

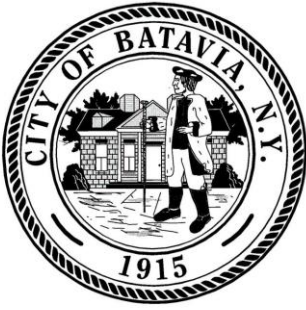
BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday August 8, 2022 at 7:00 p.m.**

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Jankowski
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. BID Italian Fest – 8/20/22
 - b. All Babies Cherished Vendor Event – 10/22/22
 - c. Ascension Parish Oktoberfest Fundraiser – 10/1/22
 - d. GCASA Overdose Awareness Day Event – 8/24/22
 - e. Batavia/Notre Dame United Bike Rally – 8/21/22
 - f. Just Kings Backpack Giveaway / Chicken BBQ – 8/27/22
 - g. Fordham Drive Block Party – 8/20/22
 - h. Ever Present Church Rummage Sale – 8/20/22
- VII. Council President Report
 - a. Announcement of the next City Council Conference and Business Meeting to be held on Monday, September 12, 2022 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. Austin Park MOU for Jail Contract
- IX. Bond Resolution Purchase of 2023 Spartan ER Rescue Pumper Fire Truck
- X. RLF Grant AGRV Properties, Inc (109 Main Street)
- XI. RLF Grant 73 On Rotary LLC (73 Main Street)
- XII. RLF Grant 73 On Rotary LLC (79-81 Main Street)

- XIII. Resolution to Set A Public Hearing for Animal Ordinance Law
- XIV. Creation of Grants Administration Position
- XV. SEQR Determination Jackson Street Water Project
- XVI. Adjournment



MEMORANDUM

To: Rachael Tabelski, City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: 8/1/22
Subject: Event Summary

Below please find the summary for the events to be reviewed by City Council on August 8, 2022:

BID Italian Fest – 8/20/22

Estimated cost from the police department is \$538.00 and from public works is \$381.29. There are no cost from the other departments.

All Babies Cherished Vendor Event – 10/22/22

Estimated cost from public works is \$130-\$160. There are no costs from the other departments.

Ascension Parish Oktoberfest Fundraiser – 10/1/22

There are no costs from the departments.

GCASA Overdose Awareness Day Event – 8/24/22

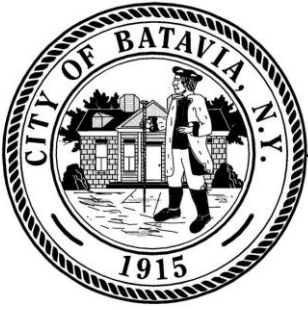
There are no costs from the departments.

Batavia/Notre Dame United Bike Rally – 8/21/22

There are no costs from the departments.

Just Kings Backpack Giveaway / Chicken BBQ – 8/27/22

There are no costs from the departments.



City of Batavia

Fordham Drive Block Party – 8/20/22

There are no costs from the departments.

Ever Present Church Rummage Sale – 8/20/22

There are no costs from the departments.

****NOTE** – Event sponsors are responsible for any costs that may be incurred because of their event and have been made aware of estimate costs, if any.



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

Paid
4/28/22

Official Use Only:

2022-24
Event Application #:

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

Event Sponsor Downtown Batavia Business Improvement Dist
 Type of Event Italian Fest
 Day and Date of Event Saturday Aug. 20th
 Time of Event (don't include set up time here - just actual event time) 1-9 pm
 Location of Event Jackson St, Center St, and School St.
 Details of Event (be as specific as possible!) Music, food, games, Crafts

Contact Information:

Primary contact: _____ Secondary contact: _____
 Name Shannon Maute
 Phone # 585-409-5531
 Mailing address 200 E Main St, Suite 12 Batavia NY 14020
 E-mail address Director@downtownbatavia.com

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

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

Who will be applying to the NYS Liquor Authority for the permit to sell? Myself (Shannon) or Rick Mancuso

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

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

EVENT INFORMATION (required):

Set up date: 8/20/22

Set up time: 11 AM

Tear down date: 8/20/22

Tear down time: 9 pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/20/22 Start time: 1 pm End time: 9 pm

Estimated crowd size: 600-800 # of Vendors/Displays 15-20

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? Food Stands and lights

Will generators be used? Yes No *see Special Events Inspection list for compliance*

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

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

Not sure what size yet. I am putting yes just incase a food vendor would need one. It will be on Jackson where I labeled food if we do need one.

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 10 x 10

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

Jackson from main to Ellicott &
Street to be closed Cross Streets
Center from main to Ellicott &
Street to be closed Cross Streets
School from Jackson to main &
Street to be closed Cross Streets
&
Cross Streets

If it is 2 per St and 2 for Beer tent 10 ish

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

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

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

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

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

20 picnic tables 12-15 garbage cans

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

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

5/25/20
Date:

Downtown Batavia Business Improvement dist
Name of Event Sponsor:

S Maute Executive Director
Authorized Signature, Title

Shannon Maute
Name - Printed or Typed

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

5/25/20
Date:

S Maute
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

OFFICIAL USE ONLY				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

If recommendation is denied, please attach a brief explanation

OFFICIAL USE ONLY	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table – type your response here:*

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If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

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Submitted By: _____ Name / Title Date Submitted

Appendices

SPECIAL EVENTS INSPECTION

YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)

YES	Item to Verify	NO	Corrective Action
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Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by: _____ Date: _____	

Main St

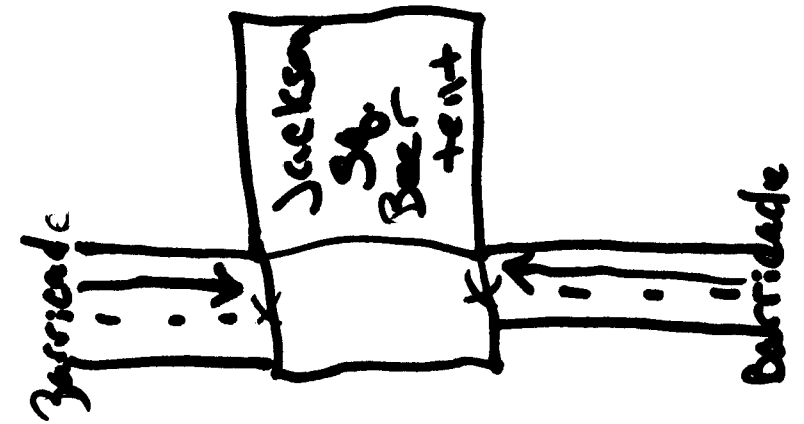
Barricade Close

Barricade Close

Jackson St

craft vendors

Food vendors



Sod, Games

Center St

St. School

Parking lot
music

Barricade Close

Barricade Close

Ellis St



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

Official Use Only:

2022-36
Event Application #:

PAID
JUN 29 2022
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor ALL Babies Cherished

Type of Event Vendor Event

Day and Date of Event Saturday 10/22/22

Time of Event (don't include set up time here - just actual event time) 10:00 - 4:00

Location of Event Mall Concourse

Details of Event (be as specific as possible!) Approx. 90 vendors set up in concourse (left apart); crafters, direct sales, artists, artisans

Contact Information:

Primary contact:

Secondary contact:

Name Sue Sherman

All Babies Cherished (Mona)

Phone # 585-356-2583

585-344-5660

Mailing address 445 Elliott St. Batavia, NY

E-mail address sue.abcherished@gmail.com

allbabiescherished.com

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: 10/22/22 Set up time: 8:00 Am
Tear down date: 10/22/22 Tear down time: at end of event

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 10/22/22 Start time: 10:00 End time: 4:00

Estimated crowd size: 300 # of Vendors/Displays ~ 90

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No
What will you be providing electric to? lighting in all hallways

Will generators be used? Yes No *see Special Events Inspection list for compliance*

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR
SIZE OF GENERATOR(S) _____ FUEL SOURCE - GAS - - DIESEL - - PROPANE -

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

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

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

Street to be closed & Cross Streets _____

Street to be closed & Cross Streets _____

Street to be closed & Cross Streets _____

Street to be closed & Cross Streets _____

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

6/27/22
Date:

All Babies Cherished
Name of Event Sponsor:
Susan I Sherman, Ex. Director
Authorized Signature, Title
Susan I Sherman, Ex. Director
Name - Printed or Typed

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

6/27/22
Date:

Susan I Sherman
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	<u>Additional Costs</u>	<u>Department Initials</u>
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table – type your response here:*

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If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

--

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices

SPECIAL EVENTS INSPECTION

YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)

YES	Item to Verify	NO	Corrective Action
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Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by: _____ Date: _____	



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

PAID
JUN 30 2022
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2022-37

Event Application #:

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

Event Sponsor ASCENSION R.C. PARISH OF BATAVIA, NY.
 Type of Event CHARITABLE FUND RAISER
 Day and Date of Event SATURDAY, OCTOBER 1, 2022
 Time of Event (don't include set up time here - just actual event time) NOON TILL 11:00 P.M.
 Location of Event 19 SUMNER ST PLUS PARKING LOT
 Details of Event (be as specific as possible!) ANNUAL OKTOBERFEST FUNDRAISER

Contact Information:

Primary contact:

Secondary contact:

Name MARCIA BERCK
 Phone # 585-343-1796
 Mailing address 19 SUMNER ST
 E-mail address bizmgr@ascensionrccl.com

Name FR. DAVID GLASSMIRE
 Phone # 585-343-1796
 Mailing address 19 SUMNER ST
 E-mail address PASTOR@ASCENSIONRCCL.COM

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

Who will be applying to the NYS Liquor Authority for the permit to sell? ASCENSION PARISH ALTAR & ROSARY SOCIETY

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

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

EVENT INFORMATION (required):

Set up date: Friday Set up time: AFTERNOON
Tear down date: Sunday Tear down time: MORNING - AFTERNOON

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 10/1/2022 Start time: NOON End time: 11:00 P.M.
Estimated crowd size: 500-1500 # of Vendors/Displays 4

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

GERMAN-AMERICAN MUSICIANS ASSOCIATION MARC JUERGENS (716) 289-6860
Name of Company Providing Above: _____ Company Contact/Representative _____ Phone # _____

P.O. Box 89 BUFFALO, NY 14225
Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? TENTS, BAND, COLD STORAGE

Will generators be used? Yes No *see Special Events Inspection list for compliance*

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

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 1 - 40x100 w/sides
1 - 15x90 w/sides 1 20x20

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

Will street(s) need to be closed for the event? Yes No Reason: Vendor Locations
possible food trucks, popcorn, Cotton Candy

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

End of OSTERHOLT - NORTH of SUMNER (goes into parking lot)
Street to be closed Cross Streets

Street to be closed Cross Streets

Street to be closed Cross Streets

Street to be closed Cross Streets

Will street barricades be requested from the City? Yes No How Many? 8

Will traffic cones be requested from the City? Yes No How Many? _____
(Drop off locations of requested items must be identified on the site drawing)

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

Are there any other city materials or personnel requested for the event? Identify below: (there may be additional costs)
NO

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

6/30/22
Date:

ASCENSION R.C. PARISH
Name of Event Sponsor:

[Signature]
Authorized Signature, Title

REV. DAVID R. GLASSMIRE, PASTOR
Name - Printed or Typed

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

6/30/22
Date:

[Signature]
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table – type your response here:*

If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices

SPECIAL EVENTS INSPECTION

YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)

YES	Item to Verify	NO	Corrective Action
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Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
<p>Inspection performed by: _____ Date: _____</p>	



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

Official Use Only:

2022-38
Event Application #:

PAID
JUL - 1 2022
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor GCASA
Type of Event Overdose Awareness Day Event
Day and Date of Event Wed. Aug 24, 2022 - 10/4/2022
Time of Event (don't include set up time here - just actual event time) 4-7pm
Location of Event Austin Park
Details of Event (be as specific as possible) Awareness Event - Speakers, resource tables, live band in the pavilion

Contact Information:

Primary contact:

Secondary contact:

Name Sue Gagne
Phone # 585-356-8078
Mailing address 5256 Clinton St. Rd. Batavia
E-mail address sgagne@gcasa.org

Amy Kabel
585-815-3437
5256 Clinton St. Rd. Batavia
akabel@gcasa.org

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: 8-24-22 Set up time: 2pm

Tear down date: 8-24-22 Tear down time: 7pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8-24-22 Start time: 4pm End time: 7pm

Estimated crowd size: 100 # of Vendors/Displays 30

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

GROOVE Neil Leane (585) 750-3428
Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

5509 Horseshoe Lk Rd Batavia 14020
Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? music equipment / PA system for speaker.

Will generators be used? Yes No *see Special Events Inspection list for compliance*

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

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

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

Yes No
Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 10x15 / standard size

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

Will traffic cones be requested from the City? Yes No How Many? _____
(Drop off locations of requested items must be identified on the site drawing)

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

6/17/2022
Date:

GCASA
Name of Event Sponsor:

CFO
Authorized Signature, Title

JoAnn Ryan
Name - Printed or Typed

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

6/17/2022
Date:

JoAnn Ryan
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

OFFICIAL USE ONLY				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

OFFICIAL USE ONLY	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table - type your response here:*

--

If Application not Approved, Provide Reason Here: *Fillable table - type your response here:*

--

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices



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

Official Use Only:

2022-39
Event Application #:

PAID
JUL 14 2022
CITY OF BATAVIA
CLERK-TREASURER

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

Event Sponsor Batavia / Notre Dame "United" Hockey Boosters

Type of Event Bike Rally

Day and Date of Event Sunday August 21st

Time of Event (don't include set up time here - just actual event time) 5pm - 6pm

Location of Event Starting and Ending at BHS

Details of Event (be as specific as possible!) This is a bike ride/rally ... not a race!
Shooting for 150 Bike Riders Ages 10 - Adult. We will
ride together over a 10K course (5K course 2 times)

Contact Information:

Primary contact:

Name Marc Staley
Phone # 585-330-9232
Mailing address 232 East Ave Batavia NY
E-mail address marc_staley@yahoo.com

Secondary contact:

Holly Carney
585-297-8227

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: 8/21/22 Set up time: 4pm
Tear down date: 8/21/22 Tear down time: 7pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/21/22 Start time: 5pm End time: 6pm
Estimated crowd size: 150-200 # of Vendors/Displays None

WILL THE EVENT INCLUDE:

- Parade: Yes No *(MAP OF DESIRED ROUTE MUST BE ATTACHED)*
- Run or Walk: Yes No *(MAP OF DESIRED ROUTE MUST BE ATTACHED)*
- Music: Yes No *(SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)*
- Street Closure(s): Yes No *(MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)*
- Other: Bike Rally Yes No *(MAP OF DESIRED ROUTE MUST BE ATTACHED)*
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street City Zip Code

Music: Live Group Recorded/DJ

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

Address, Street City Zip Code

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No
What will you be providing electric to? _____

Will generators be used? Yes No **see Special Events Inspection list for compliance**

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

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

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

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

Will street(s) need to be closed for the event? Yes No Reason: ??
I don't believe so. possibly some traffic control on Bank St. from State st. → Vine St.

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

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Will street barricades be requested from the City? Yes No How Many? Don't think so...

Will traffic cones be requested from the City? Yes No How Many? Possibly along Bank St. from State → Vine
(Drop off locations of requested items must be identified on the site drawing)

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

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

POLICE We would love to have the City Bike Patrol Ride with the kids!!!
Will City Police Officers be requested for the event? Yes No

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

7/14/2022
Date:

BND Hockey Boosters
Name of Event Sponsor:

[Signature]
Authorized Signature, Title

Marc A Staley
Name - Printed or Typed

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

7/14/2022
Date:

[Signature]
Signature of Applicant:

Please forward this application to:

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

Search Maps



MS



High School

MacArthur Park

Dwyer Stadium

5K
10K
Does
Another
Loop

United Memorial
Medical Center

Northside Deli

Reed Eye
Associates -

75° via

AQI 26

Austin Park

BANK STREET RD

VINE ST

EVERGREEN DR

GARDEN DR

NARAMORE DR

Polvedere Dr.

Woodcrest Dr.

HART ST

ROSS ST

N SPRUCE ST

NORTH ST

COLUMBIA AVE

VINE ST

ELM ST

TRUMBULL PKWY

EAST AVE

TRACY AVE

SUMMIT ST

BANK ST

33

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	<u>Additional Costs</u>	<u>Department Initials</u>
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
if applicable

Estimate based on: *Fillable table – type your response here:*

--

If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

--

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices

SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)			
YES	Item to Verify	NO	Corrective Action

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
<p>Inspection performed by: _____ Date: _____</p>	



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

PAID
JUL 14 2022
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2022-40
Event Application #:

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

Event Sponsor Just Kings
Type of Event Backpack Giveaway / chicken BBQ
Day and Date of Event Aug ~~26~~ 27
Time of Event (don't include set up time here - just actual event time) 1pm - 8pm
Location of Event Austin Park
Details of Event (be as specific as possible!) chicken bba with a back to school
Backpack giveaway

Contact Information:

Primary contact: _____ Secondary contact: _____
Name Gregory Munroe II
Phone # 585-297-2987
Mailing address 22 cherry st
E-mail address gmunroe1@gmail.com

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

Will there be alcohol at your event? Yes No If yes, complete the following:
Type of alcoholic beverage to be served: Liquor Wine Beer
Will you be providing alcohol to your group? Yes No
Will you be selling alcohol to your group? Yes No Insurance certificate **WILL BE** required with **Liquor Legal**.
Will people be allowed to bring alcohol to the event? Yes No
Who will be applying to the NYS Liquor Authority for the permit to sell? _____

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.
**** If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. ****

EVENT INFORMATION (required):

Set up date: 8-26-22 Set up time: 9am
Tear down date: 8-26-22 Tear down time: 9pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8-26-22 Start time: 1pm End time: 8pm
Estimated crowd size: 100 # of Vendors/Displays 1

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 - Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 - Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
 - Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
 - Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

Will generators be used? Yes No *see Special Events Inspection ✓ list for compliance*

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

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected* 10X10 Canopy

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

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

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

Will traffic cones be requested from the City? Yes No How Many? _____
(Drop off locations of requested items must be identified on the site drawing)

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

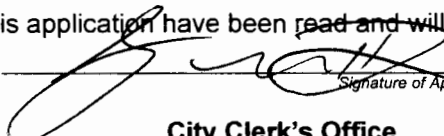
7-14-22
Date:

Just Kings
Name of Event Sponsor:

Authorized Signature, Title
Gregory Munroe II
Name - Printed or Typed

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

7-14-22
Date:


Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval

	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table – type your response here:*

If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices

SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)			
YES	Item to Verify	NO	Corrective Action

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 40BC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by:	Date:



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

PAID
JUL 19 2022
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2022-41
Event Application #:

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

Event Sponsor Danielle Jensen-Rodriguez
Type of Event Block party for street residents
Day and Date of Event Saturday August 20th, 2022
Time of Event (don't include set up time here - just actual event time) 12-3
Location of Event Fordham Drive Batavia

Details of Event (be as specific as possible!) Picnic style gathering we hold on the street between Holmes & Eugene Ave. Lawn games, bikes, roller blades, slip-n-slides on the lawn

Contact Information:

Primary contact:

Secondary contact:

Name danielle jensen-rodriguez
Phone # 585-356-7186
Mailing address 3 Fordham Drive Batavia
E-mail address piximudwrestler@yahoo.com

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

BYOB

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

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

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

EVENT INFORMATION (required):

Set up date: Sat August 20th

Set up time: 11am

Tear down date: Sat August 20th

Tear down time: 4pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/20/22

Start time: noon

End time: 3-3:30

Estimated crowd size: 40

of Vendors/Displays n/a

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street City Zip Code

Music: Live Group Recorded/DJ

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

Address, Street City Zip Code

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

Will generators be used? Yes No *see Special Events Inspection ✓ list for compliance*

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

7/18/2022
Date:

Danielle Jensen-Rodriguez
Name of Event Sponsor:

Authorized Signature, Title

Name - Printed or Typed

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

7/18/2022
Date:

Danielle Jensen-Rodriguez
Signature of Applicant:

Please forward this application to:

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? ^{possibly} Yes No

We have not secured a vendor yet – this would be on private lawn though
NOTE – Appropriate anchoring is required for all tents, canopies, and pop-up structures *– not on the street*

Please list size(s) of Tents/Canopies or other temporary structures erected* simple pop-up tents
if needed

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

Fordham Drive between Holmes & Eugene
Street to be closed Cross Streets

Street to be closed Cross Streets

Street to be closed Cross Streets

Street to be closed Cross Streets

Will street barricades be requested from the City? Yes No How Many? 4

Will traffic cones be requested from the City? Yes No How Many? _____
(Drop off locations of requested items must be identified on the site drawing)

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

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

POLICE

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

Just if they'd like to stop by for a free bite to eat
☺

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table – type your response here:*

If Application not Approved, Provide Reason Here: *Fillable table – type your response here:*

Submitted By: _____ _____ _____
Name / Title *Date Submitted*

Appendices

SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)			
YES	Item to Verify	NO	Corrective Action

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 40BC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by:	Date:



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

PAID
JUL 25 2022
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2022-43

Event Application #:

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

Event Sponsor Ever Present Church

Type of Event Rummage Sale

Day and Date of Event Saturday 8-20

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

Location of Event Parking lot of Ever Present

Details of Event (be as specific as possible) Pop-up canopies and

Selling garage sale style, may have
other ministerial people sell with us

Contact Information:

Primary contact:

Name Michelle Norton
Phone # 585 292 3155
Mailing address 7198 Pekin Rd
E-mail address Michellenorton@hotmail

Secondary contact:

Jason Norton
993 1888

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

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

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

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

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

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

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

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

EVENT INFORMATION (required):

Set up date: 8-20-22
Tear down date: 8-20-22

Set up time: 8:00 AM
Tear down time: 3:00 PM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8-20-22 Start time: 9:00 AM End time: 3:00 PM

Estimated crowd size: 100 # of Vendors/Displays _____

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 - Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
 - Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
 - Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
 - Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

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

Address, Street _____ City _____ Zip Code _____

Music: Live Group Recorded/DJ

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

Address, Street _____ City _____ Zip Code _____

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

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

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? _____

Will generators be used? Yes No *see Special Events Inspection ✓ list for compliance*

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

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

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

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

Please list size(s) of Tents/Canopies or other temporary structures erected*
10x10 12x12 8x8

ANCHORING INTO PAVEMENT IS PROHIBITED!

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

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

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

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

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

Street to be closed & Cross Streets

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

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

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

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

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

POLICE

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

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

PLEASE NOTE:

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

Hold Harmless Agreement

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

7-20-22
Date:

Ever Present Church
Name of Event Sponsor:

Michelle Norton Pastor
Authorized Signature, Title

Michelle Norton
Name - Printed or Typed

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

7-20-22
Date:

Michelle Norton
Signature of Applicant:

Please forward this application to:

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

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

<u>OFFICIAL USE ONLY</u>				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

<u>OFFICIAL USE ONLY</u>	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table - type your response here:*

If Application not Approved, Provide Reason Here: *Fillable table - type your response here:*

Submitted By: _____ _____
Name / Title *Date Submitted*

Appendices

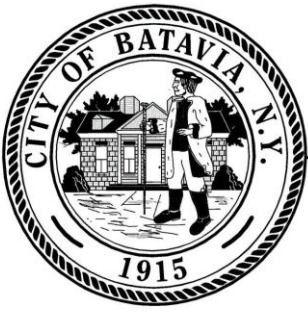
SPECIAL EVENTS INSPECTION

YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)

YES	Item to Verify	NO	Corrective Action
-----	----------------	----	-------------------

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by: _____ Date: _____	



City of Batavia

Memorandum

To: Rachael Tabela, City Manager

From: Brett Frank, Director of Public Works

Date: July 21, 2022

Subject: Austin Park MOU between City of Batavia & Genesee County

The Genesee County Jail restoration project has recently been awarded to the Montante Construction Group. After meeting with Genesee County officials, it was proposed to allow the awarded contractor access and use of the Southwest corner of Austin Park as a staging area for Montante during construction, and have it fenced off from the public. This was proposed due to the parking lot between the Jail and City Police Department not being a suitable location for the contractor to store and move materials.

During the month of July a MOU and Access Agreement was drafted for both parties to enter into and agree upon. The MOU states that the City of Batavia will provide temporary use of the Southwest corner of Austin Park not to exceed 100 feet by 100 feet. The MOU states that Genesee County will require that Montante enter into and comply with the City's Temporary Access Agreement. It also states that the contractor will make sure the area is properly fenced off from the public and not impede on the soccer fields within the park, and ensure that the contractor will repair all restoration work needed on the lawn where construction staging takes place.

I recommend that this MOU be approved to complete Genesee County Jail restoration project.

#-2022

A RESOLUTION TO APPROVE AN AGREEMENT - MEMORANDUM OF UNDERSTANDING WITH GENESEE COUNTY

Motion of Councilmember

WHEREAS, the Director of Public Works did present an agreement with Genesee County for the use of the Southwest Corner of Austin Park as a construction staging area; and

WHEREAS, the City of Batavia and Genesee County are desirous of working together to provide a construction staging area for the awarded contractor (Montante Construction) during the Genesee County Jail Restoration project.

WHEREAS, the Agreement between the City and Genesee County for this collaborative service would be effective July 12, 2022 and expire July 12, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Memorandum of Understanding between the City of Batavia and Genesee County.

**Seconded by Councilmember
and on roll call**

Memorandum of Understanding

City of Batavia
and
County of Genesee

The Genesee County Jail Restoration project was recently awarded with construction set to begin in mid to late July. The County of Genesee has proposed to the City of Batavia to use the Southwest corner of Austin Park as a staging area for the awarded contractor (Montante Construction) during construction. The City of Batavia has agreed to allow Montante to use the designated portion of Austin Park upon the signing this Memorandum of Understanding and a Temporary Access Agreement by Montante.

The City of Batavia will:

- Provide temporary use of the Southwest Corner of Austin Park not to exceed 100 feet by 100 feet

The County of Genesee will:

- Require as a condition of access that Montante execute and comply with the City's Temporary Access Agreement
- Ensure that the designated portion of Austin Park is properly fenced off from the public
- Make sure that fenced off area does not inhibit the use of soccer fields at Austin Park
- Ensure that any and all restoration work on the lawn where the construction staging area was located will need to be corrected and will be the responsibility of the contractor

The County of Genesee agrees to defend, indemnify and hold the City harmless for claims, costs, expenses and damages incurred by the City as a result of the County's use of the space under this agreement.

This agreement is effective July 12, 2022 – July 12, 2023 and may be renewed on mutual written approval. The City of Batavia and/or the County of Genesee may terminate this agreement upon a 30 day notice to other party, in the event of such termination, all obligations would cease upon the termination dates.

President, Batavia City Council

Date

Chair, Genesee County Legislature

Date

TEMPORARY ACCESS AGREEMENT

The City of Batavia (“City”), 1 Batavia City Center, Batavia, New York, is the owner of a certain parcel of real property located at Austin Park, Batavia, New York (hereinafter “the Property”).

Montante Construction, 2760 Kenmore Avenue, Tonawanda, New York (“Montante”), was awarded a contract by Genesee County for the restoration of the Genesee County Jail. The County and Montante require space to store materials for the project. The Property is the only space available to stage and store equipment for the Jail Restoration Project (“the Project”). In order to fulfill the requirements for the Project, Montante requires access to the Property for a period of time while the Project is being performed.

The City hereby grants unto Montante, and its employees and representatives, permission to access a section of the Property on the Southwest corner at all reasonable times for purposes of performing the Project. The permission shall include: fencing an area of up to 100’ by 100’ in the Southwest corner of the Property; securing the fenced in area and accessing that section of the Property for staging and storing materials during the Project. Montante shall not disrupt or obstruct the soccer fields or softball field at the Property. The area of use is set out on Attachment A.

Montante shall maintain commercial general liability insurance naming the City as additional named insured in the amount of at least \$1 Million primary and \$2 Million excess liability coverage. Montante shall provide the insurance certificate to the City prior to entering the Property. The City shall be provided with at least 10 written days notice prior to cancellation of Montante’s insurance. Montante shall hold the City harmless from and against any mechanic’s liens that may be filed or asserted against the Property by the contractors, subcontractors or materialmen performing such work for Montante.

Montante agrees to defend, indemnify and hold the City harmless from any personal injury or property damage claims and liability, any and all claims, demands and liability including costs, expenses, and reasonable attorney’s fees, if any, arising from the use of the Property in accordance with this agreement.

The City shall have the right to terminate this Access Agreement, at any time, based on 30 day written notice.

Montante shall restore the property to its prior condition at the conclusion of use, including seeding, landscaping and repair to the area of use. The City Department of Public Works shall inspect and confirm that Montante has fully restored the Property. In the event that Montante fails or refuses to fully and completely restore the Property, the City may restore the Property and Montante shall be responsible for paying all costs and expenses incurred by the City.

In Witness Whereof, Montante _____ and the City of Batavia, have executed this Agreement as of the ____ day of July, 2022, by their duly authorized representatives whose signatures appear below.

Montante Construction

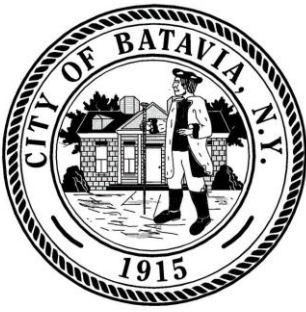
By: _____

Its: _____

City of Batavia

By: _____

Its: Council President



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: July 29, 2022

Subject: USDA Rural Development Bond Resolution

The City of Batavia applied for funding consideration for the purchase of a new fire engine and was awarded a United State Department of Agriculture (USDA) Rural Development funding package. The final funding package includes a \$665,000 loan at 2.5% for 20 years, a grant of \$100,000 and City contribution of \$36,681, which will come from the fire reserves.

The City needs to replace Engine 12, a 2002 fire apparatus. The design life for this fire apparatus is 15 to 20 years and Engine 12 is showing extreme corrosion at the 20 year mark. The magnesium salts along with the sodium chloride spread on our roads each winter causes decay and corrosion on the engine body, chassis and wiring. Engine 12 has had numerous repairs in the last few years, and the repairs are becoming more costly over time.

The new fire engine will be a 2023 NFPA compliant rescue style fire engine. The specifications of the new engine are listed below:

- Based off a six wheel chassis.
- Custom cab with seating for six fire personnel.
- 1,500 gallon per minute fire pump with foam capability.
- 750 gallon water tank
- Clean concept cab style for cancer prevention.
- Full compartmentalization on both sides for maximum tool capacity.
- Latest safety features throughout.
- Aluminum or stainless steel construction to ensure longevity.
- Full LED emergency and scene lights for maximum safety for personnel.

Therefore, I recommend that the City Council of the City of Batavia approve the Bond Resolution to finance the acquisition of a fire truck and use of fire reserves.

#-2022

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF
THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK, TO
FINANCE THE ACQUISITION OF A FIRE TRUCK, THE
EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING
OTHER MATTERS IN CONNECTION THEREWITH.**

Motion of Councilmember

WHEREAS, the **CITY OF BATAVIA** (the “City”), in the County of Genesee, by its City Council has determined it necessary for the City, to purchase a new 2023 Spartan ER Rescue Pumper Fire Truck (the “Fire Truck”) to replace a failing piece of equipment; and

WHEREAS, the estimated total cost of the Fire Truck acquisition is \$801,681.00, which is to be financed in part by the City through use of the Fire Department Reserve funds in an amount not less than \$36,681.00, in part by a loan from the United States Department of Agriculture (“USDA”) in an amount not to exceed \$665,000.00 (the “USDA Loan”), and in part by a grant from the USDA not to exceed \$100,000.00 (the USDA Grant”).

WHEREAS, the City will issue general obligation bonds in an amount equal to the USDA Loan to provide security for the loan, which shall be issued in accordance with the New York State Local Finance Law (the “LFL”) and fully registered as to both principal and interest in the United States of America, acting through the Rural Housing Service.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Batavia, Genesee County, New York, as follows:

Section 1. The acquisition of the Fire Truck is hereby authorized in an aggregate principal amount up to \$801,681.00 (the “Specific Object or Purpose”).

Section 2. The Specific Object or Purpose are objects and/or purposes described in Subdivision 27 of Paragraph (a) of Section 11 of the LFL.

Section 3. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the City in an aggregate principal amount not exceeding the USDA Loan amount is hereby authorized to be issued therefor pursuant to the LFL.

Section 4. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 5. It is hereby determined that the period of probable usefulness of the Fire Truck is twenty (20) years, pursuant to Subdivision 27 of Paragraph (a) of Section 11.00 of the LFL. It is

hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of twenty (20) years.

Section 6. The faith and credit of the City of Batavia, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the LFL and pursuant to the provisions of LFL Sections 21.00, 50.00, 56.00 to 60.00, 62.00 and 63.00, the powers and duties of the City Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized are hereby delegated to the City Manager, the chief fiscal officer of the City.

Section 8. All other matters except as provided herein relating to the bonds or notes herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Manager, as the chief fiscal officer of the City. Such bonds shall contain substantially the recital of validity clause provided for in LFL Section 52.00 and shall otherwise be in such form and contain such recitals, in addition to those required by LFL Section 51.00, as the City Manager shall determine, consistent with all applicable LFL provisions.

Section 9. The City Manager is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. The City Manager is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-

12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 11. The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 12. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the LFL for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2 and any other provision of the Internal Revenue Code or Internal Revenue Service Regulations relating to the qualification for reimbursement of costs related to the Specific Object or Purpose. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This resolution shall take effect immediately.

Section 14. This resolution or a summary hereof shall be published in full in the official legal newspaper of the City for such purposes, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the LFL.

**Seconded by Councilmember
and on roll call**

**NOTICE OF ADOPTION OF BOND RESOLUTION
CITY OF BATAVIA**

PURSUANT TO NEW YORK STATE LOCAL FINANCE LAW SECTION 81, NOTICE IS HEREBY GIVEN that at a regular meeting held on _____, 2022, the City Council of the City of Batavia, New York (the "**City**") duly adopted a resolution, (the "**Resolution**") authorizing the issuance of serial bonds in connection with the acquisition of a certain fire truck to replace a failing piece of equipment.

The following is an abstract of the Resolution.

THE RESOLUTION authorized the acquisition of the fire truck at an estimated cost of \$801,681.00 (the "Specific Object or Purpose") which is to be financed in part by the City through use of the Fire Department Reserve funds in an amount not less than \$36,681.00, in part by a loan from the United States Department of Agriculture ("USDA") in an amount not to exceed \$665,000.00 (the "USDA Loan"), and in part by a grant from the USDA not to exceed \$100,000.00 (the USDA Grant").

THE RESOLUTION further authorized the issuance of General Obligation Bonds (the "**Obligations**") in an amount equal to the USDA Loan.

THE RESOLUTION further determined that the that the period of probable usefulness of the Specific Object or Purpose is twenty (20) years, pursuant to Subdivision 27 of Paragraph (a) of Section 11 of the New York State Local Finance Law (the "LFL") and further determined that the maximum maturity of the bonds therein authorized would not be in excess of twenty (20) years; and

NOTICE IS HEREBY FURTHER GIVEN that the validity of the Obligations authorized by the Resolution may be hereafter contested only if such Obligations were authorized for an object or purpose for which the Town is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with or if the Obligations were authorized in violation of the provisions of the Constitution of the State of New York; and

NOTICE IS HEREBY FURTHER GIVEN that an action, suit or proceeding contesting the validity of the Resolution on the grounds set forth hereinabove must be commenced within twenty (20) days after the date of publication of this notice unless such obligations were authorized in violation of the provisions of the New York State Constitution.

Dated: _____, 2022

Heidi J. Parker, City Clerk
City of Batavia



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: July 29, 2022

Subject: RLF Grant- AGRV Properties, Inc. 190-111 Main St.

In 2019, the City of Batavia amended the Revolving Loan Fund (RLF) Agreement to allow for grants or investment on a project specific basis, and with City Council approval. Specifically the City of Batavia Revolving Loan Fund Grant Policy seeks to have private building owners make lasting building, public and/or façade improvements within the City.

Building owners may request funds for building improvements that have a visual impact and faced work for rehabilitation or new builds. The grant of 40% of the total cost of the project will be considered and the amount will be capped at \$20,000.

The grant funding will be matched with private funds from AGRV Properties, Inc. to replace exterior stairs, door, and build an outdoor patio and deck for outside dining adjacent to Jackson Square. The building owner purchased City property in Jackson Square so that they could build a deck and patio.

The investment for the total of this phase of the project is \$140,000. The Batavia Development Corporation Board reviewed the application and recommended it to council with the score of 78.66 out of 100 as related to economic development and strategic goal alignment.

To this end, and to further the Downtown Revitalization Initiative (DRI) Ellicott Place Project, I am requesting that City Council approve the grant request for \$20,000.

BATAVIA DEVELOPMENT CORPORATION

One City Centre
Batavia, NY 14020

Office: 585-343-6380
Fax: 585-343-8182
www.bataviadevelopmentcorp.org

Address: 109 Main St.
Date Received: 6/27/2022
Date Reviewed by BDC: 7/21/22

City of Batavia Revolving Loan Fund - Grant Request

TO: BDC Board of Directors
FROM: Tammy Hathaway, Director of Economic Development
RE: Grant Application
DATE: July 21, 2022

Applicant: AGRV Properties, Inc.
Location: 109 Main St., Batavia, NY 14020 (Eli Fish Brewing Company)
Capital Investment: \$140,000
Grant Request: \$20,000
Application Complete: Yes
Proof of Financing: Checking account statement
RLF Grant Funds Available: \$120,097.00 is available for grant funding

Matthew Gray, representing AGRV Properties, is requesting a \$20,000 grant from the City of Batavia Revolving Fund Grant Program to support the cost of building Eli Fish's outdoor patio in Jackson Square.

Aid from grant funding will allow the applicant to replace the rear, exterior stairs and doors. It will also assist in the cost to add a large two-level patio; it will be attached to the rear of the building.

The BDC received a full application, with a non-refundable deposit of \$250, the deed to the property, current mortgages liened on the property and proof of financing. A rendering with cost estimate was included with the application.

Please give attention to the email printed and added to the attached application packet. It explains the different in the cost estimate.

Proof of financing (to include current mortgage docs) are available in the BDC office for review and not included in this packet to ensure confidentiality.

Presentation to BDC Small Business Committee:

Date: 7/21/22

Score: 78.66 (a score of 0 in the residency category reduced the overall average)

Proposal: Request an approval from the BDC Board of Directors to proceed with the project

***Approved by BDC Board at regular meeting on 7/28/22 to recommend to City Council for funding approval**

The Batavia Development Corporation is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.wascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Ave, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or by email at program.intake@usda.gov.

#-2022

A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT

Motion of Councilmember

WHEREAS, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

WHEREAS, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

WHEREAS, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Brownfield Opportunity Area (BOA) advancement, City Priority Economic Development, and Building Improvements; and

WHEREAS, AGRV Properties, Inc. has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

WHEREAS, AGRV Properties, Inc. intends to complete improvements of the property located at 109-111 Main Street using funds to be provided through the Program; and

WHEREAS, The City of Batavia will distribute grant funds to AGRV Properties, Inc. for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy and the Grant Agreement; and

WHEREAS, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED, that the City of Batavia City Council approves granting \$20,000 to the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Batavia City Council authorize the City Council President to execute the Grant Agreement with AGRV Properties, Inc.

**Seconded by Councilmember
and on roll call**

BATAVIA REVOLVING LOAN FUND GRANT
PARTICIPANT AGREEMENT

This Agreement is made effective as of the _____ day of _____, 2022, by and between the City of Batavia, with offices located at One Batavia City Centre, Batavia, NY 14020, and AGRV Properties (“Owner”), residing at or having a principal place of business at 109-111 Main St. Batavia, NY 14020. For a grant in the amount of \$20,000.

1. Term.

The period of performance for all activities assisted pursuant to this Agreement shall be 24 months, commencing on the effective date of this Agreement and ending on _____ (“Term”), unless sooner terminated as provided for herein. The Owner is required to engage a contractor and begin construction within thirty (30) calendar days of execution of this agreement.

2. Owner’s Representations.

The Owner hereby expressly represents that he/she is the owner of the premises designated herein for improvement and rehabilitation and that, as the Owner, he/she has all lawful authority required to execute this Grant Agreement, which shall be binding upon the Owner and/or its successors and assigns.

3. Regulatory Requirements and Repayment Provisions.

a. All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. Repayments will be retained by the City of Batavia and used for eligible economic development activities. Required repayment of grant funds will be calculated in accordance with the following schedule:

i.	Months 0-12:	100% repayment due.
ii.	Months 13-24:	80% repayment due.
iii.	Months 25-36:	60% repayment due.
iv.	Months 37-48:	40% repayment due.
v.	Months 49-60:	20% repayment due.
vi.	Months 60 and beyond:	0% repayment due

- b. It is essential that Owners ensure that their properties remain free of lead hazards after compliance has been documented. The Owner agrees to maintain paint in all residential spaces using lead-safe work practices for the five-year Regulatory Period. The Owner or a representative should visually assess the property on a routine basis, and whenever the occupant reports loose, peeling or damaged paint. The property owner may elect to hire a lead inspector to perform this assessment.
- c. The Owner of a property improved will be required to execute a Declaration, in the form attached as Attachment D, which shall be filed in the Genesee County Clerk’s Office. The Owner agrees to maintain the Assisted Property in

compliance with the terms of this Grant Agreement, throughout the Regulatory Period. The Owner shall further declare that in the event of any non-compliance or sale of the property, the amount of grant funds distributed shall be subject to repayment.

4. Reimbursement.

- a. Project reimbursements are made when the project is complete. The City of Batavia Revolving Loan Fund Grant operates fully as a reimbursement grant program and the owner is responsible for paying for all agreed upon repairs. Payment of grant funds will be made only upon satisfactory completion of building projects and payment of renovation expenses.
- b. No reimbursement shall be paid to the owner until final inspections and Certificate of Compliance/Occupancy has been issued by the City of Batavia.
- c. All completed work shall comply with all applicable building codes and standards.
- d. Cash payments/cash receipts are not permitted and will not be reimbursed.
- e. The payment of any amount(s) due and payable by the City of Batavia to a project owner, as a reimbursement pursuant to a grant agreement for work completed shall be payable within ninety (90) calendar days after all work is satisfactorily completed and sufficient supporting documentation is provided to the City of Batavia.
- f. Sales tax should not be included on the invoice as the City is exempt from sales tax and will not reimburse for sales tax.
- g. To substantiate work costs, Owners must provide the following: (i) written contracts; (ii) bank documents; (iii) copies of invoices for materials and labor; (iv) cancelled checks; (v) lien releases; (vi) and any other documents deemed reasonably necessary by the City of Batavia to maintain effective internal controls.

5. Inspection of Work: Unsatisfactory Work.

The Owner agrees that the City of Batavia and their representative or agent shall at all times have access to the job site and premises for the purpose of inspecting and reviewing the renovation work. In the event that the Owner or the City of Batavia shall determine at any time that there exists unsatisfactory work, the Owner shall notify the contractor in writing of the existence of such (sending copies to the City of Batavia and any other interested parties), and the contractor shall correct such work within twenty (20) calendar days after receipt of said notice. In the event that the contractor fails or refuses to complete such corrections in the work within said period of time the City of Batavia shall have the right to cancel this Grant Agreement and, upon such cancellation, shall have no obligation to provide any reimbursement for the work completed.

6. Reports and Access to Records.

During the Term and the Regulatory Period, the City of Batavia can perform an annual inspection. The Owner further agrees to provide the City of Batavia with reports or records in such form, content and frequency as requested.

7. **Termination.**

In the event the Program shall for any reason cease to exist or terminate prior to the completion of the work to be performed as specified in this Agreement, or in the event the Owner shall die, or the ownership of the building changes prior to the completion of such work, the City of Batavia may terminate its obligation(s) hereunder to the Owner by reimbursing the Owner (or its heirs or successors) for the work satisfactorily completed prior to the date of any such termination, death, or change in ownership. Upon such payment to the Owner, the City of Batavia shall be released and discharged from any further claim on behalf of the Owner pursuant to this Grant Agreement.

8. **Compliance with Local Laws and Codes.**

Any contract or agreement to be executed relative to the work contemplated by this Grant Agreement shall require that the Owner give all notices required by, and comply with, all applicable laws, ordinances, regulations and codes of the City of Batavia, the State of New York, and the United States, and shall at its own expense, secure and pay the fees or charges for all permits required for the performance of the work.

9. **Notice of Investigation or Default.**

The Owner shall notify the City of Batavia within five (5) calendar days after obtaining knowledge of: (i) the commencement of any investigation or audit of his/her activities by any governmental agency; or (ii) the alleged default by the Owner under any mortgage, deed of trust, security agreement, loan agreement or credit instrument executed in connection with the project; or (iii) allegation of ineligible or prohibited activities. Upon receipt of such notification, the City of Batavia may, in its discretion, withhold or suspend payment of Program funds for a reasonable period of time while a review of activities and expenditures is conducted.

10. **Default.**

- a. If an Event of Default as defined below shall occur, all obligations on the part of the City of Batavia to make any further payment of Program funds shall, if the City of Batavia so elects, terminate and the City of Batavia may, in its discretion, exercise any of the remedies set forth herein; provided, however, that the City of Batavia may make any payments after the happening of an Event of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment.
- b. The following shall constitute an Event of Default hereunder: (i) if the Owner fails, in the opinion of the City of Batavia, to comply with or perform any provision, condition or covenant contained in this Agreement, any applicable State or federal law or regulation, or the Program policies and procedures established by City of Batavia; (ii) if at any time any representation or warranty made by the Owner shall be incorrect or materially misleading; (iii) if the Owner has failed to commence the improvements as specified in Attachment A- Batavia Development Corporation (BDC) Project Memo and Rendering/Site Plan in a timely fashion or has failed to complete such improvements within the Term.
- c. Upon the happening of an Event of Default, the City of Batavia may, in its discretion, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of such remedies shall not preclude the City of Batavia from pursuing any other remedies contained herein or otherwise provided at law or in equity: (i) Terminate this Agreement, provided that the Owner is given at least ten (10) business days prior written notice; (ii) Withhold or suspend payment of

Program funds; (iii) Recapture any Program funds disbursed to the Owner on a pro rata basis over the Regulatory Period. The amount to be recaptured shall be determined by reducing the original amount of Program funds disbursed to the Owner by one fifth (1/5th) for each year of the Regulatory Period the Owner was in compliance with this Agreement; (iv) Exercise any corrective or remedial action, to include, but not be limited to, advising the Owner to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Owner to reimburse the City of Batavia for the amount of Program funds expended or used in an unauthorized manner or for an unauthorized purpose.

- d. In the event this Agreement is terminated by the City of Batavia for any reason, or upon the closeout of the Program, the City of Batavia shall have no further liability or obligation under this Agreement; provided, however, that nothing herein is intended to relieve the City of Batavia of its obligation to pay for services properly performed by the Owner prior to such termination. Notwithstanding any such termination or closeout, the Owner shall remain liable to the City of Batavia for any unspent Program funds, the expenditure or use of Program funds in a manner or for a purpose not authorized by this Agreement, or damages as a result of any breach of this Agreement by the Owner. The City of Batavia shall have the right, at any time prior or subsequent to any such termination or closeout, to pursue any and all available remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this Agreement and to recover Program funds which are unspent, expended or used in an unauthorized manner or for an unauthorized purpose.

11. Indemnification.

Any contract or agreement to be executed in furtherance of this Grant Agreement shall require the contractor to defend, indemnify and hold harmless the Owner, the City of Batavia from liability for any claim for injury or damages to persons including the contractor and his/her employees, subcontractors and agents, or property, resulting from any work performed under this Agreement.

12. Assignment.

The Owner shall not assign this Grant Agreement without the prior written consent of the City of Batavia and any such request for assignment of said Grant Agreement must be addressed to the City of Batavia.

13. Waiver of Liability.

Nothing in this Agreement nor any act of the City of Batavia, or its agent, including but not limited to, an inspection of work, approvals given, permits issued or payments made, shall be construed as a warranty for the work performed under this Grant Agreement, and the Owner hereby expressly waives any such claim.

14. Property Release.

The Owner agrees to complete a written consent, in the form attached as Attachment E to permit the City of Batavia to publish photographs of assisted properties for promotional or public relations purposes.

15. Modification and Amendment.

This Agreement shall be construed under the laws of the State of New York, and may be modified or amended only by a written instrument executed by both the Owner and the City of Batavia.

16. Attachments:

The following attachments are hereby incorporated into this agreement and the Owner shall adhere to the provisions contained therein.

- a. Attachment A – BDC Project Memo and Rendering/Site Plan
- b. Attachment B – Copy of Owner’s Application for Assistance
- c. Attachment C – Program Rules and Design Guidelines
- d. Attachment D – Draft Property Maintenance Declaration
- e. Attachment E – Property Release Form

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year set forth above.

City of Batavia

Signature → _____

Printed Name: Eugene Jankowski Jr.

Title: City of Batavia City Council President

Date:

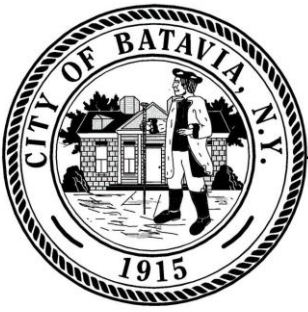
AGRV Properties Inc.

Signature → _____

Printed Name: Matthew Gray

Title: President

Date:



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: July 29, 2022

Subject: RLF Grant- 73 on Rotary 73 Main Street

In 2019, the City of Batavia amended the Revolving Loan Fund (RLF) Agreement to allow for grants or investment on a project specific basis, and with City Council approval. Specifically the City of Batavia Revolving Loan Fund Grant Policy seeks to have private building owners make lasting building, public and/or façade improvements within the City.

Building owners may request funds for building improvements that have a visual impact and faced work for rehabilitation or new builds. The grant of 40% of the total cost of the project will be considered and the amount will be capped at \$20,000.

The grant funding will be matched with private funds from 73 on Rotary, LLC. to expand the YNGoddess retail store, increase usable space in the shop, update a breakroom and bathroom facility.

The investment for the total of this phase of the project is \$80,000. The Batavia Development Corporation Board reviewed the application and recommended it to council with the score of 77.5 out of 100 as related to economic development and strategic goal alignment.

To this end, and to further the Downtown Revitalization Initiative (DRI) Ellicott Place Project, I am requesting that City Council approve the grant request for \$20,000.

BATAVIA DEVELOPMENT CORPORATION

One City Centre
Batavia, NY 14020

Office: 585-343-6380
Fax: 585-343-8182
www.bataviadevelopmentcorp.org

Project #:

Address: 73 Main St//79-81 Main St.

Date Received: 7/12/2022

Date Reviewed by BDC: 7/21/22

City of Batavia Revolving Loan Fund - Grant Request

TO: BDC Board of Directors
FROM: Tammy Hathaway, Director of Economic Development
RE: Grant Application
DATE: July 21, 2022

Applicant: 73 on Rotary, LLC.
Location: 73 Main St., Batavia, NY 14020
Capital Investment: \$80,000
Grant Request: \$20,000
Application Complete: Yes
Proof of Financing: Through Tompkins and SBA
RLF Grant Funds Available: \$120,097.00 is available for grant funding

Peter Casey, representing 73 on Rotary, LLC., is requesting a \$20,000 grant from the City of Batavia Revolving Fund Grant Program for the property at 73 Main St. (YNGodess) to increase the useable space in shop and to update its breakroom and lavatory.

The BDC has received all documents for a complete application(s).

This project is singular in its application, but is also connected to a larger project the client is completing. Both projects together will have a positive effect on potentially nine local businesses.

Peter is also using Dave Ciurzynski as the project consultant with Thompson Builds as contractor.

Presentation to BDC Small Business Committee:

Date: 7/21/22

Score: 74.5 (a score of 0 in the residency category reduced the overall average)

Proposal: Request an approval from the BDC Board of Directors to proceed with the project

***Approved by BDC Board at regular meeting on 7/28/22 to recommend to City Council for funding approval**

The Batavia Development Corporation is an equal opportunity provider and employer.

If you wish to file a Civil Rights program compliant of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.wascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Ave, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or by email at program.intake@usda.gov.

#-2022

A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT

Motion of Councilmember

WHEREAS, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

WHEREAS, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

WHEREAS, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Brownfield Opportunity Area (BOA) advancement, City Priority Economic Development, and Building Improvements; and

WHEREAS, 73 on Rotary, LLC. has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

WHEREAS, 73 on Rotary, LLC. intends to complete improvements of the property located at 73 Main Street using funds to be provided through the Program; and

WHEREAS, The City of Batavia will distribute grant funds to 73 on Rotary, LLC. for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy and the Grant Agreement; and

WHEREAS, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED, that the City of Batavia City Council approves granting \$20,000 to the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Batavia City Council authorize the City Council President to execute the Grant Agreement with 73 on Rotary LLC.

**Seconded by Councilmember
and on roll call**

BATAVIA REVOLVING LOAN FUND GRANT
PARTICIPANT AGREEMENT

This Agreement is made effective as of the ____ day of ____, 2022, by and between the City of Batavia, with offices located at One Batavia City Centre, Batavia, NY 14020, and 73 on Rotary, LLC. (“Owner”), residing at or having a principal place of business at 73 Main Street Batavia, NY 14020. For a grant in the amount of \$20,000.

1. Term.

The period of performance for all activities assisted pursuant to this Agreement shall be 24 months, commencing on the effective date of this Agreement and ending on _____ (“Term”), unless sooner terminated as provided for herein. The Owner is required to engage a contractor and begin construction within thirty (30) calendar days of execution of this agreement.

2. Owner’s Representations.

The Owner hereby expressly represents that he/she is the owner of the premises designated herein for improvement and rehabilitation and that, as the Owner, he/she has all lawful authority required to execute this Grant Agreement, which shall be binding upon the Owner and/or its successors and assigns.

3. Regulatory Requirements and Repayment Provisions.

a. All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. Repayments will be retained by the City of Batavia and used for eligible economic development activities. Required repayment of grant funds will be calculated in accordance with the following schedule:

i.	Months 0-12:	100% repayment due.
ii.	Months 13-24:	80% repayment due.
iii.	Months 25-36:	60% repayment due.
iv.	Months 37-48:	40% repayment due.
v.	Months 49-60:	20% repayment due.
vi.	Months 60 and beyond:	0% repayment due

- b. It is essential that Owners ensure that their properties remain free of lead hazards after compliance has been documented. The Owner agrees to maintain paint in all residential spaces using lead-safe work practices for the five-year Regulatory Period. The Owner or a representative should visually assess the property on a routine basis, and whenever the occupant reports loose, peeling or damaged paint. The property owner may elect to hire a lead inspector to perform this assessment.
- c. The Owner of a property improved will be required to execute a Declaration, in the form attached as Attachment D, which shall be filed in the Genesee County Clerk’s Office. The Owner agrees to maintain the Assisted Property in

compliance with the terms of this Grant Agreement, throughout the Regulatory Period. The Owner shall further declare that in the event of any non-compliance or sale of the property, the amount of grant funds distributed shall be subject to repayment.

4. Reimbursement.

- a. Project reimbursements are made when the project is complete. The City of Batavia Revolving Loan Fund Grant operates fully as a reimbursement grant program and the owner is responsible for paying for all agreed upon repairs. Payment of grant funds will be made only upon satisfactory completion of building projects and payment of renovation expenses.
- b. No reimbursement shall be paid to the owner until final inspections and Certificate of Compliance/Occupancy has been issued by the City of Batavia.
- c. All completed work shall comply with all applicable building codes and standards.
- d. Cash payments/cash receipts are not permitted and will not be reimbursed.
- e. The payment of any amount(s) due and payable by the City of Batavia to a project owner, as a reimbursement pursuant to a grant agreement for work completed shall be payable within ninety (90) calendar days after all work is satisfactorily completed and sufficient supporting documentation is provided to the City of Batavia.
- f. Sales tax should not be included on the invoice as the City is exempt from sales tax and will not reimburse for sales tax.
- g. To substantiate work costs, Owners must provide the following: (i) written contracts; (ii) bank documents; (iii) copies of invoices for materials and labor; (iv) cancelled checks; (v) lien releases; (vi) and any other documents deemed reasonably necessary by the City of Batavia to maintain effective internal controls.

5. Inspection of Work: Unsatisfactory Work.

The Owner agrees that the City of Batavia and their representative or agent shall at all times have access to the job site and premises for the purpose of inspecting and reviewing the renovation work. In the event that the Owner or the City of Batavia shall determine at any time that there exists unsatisfactory work, the Owner shall notify the contractor in writing of the existence of such (sending copies to the City of Batavia and any other interested parties), and the contractor shall correct such work within twenty (20) calendar days after receipt of said notice. In the event that the contractor fails or refuses to complete such corrections in the work within said period of time the City of Batavia shall have the right to cancel this Grant Agreement and, upon such cancellation, shall have no obligation to provide any reimbursement for the work completed.

6. Reports and Access to Records.

During the Term and the Regulatory Period, the City of Batavia can perform an annual inspection. The Owner further agrees to provide the City of Batavia with reports or records in such form, content and frequency as requested.

7. **Termination.**

In the event the Program shall for any reason cease to exist or terminate prior to the completion of the work to be performed as specified in this Agreement, or in the event the Owner shall die, or the ownership of the building changes prior to the completion of such work, the City of Batavia may terminate its obligation(s) hereunder to the Owner by reimbursing the Owner (or its heirs or successors) for the work satisfactorily completed prior to the date of any such termination, death, or change in ownership. Upon such payment to the Owner, the City of Batavia shall be released and discharged from any further claim on behalf of the Owner pursuant to this Grant Agreement.

8. **Compliance with Local Laws and Codes.**

Any contract or agreement to be executed relative to the work contemplated by this Grant Agreement shall require that the Owner give all notices required by, and comply with, all applicable laws, ordinances, regulations and codes of the City of Batavia, the State of New York, and the United States, and shall at its own expense, secure and pay the fees or charges for all permits required for the performance of the work.

9. **Notice of Investigation or Default.**

The Owner shall notify the City of Batavia within five (5) calendar days after obtaining knowledge of: (i) the commencement of any investigation or audit of his/her activities by any governmental agency; or (ii) the alleged default by the Owner under any mortgage, deed of trust, security agreement, loan agreement or credit instrument executed in connection with the project; or (iii) allegation of ineligible or prohibited activities. Upon receipt of such notification, the City of Batavia may, in its discretion, withhold or suspend payment of Program funds for a reasonable period of time while a review of activities and expenditures is conducted.

10. **Default.**

- a. If an Event of Default as defined below shall occur, all obligations on the part of the City of Batavia to make any further payment of Program funds shall, if the City of Batavia so elects, terminate and the City of Batavia may, in its discretion, exercise any of the remedies set forth herein; provided, however, that the City of Batavia may make any payments after the happening of an Event of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment.
- b. The following shall constitute an Event of Default hereunder: (i) if the Owner fails, in the opinion of the City of Batavia, to comply with or perform any provision, condition or covenant contained in this Agreement, any applicable State or federal law or regulation, or the Program policies and procedures established by City of Batavia; (ii) if at any time any representation or warranty made by the Owner shall be incorrect or materially misleading; (iii) if the Owner has failed to commence the improvements as specified in Attachment A- Batavia Development Corporation (BDC) Project Memo and Rendering/Site Plan in a timely fashion or has failed to complete such improvements within the Term.
- c. Upon the happening of an Event of Default, the City of Batavia may, in its discretion, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of such remedies shall not preclude the City of Batavia from pursuing any other remedies contained herein or otherwise provided at law or in equity: (i) Terminate this Agreement, provided that the Owner is given at least ten (10) business days prior written notice; (ii) Withhold or suspend payment of

Program funds; (iii) Recapture any Program funds disbursed to the Owner on a pro rata basis over the Regulatory Period. The amount to be recaptured shall be determined by reducing the original amount of Program funds disbursed to the Owner by one fifth (1/5th) for each year of the Regulatory Period the Owner was in compliance with this Agreement; (iv) Exercise any corrective or remedial action, to include, but not be limited to, advising the Owner to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Owner to reimburse the City of Batavia for the amount of Program funds expended or used in an unauthorized manner or for an unauthorized purpose.

- d. In the event this Agreement is terminated by the City of Batavia for any reason, or upon the closeout of the Program, the City of Batavia shall have no further liability or obligation under this Agreement; provided, however, that nothing herein is intended to relieve the City of Batavia of its obligation to pay for services properly performed by the Owner prior to such termination. Notwithstanding any such termination or closeout, the Owner shall remain liable to the City of Batavia for any unspent Program funds, the expenditure or use of Program funds in a manner or for a purpose not authorized by this Agreement, or damages as a result of any breach of this Agreement by the Owner. The City of Batavia shall have the right, at any time prior or subsequent to any such termination or closeout, to pursue any and all available remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this Agreement and to recover Program funds which are unspent, expended or used in an unauthorized manner or for an unauthorized purpose.

11. Indemnification.

Any contract or agreement to be executed in furtherance of this Grant Agreement shall require the contractor to defend, indemnify and hold harmless the Owner, the City of Batavia from liability for any claim for injury or damages to persons including the contractor and his/her employees, subcontractors and agents, or property, resulting from any work performed under this Agreement.

12. Assignment.

The Owner shall not assign this Grant Agreement without the prior written consent of the City of Batavia and any such request for assignment of said Grant Agreement must be addressed to the City of Batavia.

13. Waiver of Liability.

Nothing in this Agreement nor any act of the City of Batavia, or its agent, including but not limited to, an inspection of work, approvals given, permits issued or payments made, shall be construed as a warranty for the work performed under this Grant Agreement, and the Owner hereby expressly waives any such claim.

14. Property Release.

The Owner agrees to complete a written consent, in the form attached as Attachment E to permit the City of Batavia to publish photographs of assisted properties for promotional or public relations purposes.

15. Modification and Amendment.

This Agreement shall be construed under the laws of the State of New York, and may be modified or amended only by a written instrument executed by both the Owner and the City of Batavia.

16. Attachments:

The following attachments are hereby incorporated into this agreement and the Owner shall adhere to the provisions contained therein.

- a. Attachment A – BDC Project Memo and Rendering/Site Plan
- b. Attachment B – Copy of Owner’s Application for Assistance
- c. Attachment C – Program Rules and Design Guidelines
- d. Attachment D – Draft Property Maintenance Declaration
- e. Attachment E – Property Release Form

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year set forth above.

City of Batavia

Signature → _____

Printed Name: Eugene Jankowski Jr.

Title: City of Batavia City Council President

Date:

73 on Rotary LLC.

Signature → _____

Printed Name: Peter Casey

Title: President

Date:



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: July 29, 2022

Subject: RLF Grant- 73 on Rotary 79-81 Main Street

In 2019, the City of Batavia amended the Revolving Loan Fund (RLF) Agreement to allow for grants or investment on a project specific basis, and with City Council approval. Specifically the City of Batavia Revolving Loan Fund Grant Policy seeks to have private building owners make lasting building, public and/or façade improvements within the City.

Building owners may request funds for building improvements that have a visual impact and faced work for rehabilitation or new builds. The grant of 40% of the total cost of the project will be considered and the amount will be capped at \$20,000.

The grant funding will be matched with private funds from 73 on Rotary, LLC. to renovate the basement, first floor and second floor common areas of the building located at 79-81 Main Street. The basement and first floor will accommodate DelPato Casey Law Firm and allow the firm to expand. The second floor renovations will include elevator and hallway renovations for tenants on the second floor and the shared use of the building next door.

The investment for the total of this phase of the project is \$820,000. The Batavia Development Corporation Board reviewed the application and recommended it to council with the score of 77.5 out of 100 as related to economic development and strategic goal alignment.

To this end, and to further the Downtown Revitalization Initiative (DRI) Ellicott Place Project, I am requesting that City Council approve the grant request for \$20,000.

BATAVIA DEVELOPMENT CORPORATION

One City Centre
Batavia, NY 14020

Office: 585-343-6380

Fax: 585-343-8182

www.bataviadevelopmentcorp.org

Address: 73 Main St//79-81 Main St.

Date Received: 7/12/2022

Date Reviewed by BDC: 7/21/22

City of Batavia Revolving Loan Fund - Grant Request

TO: BDC Board of Directors
FROM: Tammy Hathaway, Director of Economic Development
RE: Grant Application
DATE: July 21, 2022

Applicant: 73 on Rotary, LLC.
Location: 79-81 Main St., Batavia, NY 14020
Capital Investment: \$820,000
Grant Request: \$20,000
Application Complete: Yes
Proof of Financing: Through Tompkins and SBA
RLF Grant Funds Available: \$120,097.00 is available for grant funding

Peter Casey, representing 73 on Rotary, LLC., is requesting a \$20,000 grant from the City of Batavia Revolving Fund Grant Program for the property at 79-81 Main St. (Alberty's Drug Store) to renovate the property to move the law office of DelPlato Casey into this space.

The BDC has received all documents for a complete application(s).

This project will allow for handicap access into the firm and will give the needed space this local business requires as they have outgrown where they currently are. One staff member will need to be added immediately upon project completion; with the potential of two additional hires shortly after.

Current building tenants will receive upgrades through this project and there is the potential of nine local businesses being positively affected by this endeavor.

Peter is also using Dave Ciurzynski as the project consultant with Thompson Builds as contractor.

Presentation to BDC Small Business Committee:

Date: 7/21/22

Score: 76 (a score of 0 in the residency category reduced the overall average)

Proposal: Request an approval from the BDC Board of Directors to proceed with the project

***Approved by BDC Board at regular meeting on 7/28/22 to recommend to City Council for funding approval**

The Batavia Development Corporation is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Ave, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or by email at program.intake@usda.gov.

#-2022

A RESOLUTION AUTHORIZING THE BATAVIA REVOLVING LOAN FUND GRANT AWARD AND AUTHORIZING EXECUTION OF A PARTICIPATION AGREEMENT

Motion of Councilmember

WHEREAS, the City Council for the City of Batavia amended the Revolving Loan Fund Agreement on April 8, 2019; and

WHEREAS, according to the amendment, notwithstanding any other provisions of the Revolving Loan Fund Agreement, the Loan Fund may also, on a project specific basis and with City Council approval, make a grant for an eligible project or funding purpose within the City; and

WHEREAS, the City Council for the City of Batavia enacted a policy to allow for grant funds to be accessed for specific purposes including Brownfield Opportunity Area (BOA) advancement, City Priority Economic Development, and Building Improvements; and

WHEREAS, 73 on Rotary, LLC. has submitted a completed application for grant funds to the Batavia Development Corporation, the Batavia Development Corporation has acknowledged receipt of the application and application fee, received the deed to the property, the project financials, reviewed and scored the project, and advanced the project to the City Council of the City of Batavia to review; and

WHEREAS, 73 on Rotary, LLC. intends to complete improvements of the property located at 79-81 Main Street using funds to be provided through the Program; and

WHEREAS, The City of Batavia will distribute grant funds to 73 on Rotary, LLC. for the project in accordance with the terms and conditions of the City of Batavia Revolving Loan Fund Grant Policy and the Grant Agreement; and

WHEREAS, after evaluation of the application, based on the Grant Policy, the City of Batavia City Council finds that the award of the grant to be consistent with the policy and in the interest of the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED, that the City of Batavia City Council approves granting \$20,000 to the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Batavia City Council authorize the City Council President to execute the Grant Agreement with 73 on Rotary LLC.

**Seconded by Councilmember
and on roll call**

BATAVIA REVOLVING LOAN FUND GRANT
PARTICIPANT AGREEMENT

This Agreement is made effective as of the _____ day of _____, 2021, by and between the City of Batavia, with offices located at One Batavia City Centre, Batavia, NY 14020, and 73 on Rotary, LLC. (“Owner”), residing at or having a principal place of business at 79-81 Main Street Batavia, NY 14020. For a grant in the amount of \$20,000.

1. Term.

The period of performance for all activities assisted pursuant to this Agreement shall be 24 months, commencing on the effective date of this Agreement and ending on _____ (“Term”), unless sooner terminated as provided for herein. The Owner is required to engage a contractor and begin construction within thirty (30) calendar days of execution of this agreement.

2. Owner’s Representations.

The Owner hereby expressly represents that he/she is the owner of the premises designated herein for improvement and rehabilitation and that, as the Owner, he/she has all lawful authority required to execute this Grant Agreement, which shall be binding upon the Owner and/or its successors and assigns.

3. Regulatory Requirements and Repayment Provisions.

a. All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. Repayments will be retained by the City of Batavia and used for eligible economic development activities. Required repayment of grant funds will be calculated in accordance with the following schedule:

i.	Months 0-12:	100% repayment due.
ii.	Months 13-24:	80% repayment due.
iii.	Months 25-36:	60% repayment due.
iv.	Months 37-48:	40% repayment due.
v.	Months 49-60:	20% repayment due.
vi.	Months 60 and beyond:	0% repayment due

- b. It is essential that Owners ensure that their properties remain free of lead hazards after compliance has been documented. The Owner agrees to maintain paint in all residential spaces using lead-safe work practices for the five-year Regulatory Period. The Owner or a representative should visually assess the property on a routine basis, and whenever the occupant reports loose, peeling or damaged paint. The property owner may elect to hire a lead inspector to perform this assessment.
- c. The Owner of a property improved will be required to execute a Declaration, in the form attached as Attachment D, which shall be filed in the Genesee County Clerk’s Office. The Owner agrees to maintain the Assisted Property in

compliance with the terms of this Grant Agreement, throughout the Regulatory Period. The Owner shall further declare that in the event of any non-compliance or sale of the property, the amount of grant funds distributed shall be subject to repayment.

4. Reimbursement.

- a. Project reimbursements are made when the project is complete. The City of Batavia Revolving Loan Fund Grant operates fully as a reimbursement grant program and the owner is responsible for paying for all agreed upon repairs. Payment of grant funds will be made only upon satisfactory completion of building projects and payment of renovation expenses.
- b. No reimbursement shall be paid to the owner until final inspections and Certificate of Compliance/Occupancy has been issued by the City of Batavia.
- c. All completed work shall comply with all applicable building codes and standards.
- d. Cash payments/cash receipts are not permitted and will not be reimbursed.
- e. The payment of any amount(s) due and payable by the City of Batavia to a project owner, as a reimbursement pursuant to a grant agreement for work completed shall be payable within ninety (90) calendar days after all work is satisfactorily completed and sufficient supporting documentation is provided to the City of Batavia.
- f. Sales tax should not be included on the invoice as the City is exempt from sales tax and will not reimburse for sales tax.
- g. To substantiate work costs, Owners must provide the following: (i) written contracts; (ii) bank documents; (iii) copies of invoices for materials and labor; (iv) cancelled checks; (v) lien releases; (vi) and any other documents deemed reasonably necessary by the City of Batavia to maintain effective internal controls.

5. Inspection of Work: Unsatisfactory Work.

The Owner agrees that the City of Batavia and their representative or agent shall at all times have access to the job site and premises for the purpose of inspecting and reviewing the renovation work. In the event that the Owner or the City of Batavia shall determine at any time that there exists unsatisfactory work, the Owner shall notify the contractor in writing of the existence of such (sending copies to the City of Batavia and any other interested parties), and the contractor shall correct such work within twenty (20) calendar days after receipt of said notice. In the event that the contractor fails or refuses to complete such corrections in the work within said period of time the City of Batavia shall have the right to cancel this Grant Agreement and, upon such cancellation, shall have no obligation to provide any reimbursement for the work completed.

6. Reports and Access to Records.

During the Term and the Regulatory Period, the City of Batavia can perform an annual inspection. The Owner further agrees to provide the City of Batavia with reports or records in such form, content and frequency as requested.

7. **Termination.**

In the event the Program shall for any reason cease to exist or terminate prior to the completion of the work to be performed as specified in this Agreement, or in the event the Owner shall die, or the ownership of the building changes prior to the completion of such work, the City of Batavia may terminate its obligation(s) hereunder to the Owner by reimbursing the Owner (or its heirs or successors) for the work satisfactorily completed prior to the date of any such termination, death, or change in ownership. Upon such payment to the Owner, the City of Batavia shall be released and discharged from any further claim on behalf of the Owner pursuant to this Grant Agreement.

8. **Compliance with Local Laws and Codes.**

Any contract or agreement to be executed relative to the work contemplated by this Grant Agreement shall require that the Owner give all notices required by, and comply with, all applicable laws, ordinances, regulations and codes of the City of Batavia, the State of New York, and the United States, and shall at its own expense, secure and pay the fees or charges for all permits required for the performance of the work.

9. **Notice of Investigation or Default.**

The Owner shall notify the City of Batavia within five (5) calendar days after obtaining knowledge of: (i) the commencement of any investigation or audit of his/her activities by any governmental agency; or (ii) the alleged default by the Owner under any mortgage, deed of trust, security agreement, loan agreement or credit instrument executed in connection with the project; or (iii) allegation of ineligible or prohibited activities. Upon receipt of such notification, the City of Batavia may, in its discretion, withhold or suspend payment of Program funds for a reasonable period of time while a review of activities and expenditures is conducted.

10. **Default.**

- a. If an Event of Default as defined below shall occur, all obligations on the part of the City of Batavia to make any further payment of Program funds shall, if the City of Batavia so elects, terminate and the City of Batavia may, in its discretion, exercise any of the remedies set forth herein; provided, however, that the City of Batavia may make any payments after the happening of an Event of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment.
- b. The following shall constitute an Event of Default hereunder: (i) if the Owner fails, in the opinion of the City of Batavia, to comply with or perform any provision, condition or covenant contained in this Agreement, any applicable State or federal law or regulation, or the Program policies and procedures established by City of Batavia; (ii) if at any time any representation or warranty made by the Owner shall be incorrect or materially misleading; (iii) if the Owner has failed to commence the improvements as specified in Attachment A- Batavia Development Corporation (BDC) Project Memo and Rendering/Site Plan in a timely fashion or has failed to complete such improvements within the Term.
- c. Upon the happening of an Event of Default, the City of Batavia may, in its discretion, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of such remedies shall not preclude the City of Batavia from pursuing any other remedies contained herein or otherwise provided at law or in equity: (i) Terminate this Agreement, provided that the Owner is given at least ten (10) business days prior written notice; (ii) Withhold or suspend payment of

Program funds; (iii) Recapture any Program funds disbursed to the Owner on a pro rata basis over the Regulatory Period. The amount to be recaptured shall be determined by reducing the original amount of Program funds disbursed to the Owner by one fifth (1/5th) for each year of the Regulatory Period the Owner was in compliance with this Agreement; (iv) Exercise any corrective or remedial action, to include, but not be limited to, advising the Owner to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Owner to reimburse the City of Batavia for the amount of Program funds expended or used in an unauthorized manner or for an unauthorized purpose.

- d. In the event this Agreement is terminated by the City of Batavia for any reason, or upon the closeout of the Program, the City of Batavia shall have no further liability or obligation under this Agreement; provided, however, that nothing herein is intended to relieve the City of Batavia of its obligation to pay for services properly performed by the Owner prior to such termination. Notwithstanding any such termination or closeout, the Owner shall remain liable to the City of Batavia for any unspent Program funds, the expenditure or use of Program funds in a manner or for a purpose not authorized by this Agreement, or damages as a result of any breach of this Agreement by the Owner. The City of Batavia shall have the right, at any time prior or subsequent to any such termination or closeout, to pursue any and all available remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this Agreement and to recover Program funds which are unspent, expended or used in an unauthorized manner or for an unauthorized purpose.

11. Indemnification.

Any contract or agreement to be executed in furtherance of this Grant Agreement shall require the contractor to defend, indemnify and hold harmless the Owner, the City of Batavia from liability for any claim for injury or damages to persons including the contractor and his/her employees, subcontractors and agents, or property, resulting from any work performed under this Agreement.

12. Assignment.

The Owner shall not assign this Grant Agreement without the prior written consent of the City of Batavia and any such request for assignment of said Grant Agreement must be addressed to the City of Batavia.

13. Waiver of Liability.

Nothing in this Agreement nor any act of the City of Batavia, or its agent, including but not limited to, an inspection of work, approvals given, permits issued or payments made, shall be construed as a warranty for the work performed under this Grant Agreement, and the Owner hereby expressly waives any such claim.

14. Property Release.

The Owner agrees to complete a written consent, in the form attached as Attachment E to permit the City of Batavia to publish photographs of assisted properties for promotional or public relations purposes.

15. Modification and Amendment.

This Agreement shall be construed under the laws of the State of New York, and may be modified or amended only by a written instrument executed by both the Owner and the City of Batavia.

16. Attachments:

The following attachments are hereby incorporated into this agreement and the Owner shall adhere to the provisions contained therein.

- a. Attachment A – BDC Project Memo and Rendering/Site Plan
- b. Attachment B – Copy of Owner’s Application for Assistance
- c. Attachment C – Program Rules and Design Guidelines
- d. Attachment D – Draft Property Maintenance Declaration
- e. Attachment E – Property Release Form

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year set forth above.

City of Batavia

Signature → _____

Printed Name: Eugene Jankowski Jr.

Title: City of Batavia City Council President

Date:

73 on Rotary

Signature → _____

Printed Name: Peter Casey

Title: President

Date:



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: August 8, 2022

Subject: Planning & Development Committee Recommendation Code Restrictions on Animal and Fowl

City Council recently requested that the Planning and Development Committee review the change in City Code titled "Restrictions on Animals and Fowl". The PDC met and reviewed the code revisions on July 26, 2022 and recommended the code changes with two additions.

The letter from the PDC Chairman is included. I agree with the first change that the PDC recommended to *limit the number of hen chickens to six (6)*.

However, after reviewing this with City staff, and the City Attorney, we respectfully disagree with the addition of section *E. Property owners that have registered individual animals and/or fowl listed in paragraph A of this subsection, prior to the effective date of this amendment may keep the identified animal.*

The intent of the new law was to restrict animal and fowl in the City and provide Code Enforcement clear and concise guidelines for citing violations. The City does not have the staff or resources to create an animal registry, to tag, and track pre-existing animals. Therefore, and with respect to the PDC's deliberation, I recommend that the City Council strike section E. from the proposed code revision.

The code revisions are now referred back to the City Council for consideration, and to hold a public hearing to receive public feedback prior to considering a local law adoption.

I recommend that the City Council advance § 190-42 Miscellaneous regulations. H. Restrictions on Animals and Fowl sections A. thru D. with the change to six hens as noted by the PDC and set a public hearing.

#-2022

A RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO INCLUDE RESTRICTIONS ON ANIMAL AND FOWL AND TO SCHEDULE A PUBLIC HEARING

Motion of Councilmember

BE IT RESOLVED that a proposed Ordinance entitled “AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO INCLUDE RESTRICTIONS ON ANIMAL AND FOWL” is introduced before the City Council of the City of Batavia, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

BE IT FURTHER RESOLVED that the City Council hold a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, September 12, 2022; and

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

**Seconded by Councilmember
and roll call**

#-2022 Ordinance

§ 190-42 Miscellaneous regulations.

H. Restriction on Animals and Fowl.

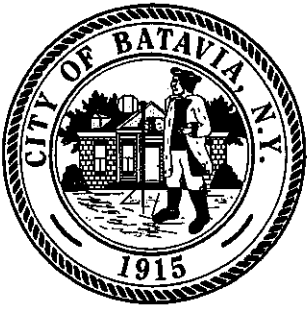
- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hooved animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese), or feral cats within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hooved animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limit.

Exceptions:

- (a) **A maximum of six hen** chickens may be kept as long as that they are penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
- (b) Harborage, including transport to and from race tracks and all associated grounds.
- (c) Special events with the approval of an event application.
- (d) Animals in transit through the City.
- (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.

D. No person shall permit an accumulation of animal and/or fowl feces on any property resulting in a foul odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition and may facilitate the spread of disease or which endangers the public comfort and repose.

DRAFT



City of Batavia

July 26, 2022

Batavia City Council
One Batavia City Centre
Batavia NY 14020


Dear Council President:

After being unable to seat enough committee members to conduct a meeting on July 19th, a special meeting was held on July 26, 2022. The Planning and Development Committee reviewed the proposed code revisions regarding restrictions of animals and fowl within the City of Batavia.

After discussion, a motion was supported to recommend Council consider amending the municipal code to include changes restricting certain types of animals and fowl as per the attached.

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

Respectfully submitted,


Duane Preston
PDC Chairman

H. Restriction on Animals and Fowl.

- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese), or feral cats within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limit.

Exceptions:

- (a) *A maximum of six hen* Chickens may be kept as long as they are penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
 - (b) Harborage, including transport to and from race tracks and all associated grounds.
 - (c) Special events with the approval of an event application.
 - (d) Animals in transit through the City.
 - (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.
- D. No person shall permit an accumulation of animal and/or fowl feces on any property resulting in a foul odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition and may facilitate the spread of disease or which endangers the public comfort and repose.
- E Property owners that have registered individual animals and/or fowl listed in paragraph A of this subsection, prior to the effective date of this amendment, may keep the identified animal.*

- Italicized red type indicates additions recommended by the Planning and Development Committee.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Restrictions of animals and fowl		
Project Location (describe, and attach a general location map): City of Batavia		
Brief Description of Proposed Action (include purpose or need): City code amendment restricting certain types of animals and fowl. The regulation would restrict persons from owning, bringing into, possessing, keeping, harboring or feeding farm animals, cloven hoofed animals, equine, or fowl, and wild animals within the city limits.		
Name of Applicant/Sponsor: City of Batavia City Council		Telephone: 585-345-6345 E-Mail:
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Douglas Randall, Code Enf. Officer		Telephone: 585-345-6327 E-Mail:
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Batavia City Council	5/31/22
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
The municipal code amendment is proposed throughout the entire city	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? Municipal code amendment that encompasses all zoning use districts _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>City of Batavia School District</u>	
b. What police or other public protection forces serve the project site? <u>City of Batavia Police, Genesee County Sheriff's Office, New York State Police</u>	
c. Which fire protection and emergency medical services serve the project site? <u>City of Batavia Fire Dept.</u>	
d. What parks serve the project site? <u>City of Batavia and Genesee County Parks.</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Will the proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:
• acres of aquatic vegetation proposed to be removed: _____
• expected acreage of aquatic vegetation remaining after project completion: _____
• purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
• proposed method of plant removal: _____
• if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:
• Name of district or service area: _____
• Does the existing public water supply have capacity to serve the proposal? Yes No
• Is the project site in the existing district? Yes No
• Is expansion of the district needed? Yes No
• Do existing lines serve the project site? Yes No
iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:
• Describe extensions or capacity expansions proposed to serve this project: _____
• Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:
• Applicant/sponsor for new district: _____
• Date application submitted or anticipated: _____
• Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

• Name of wastewater treatment plant to be used: _____
• Name of district: _____
• Does the existing wastewater treatment plant have capacity to serve the project? Yes No
• Is the project site in the existing district? Yes No
• Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres</p>
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____</p>
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>
<p>E.3. Designated Public Resources On or Near Project Site</p>
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____</p>
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____</p>

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Douglas Randall, contact for City of Batavia Date 6/27/22

Signature  Title Code Enforcement Officer

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project : Restrictions of animals and fowl
 Date : 5/27/22

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Batavia City Council _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Restrictions of animals and fowl

Name of Lead Agency: Batavia City Council

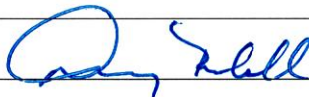
Name of Responsible Officer in Lead Agency: Eugene Jankowski Jr.

Title of Responsible Officer: City Council President

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)



Date: 6/27/22

For Further Information:

Contact Person: Douglas Randall, Code Enforcement Officer

Address: One Batavia City Centre, Batavia, NY 14020

Telephone Number: 585-345-6327

E-mail: drandall@batavianewyork.com

For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



319 West Main Street, Batavia, NY 14020
(585) 815-8501 (Voice/TDD) • (585) 815- 8502 (Fax)
243 S. Main Street, Albion, NY 14411
(585) 815-8501 ext. 400
www.wnyil.org/ilgr Rae Frank, Director Ext. 406

July 5, 2022

Rachael Tabelski
City Manager, City of Batavia
One Batavia City Centre
Batavia, NY 14020

Re: Proposed modification to law

Dear Rachel:

Independent Living of the Genesee Region is in receipt of the proposed modification to local law regarding Restriction of Animals (modification of local law §190-42.) As the Independent Living Center that serves the residents of the city of Batavia, we feel important to identify an item in the modification that may serve to deny residents the rights provided to them under federal and state disability rights law.

The right of a person with a disability to have an assistance animal is guaranteed under several federal laws, including Title II of the Americans with Disabilities Act, the Rehabilitation Act of 1973 (as amended) and various citations in the Fair Housing Amendments Act of 1988. Assistance animals come in 2 major categories; service animals, which must be by law dogs or miniature horses, have rights that are protected in all private and public spaces to provide the reasonable accommodations necessary for their handlers with disabilities. Emotional support animals, in contrast, can be any common animal, but the protection only extends to the home or property of the handler with a disability or at any service deliberately funded with federal dollars, as their presence serves to improve the health, function or independence of a person with a disability by their presence and care.

Your proposed modifications would deny these established rights, and would potentially place the city of Batavia in violation of federal law.

Please refrain from wearing scented products when visiting our offices.

*Independent Living of the Genesee Region is a catalyst for systems and individual change,
enhancing the quality of life for persons with disabilities, while respecting diversity, and
promoting choices and alternatives for independent living in our societies.*

Page 2

Based on our review, we would like to propose the following modification to §190-42 section H, as follows:

H. Restriction on Animals and Fowl.

- (1) No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limits.*
- (2) No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese), or feral cats within the City limit.*
- (3) Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limit.*
- (4) The following exceptions are permitted:*
 - (a) Chickens may be kept as long that they penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.*
 - (b) Harborage, including transport to and from race tracks and all associated grounds.*
 - (c) Special events with the approval of an event application.*
 - (d) Animals in transit through the City.*
 - (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.*
 - (f) Miniature Horses as permitted under 28 CFR § 35.136(i)***
 - (g) Animals approved by a valid reasonable accommodation request under 28 CFR § 35.130(7)***

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www.wnyil.org/ilgr Rae Frank, Director Ext. 406

Page 3

In our proposed draft we have included 4f and 4g; these changes will provide the limitations intended by the statute, but also protect the rights of persons with disabilities to live independently with service animals by providing for the specific exceptions already allowed in law.

Should you have any comments or questions, please contact me at my office or our Chief Policy Officer, Todd Vaarwerk, at 585-515-8501 x101. Thank you for your cooperation and support of Batavia residents with disabilities.

Very truly yours,

A handwritten signature in cursive script that reads "Rae Frank".

Rae Frank

Please refrain from wearing scented products when visiting our offices.

Independent Living of the Genesee Region is a catalyst for systems and individual change, enhancing the quality of life for persons with disabilities, while respecting diversity, and promoting choices and alternatives for independent living in our societies.

Proposed law restricting animal ownership in the City of Batavia

- I hope this is not a reaction to a complaint by a neighbor over a neighbor having some pet goats, if it is maybe there is a resolution that can be reached without passing a law. I think most of us have received this complaint. It may be a simple health issue if there is animal waste that is not being picked up on a daily basis.
- Unfortunately we have too many laws on the books now that aren't being enforced: Cars parked over sidewalks all night, motorcycles without mufflers, vehicles with blacked out windows, unregistered ATV, s on city streets and many other quality of life issues.
- Reading this proposed legislation I see many areas that aren't discussed such as: Snakes that are constrictors, pythons and other venomous reptiles and animals.
- There is no mention of rabbits which some people have has pets nor homing pigeons.
- I would prefer a neighbor with a fenced in yard having a goat that picks up over a neighbor with two large dogs that leaves waste in the yard which is a health issue. I have experienced that and it can be a difficult situation.
- Feral cats are prohibited however people let their house cats roam the neighborhoods killing sparrows and robins leaving their carcasses' for property owners to remove and depositing their waste in flower gardens. Cat spray is about on a par with skunk spray but we have to abide by that.
- Chickens will be allowed but there is no mention of roosters which are always a pleasure for some people to wake up to.
- Horses and ponies are not allowed except for the race track which seems to be discriminatory. S190-35 of the City code states that in Residential Districts with private stables, one horse shall be considered the equivalent of one motor vehicle.
- There is no mention of Amish or Mennonite people coming into the city with horses and wagons to go to markets, which is allowed in nearby communities.

I have serious concerns about violating civil rights of citizens with disabilities. The ADA defines service animals as dogs and miniature horses that weigh between 70 and 100 lbs.

The New York State Fair Housing Act states that service animals are not limited to dogs; any animal may qualify.

I would certainly hope that anyone that currently has animals that may violate this proposed law would be granted grandfather rights.

I would like to state that in my opinion we should be able to resolve this problem without having to pass more laws which will only lead to future litigation.

Sincerely,

Bob Bialkowski

Joshua CJ Cohen
13 Woodcrest Drive
Batavia, New York 14020
585-356-3223
joshuacjcohen@yahoo.com

Good evening,

I'm submitting this letter for the written record in the matter before the board of banning or limiting certain animals from the City of Batavia.

I understand the planning board is considering a solution to a problem of a single owner of goats who lives in the city.

I have spent some time speaking with several of the City Council members and I believe I have a fairly good but not exact grasp of the situation. My understanding of the current issue is one of irresponsible pet ownership and a lack of ability on the part of the City to enforce reasonable solutions.

If the problem animal was a dog or cat the city has the statute authority to solve this problem by removing said animals from the property in question, but unfortunately the current code specifically names "dog" and "cat" by name, but no other animals are subject to those nuisance codes.

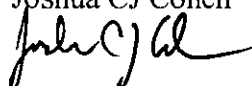
Instead of enacting a wide ban against animals, (either farm animals excluding chickens or farm animals with hooves), I would suggest a generic animal nuisance code. There are families within the City of Batavia that have goats and horses. These families are, to my imperfect knowledge, mostly 4-H families, and there haven't been any complaints about them because they are responsible pet owners, good neighbors, and law abiding citizens. My family is a 4-H family and my daughter has been a member for the last several years.

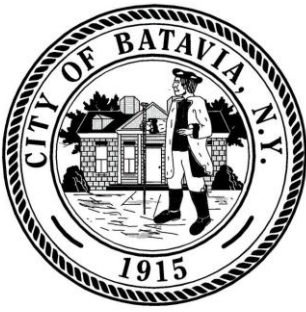
By adopting a species wide ban on farm animals within the City limits you would, in effect, make them violators when previously they were not. They would be punished by a code change that is specifically directed at one violator and would catch them, as an unintended consequence, who you probably don't even know exist, in it's broadness. You do not know they exist because they are responsible and their neighbors have not complained.

I hope you will craft a rule that will allow Code Enforcement, the City Police Department, and the Health Department to take action against irresponsible owners of any pet or animal on a case by case basis and not cast such a wide net that you turn responsible neighbors into violators.

If you have any questions or comments please contact me.

Thank you for your time,

Joshua CJ Cohen




Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, City Manager

Date: August 8, 2022

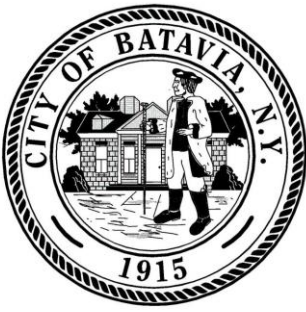
Subject: Creation of New Grant Administrator Position

The City of Batavia has been successful in capital planning and receiving grants for strategic infrastructure projects throughout the City. Currently we are managing over \$11.2 M in grant funds for various projects and have another \$8.5 M in pending grant applications.

Currently, the City does not have a full-time grant administrator or compliance officer to manage the grant portfolio. The City Manager, Deputy Director of Finance and the Director of Public Works are tasked with trying to keep up with the grant documentation and compliance while trying to execute on the various projects that need management and oversight.

Since 2018 the City has been successful in receiving 14 new grants including the

1. Restore NY - Savarino
2. Jackson Square (DRI)- (DOS and Grid)
3. City Center (DRI)- ESD
4. City Centre Feasibility (Grid and ESD)
5. BOA Pre-Development Grant- DOS
6. Richmond/Harvester- DOT
7. Bank Street Water- NBRC
8. Banks Street-Streetscape- DOT
9. Jackson Street Water- CBDG
10. Fire Truck- USDA RD
11. Water Plant Improvements- WIIA
12. Bisbane Mansion Reuse- NYSHCR
13. Cohocton Water Line- ARPA
14. Austin Park Playground- ARPA



City of Batavia

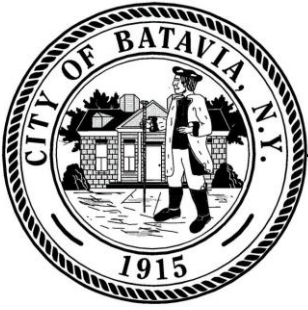
With this amount of grant activity, the City needs to bring on a professional Grant Administrator to assist with grant management. The new position would be responsible for the following:

1. Administration activities that include grant application, award, council approval, grant contract, management of grant, and closeout of grant;
2. Oversee the maintenance of master files on grants, monitor paperwork connected with grant-funded programs and reviews and reports notices of grant awards and denials;
3. Write, prepares and submits grant proposals and ensures timeliness, compliance with funder requirements and consistency with City of Batavia programming and mission;
4. Collaborates with departmental personnel affected by proposed grant to develop grant submission content, outline utilizing of potential/actual funding, review grant process and ensure the financial and administrative compliance with grant guidelines;
5. Meet with representatives of funding sources to discuss funder requirements and build a professional relationship; makes presentations for funding requests;
6. Develop and implement strategies for identifying funding opportunities, submitting requests and optimizing the grants administration process;
7. Monitor sources dealing with funds available through grants from governmental agencies, corporations, private foundations, etc.;
8. Prepares reports and makes presentations;
9. Attends and participates in required conferences, meetings, workshops, trainings, etc.

By creating a full-time Grant Administrator, the City will be able to effectively manage the current grants and continue to bring in grant funding to the City for many different kinds of infrastructure improvements. The position will report to the Assistant City Manager.

After approval of the position by City Council the, Human Resources Department will work with Genesee County Civil Service to create the official position and minimum qualifications. The position will be a CSEA position with a salary range from \$53,293 to \$64,852.

The full-time Grants Administrator position will be funded through the FY 22/23 operating budget 60% in the Water Fund, 30% in the Sewer Fund and 10% in the General Fund. Expenditures in the General Fund are anticipated to increase by \$10,000 to fund this position. If needed, budget amendments can be made during the sixth-month budget departmental review, or at the end of the year.



City of Batavia

I recommend that City Council authorize the creation of the Grant Administrator and allow for advertising of this position.

#-2022

RESOLUTION TO CREATE A POSITION OF GRANT ADMINISTRATOR

Motion of Councilmember

WHEREAS, the City of Batavia is desirous of managing number grant projects for the Water Fund, Sewer Fund and General Fund and seeks to do so by creating a full-time Grants Administrator; and

WHEREAS, the Grant Administrator will be responsible for developing and implementing strategies for identifying funding opportunities, submitting requests, and optimizing the grants administration process; and

WHEREAS, the Grant Administrator will work with various departments to ensure administrative and financial compliance will grants; and

WHEREAS, the Grant Administrator will be the point of contact for the City between granting agencies and the City and will prepare and record all records need for reimbursement; and

WHEREAS, the position of Grant Administrator is not a current title in the CSEA contract however, via this resolution it will be added with a salary schedule in grade IX.

NOW, THEREFORE, BE IT RESOVLED, that the Council of the City of Batavia hereby authorizes the creation of said position.

**Seconded by Councilmember
and on roll call**

City of Batavia

Project	Grant	Total	Contract	SEQR	Design	Construct	Complete
Restore NY - Savarino	\$500,000	\$500,000	○	○	○	○	○
Jackson Square (DRI)- (DOS and Grid)	\$975,000	\$975,000	○	○	○	○	○
City Center (DRI)- ESD	\$1,000,000	\$1,000,000	○	○	○	○	○
City Centre Feasibility (Grid and ESD)	\$185,000	\$210,000	○	○	○	○	○
BOA Pre-Development Grant- DOS	\$193,500	\$215,000	○	○	○	○	○
Richmond/Harvester- DOT	\$2,880,000	\$3,600,000	○	○	○	○	○
Bank Street Water- NBRC	\$334,000	\$418,000	○	○	○	○	○
Banks Street-Streetscape- DOT	\$944,934	\$1,113,920	○	○	○	○	○
Jackson Street Water- CBDG	\$1,000,000	\$1,414,000	○	○	○	○	○
Fire Truck- USDA RD	\$100,000	\$795,000	○	○	○	○	○
Water Plant Improvements- WIA	\$2,207,580	\$3,400,000	○	○	○	○	○
Bisbane Mansion Reuse- NYSHCR	\$20,000	\$20,000	○	○	○	○	○
Cohocton Water Line- ARPA	\$400,000	\$800,000	○	○	○	○	○
Austin Park Playground- ARPA	\$400,000	\$800,000	○	○	○	○	○
Police Station (pending)	\$2,500,000	\$15,000,000	○	○	○	○	○
Lead Service Lines (pending)	\$2,500,000	\$2,500,000	○	○	○	○	○
Public Safety Radios (pending)	\$1,500,000	\$1,500,000	○	○	○	○	○
Water Meter Replace (application)	\$1,476,300	\$1,968,400	○	○	○	○	○

- Complete
- In Process

Grant Tracking

#-2022

**A RESOLUTION TO DECLARE A NEGATIVE DECLARATION UNDER SEQR FOR
THE JACKSON STREET WATER PROJECT**

Motion of Councilmember

WHEREAS, the City of Batavia is undertaking a CDBG Project No. 82PW9421-01 (Batavia Jackson Street Improvements Project); and

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the City Council of the City of Batavia announced its intent to serve as Lead Agency on June 13, 2022, to conduct an environmental review of proposed watermain improvements along Jackson Street between Ellicott Street and Chestnut Street; and

WHEREAS, the proposed project involves the replacement of existing 4-inch and 6-inch diameter waterlines with approximately 2,400 linear feet of 8-inch diameter waterlines and three fire hydrants and the installation of four additional fire hydrants; and

WHEREAS, the City Council has determined that the proposed action is an “Unlisted Action” as defined under SEQR; and

WHEREAS, on June 23, 2022, the City Council notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the short Environmental Assessment Form; and

WHEREAS, comments received on the project have been addressed in Part 2 of the Environmental Assessment Form. The City will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained; and

WHEREAS, the City Council has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, the City Council declares that it will serve as Lead Agency for the Jackson Street Water System Improvements Project. The City Council, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

BE IT FURTHER RESOLVED, The City Council declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

**Seconded by Councilmember
and on roll call**