

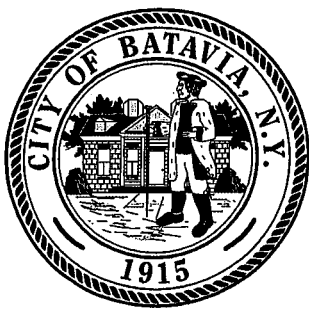
## BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room  
One Batavia City Centre  
May 22<sup>nd</sup>, 2023 at 7:00 p.m.

### AGENDA

- I. Call to Order
- II. Invocation – Councilmember Richmond
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
  - a. Cornerstone Church Picnic – 5/27/2023
  - b. Just Kings Juneteenth Celebration – 6/17/2023
  - c. BID Italian Fest – 7/29/2023
- VII. Council President Report
  - a. Announcement of the next City Council Meeting to be held on Monday, June 12, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
- VIII. Presentations
  - a. Habitat for Humanity
  - b. Kuyler Preston – Batavia Pedal Party, LLC
- IX. Discussion of Block Parties – Councilmember Bialkowski
- X. RFP – Award For Engineering Services
- XI. Transfer of 41 Central Avenue to Habitat For Humanity
- XII. Purchase and Sale Contract for 41 Central Avenue With Batavia Housing Authority
- XIII. Surplus of Bureau of Maintenance Vehicles
- XIV. Surplus of Phones

- XV. Special Permission to Batavia Business Improvement District – Italian Fest
- XVI. Special Permission to Kuyler Preston – Batavia Pedal Party, LLC
- XVII. Executive Session.....Litigation, Real Property, and Employment Matters.



## **MEMORANDUM**

**To:** Rachael Tabelski, City Manager  
**From:** Heidi J. Parker, Clerk-Treasurer  
**Date:** 5/16/23  
**Subject:** **Event Summary**

Below please find the summary for the events to be reviewed by City Council on May 22, 2023:

### **Cornerstone Church Picnic – 5/27/23**

There were no costs from the departments.

### **Just Kings Juneteenth Celebration – 6/17/23**

There were no costs from the departments.

### **BID Italian Fest – 7/29/23**

Estimated cost from BOM is \$390.84. There were no costs from the other departments.

**\*\*NOTE** – Event sponsors are responsible for costs that may be incurred because of their event and have been made aware of estimated costs, if any. For final approval, all applicants must submit a certificate of liability insurance to the Clerk's Office prior to the event date.



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

**PAID**  
MAY - 8 2023  
CITY OF BATAVIA  
CLERK-TREASURER

Official Use Only:

2023-33

Event Application #:

**Event Application Fee - \$25.00 (non-refundable)**

(A separate permit must be issued for each item requested)

Event Sponsor Cornerstone Church

Type of Event picnic - outreach to the community

Day and Date of Event May, 27, 2023 Saturday

Time of Event (don't include set up time here - just actual event time) 11-2 PM

Location of Event Austin Park

Details of Event (be as specific as possible!) giving out food, clothes, hot dogs to the public

**Contact Information:**

Primary contact:

Secondary contact:

Name DONNA West

Phone # 585-409-3288

Mailing address 8020 Bank St Rd Batavia

E-mail address westdonna@cornerstonechurch-batavia.org

Name Paul Doyle

Phone # 585-343-8026

Mailing address 8020 Bank St Rd, Batavia

E-mail address pdoyle@cornerstone-batavia.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: \_\_\_\_\_

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: May 27<sup>th</sup>, 2023

Set up time: 10:00 AM

Tear down date: May 28<sup>th</sup>, 2023

Tear down time: 2:00 P.M.

**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

Date: May 27, 2023 Start time: 11:00 A.M. End time: 2:00 P.M.

Estimated crowd size: around 100 # 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: 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.** *We will be providing hot dogs, chips and will bring grill, popcorn*  
*We will be handing out clothes, food donations, free painting*
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**

Cornerstone 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 Cornerstone 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.

May 8, 2023  
Date:

Cornerstone Church Paul Doyle  
Name of Event Sponsor:

Donna West / Secretary  
Authorized Signature, Title

DONNA WEST  
Name - Printed or Typed

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

May 5th, 2023  
Date:

Donna West  
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? 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)*  
None

**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.**

**SPECIAL EVENT APPLICATION  
DEPARTMENT APPROVAL SUMMARY**

**FOR OFFICIAL CITY USE ONLY**

<b><u>OFFICIAL USE ONLY</u></b>				
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>				

<b><u>OFFICIAL USE ONLY</u></b>	
_____	_____
<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  
Batavia, New York 14020  
(585) 345-6300

Official Use Only:

2023-34  
Event Application #:

PAID  
MAY - 8 2023  
CITY OF BATAVIA  
CLERK-TREASURER

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

Event Sponsor Just Kings  
Type of Event Juneteenth Celebration  
Day and Date of Event June 17th 2023 Saturday  
Time of Event (don't include set up time here - just actual event time) 12pm  
Location of Event Williams Park  
Details of Event (be as specific as possible!) a Celebration of Juneteenth with vendors, education, and food. for all to enjoy

Contact Information:

Primary contact:

Secondary contact:

Name Gregory Monroe II  
Phone # 585-250-3464  
Mailing address 22 Cherry St  
E-mail address gmonroe1@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: June 17th 2023 Set up time: 10am  
Tear down date: June 17th 2023 Tear down time: 8pm

**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

Date: June 17th 2023 Start time: 12pm End time: 8pm  
Estimated crowd size: 300-400 # of Vendors/Displays 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

Ray Williams \_\_\_\_\_ (585) 356 5956  
Name of Company Providing Above: \_\_\_\_\_ Company Contact/Representative \_\_\_\_\_ Phone # \_\_\_\_\_

15 Pringle Ave. Upper 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? speakers

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\* Standard 10x10  
Canopies will be used for vendors

**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:**

_____	_____	&	_____
<i>Street to be closed</i>		<i>Cross Streets</i>	
_____	_____	&	_____
<i>Street to be closed</i>		<i>Cross Streets</i>	
_____	_____	&	_____
<i>Street to be closed</i>		<i>Cross Streets</i>	
_____	_____	&	_____
<i>Street to be closed</i>		<i>Cross Streets</i>	

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.

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**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.

5-5-23

Date:

Just Kings

Name of Event Sponsor:

[Signature]

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.

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 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**  
APR 10 2023  
CITY OF BATAVIA  
CLERK-TREASURER

Official Use Only:

2023-28  
Event Application #:

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

Event Sponsor Batavia Business Improvement Dist.  
Type of Event Italian Fest  
Day and Date of Event July 29<sup>th</sup> 2023  
Time of Event (don't include set up time here - just actual event time) 1-7 pm  
Location of Event Center School, Jackson  
Details of Event (be as specific as possible!) Food, Crafts & Car Show on Jackson, Center School & Jackson Sq.

**Contact Information:**

Primary contact: \_\_\_\_\_ Secondary contact: \_\_\_\_\_  
Name Shannon Maute  
Phone # 585 409-5531  
Mailing address 20 E Main St Suite 10  
E-mail address dir@batavia-nyc.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: 7/29/23

Set up time: 9:00 Am

Tear down date: 7/29/23

Tear down time: 7pm

**PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:**

Date: 7/29/23 Start time: 11 Am <sup>Set up</sup> 1pm <sup>Start</sup> End time: 7pm

Estimated crowd size: 800-1000 # of Vendors/Displays 20

**WILL THE EVENT INCLUDE:** I will sit down with DPW & Police to go over map.

- 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

TBD  
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? lights and speakers

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) TBD 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\* 10 x 10 tents  
for all vendors

**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 Street to be closed main st to parking lot Entrance past School  
Center Street to be closed main St. to ~~the~~ parking lot Entrance past  
School Street to be closed Center to Jackson School  
Cross Streets  
&  
Cross Streets

Will street barricades be requested from the City? Yes  No  How Many? 15-20?

Will traffic cones be requested from the City? Yes  No  How Many? 15-20?  
(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)  
10 trash cans 20 picnic tables

**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**

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

3/20/23  
Date:

Batavia Business Improvement  
Name of Event Sponsor

Shannon Meete Executive  
Authorized Signature, Title

Shannon Meete Director  
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to  
3/20/23 Date: Shannon Meete 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**

<b>OFFICIAL USE ONLY</b>				
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>				

<b>OFFICIAL USE ONLY</b>	
_____	_____
<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 Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: May 16, 2023

Subject: Engineering RFQ

The procurement of engineering services has offered several challenges over the past few years. While it is considered a professional service, and therefore not subject to many of the procurement steps, it still requires a level of investigation and due diligence to ensure the City is receiving the best service and value. It is impractical to advertise for proposals for each and every project, especially with the number of engineering firms located between Buffalo and Rochester. It is also advantageous to have the same firm that has completed preliminary work, ultimately do final design and construction services for continuity of the project.

As a solution, I have prepared an engineering services RFQ which will provide a qualified “short-list” of firms that the City can utilize depending on expertise, availability, and detailed proposals. This process will give the City the flexibility to utilize the best firm for the project, while still offering the advantage of having more than one firm available and competing for the work.

The proposals were prepared for advertisement, and were evaluated by City staff for selection. Once selection has occurred, individual projects shall be standalone contracts based on proposals from the short-list of firms.

#XX-2023

**A RESOLUTION SELECTING A LIST OF ENGINEERING FIRMS FOR  
ENGINEERING SERVICES FOR THE CITY OF BATAVIA**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia has projects that need engineering services including design, bid document preparation, and inspection; and

**WHEREAS**, a request for qualifications was advertised and eleven (11) firms submitted a ten (10) page proposal outlining their qualifications, expertise, and availability; and

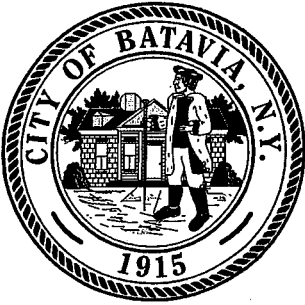
**WHEREAS**, after careful review all eleven (11) firms were identified as being qualified to perform Engineering Services for the City of Batavia; and

**WHEREAS**, the agreement is for a three (3) year term and renewable for three (3) more years.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia approves this list of Engineering Firms to contract with for Engineering Services

- Airosmith Development
- Barton & Loguidice
- Erdman Anthony
- GHD
- JM Davidson
- LaBella Associates
- N.K. Bhandari
- Nussbaumer & Clarke
- T.Y. Lin International
- VIP Architecture
- Wendel

**Seconded by Councilperson  
and on roll call**



## *Memorandum*

**To:** Honorable Council Members  
**From:** Erik Fix, Assistant City Manager  
**Date:** May 1, 2023  
**Subject:** 41 Central Avenue Foreclosure – Habitat for Humanity

After reviewing the 2023 foreclosures list in the City of Batavia, Habitat for Humanity has identified 41 Central Avenue as a property they wish to take ownership of and rehabilitate.

In partnership with the City of Batavia and the Batavia Housing Authority, through the City's Residential Redevelopment Land-Use Plan adopted in 2010, Habitat for Humanity has rehabilitated numerous foreclosed properties in the City of Batavia. Habitat relies on houses gifted from private sources, and foreclosed properties from the City. Habitat recently completed a rehabilitated house at 50 Oak Street. The City sold the property to Habitat in 2020.

41 Central Avenue is a one family residential home with a current assessed value of \$65,000 (\$56,818 for the home and \$8182 for the land). The home was built in 1890. The parcel location is just south of a main thoroughfare, and is listed as part of the Planned Residential (P-4) development in the BOA. Renovated homes and new families add considerable benefits to the street and neighborhoods they are located on, and greatly contribute to the City's neighborhood revitalization efforts.

Habitat plans to invest \$40,000 - \$50,000 to renovate the home.

Consistent with the City's Strategic Plan and Neighborhood Revitalization efforts it is recommended that the City move forward with discontinuing public use and authorize the Council President to execute a quitclaim deed transferring 41 Central Avenue to Habitat for Humanity in accordance with the Residential Land-Use Redevelopment Plan. If approved, it is expected that the property could be rehabilitated within 18 months after property transfer.

#XX-2023

**RESOLUTION TO DISCONTINUE PUBLIC USE AND AUTHORIZE THE COUNCIL  
PRESIDENT TO EXECUTE A QUITCLAIM DEED TRANSFERRING 41 CENTRAL  
AVENUE TO HABITAT FOR HUMANITY**

**Motion of Councilperson**

**WHEREAS**, the City of Batavia acquired ownership of 41 Central Avenue in 2023 through the property tax foreclosure process; and

**WHEREAS**, Habitat for Humanity has expressed interest in acquiring and renovating said parcel and then making it available for owner occupied housing; and

**WHEREAS**, the Council of the City of Batavia believes it to be in the interests of the citizens of Batavia to have the house renovated and placed back on the tax rolls; and

**WHEREAS**, the aforementioned property is to be exchanged in consideration of One Dollar (\$1.00); and

**WHEREAS**, the City is given the ability to transfer the property in Section 66-9 (C) of the Code of the City of Batavia, which states *A sale to nonprofit and development agencies. When deemed in the best interest of the city, the City Manager may authorize the direct sale of city-owned properties to a nonprofit agency situated and/or doing business in the City of Batavia, whose role it is to promote and enhance the quality of life for the citizens of the city. Such agencies may include, but not be limited to the Batavia Development Corporation (BDC), Genesee County Industrial Development Authority (GCIDA) and others. The city may sell this property in accordance with an appraised value of said parcel. The City Manager may waive strict compliance with this requirement when the sale of such land is deemed in the best interest of the city.*

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that it discontinues the public use of the property located at 41 Central Avenue and further that it authorizes the Council President to execute a Quitclaim Deed transferring the aforementioned property to Habitat for Humanity.

**Seconded by Councilperson  
and on roll call**

# XX-2023

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE  
THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT  
FOR 41 CENTRAL AVENUE WITH BATAVIA HOUSING AUTHORITY**

**Motion of Councilmember**

**WHEREAS**, the City foreclosed on 41 Central Avenue (SBL # 84.066-1-51) for non-payment of property taxes; and

**WHEREAS**, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting the City and Batavia Housing Authority with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

**WHEREAS**, the Habitat for Humanity has agreed to assist and partner with the City of Batavia and Batavia Housing Authority with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

**WHEREAS**, the aforementioned property is to be exchanged in consideration of One Dollar (\$1.00); and

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 41 Central Avenue to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office.

**BE IT FURTHER RESOLVED**, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

**Seconded by Councilmember  
and on roll call**

## PURCHASE AND SALE CONTRACT

This Agreement made this \_\_\_\_ day of May, 2023 by and between the CITY OF BATAVIA, a municipal corporation with offices at One Batavia City Centre, Batavia, New York 14020 (the "Seller") and BATAVIA HOUSING AUTHORITY, a corporation with offices at 400 East Main Street, Batavia, New York 14020 (the "Purchaser").

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

1. Property Description:

A parcel of land commonly known as 41 Central Avenue, City of Batavia, County of Genesee, State of New York; SBL #84.066 (see attached tax parcel map). The dimensions are approximately 33 feet by 85 feet for an area of approximately 2,805 square feet. The site is located outside of the 100-year Flood Zone. The structure on this parcel is designated as a 2 story residence with approximately 1,398 square feet of space.

2. Purchase Price:

The purchase price shall be Ten and more (\$10.00 and more) Dollars. Pursuant to the terms of this agreement, the full amount of the purchase price shall be paid within forty-five (45) days after the final acceptance of the offer by the City Council.

3. Title Documents:

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

Deed.

Seller shall deliver to Purchaser at closing a properly signed and notarized Quit Claim Deed.

The Deed shall contain language that title to the property and all improvements thereto shall automatically revert to the City and the City will retain the full purchase price if the property is not redeveloped in accordance with the City of Batavia Residential Landuse Redevelopment Plan within twenty-four (24) months of delivery of the deed by the City to the Purchaser.

4. Marketability of Title.

The deed and other documents delivered by Seller to Purchaser shall be sufficient to convey good and insurable title in fee simple to the Property free and clear of all liens and encumbrances. However, Purchaser agrees accept the property "as-is" and to accept title to the Property subject to any and all restrictive covenants of record common to the tract or subdivision of which the Property is a part, and subject to existing zoning. Purchaser also agrees to accept title to the Property subject to public utility easements along lot lines, provided the easements do not interfere with any buildings now on the Property.

5. Closing Date, Place and Possession.

Transfer of title shall take place at the Genesee County Clerk's office on or before 45 days after the date this transfer is approved by City Council. Purchaser shall obtain possession of the Property at the time of closing.

6. Post-Closing Matters.

In the event that BHA transfers the Property to a third-party, the Seller shall be entitled to reimbursement in the amount of \$2500.00, along with any transfer costs. Upon BHA's transfer of the Property, BHA shall promptly pay the City of Batavia said funds. This obligation shall survive closing and transfer of the deed.

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

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

The following, if applicable, will be prorated and adjusted between Seller and Purchaser as of the date of closing: any real property taxes and/or assessments, water charges, pure water charges, sewer charges, and current common charges or assessments, if any.

8. Zoning.

Seller represents that the Property is located in the City of Batavia Planned Residential District (P-4)].

9. Risk of Loss.

Seller shall assume any risk of loss or damage to the Property by fire or other casualty until the transfer of title. If damage to the Property by fire or other such casualty occurs prior to transfer, Purchaser may cancel this contract without any further liability to Seller and Purchaser's deposit shall be returned. If Purchaser does not cancel the contract but elects to close, then Seller shall transfer to Purchaser any insurance proceeds or Seller's claim to insurance proceeds payable for such damage.

10. Responsibility of Persons Under the Contract; Assignability.

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

11. Entire Contract.

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

12. Notices.

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

Counsel for Seller shall be:

Underberg & Kessler LLP  
Attn: George S. VanNest, Esq.  
285 Delaware Avenue  
Suite 118  
Buffalo, New York 14202



Counsel for Purchaser shall be:

Peter M. Casey, Esq.  
Del Plato Casey Law firm  
73 Main Street #1  
Batavia, New York 14020

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

Dated: May \_\_\_\_, 2023

SELLER:

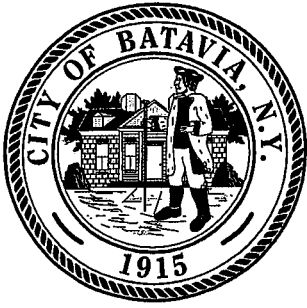
PURCHASER:

CITY OF BATAVIA

BATAVIA HOUSING AUTHORITY

By: \_\_\_\_\_  
Eugene Jankowski, Jr.  
City Council President

\_\_\_\_\_  
Nathan Varland



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Scott Allen, Superintendent of Maintenance

Date: May 16, 2023

Subject: Surplus equipment disposal

The City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment and vehicles.

We are requesting permission to dispose/surplus the following equipment by auction as identified:

1996 Ford LS9000 Dump	VIN – 1FDYS90L4TVA16538
2002 International Dump	VIN – 1HTSDADR92H531703
2002 Tenco Plow	TC132 TE 36 (18296)

### **Supporting Document**

Surplus Resolution

#XX-2023

**A RESOLUTION TO DECLARE BUREAU OF MAINTENANCE EQUIPMENT  
SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

**Motion of Councilperson**

**WHEREAS**, the Bureau of Maintenance has declared the vehicles and equipment listed below surplus; and

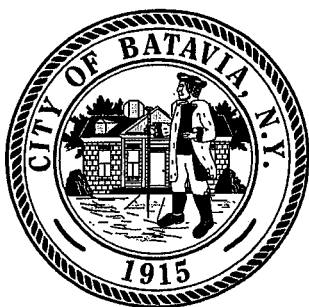
**WHEREAS**, the City of Batavia requires a surplus declaration to be made prior to disposal or sale of vehicles; and

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

1996 Ford LS9000 Dump	VIN – 1FDYS90L4TVA16538
2002 International Dump	VIN – 1HTSDADR92H531703
2002 Tenco Plow	TC132 TE 36 (18296)

**Seconded by Councilperson  
and on roll call**

**DRAFT**



## *Memorandum*

To: Rachael Tabelski, City Manager

From: Erik Fix, Assistant City Manager

Date: May 16, 2023

Subject: Surplus of old phones for disposal

Per the City of Batavia Purchasing Manual, property valued over \$1000 must be declared surplus by resolution of City Council prior to being disposed of.

The attached draft resolution calls for the surplus of 70 Cisco phones by the IT Department with the intent on auctioning/selling the equipment. These phones were no longer serviceable and have been replaced as part of the City's agreement with RING Central.

Please advise if you should have any questions or concerns regarding this MEMO.

Thank you.

#XX-2023

**RESOLUTION TO DECLARE PHONE EQUIPMENT SURPLUS FOR THE PURPOSE  
OF DISPOSAL**

**Motion of Councilperson**

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

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

**WHEREAS**, the IT Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the General Reserve account.

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

- 51 CISCO 509 G Phones
- 17 CISCO 504 G Phones
- 2 CISCO IP Conference Phones

**Seconded by Councilperson  
and on roll call**

#XX-2023

**RESOLUTION TO ASSIGN CERTAIN AUTHORITY TO THE BATAVIA  
BUSINESS IMPROVEMENT DISTRICT FOR CONTROL OF EVENT**

**Motion of Councilperson**

**WHEREAS**, the City Council of the City of Batavia has supported the Italian Fest which has proven to be a very successful community event; and

**WHEREAS**, the City Council wishes to continue to support this event this year and in the future; and

**WHEREAS**, in order to ensure that the activities are fun in a safe and efficient manner, it is necessary to define and delegate authority over the contemplated event.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, and in accordance with § 37-4 of the Batavia Municipal Code, that the Batavia Business Improvement District (BID) is hereby granted special permission to allow open containers related to Italian Fest activities on designated City streets, City sidewalks and City owned public areas in the designated event area under the approved Event Application, subject only to the paramount authority and direction of the City Manager, Police, Fire and any other emergency personnel; and

**BE IT FURTHER RESOLVED**, that Batavia Business Improvement District shall provide the City of Batavia with all general liability insurance set forth under the Event Application; and

**BE IT FURTHER RESOLVED**, that Batavia Business Improvement District and all alcohol vendors at the Italian Fest shall provide the City of Batavia with Liquor Liability insurance covering the City of Batavia for the duration of the Italian Fest event.

**Seconded by Councilperson  
and on roll call**

#XX-2023

**RESOLUTION TO ASSIGN CERTAIN AUTHORITY TO THE BATAVIA  
PEDAL PARTY LLC**

**Motion of Councilperson**

**WHEREAS**, the City Council of the City of Batavia has supported the small businesses in the City of Batavia; and

**WHEREAS**, the City Council wishes to continue to support small business growth this year and in the future; and

**WHEREAS**, in order to ensure that the activities are fun in a safe and efficient manner, it is necessary to define and delegate authority over the contemplated event.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, and in accordance with § 37-4 of the Batavia Municipal Code, that the Batavia Pedal Party LLC is hereby granted special permission to allow open containers related to Batavia Pedal Party LLC activities on designated City streets, City sidewalks and City owned public areas under the approved Event Application, subject only to the paramount authority and direction of the City Manager, Police, Fire and any other emergency personnel; and

**BE IT FURTHER RESOLVED**, that Batavia Pedal Party LLC, shall provide the City of Batavia with all general liability insurance.

**Seconded by Councilperson  
and on roll call**

DRAFT

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilperson**

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

**WHEREAS**, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...".

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilperson  
and on roll call**