

75/14,162 or 0.52% speak Spanish

112/14,162 or 0.77% speak all other languages

2. The frequency with which LEP persons come into contact with the City of Batavia services

The City of Batavia reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries and office visits.

The City of Batavia had never had request for an interpreter or translated program documents. The City of Batavia Police Department, which typically has the greatest number of interactions with the general public each year, averages approximately 3 or 4 interactions with LEP individuals on a yearly basis. In these cases, the City of Batavia Police Department is able to access an interpretation service directly through Genesee County Dispatch. This service is available to police officers 24 hours 7 days/week.

The other staff of the City of Batavia has had very little contact with LEP persons.

The nature and importance of services provided by the City of Batavia to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for the City. The overwhelming majority of the population 98.6% speaks only English, or at least speaks English "very well." As a result, there are few social, service, or professional and leadership organizations with the City of Batavia service area that focuses on outreach to LEP individuals.



3. The interpretation services available to the City of Batavia and overall cost to provide LEP assistance.

The City of Batavia has reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises. The City of Batavia can use existing bilingual staff to provide interpretation to individuals that only speak Spanish and it has access to the translation services for the police department as mentioned above. Other language translation options could be provided from a professional interpretation service for which the City would pay a fee.

#### LANGUAGE ASSISTANCE

Language assistance to LEP individuals can include interpretation (oral or spoken transfer of a message from one language into another language) and translation (the written transfer of a message from one language to another.)

The City of Batavia shall use the following measures to identify an LEP person in need of language assistance:

- Post notices of the availability of interpretation or translation services free of charge in all LEP languages in which the total LEP population is at least 1% of the total population – none has thus far reached that threshold, but it will be monitored.
- Periodically survey City staff regarding their interaction with LEP persons at least annually.
- Greeting participants at City-sponsored informational meetings or events to determine the LEP needs for future events.

#### Language Assistance Measures

Although a very low percentage of LEP individuals reside in the City of Batavia service area, the City will take the following reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty in communicating in English:

- Post important notices in a language other than English if the total LEP population for a language other than English is at least 1% of the total population; and
- Provide bilingual interpreters for LEP individuals that speak only Spanish; and
- Language interpretation service for all other languages will be accessed through a professional telephone interpretation service.

## **STAFF TRAINING**

The information below will be disseminated to staff. Training opportunities on these topics will also be provided on an annual basis along with all aspects of the Title IV program.

- Title VI Policy and LEP responsibilities
- Description of language assistance services available to the public if required
- Proper use of interpreter service
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints
- Obligation to require contractors to follow Title VI/LEP guidelines

## **TRANSLATION OF DOCUMENTS**

Considering the low population of LEP groups in the City of Batavia, the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, the City has determined that it is an unreasonable burden to translate documents at this time.

The City of Batavia will continue to monitor the LEP population, and at such time as the population warrants the translation of critical documents, the City will provide these documents (meeting notices, complaint forms, etc.) in the appropriate non- English language(s).

## **MONITORING**

The City of Batavia will monitor the LEP Plan as required. At a minimum, the plan will be reviewed and updated when more recent data from the U.S. Census Bureau and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Batavia's service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.

## **APPENDIX G**

### **TITLE VI PUBLIC PARTICIPATION PLAN**

#### **INTRODUCTION**

This Public Participation Plan is designed to provide an explanation of the steps that the City of Batavia will take in outreach efforts to the general public prior to making decisions on significant issues affecting any program in the City of Batavia for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. The goal of this Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed decisions. The Plan will also be used to provide opportunities to educate the public about major issues, solicit information, and provide a way for citizens to share their perspectives with City policymakers.

#### **METHODS OF PUBLIC PARTICIPATION**

- **Public Information Meeting**

- Provides an opportunity to provide information on a topic or topics, and also provides an opportunity for the general public to ask questions and/or make comments.

- Provides an opportunity for face-to-face interaction

- Best forum for presenting information and obtaining immediate feedback

- **Public Hearing**

- A formal proceeding that allows an opportunity for the general public to make comments, but typically no opportunity for answering questions or allowing discussion.

- Typically included as a requirement for many grant programs

- **Opportunity to Provide Written Comments**

- Provides an opportunity for soliciting comments without the member of the general public required to attend a meeting or hearing.

- Can be accomplished on paper for mailing or delivery, or through electronic submission.

- Can be used in conjunction with a public meeting or hearing or as a stand-alone method of obtaining public comments.

- Determination of the effectiveness of language assistance efforts.
- Determination of the City of Batavia's financial resources to fund language assistance resources.
- Determination of The City of Batavia's full compliance with the goals of the LEP Plan.
- Explanation of The City of Batavia's processing of LEP complaints.

#### **DISSEMINATION OF LEP INFORMATION**

The City of Batavia will take the following steps to disseminate LEP Information to the general public:

- Post signs in public areas of the City of Batavia office buildings to inform LEP persons of the LEP Plan and how to access language services.
- Notify LEP persons of the availability, upon request, of documents in other languages. This notice would be placed on agendas and public notices.
- Post the LEP Plan on City of Batavia's website.

**End of LEP Plan**



Website, Newsletter, Survey, and Social Media: Each of these methods provides an opportunity to provide information and solicit input. The City utilizes Facebook, Twitter and email blasts for those who desire to receive information through these formats.

## **PRACTICES TO BE EMPLOYED DURING PUBLIC PARTICIPATION EFFORTS**

- Locations of Public Meetings and Hearings shall take place at an accessible location that will allow access to the disabled community. The City of Batavia has several public meeting rooms that are accessible locations. The primary location is at Batavia City Hall, Council Chambers located on the second floor of the Batavia City Centre. This is a public access building designed to accommodate needs of the disabled community. However there are many additional available locations throughout the city.
- Utilizing different meeting sizes and formats will enable more individuals to connect to the communication. Meeting sizes will vary depending on the subject matter and objectives of the meeting. Meeting format can include an open meeting that is open to all, or a committee meeting that includes invited participants to discuss regularly scheduled topics (i.e., transportation coordination, Americans With Disabilities Compliance, etc.). The meeting could also be a combination of the two, such as a committee meeting that is open to the public where only committee members are allowed to speak during the meeting and the general public is allowed to speak at the end of the meeting.
- Advertising should be appropriate to the meeting topic. Advertising of a meeting can take many forms, such as a legal advertisement in a newspaper, posters or written public notices posted in governmental and/or business venues, website advertising, social media advertising, and radio or television advertising. The number of advertisements and length of time advertising is conducted in advance of a meeting should be commensurate to the importance of the topic to be discussed at the meeting. If a reasonable accommodation is necessary by any individual to attend a meeting, the individual may contact the City of Batavia Title VI Coordinator to discuss the matter and make such a request.
- Outreach should specifically target low-income, minority and LEP (Low English Proficiency) populations as required and as congruent with the City of Batavia's Environmental Justice goals (see Appendix H). The method of advertising a meeting should consider methods that specifically address the capability of these groups of individuals to gain access to and understand the advertising information (ie. alternative language notices, large print, advertisement in areas where these individuals may reside, etc.). The location of a meeting(s) may vary to encourage participation by various groups of individuals.

- A sign-in sheet shall be distributed at the meeting to document those individuals in attendance. If individuals are unwilling to sign-in, a head count shall be performed and the meeting host shall sign the sign-in sheet confirming attendance.
- Meeting minutes should be kept and made available to the public.
- Concerns or questions raised at the meeting should be addressed, either at the meeting or after the meeting with both questions and answers made available to the public.
- Members of the general public should have an opportunity to leave their contact information if they desire to be contacted at the next opportunity for public participation, or to receive follow-up information from the meeting they attended.
- Document meeting discussion content, advertisement methods employed for the meeting, agendas utilized, attendance at the meeting, and meeting location, date and time.

#### **WHEN PUBLIC PARTICIPATION SHALL TAKE PLACE**

##### **On a Continuous Basis**

There should be an opportunity for the general public to contact government officials to ask questions or express concerns or ideas for consideration. Contact information for appropriate government officials should be advertised so that members of the general public can contact an official as necessary.

##### **End of Public Participation Plan**

## **APPENDIX H**

### **TITLE VI PLAN, STATEMENT OF ENVIRONMENTAL JUSTICE**

Pursuant to Executive Order 12989, the guiding Environmental Justice principles followed by the City of Batavia are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
- The City of Batavia will consider these goals of environmental justice throughout transportation planning and project development and through all public outreach and participation efforts conducted by the City and its subrecipients.