

BATAVIA CITY COUNCIL CONFERENCE MEETING

City Hall - Council Board Room
One Batavia City Centre
August 14th 2023 at 7:00 p.m.

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Viele
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. BND Hockey Bike Rally – 8/20/2023
 - b. Just Kings Back to School Giveaway – 8/26/2023
 - c. Eli Fish Music in Jackson Square – 8/31/2023
 - d. Neighbors of Lincoln Ave. Block Party – 9/9/2023
- VII. Council President Report
 - a. Announcement of the next City Council Meeting to be held on Monday, September 11th, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. Proclamation
 - a. Patti Pacino - Retirement
- IX. Appointment of Part-time Judge***
- X. Jackson Square Bids***
- XI. Jackson Street Water Bids***
- XII. City Sidewalk Construction Project***
- XIII. Acceptance of AFG Grant – Fire***
- XIV. Police Officer Position ***

- XVI. NYS DEC Urban And Community Forestry Grant Program Application ***
- XVII. Sale of 6 Alva Place ***
- XVIII. Water Treatment Plant Bid Award – Lime Slaker Precipitator***

***Move to Tonight's Business Agenda



City of Batavia

MEMORANDUM

To: Rachael Tabelski, City Manager
From: Heidi J. Parker, Clerk-Treasurer
Date: 8/9/23
Subject: **Event Summary**

Below please find the summary for the events to be reviewed by City Council on August 14, 2023:

BND Hockey Bike Rally – 8/20/23

There were no costs from the departments.

Just Kings Back to School Giveaway – 8/26/23

There were no costs from the departments.

Eli Fish Music in Jackson Square – 8/31/23

There were no costs from the departments.

Neighbors of Lincoln Ave Street Party – 9/9/23

There were no costs from the departments.

EverPresent Church Women's Meeting – 9/9/23

There were no costs from the 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
JUL 31 2023
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2023-41
Event Application #:

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

Event Sponsor BND Hockey
 Type of Event Bike Rally
 Day and Date of Event Sunday Aug. 20th
 Time of Event (don't include set up time here - just actual event time) 5pm - 6pm
 Location of Event Batavia High School (Start and Finish)
 Details of Event (be as specific as possible!) This is a fundraiser (\$25 per rider)
Kids ages 10 - Adult

Contact Information:

Primary contact:
 Name Marc Staley
 Phone # 585-330-1923
 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
- 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
- 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
- Is the Sponsor requesting waiver of the Open Container law per §34-7 of the City Code? Yes No

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

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



EVENT INFORMATION (required):

Set up date: 8/20/2023

Set up time: 4:00 pm

Tear down date: 8/20/2023

Tear down time: 6:30 pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/20/23 Start time: 5pm

End time: _____

Estimated crowd size: N/A

of Vendors/Displays N/A

WILL THE EVENT INCLUDE:

Block Party: Yes No

Parade: Yes No

Run or Walk: Yes No

Music: Yes No

Street Closure(s): Yes No

Other: Bike Rally Yes No

(MAP OF STREET CLOSURE MUST BE ATTACHED)

(MAP OF DESIRED ROUTE MUST BE ATTACHED)

(MAP OF DESIRED ROUTE MUST BE ATTACHED)

(SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)

(MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)

(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: _____

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

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

Yes. Batavia Police Bike Escort (SRO's)

Block parties must allow local traffic and driveways cannot be blocked. Initial here: _____ (if hosting block party)

POLICE

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

If yes, what type of request? Traffic control Security Community Policing
 Other : Specify escort - they rode with us last year!

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. For block parties, sponsors must notify all affected neighbors and local traffic/driveway access must be maintained.
13. 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 United 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 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.

7/31/2023
Date

Marc A Staley
Name of Event Sponsor

Head Coach
Authorized Signature, Title

Marc Staley
Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to
7/31/2023
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



High School

MacArthur Park

Dwyer Stadium

United Memorial Medical Center

Northside Deli

5K

OK Does Another Loop

GARDEN DR

EVERGREEN DR

ROSS ST

HART ST

STATE ST

COLUMBIA AVE

SUMMIT ST

TRACY AVE

BANK ST

TRUMBULL PKWY

ELM ST

NORTH ST

Balvedere Dr.

Woodcrest Dr.

Seed Eye Associates - 75° /ia 8 ● in Park



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

Official Use Only:

2023-43
Event Application #:

PAID
JUL 31 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 Back to School Giveaway

Day and Date of Event August 26, 2023

Time of Event (don't include set up time here - just actual event time) 2pm - 6pm

Location of Event Austin Park

Details of Event (be as specific as possible!) We will giving out hamburgers and Hot Dogs, (chicken?) Free hair cuts and Book bags

Contact Information:

Primary contact:
Name Brandon Armstrong
Phone # 585-993-2750
Mailing address 317 Ellicott St Batavia, NY
E-mail address Royal Barber 585@yahoo.com

Secondary contact:
Gregory Munroe
585-250-3469
22 cherry st Batavia, NY
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? _____

Is the Sponsor requesting waiver of the Open Container law per §34-7 of the City Code? Yes No

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

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

EVENT INFORMATION (required):

Set up date: Aug 26, 2023 Set up time: 1pm

Tear down date: Aug 26, 2023 Tear down time: 7pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: Aug 26th Start time: 2pm End time: 6pm

Estimated crowd size: 50-100 # of Vendors/Displays 1

WILL THE EVENT INCLUDE:

- Block Party: Yes No (MAP OF STREET CLOSURE MUST BE ATTACHED)
- 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? Barber equipment

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* 2, 10X10

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)*

Block parties must allow local traffic and driveways cannot be blocked. Initial here: _____ (if hosting block party)

POLICE

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

If yes, what type of request? Traffic control Security Community Policing
Other : Specify _____

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. For block parties, sponsors must notify all affected neighbors and local traffic/driveway access must be maintained.
13. 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.

7-28-23

Date:

Just Kings

Name of Event Sponsor:

[Signature]

Authorized Signature, Title

Gregory Monroe II

Name - Printed or Typed

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

7-28-23

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>	
_____	_____
<small>Date Received</small>	<small>Council Action: (Approved / Disapproved)</small>
_____	_____
<small>Date of Council Action</small>	<small>Insurance Received (if applicable)</small>

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



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

PAID
AUG - 7 2023
CITY OF BATAVIA
CLERK-TREASURER

Official Use Only:

2023-44
Event Application #

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

Event Sponsor Eli Fish Brewing Company / Batavia Brewing Company LLC
 Type of Event Music
 Day and Date of Event Thursday, August 31
 Time of Event (don't include set up time here - just actual event time) 6-9pm
 Location of Event Jackson Square
 Details of Event (be as specific as possible!) Live outdoor music with craft beer sales

Contact Information:

Primary contact:

Name Sydney Corli

Phone # 585-813-7005

Mailing address 5220 Clinton St Rd, Apt 3 Batavia

E-mail address Syd@eli.fishbrewing.com

Secondary contact:

Name Matt Gray

Phone # 919-889-3371

Mailing address 109 Main St, Batavia, NY 14020

E-mail address matt@eli.fishbrewing.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: Eli Fish Facebook

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? Eli Fish Brewing Company

Is the Sponsor requesting waiver of the Open Container law per §34-7 of the City Code? Yes No

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

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

EVENT INFORMATION (required):

Set up date: 8/31/23 Set up time: 5pm
Tear down date: 8/31/23 Tear down time: 9.30pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 8/31/23 Start time: 6pm End time: 9pm
Estimated crowd size: ~100 # of Vendors/Displays 1

WILL THE EVENT INCLUDE:

- Block Party: Yes No (MAP OF STREET CLOSURE MUST BE ATTACHED)
- 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? Music on Stage

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* one 10x10 tent

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)*
no

Block parties must allow local traffic and driveways cannot be blocked. Initial here: _____ (if hosting block party)

POLICE

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

If yes, what type of request? Traffic control Security Community Policing
Other : Specify _____

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. For block parties, sponsors must notify all affected neighbors and local traffic/driveway access must be maintained.
13. 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

Eli Fish Brewing Company 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 Eli Fish Brewing Company (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

7/29/13
Date

Eli Fish Brewing Company
Name of Event Sponsor

Sydney L Carli, Event Coordinator
Authorized Signature, Title

Sydney L Carli
Name - Printed or Typed

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

7/29/13
Date

Sydney L Carli
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	
_____	_____
<small>Date Received</small>	<small>Council Action (Approved / Disapproved)</small>
_____	_____
<small>Date of Council Action</small>	<small>Insurance Received (if applicable)</small>

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



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

Official Use Only:

2023-40

Event Application #:

PAID
JUL 14 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 Neighbors of Lincoln Ave

Type of Event Street party

Day and Date of Event 9/9/23

Time of Event (don't include set up time here - just actual event time) 3pm - 8pm

Location of Event Lincoln Avenue

Details of Event (be as specific as possible!) Street party with activities for children, music, and bbq dinner. All neighbors will receive a "save the date" notice and a flyer with details. No one's driveway will be blocked or used without owner's permission.

Contact Information:

Primary contact:

Name Kara Tress
Phone # 716-361-6009
Mailing address 1 Lincoln Ave
E-mail address _____

Secondary contact:

Christine Burnell
585-746-8148
14 Lincoln Ave
xcc1022x@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: NA

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: 9/9/23
Tear down date: 9/9/23

Set up time: ~ 1:00 pm
Tear down time: 8:01 pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 9/9/23 Start time: 3:00 pm End time: 8:00 pm
Estimated crowd size: ~40 # of Vendors/Displays 0

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

neighbor @ 3 Lincoln may play ()
Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

live w/ his band - they don't have a band name
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*

Pop-up tents
Sold @ retail stores like Target we set
up by some neighbors for shade

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: Activities and
dinner will be set up in the street

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

<u>Lincoln Ave</u> <small>Street to be closed</small>	<u>Washington</u>	<u>&</u>	<u>Park</u>
_____	_____	<u>&</u>	_____
_____	_____	<u>&</u>	_____
_____	_____	<u>&</u>	_____

Will street barricades be requested from the City? Yes No How Many? 2

Will traffic cones be requested from the City? Yes No How Many? 4-6
(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

Kara Tress 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.

7/13/23
Date

Lincoln Ave Neighbors
Name of Event Sponsor

[Signature]
Authorized Signature, Title

Kara Tress, 1 Lincoln
Name - Printed or Typed

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

7/13/23
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

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:*

--

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

--

Submitted By: _____ Name / Title Date Submitted

Appendices

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) 545-6300

Official Use Only:

2023-45

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 Women's Meeting
 Day and Date of Event Sept 9th - Set up Sept 8th
 Time of Event (don't include set up time here - just actual event time) 10-3
 Location of Event Luncheon in Concourse
 Details of Event (be as specific as possible!) Womens Meal in Concourse area

Contact Information:

Primary contact:

Name Michelle Norton
 Phone # 585-297-3155
 Mailing address 4 Batavia City Centre
 E-mail address Pastormichelle@everpresentchurch.com

Secondary contact:

* 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

Is the Sponsor requesting waiver of the Open Container law per §34-7 of the City Code? Yes No

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

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

EVENT INFORMATION (required):

Set up date: 9-8-23

Set up time: 8-6pm

Tear down date: 9/9/23

Tear down time: 4pm

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 9/9/23 Start time: 8am

End time: 5pm

Estimated crowd size: 100

of Vendors/Displays _____

WILL THE EVENT INCLUDE:

- Block Party: Yes No (MAP OF STREET CLOSURE MUST BE ATTACHED)
- 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

Even Present Worship _____ 585-297-3155
Name of Company Providing Above: _____ Company Contact/Representative: _____ Phone #: _____

4 Batavia City Centre _____ 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? Crock Pots & 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 -

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? 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)

N/A

Block parties must allow local traffic and driveways cannot be blocked. Initial here: _____ (if hosting block party)

POLICE

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

If yes, what type of request? Traffic control Security Community Policing
Other : Specify _____

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.**
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11. Vendor/participants must also follow all inspection/temporary structure rules found in the appendices (pg 6-7)
12. For block parties, sponsors must notify all affected neighbors and local traffic/driveway access must be maintained.
13. 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.

8/8/23
Date:

Pasta Mufflers
Name of Event Sponsor:
Pasta Mufflers
Authorized Signature, Title
Pastor Michelle Norton
Name - Printed or Typed

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

8/8/23
Date:

Pasta Mufflers
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:*

--

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

--

Submitted By: _____

Name / Title

Date Submitted

#XX-2023

A RESOLUTION APPOINTING THE PART-TIME CITY COURT JUDGE

Motion of Councilmember

WHEREAS, Section 2104 of the Uniform City Court Act provides for the appointment of a City Court Judge who, in the temporary absence or inability of the City Judge, shall exercise all power of said Judge, and

WHEREAS, Section 2104(e)(1) (ii) and Section 2104(b)(3) of the Uniform City Court Act provides that the City Court Judge shall be appointed by Council and serve for a six (6) year term, and

WHEREAS, XXXXXXXXXXXXXXXX, will be appointed to this position on August 14, 2023 to fill a term and this term as City Court Judge is due to expire on December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that, XXXXXXXXXXXXXXXX, a resident attorney, possessing the necessary qualifications, is hereby appointed to the position of City Court Judge, for a six year term commencing on August 14, 2023 and expiring on December 31, 2026, with all of the powers and authority granted by Local and State Law.

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: August 8, 2023

Subject: Jackson Square Construction Bid Award

Part of the City of Batavia Capital Project Plan and the Downtown Revitalization Initiative (DRI) is the “Enhance Jackson Square Project”. The project elements include decorative pavements, new stage with canopy and lighting.

The project has been designed and was bid in the fall of 2021, however bids came in too high and were rejected. The architectural firm Architectural Resources, with the help of LaBella, re-engineered elements of the project (including the material for the stage canopy, reduction in signage and some lighting elements) to attempt to bring the construction cost down. The project was bid a second time and the contractor who won the bid would not honor their price.

The City switched architects to Ken Pear and Architects Unlimited to work on scaling down the unnecessary elements of the project, bringing it in on budget, and honoring the goals of the DRI project.

I am pleased to present Thompson Builds of Churchville, New York as the winning bid for the project at \$277,750. I recommend City Council accept this bid and award the contract.

#XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THOMPSON
BUILDS, INC. FOR CONSTRUCTION SERVICES FOR THE DRI ENHANCE
JACKSON SQUARE PROJECT**

Motion by Councilmember

WHEREAS, a Project for the enhancement of Jackson Square was approved for the Downtown Revitalization Initiative (DRI) in the City of Batavia; and

WHEREAS, a request for construction bids were released for a contractor to construct the project as specified in the project construction documents. The lowest responsible bidder is Thompson Builds, Inc. of Churchville.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a contract for construction for the enhancement of Jackson Square to Thompson Builds, Inc. of Churchville in the amount of \$277,750.

**Motion Seconded by Councilmember
And on roll call**



Architecture Unlimited, LLC

8304 Main Street
Williamsville, New York 14221
T. (716)-204-9733
www.AUbuild.net

August 1, 2023

Mr. Brett Frank
Director of Public Works
City of Batavia
One Batavia City Centre
Batavia, New York 14020

**Re: Jackson Square Reconstruction Project
City Contract No. 02-2023
AU Project No. 22-03**

Brett,

Bids were submitted and opened publicly by the City of Batavia at 10:00 a.m. today, August 1, 2023, for the above referenced project. The bidding were a result of a robust public outreach and promotion, primarily thru the NYS Contract Reporter and the Construction Exchange of WNY. Although several bidders indicated participation and intent to bid on the project, one bidder expressing such info just last evening, only one (1) bid submission was received on time prior to the required submission deadline.

As such, Thompson Builds, Inc. submitted the apparent low bid of \$277,750.00.

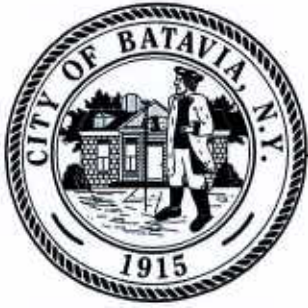
I reviewed the scope of the project with the apparent low bidder to ensure that the contractor included all project elements and understands the scope of work/services to be provided.

As a result, I recommend the Jackson Square Reconstruction Project be awarded to Thompson Builds, Inc.

Following my review, I am returning the bid submission documents for your use and records as attached.

Respectfully Submitted,
Architecture Unlimited

Kenneth W. Pearl, RA
President



City of Batavia

Memorandum

To: Honorable City Council

From: Tom Phelps, Superintendent of Water & Wastewater

Date: August 8th, 2023

Subject: Jackson Street Water Improvement Project.

The Bureau of Water and Wastewater issued a Request for Bids in July of 2023 for the Jackson Street Water Improvement Project.

Bids documents were opened on August 3rd, 2023 and reviewed by City and GHD staff. We had 2 different bidders on the project. After opening the bids and reviewing all the bids we decided to move forward in the process with Blue Heron Construction as the winning bidder in the amount of \$1,353,200 for the Project.

We recommended City Council to award the contracts at the August 14th, 2023 meeting.

Supporting Documentation:
Bid Tabulation
Resolution

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**Department of Public Works
One Batavia City Centre
Batavia, New York 14020**

**Phone: 585-345-6324
Fax: 585-345-1385
tphelps@batavianewyork.com**

XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH BLUE HERON
CONSTRUCTION FOR CONSTRUCTION SERVICES FOR THE JACKSON
STREET WATER PROJECT**

Motion of Councilmember

WHEREAS, The Council of the City of Batavia authorized a project for the replacement of a water main on Jackson Street from Ellicott Street to Chestnut Street; and

WHEREAS, a request for construction bids was released for a contractor to construct the project as specified in the project construction documents. The lowest responsible bidder is Blue Heron Construction of Jordan, New York.

NOW, THEREFORE, BE IT RESOLVED, be it resolved that City Council approves the award of a contract for construction for the Jackson Street Water Project to Blue Heron Construction of Jordan, New York in the amount of \$1,353,000.

**Seconded by Councilmember
And on roll call**

285 Delaware Avenue, Suite 500
Buffalo, New York 14202
United States
www.ghd.com



Our ref: 12599120

August 08, 2023

Brett Frank
Superintendent
City of Batavia
One Batavia City Centre
Batavia, NY 14020

**City of Batavia – Jackson Street Water System Improvement Project – Contract No. 1 –
Recommendation of Award**

Dear Brett:

On Thursday, August 3, 2023, at 10:00 a.m. local time, the City of Batavia received 2 bids for the above-referenced project. The bids were as follows:

Bidder	Total Amount of Bid Items
Blue Heron Construction	\$1,353,200.00
Milherst Construction, Inc.	\$1,563,135.00

We have reviewed the bid proposal received from the lowest bidder for the above-referenced project, Blue Heron Construction, and find said proposal to be responsive to the bid documents.

We therefore recommend award of the City of Batavia – Jackson Street Water System Improvement Project – Contract No. 1 to Blue Heron Construction in the total bid amount of \$1,353,200.00, contingent upon availability of project funding and review by the Owner's legal counsel.

If you have any questions or require additional information, please advise.

Regards,

Dan Kolkmann
Senior Project Administrator

+1 716 362-8807
dan.kolkmann@ghd.com

Encl. Bid Tabulation

Copy to: Jason Davenport - GHD
Mel Gates - GHD

TABULATION OF BIDS

OWNER: CITY OF BATON Rouge
 PROJECT: Jackson Street Water System Improvement Project
 ENGINEER: GHO CONSULTING SERVICES INC., 285 BELLAIR AVENUE, SUITE 500, BUFFALO, NEW YORK 14203
 PROJECT NO.: 1259120

ITEM NO.	DESCRIPTION	BID UNIT	BIDDER'S NAME			BLUE HERON CONSTRUCTION			MI-HERST CONSTRUCTION INC.		
			ADDRESS	PRICE PER UNIT	AMOUNT \$	PRICE PER UNIT	AMOUNT \$	PRICE PER UNIT	AMOUNT \$		
1A	ASPHALT PAVEMENT	1 LS	1023 COUNTRY ROAD CLARENCE CENTER NY 14033	\$24,000.00	\$24,000.00	\$25,000.00	\$25,000.00				
2A	MAINTENANCE AND PROTECTION OF TRAFFIC ON CITY ROADS	1 LS	JORDAN, NY 13360	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00				
2B	MAINTENANCE AND PROTECTION OF TRAFFIC ON RYSOFT ROADS	1 LS		\$15,000.00	\$15,000.00	\$25,000.00	\$25,000.00				
3A	RESTORATION OF SIGNAGE, GRASS AREAS	1000 SY		\$20.00	\$20,000.00	\$30.00	\$30,000.00				
4A	4" RICH CONCRETE SIDEWALKS AND CURB RAMP	700 SY		\$120.00	\$84,000.00	\$150.00	\$105,000.00				
4B	4" RICH CONCRETE SIDEWALKS AND CURB RAMP	225 SY		\$144.00	\$32,400.00	\$205.00	\$46,125.00				
4C	DETECTABLE SURFACES AT CURB RAMP	11 EA		\$900.00	\$9,900.00	\$500.00	\$5,500.00				
5A	REPLACEMENT OF CONCRETE CURBS AT SPOTL SPRESSES AND TYPOLIP	300 LF		\$50.00	\$15,000.00	\$150.00	\$45,000.00				
6A	PAVING OF FEE TRANCHES IN CITY ROADS (FULL DEPTH)	700 SY		\$120.00	\$84,000.00	\$50.00	\$35,000.00				
6B	PAVING OF FEE TRANCHES IN RYSOFT ROADS (FULL DEPTH)	100 SY		\$180.00	\$18,000.00	\$75.00	\$7,500.00				
6C	PAVING OF ASPHALT DRIVEWAYS	100 SY		\$120.00	\$12,000.00	\$100.00	\$10,000.00				
7A	4" RICH P/C WATERMAN (6" CURBING)	2100 LF		\$130.00	\$273,000.00	\$125.00	\$262,500.00				
7B	4" RICH OF WATERMAN (ALL DEPTHS)	160 LF		\$140.00	\$22,400.00	\$150.00	\$24,000.00				
8A	1" FEE HYDRANT ASSEMBLES	7 EA		\$5,200.00	\$36,400.00	\$12,000.00	\$84,000.00				
8B	4" RICH GATE VALVES AND APPURTENANCES	1 EA		\$2,500.00	\$2,500.00	\$1,200.00	\$1,200.00				
9A	WATER PIPELINE SPECIALS	1100 LB		\$5.00	\$5,500.00	\$4.00	\$4,400.00				
11A	INTERSECTION NO. 1 - COMPLETE	1 LS		\$15,000.00	\$15,000.00	\$25,000.00	\$25,000.00				
11B	INTERSECTION NO. 2 - COMPLETE	1 LS		\$31,000.00	\$31,000.00	\$30,000.00	\$30,000.00				
11C	INTERSECTION NO. 3 - COMPLETE	1 LS		\$17,500.00	\$17,500.00	\$20,000.00	\$20,000.00				
11D	INTERSECTION NO. 4 - COMPLETE	1 LS		\$25,800.00	\$25,800.00	\$25,000.00	\$25,000.00				

TABULATION OF BIDS

OWNER: CITY OF BATAVIA
 PROJECT: Jackson Street Water System Improvement Project
 ENGINEER: CH2M CONSULTING SERVICES INC.
 245 DELAWARE AVENUE, SUITE 500
 BUFFALO, NEW YORK 14201
 PROJECT NO.: 13289128
 DATE ADVERTISED: 7/30/02
 DATE OPENED: 8/30/02
 DATE TABULATED: 8/30/02
 TABULATED BY: EPV

ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID
115	INTERCONNECTION NO. 5 - COMPLETE	1	LS	\$17,500.00	\$17,500.00	\$20,000.00	\$20,000.00		
116	INTERCONNECTION NO. 6 - COMPLETE	1	LS	\$25,500.00	\$25,500.00	\$25,000.00	\$25,000.00		
117	INTERCONNECTION NO. 7 - COMPLETE	1	LS	\$18,300.00	\$18,300.00	\$20,000.00	\$20,000.00		
118	INTERCONNECTION NO. 8 - COMPLETE	1	LS	\$27,000.00	\$27,000.00	\$25,000.00	\$25,000.00		
119	INTERCONNECTION NO. 9 - COMPLETE	1	LS	\$19,200.00	\$19,200.00	\$20,000.00	\$20,000.00		
120	INTERCONNECTION NO. 10 - COMPLETE	1	LS	\$25,500.00	\$25,500.00	\$25,000.00	\$25,000.00		
121	INTERCONNECTION NO. 11 - COMPLETE	1	LS	\$18,300.00	\$18,300.00	\$20,000.00	\$20,000.00		
122	INTERCONNECTION NO. 12 - COMPLETE	1	LS	\$17,700.00	\$17,700.00	\$20,000.00	\$20,000.00		
123	24" CURB/HOSE BURN DOWN/SE BRNO (ALL DEPTH)	50	LF	\$10.00	\$1,000.00	\$100.00	\$5,000.00		
124	ABANDONMENT	1	LS	\$5,000.00	\$5,000.00	\$0,000.00	\$0,000.00		
125	1" SELECT BACKFILL MATERIAL	1000	CY	\$50.00	\$50,000.00	\$75.00	\$75,000.00		
126	EXTRA EXCAVATION AND BACKFILL	50	CY	\$70.00	\$3,500.00	\$100.00	\$5,000.00		
127	EXTRA CONCRETE	5	CY	\$400.00	\$2,000.00	\$200.00	\$1,000.00		
128	ROCK EXCAVATION	10	CY	\$150.00	\$1,500.00	\$1.00	\$10.00		
129	FURNISH AND INSTALLING TRUNCH/DRAINER CASING PIPE FROM STA. 10+32 TO STA. 10+33. COMPLETE	1	LS	\$50,000.00	\$50,000.00	\$75,000.00	\$75,000.00		
130	FURNISH AND INSTALLING BRANCH CASING 6" SINKY PIPE FROM STA. 21+48 TO STA. 22+28. COMPLETE	1	LS	\$64,000.00	\$64,000.00	\$78,000.00	\$78,000.00		
131	10" CURB NEAR BOE SERVICE REPLACEMENTS	30	EA	\$1,050.00	\$31,500.00	\$4,000.00	\$120,000.00		
132	10" CURB NEAR BOE SERVICE REPLACEMENTS	30	EA	\$1,550.00	\$46,500.00	\$4,500.00	\$135,000.00		
133	ALLOWANCE FOR COSTS ASSOCIATED WITH ACHIEVING 21 THE CHELSEA VALLEY TRANSPORTATION RAILROAD		ALLOWANCE		\$15,000.00		\$15,000.00		
134	GENERAL CONSTRUCTION ALLOWANCE		ALLOWANCE		\$25,000.00		\$25,000.00		
GRAND TOTAL BASE BID ITEMS 1A - 134					\$1,352,200.00		\$1,852,154.00		



City of Batavia

Memorandum

To: Rachael Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: August 7, 2023

Subject: Sidewalk Program 2022-23

The City has approached capital projects with a “Complete Streets” approach when possible. This creates projects where not only is a level of infrastructure improved, but a meaningful change to a neighborhood occurs as part of it by doing multiple streets and incorporating both pavement and sidewalk work at the same time. In addition, there are mandates requiring that sidewalks meet Americans with Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) when federal and state monies are used on a roadway improvement project.

This year’s capital pavement improvement program includes improvements to Fairmont Avenue, Hart Street, Madison Avenue, and Norris Avenue. This year’s sidewalk work will focus on these same streets within the City of Batavia.

The project went out for public bid in July and 4 bidders responded. With a recommendation from our engineering firm (GHD) the Department of Public Works would like to award the bid to Ramsey Constructors Incorporated who came in at the lowest bid of \$477,885.00. This should allow for completion of the work by the end of October 2023. This work will be funded through the City’s State Touring Route (STR) funds from New York State.

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**Department of Public Works
One Batavia City Centre
Batavia, New York 14020**

**Phone: 585-345-6325
Fax: 585-345-1385
www.batavianewyork.com**

XX-2023
RESOLUTION TO ENTER INTO AN AGREEMENT WITH
RAMSEY CONSTRUCTORS INC.
FOR CITY SIDEWALK CONSTRUCTION PROJECT - 2023

Motion of Councilmember

WHEREAS, a project for the replacement of approximately 5,150 linear feet of City sidewalks and handicap accessible ramps on portions of Fairmont Avenue, Hart Street, Madison Avenue, and Norris Avenue; and

WHEREAS, a competitive bid was made by Ramsey Constructors Inc. of Lakeville, NY for the replacement of City sidewalks and handicap accessible ramps as specified in the contract document titled City of Batavia Sidewalk Replacement Project – 2023-24; and

WHEREAS, Ramsey Constructors Inc. of Lakeville, NY is the lowest responsible bidder (\$477,885).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Ramsey Constructors Inc. for sidewalk replacements.

**Seconded by Councilmember
and on the roll call**

285 Delaware Avenue, Suite 500
Buffalo, New York 14202
United States
www.ghd.com



Our ref: 12618212

August 8, 2023

Brett Frank
Superintendent
City of Batavia
One Batavia City Centre
Batavia, NY 14020

City of Batavia – Sidewalk Replacement Project – 2023 – Contract No. 1 – Recommendation of Award

Dear Brett:

On Thursday, August 3, 2023, at 10:30 a.m. local time, the City of Batavia received 4 bids for the above-referenced project. The bids were as follows:

Bidder	Total Amount of Bid Items
Ramsey Constructors Inc	\$477,885.00
Rochester Earth Inc	\$495,000.00
P&J Construction Co. Inc.	\$523,160.00
Millennium Construction, Inc.	\$777,050.00

We have reviewed the bid proposal received from the lowest bidder for the above-referenced project, Ramsey Construction Inc and find said proposal to be responsive to the bid documents.

We therefore recommend award of the City of Batavia – Sidewalk Replacement Project - 2023 – Contract No. 1 to Ramsey Construction Inc in the total bid amount of \$477,885.00, contingent upon availability of project funding and review by the Owner's legal counsel.

If you have any questions or require additional information, please advise.

Regards,

Dan Kolkmann
Senior Project Administrator

+1 716 362-8807
dan.kolkmann@ghd.com

Encl. Bid Tabulation

Copy to: Rachael Tabelski – City of Batavia
Mel Gates – GHD

TABULATION OF BIDS

OWNER
CITY OF BATAVIA

ENGINEER

GHD CONSULTING SERVICES INC.
285 DELAWARE AVENUE, SUITE 500
BUFFALO, NEW YORK 14202

DATE ADVERTISED: 7/21/2023
DATE OPENED: 8/3/2023
DATE TABULATED: 8/3/2023
TABULATED BY: EPV

PROJECT
Sidewalk Replacement Project - 2023

PROJECT NO.: 12618212

ITEM NO.	DESCRIPTION	RAMSEY CONSTRUCTORS INC		ROCHESTER EARTH INC		P&J CONSTRUCTION CO. INC.		MILLENNIUM CONSTRUCTION, INC.		
		BID UNITS	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID
1A	4-INCH THICK CONCRETE SIDEWALKS	1875 SY	\$185.00	\$309,375.00	\$162.00	\$303,750.00	\$180.00	\$337,500.00	\$270.00	\$506,250.00
1B	6-INCH THICK CONCRETE SIDEWALKS AT DRIVEWAY CROSSINGS AND 6-INCH THICK CURB RAMPS	425 SY	\$215.00	\$91,375.00	\$164.00	\$69,700.00	\$198.00	\$84,150.00	\$315.00	\$133,875.00
2A	6-INCH THICK CONCRETE DRIVES AND APRONS	120 SY	\$155.00	\$18,600.00	\$164.00	\$19,680.00	\$156.00	\$23,760.00	\$315.00	\$37,800.00
2B	ASPHALT DRIVES AND APRONS	500 SY	\$70.00	\$35,000.00	\$121.00	\$60,500.00	\$90.00	\$45,000.00	\$135.00	\$67,500.00
3	DETECTABLE SURFACES AT NEW SIDEWALK RAMPS	6 EA	\$350.00	\$2,800.00	\$800.00	\$6,400.00	\$500.00	\$4,000.00	\$1,000.00	\$8,000.00
4	CONCRETE CURBS	50 LF	\$150.00	\$7,500.00	\$150.00	\$7,500.00	\$200.00	\$10,000.00	\$150.00	\$7,500.00
5	CONCRETE TESTING	10 EA	\$580.00	\$5,800.00	\$1,587.00	\$15,870.00	\$500.00	\$5,000.00	\$500.00	\$5,000.00
6	EXTRA SELECT BACKFILL MATERIAL	10 CY	\$26.00	\$260.00	\$75.00	\$750.00	\$200.00	\$2,000.00	\$200.00	\$2,000.00
7	EXTRA EXCAVATION AND BACKFILL	10 CY	\$130.00	\$1,300.00	\$85.00	\$850.00	\$300.00	\$3,000.00	\$200.00	\$2,000.00
8	EXTRA LANDSCAPING AND RESTORATION	25 SY	\$35.00	\$875.00	\$200.00	\$5,000.00	\$150.00	\$3,750.00	\$85.00	\$2,125.00
9	ADDITIONAL WORK	ALLOWANCE		\$5,000.00		\$5,000.00		\$5,000.00		\$5,000.00
GRAND TOTAL BASE BID ITEMS 1A - 9A				\$477,885.00		\$485,000.00		\$523,180.00		\$777,650.00



City of Batavia

Memorandum

To: Rachael Tabelski, City Manager

From: Joshua Graham, Fire Chief

Date: August 9, 2023

Subject: Assistance to Firefighter Grant (AFG)

The City of Batavia Fire Department was awarded \$28,817.82. These funds will be utilized to purchase three full sets of firefighter turn-out gear as well as afford us the ability to certify or maintain certification for twelve members in Swift Water Rescue Technician (SWFT).

I am respectfully requesting a budget amendment to accept this grant award and use operational funds for the match. The City is required to contribute a 5% match and will be able to do so with operational funds within the FY 23/24 budget.

The Assistance to Firefighter Grant (AFG) was awarded for the period of June 27, 2023 through June 27, 2025.



#XX-2023

A RESOLUTION TO AMEND THE 2023-2024 FIRE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A FEMA ASSISTANCE TO FIREFIGHTERS GRANT, IN THE AMOUNT OF \$28,817.82

Motion of Councilmember

WHEREAS, the City of Batavia Fire Department has received a grant in the amount of \$28,817.82 for Award period of June 27,2023 through June 26, 2026 from the Federal Emergency Management Agency (FEMA) for the purchase of new turn-out gear and water rescue training; and

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

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the City Manager is authorized to make the following budget amendment to the 2023-2024 budget effective August 14, 2023 to cover training and equipment.

Increase revenue account:	
A.00.0000.0000 4389-231202	\$28,817.82
Increase expense account:	
A.05.3410.3410 199-231202	\$17,325.00
A.05.3410.3410 299-231202	\$12,933.72

Seconded by Councilmember
And on roll call



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: August 8, 2023

Subject: Police Neighborhood Enforcement Team (NET) Funding

The City of Batavia has recently seen an uptick in neighborhood gun violence and issues with nuisance neighbors. These types of issues will continue to fester unless we can commit resources and personnel to address the behavior of individuals responsible for these issues and hold them accountable.

After numerous discussions with Chief Shawn Heubusch, I believe the Neighborhood Enforcement Teams (NET) proposal will assist the City's Police Officers and Detectives perform their duties more efficiently, proactively and keep the community safer. The NET patrols have been used in the past with the Batavia Police Department and has been successful in curbing this type of activity in the City for short periods of time.

By funding the NET, and assigning officers full-time to this detail, the City will be better able to address illegal gun and illegal drug issues and help residents with neighborhood matters that are more detailed, complex and long-standing. The City of Batavia Police Department can augment the approach to Law Enforcement and become increasingly proactive in neighborhood safety by funding and staffing the Neighborhood Enforcement Team (NET) on a full-time basis. Officers and detectives, assigned to NET, will focus on quality of life issues as well as investigating gun and drug trafficking in the City.

To be successful the City needs to support the NET with personnel and equipment. The team will be led by existing personnel in the department and will work to achieve measureable goals and objectives. To further enhance these activities the City will also continue to partner with the Genesee County Sheriff's Office, the State Police, along with other local, state and federal partners as needed.

Below is recent data outlining some statistics that the department is facing including juvenile crime, warrants and increased number of arrest overall.



City of Batavia

- Arrests in the City of Batavia increased by 9% from 2021 (878 arrests) to 2022 (970 arrests).
- Arrests in the City of Batavia are expected to increase 14% this year 2022 (970 arrests) to 2023 (1,125* arrests).
- Warrants processed increased 78% from 2020 (113 warrants processed) to 2021 (259 warrants processed) and has remained stable throughout 2023.
- Warrants are expected to continue to increase due to bail reform policies and lack of appearances by defendants.
- Juvenile arrests are expected to rise 115% from 2022 (8 arrests) to 2023 (30* arrests) that is directly related to raise the age legislation.

*Estimated based on historical data

The following two resolutions outline the commitment of the City to the NET by unfreezing one Police Officer position and accounting for the position in this year's budget, adding an additional Police Officer, purchasing two new patrol/detective vehicles (including up-fitting) and equipping the officers with necessary uniforms and equipment.

✓ Police Salary-NET Salaries and Benefits for 8 months for two officers	\$117,000
✓ Purchasing and unfitting two police vehicles	\$120,000
✓ <u>Officer uniforms and equipment</u>	<u>\$35,000</u>
Total	\$272,000

I recommend utilizing VLT funding in FY 23/24 budget and absorbing the cost in next year's budget to keep the team active and full-time at a cost of \$272,000.

#-2023

RESOLUTION TO CREATE A POSITION OF POLICE OFFICER

Motion of Councilmember

WHEREAS, the City of Batavia is desirous of enhancing the Police Neighborhood Enforcement Team (NET) with the addition of a new Police Officer; and

WHEREAS, the Police Officer position and staffing will be analyzed by the Police Chief and City Manager as well as the Division of Criminal Justice Services (DCJS) over the next 18 months to determine the long-term need of the position; and

WHEREAS, the position of Police Officer is a current title in the Police Benevolent Association (PBA) Contract and starting salary effective April 1, 2023 is \$57,521.

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**

#-2023

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO MAKE AMENDMENTS
TO THE FY 23/24 BUDGET**

Motion of Councilmember

WHEREAS, to enhance staffing on the City of Batavia Neighborhood Enforcement Teams (NET) and to better address guns, drugs and neighborhood issues the City Council of the City of Batavia commits funds and resources to law enforcement.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Batavia does hereby authorize the City Manager to utilize VLT funds as shown below; and

BE IT FURTHER RESOLVED, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendments:

Amend the 2023-24 budget by:

Increasing expenditure accounts:

A.04.3120.3120 100	Police Salary	\$86,000
A.04.3120.3120 102	Police Holiday	\$3,200
A.04.3120.3120 801	Police Retirement	\$21,000
A.04.3120.3120 802	Social Security/FICA	\$6,800
A.04.3120.3120 200	Equipment	\$120,000
A.04.3120.3120 201	Supplies and Materials	\$35,000

Increasing revenue account:

A.00.0000.0000 3014	VLT	\$272,000
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**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: August 8, 2023

Subject: NYS DEC Urban and Community Forestry Grant Program- Centennial Park

The City of Batavia, NY recognizes the value of its urban forest and is committed to safeguarding and enhancing it for the community and visitors. To achieve this, the City needs to remove hazardous trees, conduct maintenance existing trees, and plant new trees throughout the community.

Over the past decade, Batavia has invested significantly in caring for and expanding its urban canopy. In 2017, the City developed a comprehensive Community Forest Management Plan with funding from the NYS Urban and Community Forestry Council.

Cornell University's Student Weekend Arborist Team (SWAT) conducted a full inventory of Batavia's street trees from 2011 to 2014. In 2016, Forest Analytics LLC sampled this data to estimate the maintenance needs of a large number of trees that were not rated by SWAT, as well as all trees within public parks. Based on these studies, it was estimated that Batavia had 3,623 street trees and 697 trees in public parks.

According to these two tree inventories, the City of Batavia had approximately 350 trees along streets that required emergency removal, and another 100 trees tagged for removal within parks. Approximately 500 trees along city streets and 105 park trees were in poor condition, with 251 of them requiring priority trimming. The condition of trees has worsened since these studies were conducted due to the increasing incidence of extreme weather events such as wind, snow, and ice storms.

The tree inventory reveals a predominance of maple trees, with approximately 60% of all street trees being some variety of maple. Additionally, 45% of all trees within park space were maples as well. This over-reliance on a limited number of tree varieties, coupled with their susceptibility to extreme weather events and blight, puts the community at risk of significant tree losses.



City of Batavia

Specifically, the dominance of larger, failure-prone silver maples creates a substantial maintenance issue for the City on an annual basis.

Along with the over-dependence on maple trees, there is a significant portion of Green Ash trees (6.3%), or 304 trees, which are susceptible to the Emerald Ash Borer.

Therefore, Batavia aims to increase species diversity in its urban forest to decrease potential property damage, and pest and disease problems. Based on the Tree Inventory, maples will be avoided in future plantings, and other recommended tree species will be prioritized to achieve greater biodiversity. Proper tree selection, considering factors such as hardiness, site tolerance, and size at maturity, is crucial for long-term success.

Implementing the next phase of the Tree Project in the City of Batavia, NY will bring numerous benefits to the community. Aesthetically pleasing environments have been proven to reduce stress, lower crime rates, and foster a sense of community, thus increasing civic pride. Moreover, trees play a vital role in environmental sustainability. They naturally absorb excess carbon dioxide and release oxygen, contributing to cleaner air. Additionally, trees aid in groundwater recharge, reducing stormwater runoff and acting as natural buffers along riparian zones. They also serve as effective filters, removing air pollutants and improving air quality. Furthermore, trees help mitigate the heat island effect caused by buildings and hardscapes, creating cooler and more comfortable urban areas. In summary, an urban forest is a valuable asset that significantly enhances the overall quality of life in the City of Batavia.

To this end the City has applied to the USDA Tree Grant Program in May 2023 for \$550,000 to maintain and plant street trees. In addition to maintaining and planting street trees the City needs to address trees in parks. I recommend applying to the NYS DEC Urban and Community Forestry Grant Program for a \$75,000 grant and commit a 25% match from the City to hire a tree maintenance professional to conduct tree removal, trimming and planting in Centennial Park.

XX-2023
RESOLUTION TO SUBMIT A 2023 NYS DEC URBAN AND COMMUNITY FORESTRY
GRANT PROGRAM ROUND 16 - TREE MAINTENANCE AND TREE PLANTING
GRANT APPLICATION

Motion of Councilmember

WHEREAS, the City of Batavia desires to apply for \$75,000 in financial assistance through the 2023 NYS DEC Urban and Community Forestry Grant Program Round 16 - Tree Maintenance and Tree Planting grant program; and

WHEREAS, the City of Batavia would like to hire a tree maintenance professional to conduct tree removal and trimmings at Centennial Park;

WHEREAS, the proposed funding will contribute to ongoing tree maintenance and safety efforts; and

WHEREAS, a minimum of 25% of the project costs must be matched for this project, through either cash or in-kind services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia approves and endorses the 2023 NYS DEC Urban and Community Forestry Grant Program Round 16 - Tree Maintenance and Tree Planting grant application.

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia understands that this is a reimbursement grant program and that they are prepared and committed to pay the \$108,950 up front and to be reimbursed the \$75,000 following successful completion of the project.

**Seconded by Councilmember
and on roll call**



City of Batavia

Memorandum

To: Rachael J. Tableski and City of Batavia City Council

From: Erik Fix, Assistant City Manager

Date: August 7, 2023

Subject: Sale of City owned property located at 6 Alva Place

Batavia Showtime Inc., a New York corporation located in Batavia New York, is interested in purchasing a portion of the property located at 6 Alva Place with the intention of developing the property for future use.

The parcel is currently split, with Batavia Showtime Inc., owning the overhanging portion and the City of Batavia owning the sidewalk under the overhang. The City of Batavia contracted with Rynne, Murphy & Associates, Inc., a real estate/appraisal firm, to determine the fair market value of the adjoining parcels.

The purchase price for both parcels is \$1,466 and is considered Fair Market Value. Attached you will find a resolution and purchase and sale contract dictating the terms of the sale of the property. The property will go onto the tax rolls, and all of the appraisal fees and closing costs will be paid by Batavia Showtime Inc.

I recommend that the City continue to foster development and activity in the Batavia City Centre, a unique downtown asset, and authorize this sale.

Plan Alignment

- City of Batavia DRI
- City of Batavia BOA
- City of Batavia Strategic Plan

#-2023

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE
COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF A PORTION
OF 6 ALVA PLACE**

Motion of Councilperson

WHEREAS, Batavia Showtime Inc., has offered the city of Batavia \$1,466.00 to purchase a portion of 6 Alva Place currently owned by the City of Batavia; and

WHEREAS, Batavia Showtime Inc., a New York corporation located in Batavia, New York owns multiple businesses and properties including a theater and overhead marquee located at 6 Alva Place; and

WHEREAS, Batavia Showtime Inc., is looking to help develop parcels in the Batavia City Center Mall for future uses.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that it discontinues the public use of this property and authorizes the City Council President to sign a Purchase Agreement, and any other related documents, with Batavia Showtime Inc., to sell said properties for \$1,466.

**Seconded by Councilperson
And on roll call**

PURCHASE AND SALE CONTRACT

This Agreement made this ____ day of August, 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 SHOWTIME INC., a _____ with offices at _____ (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 follows:

- a. An approximately 445 square foot right triangle-shaped covered sidewalk parcel of approximately 41.50 feet on the south side of Alva Place located at 6 Alva Place, part of 102-12 Main Street (Rear), located in the City of Batavia, County of Genesee, State of New York under the marque/entrance of the Showtime Movie Theatre. The property is located adjacent to the City Centre, approximately 107.17 feet east of the east line of State Street and is part of Tax Map Number 084.011-0001-038.011 (see attached tax parcel map).

2. Purchase Price:

The purchase price shall be One Thousand Four Hundred Sixty Six Dollars (\$1,466.00). The Purchaser will pay the sum of One Thousand Four Hundred Sixty Six Dollars (\$1,466.00) in cash or certified check or bank draft as payment in full of the purchase price.

3. Title Documents:

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

a. Deed.

Seller shall deliver to Purchaser at closing a properly signed and notarized Quit Claim Deed with accompanying TP-584 and RP-5217 which shall describe the parcel and shall convey all of the right, title and interest of the City of Batavia in and to the said parcel.

b. Abstract Bankruptcy and Tax Searches and Instrument Survey Map.

The Seller will execute no warranties concerning the parcel or the title thereto and will not deliver or be responsible for abstracts, title searches, surveys, maps or other documents concerning the parcel whatsoever. In the event Purchaser wishes to obtain a title search, it shall be at Purchaser's sole expense and shall not be a basis to delay closing. The Purchaser shall obtain and provide the Seller with a survey and legal description for the Property.

4. Present Condition.

Purchaser will accept the property in its present condition in all respects and subject to restrictions of record, water line, sanitary sewer drainage, gas distribution line and main, electrical and telephone easements and rights of way of record provided they are or may be used to service the property and provided buildings and other improvements on the Property are not located on the easements.

5. Closing Date, Place and Possession.

Transfer of title shall take place at the Genesee County Clerk's, Batavia, New York on the earlier of either: September 30, 2023 or such other time as mutually agreed in writing by Seller and Purchaser.

6. No Warranty of Title.

The City of Batavia shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, so that no claim or demand of any nature shall ever be made against said City of Batavia arising from such sale or conveyance or any proceedings leading thereto. The Property is being sold subject to any and all covenants, easements, restrictions, encroachments, liens, encumbrances and defects in the title. The City of Batavia assumes no responsibility for such items.

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

Purchaser shall pay any and all real property transfer taxes and filing fees. Purchaser shall pay for the recording of the deed and the mortgage and the entire mortgage tax, if any. Purchaser shall also 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 Property is currently non-taxable. There shall be pro-rated and adjusted as of the date of closing, taxes and assessments appearing on future tax bills that will be issued to the Property. The Purchaser will accept title to the Property subject to, and will pay, all assessments and taxes and installments of assessments and taxes for special or local improvements not yet due and payable as of date of closing.

The Purchaser also agrees to merge said parcel with the property currently owned by the Purchaser.

8. Zoning.

The property is zoned C-3, Central Commercial District.

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.

10. Purchaser's Purchase of Property is "As Is".

The Purchaser shall take the parcel "**As Is**" upon delivery of the above stated deed, in such condition as the same exists as of that date and subject to all alleged possessory or other claims and all covenants, easements and restriction of record. Also, any outstanding or current water and sewer charges shall be the responsibility of the Purchaser. Seller makes no covenant, representation or warranty as to the suitability of the property, the physical condition of the property for any purpose whatsoever, any restriction related to the development of the property, or the applicability of any governmental requirements to the property, including but not limited to Environmental Laws. The term "Environmental Law" shall mean, as may be amended, all federal, state and local laws, statutes, ordinances, codes, rules and regulations and all permits, licenses, approvals, directives, orders, consent orders, settlement agreements and any other binding agreements issued by or entered into by federal, state or local governmental authorities or courts, relating to protection of the environmental and/or governing the use, handling, generation, treatment, recycling, storage, manufacture, transportation or disposal of Hazardous Substances, in effect as of, or which come into effect after, the Closing Date including, but not limited to, as amended, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., Comprehensive Environmental Response, Compensation and Liability Act, 42. U.S.C. §§ 9601 et seq., the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., Clean Water Act, 33 U.S.C. §§ 1251 et seq., Clean Air Act, 42 U.S.C. §§ 7401 et seq., New York Navigation Law and New York Environmental Conservation Law.

The Purchaser acknowledges that it has inspected the property, observed its physical characteristics and existing conditions, and has been afforded the opportunity to conduct such investigation and study on and of the property as it deems necessary for the purpose of acquiring the property for Purchaser's intended use, and Purchaser hereby waives any and all objections to or claims with respect to any and all physical Hazardous Substances in, at, on, under or related to the property. Purchaser unconditionally releases Seller from and against any and all liability to Purchaser under CERCLA or any other Environmental Law or cause of action for Environmental Damages arising out of any violation of Environmental Laws due to the presence of any Hazardous Substances on, under, or about the property, whether or not caused by the negligence of Seller. The term "Hazardous Substances" shall mean any gasoline, petroleum products, explosives,

radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, polychlorinated biphenyls or related or similar materials, asbestos or any material containing asbestos, or any other substance or material as may be defined as a hazardous or toxic substance or material by any environmental law, ordinance, rule or regulation of any governmental authority, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §§ 9601 et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. §§ 1801 et seq.), the Resource Conservation and Recovery Act, as amended (42 U.S.C. §§ 6901 et seq.), and the Clean Air Act (42 U.S.C. §§ 7401 et seq.) and N.Y.C.R.R. Part 371, as amended, promulgated pursuant to the New York State Environmental Conservation Law, and Articles 15 and 27 of the New York State Environmental Conservation Law, as amended. Purchaser further acknowledges and agrees that the property is to be sold and conveyed to, and purchased and accepted by, Purchaser in its present condition, "As Is" and with all faults, and hereby assumes the risk that adverse past, present or future physical characteristics and environmental conditions may not have been revealed by its inspection or investigation.

11. 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.

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:

_____, Esq.

13. 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.

14. Survival.

The terms and conditional of Sections 4, 6 and 10 of this Contract shall survive closing and delivery of the Deed.

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

Dated: July __, 2023

SELLER:

PURCHASER:

CITY OF BATAVIA

BATAVIA SHOWTIME INC.

By: _____
Eugene Jankowski, Jr.
City Council President

By: _____
Kenneth Mistler,
President



City of Batavia

Memorandum

To: Honorable City Council

From: Tom Phelps, Superintendent of Water & Wastewater

Date: August 8th, 2023

Subject: General Contract Repair and Installation – Lime Slaker Precipitator

The Bureau of Water and Wastewater issued a Request for Bids in July of 2023 for General Contract Repair and Installation of necessary equipment at the City of Batavia's Water Treatment Plant. This is for the Priority Improvement Project at the Water Treatment Plant. This contract includes the installation of a new precipitator, lime slaker installation, repointing of deteriorated masonry work, and roof repairs.

Bids documents were opened on August 8th, 2023 and reviewed by City and GHD staff. The City had two different bidders on the project. After opening the bids and reviewing all the bids we decided to move forward in the process with Hohl Industrial as the winning bidder in the amount of \$2,567,800 for the Project.

We recommended City Council to award the contracts at the August 14th, 2023 business meeting.

Supporting Documentation:
Bid Tabulation
Resolution

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

**Department of Public Works
One Batavia City Centre
Batavia, New York 14020**

**Phone: 585-345-6324
Fax: 585-345-1385
tphelps@batavianewyork.com**

XX-2023

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH HOHL
INDSUTRIAL SERVICE INC. FOR CONSTRUCTION SERVICES FOR THE
WATER TREATMENT PLANT PRIORITY IMPROVEMENTS PROJECT**

Motion of Councilmember

WHEREAS, The Council of the City of Batavia authorized a project for The Water Treatment Plant Improvement Project; and

WHEREAS, a request for construction bids was released for contractors to construct the project as specified in the project construction documents. The lowest responsible bidder is Hohl Industrial Services Inc. of Tonawanda, New York.

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the award of a contract for construction for the Water Treatment Plant Improvement Project to Hohl Industrial Services Inc. of Tonawanda, NY in the amount of \$2,567,800.

Seconded by Councilmember

And on roll call